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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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GOVERNOR'S ORDINANCES.

No. 35 of 1942.

L D.—CF 30/41

An Ordinance to make special provision for the grant of a pension to Sir Frank Arthur Stockdale in respect of his service in Ceylon in the office of Director of Agriculture.

A. CALDECOTT.

WHEREAS by Article 22 of the Ceylon (State Council) Order in Council, 1931, as amended by the Ceylon (State Council) Amendment Order in Council, 1937, it is provided *inter alia*, that if the Governor shall consider that it is necessary in the interests of public order, public faith or other essentials of good government or to give effect to any of the provisions of that Order in Council for provision to be made by legislation, then in such case, notwithstanding any of the provisions of that Order in Council or of any Standing Orders made under that Order in Council, he may enact forthwith, as a Governor's Ordinance, a Bill containing such provisions as he may consider necessary :

And whereas the Governor considers that it is necessary that provision should be made under the aforesaid Article 22 by a Governor's Ordinance as hereinafter set out :

BE it, therefore, enacted by the Governor of Ceylon as follows :—

1. This Ordinance may be cited as the Special Pension (Sir Frank Stockdale) Ordinance, No. 35 of 1942.

Short title.

2. (1) An annual pension of four hundred and sixty-seven pounds three shillings and nine pence sterling shall be paid to Sir Frank Arthur Stockdale in respect of his service in the office of Director of Agriculture in Ceylon, and such pension is hereby constituted a charge upon the general revenue and assets of the Island.

Special pension to be paid to Sir Frank Stockdale out of general revenue.

(2) The provisions of sub-section (1) shall be deemed to have come into operation on the first day of September, 1940, and shall continue in operation during the life of Sir Frank Arthur Stockdale.

(3) The pension authorised to be paid by sub-section (1) shall be deemed for all purposes to be a pension granted in accordance with the Minutes on Pensions and shall be payable accordingly.

(4) In this section "Minutes on Pensions" means the rules regulating the pensions to be granted to public servants of Ceylon, set out in the Minute dated the fifth day of February, 1934, as amended by any subsequent Minute.

Signed by His Excellency the Governor the Twenty-first day of September, One thousand Nine hundred and Forty two, by virtue of the powers in him vested by Article 22 (4) of the Ceylon (State Council) Order in Council, 1931, as amended by the Ceylon (State Council) Amendment Order in Council, 1937.

C. H. HARTWELL,
Secretary to the Governor.

PASSED ORDINANCES.

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

No. 33 of 1942.

An Ordinance to incorporate the Society known
as the Moratuwa Social Service Society.

A. CALDECOTT.

WHEREAS a Society called and known as the Moratuwa Social Service Society has heretofore been established for the purpose of rendering social service and promoting social service work in the town of Moratuwa, according to the Rules agreed to by its members :

And whereas the said Society has become seized and possessed of certain lands and buildings, with the appurtenances thereof, both movable and immovable, called and known as the Moratuwa Home for the Aged, and also a sum of money amounting to a total of Rs. 20,000, of which sum of money only the interest is to be utilized by the said Society for the use and maintenance of the said Home for the Aged only :

And whereas the above mentioned lands, buildings and money are to be held in perpetuity, for the use and maintenance of the said Home :

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

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

- Short title. 1. This Ordinance may be cited as the Moratuwa Social Service Society Incorporation Ordinance, No. 33 of 1942.
- Incorporation. 2. From and after the date of the commencement of this Ordinance, the members for the time being of the Moratuwa Social Service Society (hereinafter referred to as the Society) and such and so many persons as shall after that date be members of the Society shall be and become a body corporate (hereinafter referred to as the "Corporation") with perpetual succession under the name and style of "The Moratuwa Social Service Society" and by that name may sue and be sued in all courts.
- General objects. 3. The general objects for which the Society is constituted are the rendering of social service and the promotion of the social service work in the town of Moratuwa by the provision of facilities for the relief of poverty, distress, sickness, unemployment and illiteracy, and by the establishment and maintenance of homes for the aged and destitute and schools and by such other measures as may be necessary for the purposes of the Society.
- Rules. 4. (i.) It shall be lawful for the Society from time to time at any general meeting of the members and by the votes of at least two-thirds of the members present at such meeting to make rules for any of the following purposes :—
- (a) the admission, withdrawal or expulsion of members ;
 - (b) the powers, conduct, duties and functions of the various officers, agents and servants of the Society ;
 - (c) the procedure to be observed at meetings and in convening meetings and in the transaction of the business of the Society ;
 - (d) the administration and management of the property of the Society ;
 - (e) fixing the subscription payable by members and the collection of such subscription ;
 - (f) the imposition of penalties and forfeitures of breaches of the rules ; and
 - (g) generally the management of the affairs and the accomplishment of the objects of the Society.
- (ii.) All members of the Society shall at all times be subject to the rules for the time being of the Society.
- Alteration of rules. 5. No rule made by the Society at a general meeting shall be altered, amended or revoked except by the votes of at least two-thirds of the members present at any subsequent general meeting, provided that no such rule or regulation shall however be made to convert the property of the Home for the Aged or monies earmarked for the said Home for any other purpose.
- Power of corporation to hold property. 6. The Corporation shall be able and capable in law to receive and to hold property, both movable and immovable, which may be vested in it by virtue of any purchase, grant,

gift, testamentary disposition or otherwise; and all such property shall be held by the Corporation for the purposes of this Ordinance and subject to the rules for the time being of the said Corporation with full power (subject to any trust attaching to such property and to the law regulating such trusts) to sell, mortgage, lease, exchange or otherwise dispose of the same.

7. From and after the date of the commencement of this Ordinance all property of the Society, both movable and immovable, whether held in the name of the Society or in the name of any person or persons in trust for the Society, shall be and is hereby vested in the Corporation, and such property together with all after-acquired property both movable and immovable, and all subscriptions, donations, loans and other moneys received or to be received shall be held by the said Corporation for the purposes of this Ordinance and subject to the rules for the time being of the Society.

Vesting of
property.

8. (i.) It shall be competent for the Corporation to have and to use a seal and to change and alter its seal from time to time.

Seal of
Corporation.

(ii.) The seal of the Corporation shall not be affixed to any instrument whatsoever except in the presence of three Members of the Society, duly authorised for the purpose under the rules thereof, who shall sign their names on the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness

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

Saving of rights
of the Crown.

Passed in Council the Nineteenth day of August, 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 September, One thousand Nine hundred and Forty-two.

C. H. HARTWELL,
Secretary to the Governor.

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

No. 34 of 1942.

L. D.—O 53/40—M. L. A.—B 1881

An Ordinance to make provision for the prohibition or control of the erection and alteration of buildings and of the sale or disposition of land in and in the neighbourhood of Anuradhapura, and for matters connected with or incidental to the matters aforesaid.

[Assented to by His Majesty the King See Proclamation dated September 17, 1942, published in Government Gazette No. 9,013 of September 25, 1942.]

A. CALDECOTT.

TABLE OF SECTIONS.

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An Ordinance to make provision for the prohibition or control of the erection and alteration of buildings and of the sale or disposition of land in and in the neighbourhood of Anuradhapura, and for matters 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 :—

Short title
and operation.

1. (1) This Ordinance may be cited as the Anuradhapura (Preservation) Ordinance, No. 34 of 1942, and shall come into operation on such date (hereinafter referred to as "the appointed date") as may be appointed by the Governor by Proclamation published in the *Gazette*, and shall continue in force for a period of two years commencing on that date :

Provided that if at any time while this Ordinance is in force, the State Council resolves that this Ordinance should be continued in force for a further period specified in the resolution, the Governor may by proclamation published in the *Gazette* direct that this Ordinance shall continue in force for that further period.

(2) The expiration of this Ordinance shall not affect the operation thereof as respects things previously done or omitted to be done.

Application
of Ordinance.

2. (1) The provisions of this Ordinance shall apply in the area within the administrative limits of the Anuradhapura Urban Council and in any area for the time being specified in a resolution under sub-section (2).

(2) Upon motion made in that behalf by the Minister for Local Administration, the State Council may by resolution declare that the provisions of this Ordinance shall apply in any area lying within a distance of not more than ten miles from the administrative limits of the Anuradhapura Urban Council; every such resolution shall be published in the *Gazette* and shall come into operation upon such publication.

(3) Every area in which this Ordinance applies is hereinafter referred to as a "controlled area".

Restrictions
as to erection,
&c., of
buildings and
disposition
of land.

3. (1) Subject to the provisions of sub-section (2), no person shall, except under the authority of a permit granted by the proper officer and in accordance with all such conditions as may be inserted in such permit by that officer—

(a) erect, re-erect, demolish or alter any building situated in any controlled area; or

(b) lay out, construct, widen or close any road in any controlled area; or

(c) sub-divide, convey, assign or otherwise dispose of or deal with, any land in any controlled area in such manner as to constitute any part of such land into a separate holding.

(2) Nothing in sub-section (1) shall be deemed in any manner whatsoever—

(a) to prohibit or restrict the institution or maintenance of any proceedings under the Partition Ordinance in respect of any land, or to affect the validity or operation of any order or decree made or entered at any time by any competent court in any legal proceedings, or to apply to or in the case of any act referred to in that sub-section which is done in execution or pursuance of any such order or decree; or

(b) to prejudice or affect the right of any person to dispose by will of any land or part thereof, or to succeed under any will or upon an intestacy to any land or part thereof; or

(c) to prohibit or restrict the doing, in relation to any land or building situated in the town of Anuradhapura, of any act referred to in that sub-section in pursuance of a written contract or other instrument entered into or executed prior to the appointed date; or

(d) to prohibit or restrict the doing, in relation to any land or building situated in any other controlled area, of any act in pursuance of a written contract or other instrument entered into or executed prior to the date of the publication in the *Gazette* of the resolution under section 2 (2) in respect of that area.

(3) No permit under this Ordinance shall be necessary to authorise any person to execute in respect of any building in any controlled area any work which may reasonably be considered to be a repair to such building.

Applications
for permits.

4. (1) Every application for a permit under this Ordinance shall—

(a) be made to the proper officer in the prescribed form; and

(b) be accompanied by the prescribed plans, drawings and specifications.

(2) Every applicant for a permit under this Ordinance shall—

- (a) furnish to that officer such information and particulars relating to his application as may be specified in a notice served upon the applicant in the prescribed manner;
- (b) attend before the proper officer, in person or by representative, for the purpose of making such explanations relating to his application as the proper officer may require.

5. (1) Save in such cases as may be prescribed, the proper officer shall not grant any permit under this Ordinance except with the prior approval of the Commissioner of Local Government.

Grant and refusal of permits

(2) The proper officer may insert in any permit under this Ordinance any prescribed condition.

(3) The proper officer may, save in such cases as may be prescribed, refuse to grant a permit under this Ordinance to any applicant therefor. The order refusing to grant such permit shall be served in the prescribed manner on the applicant.

6. (1) Any applicant for a permit under this Ordinance who is aggrieved by the refusal of the proper officer to grant the permit may, before the expiry of a period of fourteen days reckoned from the date of the service upon the applicant of the order of refusal, appeal against that order to the Executive Committee.

Appeals from orders of proper officer.

(2) Any applicant for a permit under this Ordinance who is aggrieved by the insertion of any condition in the permit may, before the expiry of a period of fourteen days reckoned from the date on which the permit is granted, appeal to the Executive Committee against the insertion of such condition in the permit.

(3) Every appeal under this section shall be preferred by written statement which shall contain all such particulars as may be prescribed and shall be transmitted to the Clerk to the Executive Committee.

(4) The Executive Committee may, on any appeal under this section—

- (a) confirm the decision of the proper officer; or
- (b) direct that any condition inserted in the permit granted by the proper officer shall be deleted or modified, or that a condition specified by the Committee shall be substituted for any condition inserted by the proper officer; or
- (c) direct that a permit shall be granted subject to such conditions, if any, as may be specified by the Committee.

(5) The decision of the Executive Committee on any appeal preferred under this section shall be final; and it shall be the duty of the proper officer to comply with any directions issued by the Executive Committee upon any such appeal.

7. In any case where the Executive Committee is satisfied upon representations made to the Committee by any applicant for a permit under this Ordinance—

Direction to proper officer in case of delay.

- (a) that a period of two months has elapsed since the date on which the application was made to the proper officer; and
- (b) that the proper officer has neither granted the permit nor made order refusing to grant the permit,

the Executive Committee may by order direct the proper officer to dispose of the application before such date as may be specified in the order; and it shall be the duty of the proper officer to comply with any such order of the Executive Committee.

8. Notwithstanding anything in any written or other law, no person shall be entitled to claim or receive any compensation or damages from the proper officer or the Government by reason of the refusal by that officer or by the Executive Committee to grant any permit under this Ordinance or by reason of the insertion of any condition in any such permit.

Exclusion of claims for compensation or damages

9. It shall be lawful for the Commissioner of Local Government, by written notice served in the prescribed manner, to require any person who is the owner of any land in any controlled area or who claims or is believed to have any right, title or interest to or in any such land—

Duty to furnish information, &c., relating to land in controlled area.

- (a) to furnish to the Commissioner, before such date as may be specified in the notice, all such information, as may be within the knowledge of such person,

relating to his title or the title of any other person to or in such land or to the value of such land or of any building thereon, and such further particulars incidental to the matters aforesaid as the Commissioner may specify;

- (b) to cause to be produced for inspection to the Commissioner or to any other person specified in the notice, before a date so specified, all such deeds, maps, plans or other such documents relating to any such land as may be in his possession.

Offences.

10. Any person who—

- (a) acts in contravention of any of the provisions of section 3; or
 (b) being the holder of a permit granted under this Ordinance, contravenes or fails to comply with any condition inserted in the permit; or
 (c) fails or refuses to furnish any information or particulars or to produce any documents when required so to do under section 9, or in furnishing such information or particulars makes any statement which to his knowledge is untrue,

shall be guilty of an offence, and shall be liable on conviction after summary trial before a Magistrate to imprisonment of either description for a term not exceeding fourteen days or to a fine not exceeding two hundred and fifty rupees, or to both such imprisonment and fine.

Orders for demolition of buildings.

11. (1) In any case where any person erects, re-erects or alters any building in contravention of the provisions of section 3, it shall be lawful for the proper officer, by written notice served in the prescribed manner, to require that person to show cause why the building or the part thereof which has been so erected, re-erected or altered, as the case may be, should not be demolished; and if such person fails, before such date as may be specified in such notice, to show sufficient cause to the satisfaction of the proper officer why such building or part thereof should not be demolished, the proper officer may, by order in writing served on that person in the prescribed manner, direct him to demolish the building or any part thereof, as the case may be.

(2) The person on whom an order is served under subsection (1) may, before the expiry of a period of fourteen days reckoned from the date of such service, appeal to the Executive Committee against the order; every such appeal shall be preferred by written statement which shall contain all such particulars as may be prescribed and be transmitted to the Clerk to the Executive Committee.

(3) The Executive Committee may upon any appeal under this section—

- (a) confirm the order of the proper officer; or
 (b) rescind that order; or
 (c) amend or modify that order in such manner as the Committee may consider expedient.

(4) The decision of the Executive Committee on any appeal under this section shall be final; a copy of such decision shall be served on the appellant in the prescribed manner by the proper officer.

Power of proper officer to demolish buildings.

12. (1) Where—

- (a) an order under section 11 directing any person to demolish any building or part thereof has been served on any person and no appeal has been preferred to the Executive Committee against that order; or
 (b) the Executive Committee has, upon any appeal under section 11, confirmed, amended or modified any such order made by the proper officer,

the proper officer may, if the person on whom the order was served fails to comply with the order within a period of one month from the date of the service of the order, or in any case referred to in paragraph (b), fails to comply with the order as confirmed, amended or modified by the Executive Committee within a period of one month reckoned from the date of the service upon him of the decision of the Executive Committee, the proper officer may cause the building or part thereof, as the case may be, to be demolished; and any person or persons acting under the authority of the proper officer may enter the land on which such building or part thereof is situated and do all such acts as may be necessary for the purpose of such demolition.

(2) All expenses incurred by the proper officer for the purpose of demolishing any building or part thereof under subsection (1) shall be payable by the person who was directed by the proper officer, by order under section 11, to demolish such building or part thereof, and shall be recoverable from that person by civil action.

(3) The provisions of this section and of section 11 shall be in addition to and not in derogation of the provisions of section 10.

13. (1) Every conveyance, assignment or other disposition of land which is made or executed in contravention of the provisions of section 3 shall, notwithstanding anything in any written or other law, be void and of no effect; and the deed or other instrument by which such conveyance, assignment or disposition is effected shall, in so far as it relates to the conveyance, assignment or other disposition of land in contravention of the provisions of section 3, also be void and of no effect.

Invalidation of conveyances, &c. of land in contravention of section 3.

(2) The provisions of sub-section (1) shall be in addition to and not in derogation of the provisions of section 10.

14. (1) The Executive Committee may make regulations for the purposes of this Ordinance, and such regulations may contain such incidental and consequential provisions as may appear to the Executive Committee to be necessary or proper for giving full effect to this Ordinance.

Regulations.

(2) No regulation 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*.

(3) Upon the publication in the *Gazette* of a notification to the effect that a regulation made by the Executive Committee has been approved by the State Council and ratified by the Governor, that regulation shall be as valid and effectual as if it were herein enacted.

15. In this Ordinance, unless the context otherwise requires—

Interpretation.

“building” includes any house, garage, hut, shed or other roofed enclosure, whether used for the purpose of a human habitation or otherwise;

“Executive Committee” means the Executive Committee of Local Administration;

“land” includes land covered with water;

“prescribed” means prescribed by regulation made under section 14;

“proper officer”—

(a) in relation to the area within the administrative limits of the Anuradhapura Urban Council, means the Chairman of the Urban Council;

(b) in relation to any other controlled area, means the Government Agent of the North-Central Province.

16. The provisions of this Ordinance shall be in addition to, and not in substitution of, the provisions of any other written law relating to the sub-division, conveyance, assignment or other disposition of land, or relating to the erection, re-erection, demolition or alteration of buildings in any controlled area or to the laying out, construction, widening or closure of roads in any such area; and no person shall, by reason only that he is the holder of a permit granted under this Ordinance, be entitled to erect, re-erect, demolish or alter any building or to lay out, construct, widen or close any road except in accordance with the provisions of such other written law.

Savings for other written law.

Passed in Council the 2nd day of December, One thousand Nine hundred and Forty-one.

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

(Continued on page 711.)

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend the Public Service Mutual Provident Association Ordinance.

Chapter 207
Vol. V
Page 550.

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

1. This Ordinance may be cited as the Public Service Mutual Provident Association (Amendment) Ordinance, No. of 194 .

Short title.

2. Section 2 of the Public Service Mutual Provident Association Ordinance, (hereinafter referred to as “the principal Ordinance”), is hereby amended by the substitution,

Amendment of Section 2 of Chapter 207.

for the words "such public officer as the Governor may be pleased to appoint, the Chief Clerk of the Secretariat, the Chief Clerk of the Audit Office", by the words "such public officers as the Governor may be pleased to nominate and appoint under Section 4 (1) (a) and (b)".

Amendment of Section 4 of the principal Ordinance.

3. Section 4 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (1)—

(a) in paragraph (a), by the substitution, for the word "appoint" of the words "appoint to be President";

(b) by the substitution, for paragraph (b), of the following new paragraph :—

"(b) such two public officers being members of the Association and not below the status of officers whose names appear in the Ceylon Civil List as the Governor may nominate;"

(c) by the omission of paragraph (c); and

(d) by the re-lettering of paragraph (d) as paragraph (e)

(2) by the repeal of sub-section (2) and the substitution therefor of the following :—

"(2) The members of the committee of management nominated by the Governor under (1) (b) shall be designated as nominated members".

Amendment of section 11 of the principal Ordinance.

4. Section 11 of the principal Ordinance is hereby amended by the substitution, for the words "Chief Clerks of the offices mentioned in section 4 above", of the words "nominated members".

Amendment of section 14 of the principal Ordinance.

5. Section 14 of the principal Ordinance is hereby amended by the omission of the words "and of the auditor or auditors to be elected under section 18, sub-section (2)".

Amendment of section 18 of the principal Ordinance

6. Section 18 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (2), by the substitution, for all the words from "one or more auditors", to the end of that sub-section of the words "the Auditor-General",

(2) by the omission of sub-section (3); and

(3) by the re-numbering of sub-section (4) as sub-section (3).

Amendment of section 23 of the principal Ordinance.

7. Section 23 of the principal Ordinance is hereby amended as follows :—

(1) by the substitution, for paragraph (b), of the following new paragraph :—

"(b) any one of the two nominated members;"

(2) by the omission of paragraph (c); and

(3) by the re-lettering of paragraph (d) as paragraph (c).

Saving of rights of the Crown.

8. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His Heirs and Successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Objects and Reasons.

Under Section 4 (1) of Chapter 207 of the Legislative Enactments one of the ex officio members of the Committee of Management of the Public Service Mutual Provident Association is the Chief Clerk of the Audit Office. This post has been abolished and the Committee of management has been functioning without one of its members. It is sought by this amending Ordinance to rectify this position and to avoid the possibility of similar situations arising in the future by adopting the principle of the ex officio members of the Committee of management being appointed by the Governor by name and relinquishing the practice of their being appointed as such by office.

It is now the practice for the accounts of the Association to be audited by the Auditor-General and not by auditors selected from time to time by the association in General Meeting. It is also sought by this amending Ordinance to give legal effect to this practice by amending sections 14 and 18 of the principal Ordinance accordingly.

GEO. A. WILLY,
Mover of the Bill.

MINUTE.

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

L. D.—O 45/41—M.L.A.—B 1775c

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

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

- | | |
|---|---|
| <p>1. This Ordinance may be cited as the Urban Councils (Amendment) Ordinance, No. of 1942, and shall come into operation on such date as the Governor may appoint by Proclamation published in the <i>Gazette</i>.</p> | <p>Short title and date of operation.</p> |
| <p>2. Section 5 of the Urban Councils Ordinance, No. 61 of 1939, (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—</p> <p>(1) in sub-section (1) of that section, by the substitution, for the word "six", of the word "four";</p> <p>(2) by the repeal of sub-section (2) of that section; and</p> <p>(3) by the re-numbering of sub-section (1) of that section, as amended by paragraph (1) of this section, as section 5.</p> | <p>Amendment of section 5 of Ordinance No. 61 of 1939.</p> |
| <p>3. Section 8 of the principal Ordinance is hereby amended by the substitution, for the words "an elected member", of the words "a member".</p> | <p>Amendment of section 8 of the principal Ordinance.</p> |
| <p>4. Section 15 of the principal Ordinance is hereby amended as follows :—</p> <p>(1) by the substitution, for all the words and the figure from "under this Ordinance" to "section 5," of the words "under this Ordinance,"; and</p> <p>(2) by the substitution, for the words "duly elected or nominated," of the words "duly elected."</p> | <p>Amendment of section 15 of the principal Ordinance.</p> |
| <p>5. Section 16 of the principal Ordinance is hereby amended as follows :—</p> <p>(1) by the repeal of sub-section (2) of that section;</p> <p>(2) by the re-numbering of sub-section (1) of that section as section 16; and</p> <p>(3) in the marginal note to that section, by the substitution, for the words "election, and of nominated members," of the word "election."</p> | <p>Amendment of section 16 of the principal Ordinance.</p> |
| <p>6. Section 17 of the principal Ordinance is hereby amended as follows :—</p> <p>(1) by the repeal of sub-section (3) of that section; and</p> <p>(2) in the marginal note to that section, by the substitution, for the words "elections and nomination of members," of the word "elections."</p> | <p>Amendment of section 17 of the principal Ordinance.</p> |
| <p>7. Section 18 of the principal Ordinance is hereby amended in sub-section (2) of that section by the substitution, in paragraph (a) of that sub-section, for the words "being an elected member ceases", of the word "ceases".</p> | <p>Amendment of section 18 of the principal Ordinance.</p> |
| <p>8. Section 27 of the principal Ordinance is hereby amended by the substitution, for the words "elected or nominated" wherever those words occur collectively in that section, of the word "elected".</p> | <p>Amendment of section 27 of the principal Ordinance.</p> |
| <p>9. Section 33 of the principal Ordinance is hereby amended in sub-section (1) of that section by the substitution, for the words "elected and nominated members", of the word "members".</p> | <p>Amendment of section 33 of the principal Ordinance.</p> |
| <p>10. Section 42 of the principal Ordinance is hereby amended as follows :—</p> <p>(1) by the substitution, for the words "had not been elected or nominated," of the words "had not been elected,";</p> <p>(2) by the substitution, for the words "member, whether elected or nominated," of the word "member"; and</p> <p>(3) by the substitution, for the words "elected or nominated members," of the word "members,".</p> | <p>Amendment of section 42 of the principal Ordinance.</p> |
| <p>11. Section 196 of the principal Ordinance is hereby amended in sub-section (1) of that section by the substitution, for the words "elected members", of the word "members".</p> | <p>Amendment of section 196 of the principal Ordinance.</p> |

Application of principal Ordinance to existing Urban Councils.

12. (1) The provisions of the principal Ordinance, in their application to any Urban Council existing at the appointed date, shall, until the term of office of the sitting members of that Council expires in accordance with the provisions of section 16 of that Ordinance, have effect as though the amendments made therein by the preceding sections of this Ordinance had not been effected.

(2) In this section—

“appointed date” means the date appointed by Proclamation of the Governor under section 1;

“sitting members” means the members of an Urban Council who are in office on the day immediately preceding the appointed date.

Objects and Reasons.

In order to implement the decision that the system of appointing nominated members to Urban Councils should be done away with, it is proposed in this Bill to repeal the provisions of the Urban Councils Ordinance, No. 61 of 1939, which relate to such appointments. All the substantive and the consequential amendments that are necessary are set out in Clauses 2 to 11. By way of a transitional arrangement, however, it will be provided by Clause 12 that, so far as existing Urban Councils are concerned, the amended law is to become applicable only after the expiry of the term of office of the sitting members.

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

September 19, 1942.

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 Districts of Ratnapura and Avissawella will be holden at the court-house at Colombo, on Tuesday, October 13, 1942, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Ratnapura, September 19, 1942.

R. M. DAVIES,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

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

TAKE notice that the certificate meeting of the insolvent above named has been fixed for October 16, 1942.

September 19, 1942.

By order of court, C. EMMANUEL,
Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

N. A. N. Kathiresan Chettiyar by his attorney Palanisamy, son of Krishnasamy, of 178, Sea street in Colombo Plaintiff.

No. 10,853.

Vs.

Noor Naema of 25, MacCarthy road in Colombo Defendant.

M. U. M. Salih of No. 25, MacCarthy road in Colombó Added-Defendant.

NOTICE is hereby given that on Monday, October 19, 1942, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant and added-defendant in the following property for the recovery of a sum of Rs. 750 with interest at 12 per cent per annum from November 13, 1941, till payment in full and costs of execution less a sum of Rs. 100, viz. :—

All that allotment of land with the buildings thereon bearing assessment No. 16, now bearing present No. 167, situated at Grandpass road within the Municipal limits of the District of Colombo, in the Western Province; bounded on the north-east by property of A. L. M. Abdul Cader bearing assessment No. 17, on the south-east by Grandpass road, on the south-west by the remaining portion of this land belonging to Noordeen Hadjar Abdul Caffoor bearing assessment No. 15, on the north-west by the property formerly of Meeran Lebbe Casi Lebbe Marikar, and now belonging to S. K. M. Mohideen Cadarsa Marikar bearing assessment No. 134, Layards Broadway; containing in extent 30 perches according to the survey plan No. 1,474 dated August 3, 1909, made by Francis M. Perera, Fiscal's Surveyor. Registered A 98/292.

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

V. ALLI RAJAH,
Deputy Fiscal.

In the District Court of Colombo.

Valentine Edward Willis of Matara Plaintiff.

No. 11,926/M.

Vs.

(1) Kurukulasuriya Charlotte Felicia Sonanayake nee Dias husband (2) Kurukulasuriya Ondatohi Mahapatabendiralage Andrew Peter Nelson Sonanayake, both of Lansayahena at Nugegoda Defendants.

NOTICE is hereby given that on Friday, October 16, 1942, at 3 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 928 dated June 5, 1938, attested by C. M. Kumaravetpillai, Notary Public, 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 August 1, 1942, for the recovery of the sum of Rs. 4,062, with interest on the principal sum of Rs. 3,000 at 18 per cent per annum from May 23, 1940, to the date of decree (November 18, 1940), and thereafter interest at 9 per cent. per annum on the aggregate amount of the decree till payment in full, viz. :—

All that allotment of land marked A together with the tiled house and plantations standing thereon in plan No. A dated July 31, 1932, made by Edwin A. Pieris, Licensed Surveyor, of the land called Ketakelagahawatta situated at Wattala now bearing assessment No. 650 in the Ragam pattu of Alutkuru korale in the District of Colombo, Western Province; bounded on the north by the property formerly belonging to Kahandawitagama Don Juan Appu and now said to belong to Gargoris Silva, on the east by the high road, on the south by a portion of this land formerly belonging to Agostinu Fernando now said to belong to Michala Fernando, and on the west by the other portion of the same land marked letter B; and containing in extent 28 perches. Registered Colombo B 325/145.

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

V. ALLI RAJAH,
Deputy Fiscal.

In the District Court of Kalutara

Robolge Don Haramanis Lenora Appuhamy of Kommala, Bentota Plaintiff.

No. 18,704.

Vs.

Kumbalatar Aratchige Victor Kumbalatar Wijewickrema of Potuwila Defendant.

NOTICE is hereby given that on the respective dates and times given below 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 Rs. 3,000, with interest at 9 per cent. per annum from April 27, 1938, and costs of suit Rs. 451.67½ less Rs. 506 already recovered, viz. :—

On Thursday, October 22, 1942, commencing at 10 a.m.

(1) An undivided ¾ share of the soil and of everything standing thereon of the land called Kahatagahalanda, situated at Duwegoda in Maggon badde of the Kalutara totamune in the District of Kalutara, Western Province; and bounded on the north by the land depicted in title plan No. 71,814, on the east by the lands depicted in title plans Nos. 71,817 and 223,574, on the south by lot No. 6,679 in preliminary plan No. 1,938, and on the west by lot No. 6685 in preliminary plan No. 1,938; and containing in extent 5 acres 3 roods and 19 perches.

(2) An undivided ¼ of 5/8 share of the soil and of everything standing thereon of the land called Mahaadandewella, situated at Duwegoda aforesaid; and bounded on the north by a road, on the east by Duwegoda-ela, on the south by the land depicted in title

plan No. 71,814, and on the west by the lands depicted in title plans Nos. 71,814, 224,047, 224,046 and by lot No. 1764 in preliminary plan No. 2,275; and containing in extent 3 acres 2 roods and 32 perches.

(3) An undivided $\frac{1}{4}$ of $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Mahaadandewela, situated at Duwegoda aforesaid; and bounded on the north by lot No. 1764 in preliminary plan No. 2,275, on the east by the land depicted in title plan No. 224,057, on the south by the lands depicted in title plans Nos. 224,047 and 136,938, and on the west by the land depicted in title plan No. 136,938; and containing in extent 1 rood and 17 perches.

(4) An undivided $\frac{1}{4}$ share of the soil and of the cadjan and tiled house and trees and plantations standing thereon of the contiguous lands called Godellewatta, Godellewatta alias Kachchagodawatta and Embillagahawatta, situated at Payagala in Payagal badde of the Kalutara totamune in the District of Kalutara, Western Province; and bounded on the north and east by Kurunduwatta, on the south by owita, and on the west by Kachchagodawatta; and containing in extent 2 acres 3 roods and 13 perches.

(5) An undivided $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Kachchagoda-Kurunduwatta, situated at Payagala aforesaid; and bounded on the north by the land depicted in plan No. 66,419, on the east by the land depicted in plan No. 191,278 and land No. E 405, on the south by lands Nos. A 405 and B 405, and on the west by the land depicted in plan No. 1,005,457 and land No. Z 404; and containing in extent 2 acres 2 roods and 4 perches.

(6) An undivided $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Kurundugahawattakella, situated at Payagala aforesaid; and bounded on the north by a portion of this land belonging to Liyana-aratchige Andims Appuhamy and others, on the east by a portion of this land belonging to Wahalantrige Don Mathes Appuhamy and a portion of this land belonging to Galbadage Singho Appu, on the south by lot No. F 405, and on the west by lot No. E 405 in preliminary plan No. 66,419; and containing in extent 2 acres 1 rood and 19 perches.

(7) An undivided $\frac{1}{4}$ share of the land called Potuwilawattakattaya, situated at Potuwila in Payagala badde aforesaid; and bounded on the north by Gonnagahawatta and cart road, on the east by Oritakattaya belonging to Palahage Davith Silva and others, on the south by Potuwilewatta, and on the west by the owita belonging to Joronis Silva; and containing in extent 1 acre 1 rood and 3 perches.

(8) An undivided $\frac{1}{4}$ of $\frac{1}{4}$ share of the soil and of the trees and plantations standing thereon of the land called Potuwile-owita, situated at Potuwila aforesaid; and bounded on the north by the land depicted in plan No. 74,720 and Potuwilewatta, on the east by the land belonging to P. Marko and others, on the south by Tumbingahadeniya and Galgodawatta, and on the west by Galgodawatta and by Potuwileowita belonging to Kumbalata Aratchige Don Pilek Kumbalata Veda Appuhamy, and containing in extent about 3 roods.

(9) An undivided $\frac{1}{4}$ of $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Potuwila Udumulla, situated at Payagala in Payagal badde aforesaid; and bounded on the west and north-west by Potuwilewatta, on the north-east by the land depicted in plan No. 74,744, on the east by the land belonging to A. Simon Silva, the land belonging to P. Adman Silva and others, and the land depicted in plan No. 74,747, on the south by the land described in plan No. 74,716, and on the south-west by Eehenawatta; and containing in extent 1 acre 3 roods and 20 perches.

(10) An undivided $\frac{1}{4}$ share of the soil and of everything standing thereon of the $\frac{1}{4}$ portion lying to the north-west of the land called Katukurundulanda, situated at Potuwila in Payagal badde aforesaid; and which said $\frac{1}{4}$ portion is bounded on the north by Katukurundulanda belonging to the Crown, on the east by the other $\frac{1}{4}$ portion of this land, on the south by the land depicted in plan No. 62,784, and the land depicted in plan No. 62,782, and on the west by the lands depicted in plans Nos. 62,782 and 62,783; and containing in extent 2 acres 3 roods and 36 perches.

(11) An undivided $\frac{1}{4}$ share of the land called Madakkachchiyawela marked S 401, situated at Kachchagoda in Payagal badde aforesaid; and bounded on the north by Madakkachchiyawatta and Godakele, on the east by field belonging to Don Theodoris Weerakoon Appuhamy, on the south by Depa-ala, and on the west by Kachchagodawatta, and containing in extent 3 acres and 14 perches.

(12) An undivided $\frac{1}{4}$ share of the land called Madakkachchiyawattapala, situated at Weragala in Payagal badde aforesaid; and bounded on the north by the land belonging to Don Johans Weerakoon and others, on the east by the land depicted in plan No. 72,318, on the south by Madakkachchiyawatta, and on the west by Kachchagodawatta; and containing in extent 2 acres and 30 perches.

Commencing at 10 a.m., on Friday, October 23, 1942.

(13) An undivided $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Andiyakandayamullanda, situated at Puhambugoda in Iddagoda pattu of Pasdun korale west in the District of Kalutara, Western Province; and bounded on the north by the land depicted in title plan No. 265,893, on the east by the land depicted in title plan No. 188,726, on the south by the land depicted in title plan No. 2,188,729 and lot No. S 491, in preliminary plan No. 6,197, and on the west by Crown lands; and containing in extent 3 acres 3 roods and 18 perches.

(14) An undivided $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Andiyakandepauladeniya, situated at Puhambugoda aforesaid; and bounded on the north by the land belonging to the Crown, on the east by lot No. 8489 in preliminary plan No. 6,197 and the land depicted in title plan No. 188,727, on the south by the land depicted in title plan No. 188,727, and on the west by lot No. 8490 in preliminary plan No. 6,197; and containing in extent 1 acre 3 roods and 16 perches.

(15) An undivided $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Andiyakandepaula-Rubberwatta, situated at Puhambugoda aforesaid; and bounded on the north by the cart road formerly used by villagers but now leading to Andiyakanda,

on the east by Andiyakandepaulanda belonging to Kumbalata-aratchige Don Pilek Kumbalata Veda Appuhamy, on the south and west by the rubber land belonging to D. L. Jayatillake and the cart road leading to Andiyakanda; and containing in extent 3 acres and 21 perches.

(16) An undivided $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Nagahawitakumbura, situated at Eladuwa in Iddagoda pattu aforesaid; and bounded on the north by Tittagasmulla, on the east by Nagahawita, on the south by the ridge of Dombagahawita, and on the west by Keenagahawita; and containing in extent about 3 bushels 1 peck and 2 quarts of paddy sowing.

(17) An undivided $\frac{1}{4}$ of $\frac{3}{5}$ share of the soil and of everything standing thereon of the land called Koratuwehenekanda, situated at Henegama in Iddagoda pattu aforesaid; and bounded on the north by land belonging to the Crown, on the east by reservation for a road and land depicted in title plan No. 225,488, on the south by reservation for a road, and on the west by lot No. C 289 in preliminary plan No. 3,217 and lands belonging to the Crown; and containing in extent 19 acres 2 roods and 10 perches.

Commencing at 1 p.m., on Saturday, October 24, 1942.

(18) An undivided $\frac{1}{4}$ of $\frac{3}{4}$ share of the remaining soil and of the rubber plantation and everything else standing thereon of the land called Totawilagoda, exclusive of an undivided extent of 4 acres from the north-western side, situated at Kanana in Wallawati pattu of Pasdun korale west in the District of Kalutara, Western Province; and bounded on the north by Crown land depicted in plan No. 8,536, and land belonging to natives, on the north-east and east by land belonging to natives, the land depicted in plan No. 1,831,827 and lot No. 585 of the same land, on the south by land belonging to natives, the land depicted in plan No. 183,130, south-west by land No. 90,822, north-west by land No. 90,822, and land belonging to natives, land No. R 586 in plan No. 2,049, and land No. 8548; and containing in extent 32 acres 1 rood and 16 perches.

(19) An undivided $\frac{1}{4}$ of $\frac{3}{4}$ share of the soil and of everything standing thereon of the land called Totawilagoda marked No. A 734 situated at Kanana aforesaid; and bounded on the north and east by the land belonging to Kumbalata-aratchige Don Pilek Kumbalata Veda Appuhamy, on the south and west by paddy fields; and containing in extent about 3 roods and 18 perches.

(20) An undivided $\frac{1}{4}$ of $\frac{1}{4}$ share of the soil and of the plantations standing thereon of the land called Bogahawatta alias Kurundu-watta, situated at Kanana aforesaid; and bounded on the north by Maduruduweowita, on the east by Kananakanda, Atmagoda paddy fields, Godakele belonging to the Crown, on the south by land No. 8542 depicted in plan No. 184,675 belonging to Kumbalata-aratchige Don Pilek Kumbalata Veda Appuhamy, and on the west by the paddy field in the name of the heirs of Jayanetti, Division Officer, and the people of Rajanmudura; and containing in extent about 6 acres.

(21) An undivided $\frac{1}{4}$ of $\frac{1}{4}$ share of the soil and of everything standing thereon of the land called Welgodellawatta, situated at Ratmale in Maha pattu north of Pasdun korale east in the District of Kalutara, Western Province; and bounded on the north by the land depicted in plan No. 92,804, and the land purchased by M. L. Marikkar and another, on the east by the land purchased by M. L. Marikkar and another and the land belonging to R. Don Hendrick and others, on the south by the lands belonging to R. Don Hendrick and others, and on the west by the lands depicted in plans Nos. 94,018 and 92,804; and containing in extent 1 rood and 32 perches.

Deputy Fiscal's Office,
Kalutara, September 19, 1942.

P. D. WEERAMAN,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Vedagedera Bandara Menke of Eragoda in Gampola Plaintiff.

No. M.S. 718. Vs.

Joseph Ponniah Peter of Uduwella, Udahentenne in Dolosbage Defendant.

NOTICE is hereby given that on Saturday, October 24, 1942, commencing at 12 noon, 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 the sum of Rs. 480 together with Rs. 88.61 being costs taxed both aggregating Rs. 568.61 together with further interest on Rs. 400 at 12 per cent. per annum from March 3, 1942, till April 27, 1942, and thereafter legal interest on the aggregate amount till payment in full and poundage, viz. :—

1. All that land called Ambukgederapitiyehena situate at Uduwella in Dolosbage, Ganga Ihala korale of Udapalata, Kandy District, Central Province; and bounded on the north by land appearing in plan No. 102199 and the land belonging to Udu-gamadurayalegedera Menika Duraya, north-east by land belonging to U. Menikaduraya, east by land of Kotuwagedera Lapaya, south-east by kandura, south-west and west by road; containing in extent 7 acres 2 roods and 16 perches together with the buildings and everything thereon. Registered in D 89/30 of the Kandy Land Registry Office.

2. All that field called Ambapitiyedeniya of 12 lahas paddy sowing in extent, situate at Uduwella in Dolosbage aforesaid; and bounded on the north by Ambapitiyewatta, east by stone fence of Udupitiyewatta, south and west by Maha-oya and Ambapitiyewatta. Registered in D 97/168 of the Kandy Land Registry Office.

3. All that field called Bulughamula-aswedduma of 8 lahas paddy sowing in extent, situate at Uduwella aforesaid; and bounded on the north by Maha-oya, south by stone fence of Egodawatta, west by stone fence of Koswatta, and east by Ma-oya. Registered in D 97/167 of the Kandy Land Registry Office.

4. The land called Ambepitiyewatta of about 5 pelas paddy sowing in extent situate at Uduwella in Dolosbage, Ganga Ihala Korale, aforesaid; and bounded on the north by the road leading to Aranayaka, east by Panwatta-ela and the field called Ambopitiyedeniya, south by the field called Ambeptiyedoniya, and west by the ditch of the land called Ambepitiyewatta belonging to Dinginiya Duraya, together with the buildings and everything standing thereon. Registered in D 97/169.
Valuation: Rs. 4,890.

Fiscal's Office,
Kandy, September 22, 1942.

CHARLES DE SILVA,
Deputy Fiscal.

In the District Court of Kandy.

A. D. J. Gunawardhana, executor of the last will and testament of the late A. D. D. Gunawardhana of Matara, deceased Plaintiff.
No. MB 717. Vs.

Kolugala Samarakoon Mudiyansele James Samarakoon of Imbulpitiya in Udasiyapattu of Matale South Defendant.

NOTICE is hereby given that on Saturday, October 24, 1942, at 2 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 the sum of Rs. 1,123 75 being the aggregate amount of the principal and interest due in respect of mortgage bond No 1305 dated July 18, 1936, and attested by Mr. S. W. Wijetilaka, Notary Public, Matale, with interest thereon at the rate of 9 per cent. per annum from March 2, 1942, till payment in full and costs Rs 157 15 and poundage, viz. :—

The land called Godamada *alias* Katagewatta of 1 acre and 3 roods, Galkandewatta of 1 acre and 3 roods, Galkandehigahamulahena *alias* watta of 1 acre 1 rood, Galkande of 1 acre 2 roods and 11 perches, and Godamada of 1 acre 1 rood and 4 perches all adjoining each other and forming one property; containing in extent 7 acres and 20 perches according to the plan No. 1407 dated August 24, 1930, and made by C. D. Jayasinghe, Licensed Surveyor, situated at Imbulpitiya in Udasiyapattu of Matale South, in the District of Matale, Central Province; and bounded in their entirety on the north by Gansabhawara road leading to Elkaduwa, south by the limit of the garden belonging to Kawrala, Val Muladeniya, east by Gansabhawara road and high road, and west by the limit of Pitiyewatta belonging to Ranhamy and by Gansabhawara road together with the buildings, plantations, and everything else standing thereon. Registered at Matale B 95/225.

Deputy Fiscal's Office,
Matale, September 22, 1942.

H. DIAS DESINGHE,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

K. G. John William de Silva of Vilegoda in Ambalanga Plaintiff, Judgment-Creditor
No. 28,839. Vs.

(4) K. G. G. Arnolis de Silva of Batapola Defendant-Debtor.

NOTICE is hereby given that on Tuesday, October 27, 1942, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said 4th defendant in the following property for the recovery of Rs. 378 40 (compensation Rs. 175 25, *pro-rata* cost Rs. 182 53 and writ costs Rs. 20 62), viz. :—

All that lot No. 7 of Bataduwakele, situated at Batapola in Wellaboda pattu of Galle District, Southern Province; and bounded on the north by portion of this land claimed by L. A. Mendis Silva, east by lots 8, 9 and 12 of this land, south by land claimed by L. A. Punchi Singho de Silva, and a portion of this land, and on the west by lots Nos. 1, 2, 3, 4, 5 and 6 of this land; and containing in extent 3 acres 3 roods and 27 perches.

Deputy Fiscal's Office,
Balapitiya, September 21, 1942.

SAM RANASOORIYA,
Additional Deputy Fiscal.

In the District Court of Galle (sitting at Balapitiya).

H. K. Don Baron Appuhamy of Induruwa Plaintiff-Creditor.
No. 35,092. Vs.

(4) Paiyagalage Babunhamy and others, all of Induruwa Defendants.

NOTICE is hereby given that on Monday, October 26, 1942, commencing at 11 o'clock in the forenoon, 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 the amounts noted below, viz. :—

1. *Against the 4th defendant writ amount Rs. 34 88*—All that defined contiguous lots marked Nos. 5 and 5A of the land called Madamagewatta, situated at Habakkala in Induruwa in Bentota-Walallawiti korale of Galle District, Southern Province; and bounded on the north by lot No. 6 of the same land, east by lots Nos. 7 and 7A of the same land, south by footpath, and on the west by lots Nos. 4 and 4A of the same land; and containing in extent 1 rood and 11 56 perches.

2. *Against 5th defendant writ amount Rs. 12 58*—All that defined lot marked 8B of the aforesaid land; and bounded on the north by ela, east by Indigahapaththiya *alias* Welathanthirigewatta Addara owita, south by lot No. 8A of the same land, and on the west by lot No. 7B of the same land; and containing in extent 25 37 perches.

3. *Against 7th, 9th, and 10th defendants writ amount Rs. 22 45*—All that defined contiguous lots marked Nos. 7, 7A, 7B of the aforesaid land (exclusive of the share belonging to the 12th defendant);

and bounded on the north by ela, east by lots 8, 8A, 8B and 4c of the same land, south by footpath, and on the west by lots Nos. 5, 5A, 6 of the same land; and containing in extent 1 rood and 6 17 perches.

4. *Against 13th to 19th defendants writ amount Rs. 42 70*—All that the defined contiguous lots marked Nos. 8 and 8A of the aforesaid land; and bounded on the north by lot 8B of the same land, east by Indigahapaththiya *alias* Welathanthirigewatta Addara owita, south by lot No. 4c of the same land, and on the west by lot No. 7B of the same land; and containing in extent 1 rood and 22 29 perches.

Writ costs Rs. 11 87½.

Deputy Fiscal's Office,
Balapitiya, September 19, 1942.

SAM RANASOORIYA,
Additional Deputy Fiscal.

I, Edward Trevor Dyson, Fiscal for the Central Province, do hereby appoint Mr. Abdul Kaffar Marikkar, Clerk, Fiscal's Office, Kandy, to act as Fiscal's Marshal, Hattton, with effect from September, 15, 1942, under Ordinance No. 4 of 1867, and authorise him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Fiscal's Office,
Kandy, September 14, 1942.

E. T. DYSON,
Fiscal.

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Lokuw aduge Daniel de Silva of Gorakana in the Panadure Badda of Panadure totamune Petitioner.

And

(1) Timbiripolage Romanus Peiris and (2) Timbiripolage Emaha Peiris both of Gorakana aforesaid Respondents.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Timbiripolage Josalme Peiris of Gorakana No. 10,149. aforesaid, deceased.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge, Colombo, on August 25, 1942, in the presence of Mr. D. F. J. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the above-named petitioner dated August 18, 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 letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 1, 1942, show sufficient cause to the satisfaction of this court to the contrary.

August 27, 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 of Jurisdiction. Warnakulasuriya Aratchige Don Gregoris of Uyana in Moratuwa, deceased.

Podimarakkala Vidanelage Clement Martinus Perera of Idama in Moratuwa Petitioner.

And

Podimarakkala Vidanelage Jane Maria Perera of Idama in Moratuwa Respondent.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on August 28, 1942, in the presence of Mr. A. V. Fernando, Proctor, on the part of the petitioner above named; and the affidavit of (1) the petitioner dated March 8, 1942, and (2) the attesting witnesses dated March 8, 1942, having been read:

It is ordered that the last will and testament of Warnakulasuriya Aratchige Don Gregoris, 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 the executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless the respondent above named or some other person or persons interested shall, on or before October 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 2, 1942.

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

In the District Court of Colombo.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Andugoda Peramune Munasinghe Thagrus No. 10,155. Appu of Hendala Kerawalapitiya, deceased.

Liyanage Isabella Peiris Hamine of Hendala Kerawalapitiya, aforesaid Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on August 29, 1942, in the presence of Mr. D. L. Salgado, Proctor, on the part of the petitioner above named; and the affidavit of (1) the petitioner dated August 21, 1942, (2) the attesting notary dated August 27, 1942, and (3) the attesting witnesses dated August 21, 1942, having been read:

It is ordered that the last will and testament of Andugoda Peramune Munasinghe Thagris Appu, deceased, the original of which has been produced and is now deposited in this court be and same is hereby declared proved; and that the petitioner above named is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before October 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 3, 1942.

S. C. SWAN,
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 and Codicil of Gertrude Lang of Mosville estate, Dolosbage, and later of Eastdene, Astons road, Moor park, Northwood in the County of Middlesex, England, deceased.

Charles Arthur John Laing, presently of Havlock Town, Colombo, Petitioner.

THIS matter coming on for final determination before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on September 2, 1942, in the presence of Messrs D. L. & F. de Saram, Proctors, on the part of the petitioner above named, and the affidavits of the said petitioner dated August 24, 1942, and of the notary attesting the will dated August 27, 1942, and of the notary attesting the codicil dated May 18, 1942, and the order of the Supreme Court dated August 17, 1942, having been read.

It is ordered that the last will made by the deceased above named bearing No. 1,547 dated February 20, 1915, with codicil thereto dated February 28, 1939, and now deposited in this court, be declared proved and probate hereof be issued to the petitioner aforesaid, as the executor mentioned in the said will, on the publication of this order once in the *Ceylon Government Gazette* and twice in the *Times of Ceylon* newspaper and on his tendering the usual oath and bond.

September 10, 1942.

ST. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

No. 10,168 In the Matter of the Last Will and Testament of Testy. Garumuni Justin Basil Mendis of 99, St. James street, Mutwal in Colombo, deceased.

Endahandige Bridget Mendis nee Fernando of Mutwal . . . Petitioner.

And

(1) G. C. Mendis, (2) R. J. Mendis, (3) J. L. H. Mendis, all of Mutwal in Colombo, minors by their guardian *ad litem*, (4) Josephine Silva, also of Mutwal Respondents.

THIS matter is coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on September 4, 1942, in the presence of Messrs. Samarasinghe & de Silva, Proctors, on the part of the petitioner above named, and affidavit of the petitioner dated September 3, 1942, having been read.

It is ordered that the last will and testament of Garumuni Justin Basil Mendis, 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 to have letters of administration to the above estate with the will annexed issued to her accordingly, unless the respondents above named or some other persons interested shall, on or before October 15, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 8, 1942.

ST. CLAIR SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Austin Cecil Tuckness of St. George estate, No. 10,177. Matugama, in the Island of Ceylon, deceased.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on September 10, 1942, in the presence of Beram Kaikushroo Billmoria of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo, and the affidavit of the said petitioner dated September 7, 1942, an affidavit as to the due execution of the will, original will, certificate of death of the above-named deceased, and power of attorney in favour of the petitioner having been read. It is ordered that the will of the said deceased dated July 6, 1937, 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 said petitioner is one of the attorneys of the sole executor named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before October 1, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 10, 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 Abdul Jurisdiction. Azeez Marikar Pathumuttu Hanoon (or Hanuna No. 3,047. Umma) of Alutgam Veediya, Alutgam, deceased.

Uduma Lebbe Marikar Mohamad Marikar of Deenagoda, Beruwala, presently of Alutgam Veediya Petitioner.

Vs.

(1) Mohamed Marikar Hunaifa, (2) ditto Fathima, (3) ditto Fareeda, (4) ditto Hilmi, (5) Abdul Azeez Marikar Mohamed Haniffa, guardian *ad litem* over the 1st, 2nd, 3rd and 4th respondents minors above named, all of Alutgam Veediya Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge of Kalutara, on July 29, 1942, in the presence of Mr. A. M. Thaha, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated May 13, 1942, having been read:

It is ordered that the petitioner above named be and is hereby declared entitled as husband of the deceased above named to have letters of administration of her estate issued to him, unless the respondents or any other person or persons interested shall, on or before September 2, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Abdul Azeez Marikar Mohamed Haniffa, the 5th respondent, be appointed guardian *ad litem* over the 1st to 4th respondents for all the purposes of this action, unless the respondents or others interested in the estate shall, on or before September 2, 1942, show sufficient cause to the satisfaction of this court to the contrary.

July 29, 1942.

V. JOSEPH,
District Judge.

The date for showing cause against the above *Order Nisi* is hereby extended to September 16, 1942.

September 2, 1942

V. JOSEPH,
District Judge.

The date for showing cause against this *Order Nisi* is hereby extended to October 14, 1942.

September 16, 1942.

V. JOSEPH,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Lewishemmedige Jurisdiction. Abraham Fernando, deceased, of Wekada in No. 3,050. in Panadura.

Tewaratantrige Wittie Joslyn Fernando of Nalluruwa . . . Petitioner.

Vs.

(1) Lewishemmedige Mallika Amarawathie Fernando of Wekada in Panadura, a minor by her guardian *ad litem*, (2) Sampathawaduge John Henry Fernando of Moratumulla in Moratuwa, (3) Lewishemmedige Srimani Hemalatha Fernando of Wekada, by her guardian *ad litem*, (4) Wedige Aron Peiris of Nalluruwa in Panadura Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge, Kalutara, on September 5, 1942, in the presence of Mr. Wilson de Silva, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated August 22, 1942, having been read:

It is ordered that the will of Lewishemmedige Abraham Fernando, deceased, dated October 1, 1933, and numbered 80 be and the same is hereby declared proved unless the respondents or any other person or persons interested in the estate shall, on or before October 14, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Sampathawaduge John Henry Fernando, 2nd respondent, be appointed guardian *ad litem* over the 1st respondent and Wedige Aron Peiris, 4th respondent, be appointed guardian *ad litem* over the 3rd respondent and that the said Tewaratantrige Wittie Joslyn Fernando, petitioner, be appointed administratrix to have the letters of administration with the will annexed, unless the respondents or others interested in the estate shall, on or before October 14, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 5, 1942.

V. JOSEPH,
District Judge.

In the District Court of Negombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. William Perera Gunasekare Senanayake No. 3,187. of Gurugodella, Kehellella, deceased.

Between

Ariyawansa Wickrama Senanayake of Alut Walawwa, Kehellella Petitioner.

And

(1) Mrs. M. J. Herat of Madabawita, Danowita, (2) A. P. C. Senanayake of Kehellella, (3) Mrs. Georgina Perera Gunasekare Senanayake of Kirindiwita, Gampaha, (4) Mrs. Mary Dias Bandaranaike of Theobroma, Kotadeniyawa, (5) Hon'ble Mr. D. S. Senanayake of Woodlands, Borella, Colombo, (6) Mrs. M. Mappitigama of Nakkawela, Ambrigala, (7) A. N. Senanayake of Meda Walawwa, Kehellella, (8) Mrs. O. Bogahlanda of Kehellella, (9) Mrs. P. B. Keppitipola of Arthurwatta estate Kundasala, Kandy, (10) Mrs. Linden de Alwis of Wasala

Walawwa, Marawila, (11) S. P. G. Senanayake of Sri Mahal, Kehellella, (12) Mrs. W. F. Seneviratne of Gallindagoda, Welipenna, (13) G. R. Senanayake of Kehellella, (14) Mrs. G. B. Seneviratne of Thalagaswatta, Veyangoda, (15) N. W. Senanayake of Hentipagedara, Dunagaha, (16) Mrs. H. D. R. de Alwis of Thalagahawila, Makunuwatawana, (17) Miss Iranginio Senanayake of Alut Walawwa, Kehellella, (18) H. Sudhammarama Isthavira of Bodhiyangana Ramaya, Sapugaha, Thammitta, (19) Withanamulle Piyaratana Isthavira of Purana Vihare, Thunmodaro, Kehellella Respondents.

THIS matter coming on for disposal before Spencer Rajaratnam, Esqr., District Judge of Negombo, on September 9, 1942, in the presence of Mr. P. P. Ranasinghe, Proctor, on the part of the petitioner; and the petition and the affidavit of the said petitioner dated September 8, 1942, and September 7, 1942, respectively, and the two affidavits dated September 3, 1942, and the three affidavits dated September 4, 1942, of the five witnesses who subscribed to the last will having been read :

It is ordered that the last will of W. P. G. Senanayake of Gurugodella, deceased, dated August 12, 1940, and now deposited in this court, be and the same is hereby declared proved unless the respondents above named or any other person or persons interested shall, on or before September 30, 1942, show sufficient cause to the contrary to the satisfaction of this court :

It is further ordered (a) that the 11th respondent be and he is hereby appointed guardian *ad litem* of the 17th respondent above named who is a minor to represent her for the purpose of this action and (b) that the said petitioner be and he is hereby declared entitled to have letters of administration, with copy of will annexed, to the above estate issued to him, unless the respondents or any other person or persons interested shall, on or before September 30, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 9, 1942.

M. TIRUCHELVAM,
District Judge.

In the District Court of Galle.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Don Alexander Panditha Gunawardena of
No. 8,014. Tranagama in Wellaboda pattu, Galle District,
deceased

THIS matter coming on for disposal before A. S. Wanigasooriyar, Esq., Additional District Judge of Galle, on August 28, 1942, in the presence of Mr. D. A. Wickramasinghe, Proctor, on the part of the petitioner, Stephen Epa Seneviratne of Tranagama; and the affidavit of the said petitioner dated August 26, 1942, having been read :

It is ordered that the will of the late Don Alexander Panditha Gunawardena, deceased, dated October 25, 1935, and now deposited in the court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before October 2, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless any person or persons interested shall, on or before October 2, 1942, show sufficient cause to the satisfaction of this court to the contrary.

August 28, 1942.

A. S. WANIGASOORIYAR,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Hikkaduwe Liyanage Appusungho de Silva of
No. 4,163. Batawala, Pathagama, deceased.

(1) Jayaweera Kurundu Patabendige Sensinona of Batawala in Weligama, (2) Yasawathie Wickramasinghe *nee* Hikkaduwe Liyanage Yasawathie de Silva, presently of "Silvermere" Magallé Petitioners.

Vs.

(1) Hikkaduwe Liyanage Wimaly de Silva of Mahagoda estate, Alutwala, (2) Hikkaduwe Liyanage Gunawathie de Silva, (3) ditto Karunawathie de Silva, (4) ditto Karunarama de Silva, (5) ditto Sugunawathie de Silva, (6) ditto Dayaratna de Silva, (7) ditto Wijeratna de Silva, all of Batawala, (8) Jayaweera Kurundupatabendige William de Silva of Main street, Weligama Respondents.

THIS Matter coming on for disposal before V. E. Rajakarier Esq., District Judge, of Matara, on September 2, 1942, in the presence of Mr. R. Wickramasingha, Proctor, on the part of the petitioner above named and the affidavits of (a) the petitioner dated September 2, 1942, (b) the attesting notary and the witnesses dated August 28, 1942, having been read :

It is ordered that the last will and testament of Hikkaduwe Liyanage Appusungho de Silva deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and that the 8th respondent is hereby appointed guardian *ad litem* of the minors 2 to 7th respondents to represent them for all the purposes of this action, and the petitioners

are the executors named in the said last will and they are hereby declared entitled to have probate thereof issued to her/them accordingly, unless the respondents above named or any other person or persons interested shall on, or before October 19, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 2, 1942.

V. E. RAJAKARIER,
District Judge.

In the District Court of Mannar.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Pethurupillai Soosaipillai, late of Palaikuli in
No. 672. Mantai North, deceased.

Vellasamy Sunthoram *alias* Gnanapiragasam of Palaikuli in
Mantai North Petitioner.

And

(1) Gnanapiragasam Anthonipillai, (2) Gnanapiragasam Saveripillai, (3) Vellasamy Krishnan and (4) Anthonipillai Soosaipillai all of Palaikuli in Mantai North Respondents.

THIS matter coming on for disposal before M. M. I. Kariapper, Esq., Additional District Judge of Mannar, on August 14, 1942, in the presence of Mr. V. A. Alogaonco, Proctor, on the part of the petitioner and the affidavits of the said petitioner and the attesting notary, both dated August 6, 1942, having been read :

It is ordered that the last will and testament of the said Pethurupillai Soosaipillai, deceased, dated April 20, 1934, numbered 690 and attested by F. J. A. Ponrajah, Notary Public, be and the same is hereby declared proved and that the said Vellasamy Krishnan, the 3rd respondent above named, be appointed guardian *ad litem* over the above named 1st and 2nd respondents, minors, for the purpose of this action and that the above named petitioner be and he is hereby declared entitled, as son-in-law of the above named deceased, and of the executrix (since deceased) named in the said will to have letters of administration (with the will annexed) issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before October 1, 1942, show sufficient cause to the satisfaction of this court to the contrary.

August 24, 1942.

M. M. I. KARIAPPER,
Additional District Judge.

In the District Court of Kurunegala.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late Wahala
Jurisdiction. Tantiinge Allis Perera of Pita Kotte, deceased.
No. 4,448.

(1) Wahala Tantiinge Salamon Perera of Kandegedera in Dambadeni Uducaha Korale east, (2) Manikgama Aratchige Don Stephen Seneviratne of Ambatalenpahala in Colombo District Petitioners.

And

(1) W. Premadasa Perera now of Hatagoda, Kotte Ananda Branch College (minor by guardian *ad litem* 2nd respondent), (2) Mrs. W. A. Perera, presently of Kandegedera in Dambadeni Uducaha korale east (for herself and as guardian *ad litem* of 1st respondent), (3) Mrs. V. D. S. Rajakaruna of Nugogoda in Colombo District Respondents.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kurunegala, on August 4, 1942, in the presence of Messrs. Perera and Perera, Proctors, on the part of the petitioners, Wahala Tantiinge Salamon Perera now of Kandegedera in Dambadeni Uducaha korale east and Manikgama Aratchige Don Stephen Seneviratne, Registrar of Ambatalenpahala in Colombo District; and the affidavits of the said petitioners dated July 31, 1942, (2) the Notary and the attesting witnesses dated July 2, 1942, having been read :

It is ordered that the will of the said Wahala Tantiinge Allis Perera of Pita Kotte, deceased, dated July 1, 1935, now deposited in this court be and the same is hereby declared proved, unless the respondents or any other person or persons interested shall, on or before September 30, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Wahala Tantiinge Salamon Perera and Manikgama Aratchige Don Stephen Seneviratne are the executors named in the said will and that they are entitled to have probate of the same issued to them accordingly, unless the respondents or any other person or persons interested shall, on or before September 30, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be appointed guardian *ad litem* over the 1st minor respondents unless any person or persons interested shall, on or before September 30, 1942, show sufficient cause to the satisfaction of this court to the contrary.

August 4, 1942.

H. A. DE SILVA,
District Judge.

In the District Court of Badulla.

Order Nisi.

No. B/1065. In the Matter of the Intestate Estate and effects of Peer Mohammed Rawuther of Arawa in Palwatta Korale in the Bintenna Division, Badulla District, deceased.

Meeeyanna Ana Sinnamuttu Rawuther of Arawa afore-said Petitioner.

Vs.

(1) Johara Beebi, (2) Howwa Umma, (3) Segu Abdul Cader of Arawa aforesaid, (4) Abdul Careem by his guardian *ad litem*, the 6th respondent, (5) Abdul, Beebi by her guardian *ad litem*, the 6th respondent, the 1st, 2nd, 4th, and 5th respondents of Saakkavayal, Tirrippathur, Ramnad District, South India, (6) M. A. Abdul Rahuman of Arawa in Palwatta Korale aforesaid, (7) Zeinambu Beebi, and (8) Aysha Marim, by her guardian *ad litem*, the 6th respondent, both of Arawa aforesaid Respondents.

THIS action coming on for disposal before Herbert Stanley Roberts, Esqr., District Judge of Badulla, on August 1, 1942, in the presence of Mr. Ahamed M. Ismail, Proctor, S. C. on the part of the petitioner; and the affidavit of the petitioner dated August 1, 1942, having been read

It is ordered that the 6th respondent above named be and he is hereby appointed guardian *ad litem* over the 4th, 5th, and 8th respondents.

And the petitioner above named be and he is hereby appointed administrator to the estate of the above named deceased and that letters of administration to the estate of the said deceased be issued to him accordingly, unless the respondents above named or any one else interested in the estate of the said deceased, shall, on or before the 4th day of September, 1942 at 9 o'clock in the forenoon show cause to the satisfaction of this court to the contrary.

August 1, 1942.

H. S. ROBERTS,
District Judge.

Date for showing cause extended for September 29, 1942.

H. S. ROBERTS,
District Judge.

September 4, 1942.

In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Case of Ramasamy Asai Pillai of Balangoda in the Helauda palata of Meda korale, deceased. No. 1,122.

Between

(1) Muniyiyah Tharmalingam of Kadawata, (2) Carthigesu Sivaprakasam, Forest Department, Jaffna Petitioners.

And

Thayalnayagi Ammal of Balangoda in Helauda palata aforesaid, presently of Valvetty Respondent.

THIS matter coming on for disposal before D. E. Wijeyewardene, Esqr., Additional District Judge, Ratnapura, on September 1, 1942, after reading the affidavits of Muniyiyah Tharmalingam and Carthigesu Sivaprakasam, dated July 21 and 31, 1942, and the affidavit of the attesting Notary of the said will dated November 6, 1937, it is ordered that the will of Ramasamy Asaipillai of Balangoda, deceased, dated November 6, 1937, and now deposited in this court, be and the same is hereby declared proved, unless the respondent above named or any other person or persons interested shall, on or before September 29, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioners above named are joint and several executors named in the said will, and that they are entitled to have probate of the same issued to them accordingly unless the respondent or any other person or persons interested shall on or before September 29, 1942, show sufficient cause to the satisfaction of this court to the contrary.

September 1, 1942.

D. E. WIJEYWARDENE,
Additional District Judge.

PASSED ORDINANCES.

(Continued from page 703.)

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

No. 36 of 1942.

L. D.—O 35/40

An Ordinance to amend the Public Service Mutual Provident Association Ordinance and to declare the extent and scope of the powers to make rules conferred by section sixteen of that Ordinance.

Cap. 207.
Vol. V.,
p. 550.

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 Public Service Mutual Provident Association (Amendment) Ordinance, No. 36 of 1942.

Short title.

2. Section 3 of the Public Service Mutual Provident Association Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended by the substitution, for the words "widows and orphans", of the words "widows and legitimate children".

Amendment of
section 3 of
Chapter 207.

3. For the removal of doubts, it is hereby declared that the powers conferred on the corporation by section 16 of the principal Ordinance to make rules at any general meeting of the members thereof for the management of the affairs of the corporation and the accomplishment of its objects include, and shall from the commencement of the principal Ordinance be deemed to have included, the power to make rules containing provision to the effect that, upon the death of any such member, the benefits accruing to his legitimate children may be paid only to such of them as he may nominate, or be apportioned among all or any of them in such shares as he may specify.

Declaration of
construction
of powers
conferred by
section 16
of the
principal
Ordinance.

4. Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His heirs and successors, or of any body politic or corporate, or of any other person, except such as are mentioned in this Ordinance and those claiming by, from, or under them.

Saving of
rights of
the Crown.

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

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

Assented to by His Excellency the Governor the Twenty-third day of September, One thousand Nine hundred and Forty-two.

C. H. HARTWELL,
Secretary to the Governor.

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

No. 37 of 1942.

L. D.—O. 19/42

Chapter 292.
(Volume VI.,
page 323).

**An Ordinance to amend the Savings Certificates
Ordinance.**

A. CALDECOTT.

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 Savings Certificates Amendment Ordinance, No. 37 of 1942.

Amendment of
section 6 of
Chapter 292.

2. Section 6 of the Savings Certificates Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (1) thereof as follows :—

(1) in paragraph (c) of the proviso, by the substitution, for the words "provident society or association.", of the words "provident society or association; or";

(2) by the insertion in the proviso, immediately after paragraph (c), of the following new paragraph :—

"(d) any approved savings group."

Amendment of
section 9 of
the principal
Ordinance.

3. Section 9 of the principal Ordinance is hereby amended by the substitution, for the words "An issuing officer", of the words "Subject to the provisions of section 12A, an issuing officer".

Amendment of
section 10 of
the principal
Ordinance.

4. Section 10 of the principal Ordinance is hereby amended by the substitution, for the words "recognised association" wherever those words occur collectively in that section, of the words "recognised association or an approved savings group".

Amendment of
section 11 of
the principal
Ordinance.

5. Section 11 of the principal Ordinance is hereby amended in sub-section (2) thereof by the addition, at the end of that sub-section, of the following :—

"Where a substitute certificate has been issued to and in the name of an approved savings group, and the rights under the savings certificate to which that substitute certificate relates are acquired by a member of that group, the name of that member shall be endorsed on that substitute certificate by the prescribed officer or person in the prescribed manner."

Amendment of
section 12 of
the principal
Ordinance.

6. Section 12 of the principal Ordinance is hereby amended by the substitution, for the words "Such new certificate", of the words "Subject to the provisions of section 12A, such new certificate".

Insertion of
new section
12A in the
principal
Ordinance.

7. The following new section is hereby inserted immediately after section 12 of the principal Ordinance and shall have effect as section 12A of that Ordinance :—

Certificates
issued to
approved
savings
groups.

12A. (1) Notwithstanding anything in section 9 or in section 12, in every savings certificate issued to an approved savings group, the space provided therein for the insertion of the name of the purchaser of that certificate shall be left blank by the issuing officer at the time of such issue.

(2) Where any savings certificate issued to an approved savings group is acquired by a member of that group, the name of that member shall be entered, by the prescribed officer or person in the prescribed manner, in the space provided therein for the insertion of the name of the purchaser of that certificate.

Amendment of
section 13 of
the principal
Ordinance.

8. Section 13 of the principal Ordinance is hereby amended in the proviso thereto by the substitution, for the words "deemed to affect", of the words "deemed to affect the right of an approved savings group, in accordance with any scheme adopted by the group for the acquisition of savings certificates by its members, to assign any savings certificate to the member by whom it is acquired under the scheme or".

Amendment
of section
25 of the
principal
Ordinance.

9. Section 25 of the principal Ordinance is hereby amended by the insertion, immediately after sub-section (5), of the following new sub-section :—

"(6) During the continuance of any war in which His Majesty may be engaged, such part of the Fund as may not be immediately required for the purposes of sub-section (1) may, notwithstanding anything in the preceding provisions of this section, be invested by the Trustees, with the approval of the Governor, in any loan raised by the Government of Ceylon for the purposes of that war."

10. Section 27 of the principal Ordinance is hereby amended in sub-section (2) thereof as follows :—

Amendment
of section
27 of the
principal
Ordinance

(1) in paragraph (b), by the substitution, for the words "minors and recognised associations", of the words "minors, recognised associations and approved savings groups";

(2) by the insertion, immediately after paragraph (b), of the following new paragraph :—

"(bb) the circumstances in which a savings certificate issued to an approved savings group may be surrendered before such certificate is acquired by a member of that group, and the steps to be taken and the procedure to be followed when a member of an approved savings group acquires a savings certificate issued to that group."

11. Section 28 of the principal Ordinance is hereby amended as follows :—

Amendment
of section
28 of the
principal
Ordinance.

(1) by the insertion, immediately before the definition of "certificate", of the following new definition :—

"approved savings group" means any body of persons declared by the Financial Secretary in writing to be an approved savings group for the purposes of this Ordinance and any regulations made thereunder ;

(2) by the substitution, for the definition of "purchaser", of the following new definition :—

"purchaser"—

(a) in the case of a savings certificate which is issued to an approved savings group and which has not been acquired by a member of that group, means the approved savings group to which that certificate is issued,

(b) in the case of a savings certificate which is issued to an approved savings group and which has been acquired by a member of that group, means the member who acquires that certificate from that group,

(c) in any other case, means the person to whom or the recognised association to which a savings certificate is issued under this Ordinance.

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

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

Assented to by His Excellency the Governor the Twenty-third day of September, One thousand Nine hundred and Forty-two.

C. H. HARTWELL,
Secretary to the Governor.