



THE CEYLON GOVERNMENT GAZETTE

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PART II.—LEGAL.

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

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PASSED ORDINANCES

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

No. 52 of 1942.

M.L.A.—B. 1699/L.D.—O. 38/39.

An Ordinance to amend the Small Towns Sanitary Ordinance.

Chapter 197.
(Volume V.,
page 356.)

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 Small Towns Sanitary (Amendment) Ordinance, No. 52 of 1942.

Short title.

2. Section 5 of the Small Towns Sanitary Ordinance is hereby amended as follows:—

Amendment of section 5 of Chapter 197.

(1) in sub-section (2) of that section—

(a) by the substitution, for the words "the Provincial Engineer, the Provincial Surgeon", of the words "the Superintending Engineer, the Divisional Medical Officer of Health"; and

(b) by the substitution, for the words "a member of the Department of Medical and Sanitary Services in place of such Provincial Surgeon", of the words "a member of the Public Works Department or of the Department of Medical and Sanitary Services, in place of such Superintending Engineer or Divisional Medical Officer of Health, as the case may be,";

(2) in sub-section (3) of that section—

(a) by the substitution, for the words "the senior officer of the Medical Department", of the words "the senior Medical Officer of Health"; and

(b) by the substitution, for the words "in place of such senior officer of the Medical Department", of the words "in place of such senior Medical Officer of Health".

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

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

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

H. A. C. DOBBS,
Acting Secretary to the Governor.

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

No. 54 of 1942.

M. L. A.—G 3294/L.D.—O 44/41

An Ordinance to amend the Village Communities Ordinance.

Cap. 198.
1941 Supple-
ment.
Vol.I., page 122.

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 Village Communities Amendment Ordinance, No. 54 of 1942.

Amendment of
section 5 of
Chapter 198.

2. Section 5 of the Village Communities Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the substitution, for the words and figures "any tax imposed and levied by the Village Committee under section 44, section 45 or section 47", wherever those words and figures occur collectively in that section, of the words and figures "any rate or tax imposed and levied by the Village Committee under section 44, section 45, section 47 or section 47A".

Amendment of
section 6 of
the principal
Ordinance.

3. Section 6 of the principal Ordinance is hereby amended in sub-section (2) by the substitution, in paragraph (e), for the word "taxes", of the words "rates, taxes".

Amendment of
section 9 of
the principal
Ordinance.

4. Section 9 of the principal Ordinance is hereby amended as follows :—

- (1) in sub-section (1) by the substitution, for the words and figures "shall, subject to the provisions of section 62," of the word "shall"; and
- (2) in sub-section (2) by the substitution, in paragraph (a), for the word "twelve", of the word "eighteen".

Replacement of
section 10 of
the principal
Ordinance.

5. Section 10 of the principal Ordinance is hereby repealed and the following new section is substituted therefor :—

Election of
new
Committees.

10. In place of every Village Committee going out of office, and upon the termination of any period during which the affairs of a village area have been administered by the Government Agent under section 61, another Committee to be elected as hereinafter provided, shall come into, and remain in, office until the last day of June of the third year after the general election at which the members were elected, and, at the expiration of such term of office, shall in like manner go out of office and be succeeded by another such Committee, and so on during the continuance of this Ordinance.

Amendment of
section 11 of
the principal
Ordinance.

6. Section 11 of the principal Ordinance is hereby amended by the repeal of sub-section (3).

Amendment of
section 12 of
the principal
Ordinance.

7. Section 12 of the principal Ordinance is hereby amended in the proviso thereto as follows :—

- (1) in paragraph (iii), by the substitution, for the word and figures "section 18.", of the words and figures "section 18 or section 19; or"; and
- (2) by the insertion, immediately after paragraph (iii), of the following new paragraph :—
“(iv) is at the date of the election disqualified under section 62 (a).”

Amendment of
section 14 of
the principal
Ordinance.

8. Section 14 of the principal Ordinance is hereby amended by the repeal of sub-sections (1) and (2) and the substitution thereof of the following :—

“(1) Every election under or for the purposes of this Ordinance shall, subject to the provisions of section 15 (4), be held at a meeting of the voters of the ward for which a member has to be elected; and every meeting shall be summoned and conducted in the manner hereinafter provided.

(2) The Government Agent shall fix a date for the meeting referred to in the preceding sub-section and such date shall—

- (a) in the case of the first general election of a Committee for any village area brought within the operation of this Ordinance by a Proclamation under section 3, be not more than three months after the date of the Proclamation;
- (b) in the case of a general election of a Committee to succeed a Committee going out of office by effluxion of time, be not more than six months before the date on which the term of office of the Committee is to expire;

- (c) in the case of a general election of a Committee to take office upon the dissolution of a Committee under section 6 (2) (a), be not more than three months before nor more than three months after the date from which such Committee is dissolved ;
- (d) in the case of a general election of a Committee directed to be held by Order of the Governor under section 61 (d) (ii), be not more than three months after the date of such Order ;
- (e) in the case of a general election of a Committee to take office upon the termination of any period during which the affairs of the village area have been administered by the Government Agent under section 61, be not more than three months before the end of that period , and
- (f) in the case of the election of a member to fill any casual vacancy in a Committee, be not more than six months after the date on which the vacancy arises."

9. Section 15 of the principal Ordinance is hereby amended in sub-section (1) as follows :—

Amendment of section 15 of the principal Ordinance.

- (1) in paragraph (b), by the substitution, for the words " on or before the date ", of the words " on the date and between the hours " ; and
- (2) in paragraph (c), by the substitution, for all the words from " on or before " to the end of that paragraph, of the words—

" before the nomination paper or papers are delivered to the Government Agent ".

10. Section 16 of the principal Ordinance is hereby amended in the proviso to sub-section (1) as follows :—

Amendment of section 16 of the principal Ordinance.

- (1) in paragraph (ii), by the substitution, for the word and figures " section 14 ", of the words and figures " section 14 ; and " ;
- (2) by the insertion, immediately after paragraph (u), of the following new paragraph :—

" (iii) that if for any reason the Government Agent or the presiding officer does not arrive at the meeting within one hour after the time fixed for the commencement of the meeting, the meeting shall be deemed to be adjourned to such date and time, not more than thirty days after the date and time specified in the notice referred to above, as the Government Agent may notify by beat of tom-tom and written notices as required by section 14."

11. Section 17 of the principal Ordinance is hereby amended in sub-section (1) as follows :—

Amendment of section 17 of the principal Ordinance.

- (1) in paragraph (c), by the substitution, for the words " four o'clock in the afternoon of the date ", of the words " the termination of the period ; or " ;
- (2) by the re-lettering of paragraph (d) as paragraph (e) ; and
- (3) by the insertion, immediately after paragraph (c), of the following new paragraph :—

" (d) he is declared elected under section 15 (4) ; or "

12. Section 19 of the principal Ordinance is hereby amended as follows :—

Amendment of section 19 of the principal Ordinance.

- (1) by the repeal of sub-sections (1) and (3) ;
- (2) by the re-numbering of sub-section (2) as sub-section (6) ; and
- (3) by the insertion, immediately before the re-numbered sub-section (6), of the following new sub-sections :—

" (1) If the Government Agent is satisfied that any member of a Village Committee has after his election—

Vacation of office.

- (a) been disqualified by an order of a court under section 18 or sub-section (5) or sub-section (6) of this section, or ceased to be qualified as required by section 13 ; or
- (b) been absent, without leave of the Committee, from more than three consecutive meetings of the Committee ; or
- (c) been adjudicated an insolvent ; or

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(d) been sentenced to, and has commenced to serve, any term of imprisonment imposed for any crime within the meaning of the Prevention of Crimes Ordinance; or

(e) been found to be of unsound mind by a court of competent jurisdiction,

the Government Agent shall declare the seat of that member to be vacant, and the seat of that member shall thereupon become vacant:

Provided that the Government Agent shall not declare the seat of any member to be vacant except after notice to the Chairman and to such member and after such inquiry as the Government Agent may deem necessary. Every such notice shall be sent by registered post.

(2) The Chairman shall within seven days of the happening of any event specified in paragraphs (a) to (e) of sub-section (1) send written information thereof to the Government Agent.

(3) Where written information of the happening of any event specified in paragraphs (a) to (e) of sub-section (1) is sent to the Government Agent by any person other than the Chairman, the Government Agent may, before inquiring into the correctness or otherwise of the information, require such person to deposit in the Kachcheri such sum not exceeding twenty-five rupees as the Government Agent may determine.

(4) The sum deposited under sub-section (3) shall in the discretion of the Government Agent be forfeited and credited to the communal fund in any of the following cases, that is to say, if—

(a) the Government Agent finds that the member about whom the information was sent has not vacated his seat, and that such information was sent by such person with a frivolous, vexatious or malicious intent,

(b) such person subsequently withdraws the allegations made by him against the member,

(c) such person fails to attend any inquiry held by the Government Agent to ascertain the correctness or otherwise of the information or if such person refuses to give evidence at such inquiry.

In every other case the sum deposited by any person shall be returned to the person but not until the Government Agent has made his order on the information received by him.

(5) Every person who sends any information, relating to the happening of any event specified in paragraphs (a) to (e) of sub-section (1) which he knows or has reason to believe to be false and every Chairman who refuses or wilfully neglects to act in accordance with the provisions of sub-section (2) shall be guilty of an offence and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months or to both such fine and imprisonment, and shall in addition be disqualified for a period of four years, by order of the court which convicts him, from taking any part as a voter or as a candidate in any election held for the purposes of this Ordinance."

Amendment of section 21 of the principal Ordinance.

13. Section 21 of the principal Ordinance is hereby amended by the substitution, for the word and figures "section 19", of the words and figures "section 19 or section 62 (a)".

Amendment of section 22 of the principal Ordinance.

14. Section 22 of the principal Ordinance is hereby amended by the substitution, for the word "bye-election", of the words "bye-election, or where, for any reason, a meeting of the voters for the purposes of a bye-election cannot be held or is not held within the period of six months referred to in section 14 (2) (f)".

Amendment of section 30 of the principal Ordinance.

15. Section 30 of the principal Ordinance is hereby amended in sub-section (3) by the addition, at the end thereof, of the following:—

"The resignation by the Chairman of his office of Chairman or his office as a member shall have no effect until

such resignation has been accepted by the Government Agent; and the Government Agent may refuse to accept such resignation if he has reason to believe that an Order removing the Chairman from office is to be made by the Governor under section 61."

16. Section 41 of the principal Ordinance is hereby repealed and the following new section is substituted therefor:—

41. (1) Where any town excluded from the operation of the Local Boards Ordinance by Proclamation under section 2 of that Ordinance, or any town or village excluded from the operation of the Small Towns Sanitary Ordinance by Proclamation under section 4 of that Ordinance, is, or has, at any time after the first day of July, 1939, been brought and continues to be within the operation of this Ordinance, the Governor may by Order published in the *Gazette*—

- (a) transfer to the Village Committee of the area in which that town or village is situated, the whole or any specified part of any property or rights over property or any funds, acquired or received by or vested in the Board for the use and benefit of that town or village, and declare that the whole or any specified part of such funds and of the revenue derived from the town or village shall be employed by the Village Committee for the use and benefit of that town or village;
- (b) direct the aforesaid Village Committee to keep separate books of accounts in respect of that town or village;
- (c) apportion and assign to the aforesaid Village Committee the whole or any specified part of the rights, liabilities, debts or obligations of the Board under any contract entered into by the Board for the benefit of that town or village; and give directions as to the security to be given by the Village Committee for any debt, and as to the mode and conditions of discharge of any liabilities or obligations, so apportioned or assigned; and
- (d) prescribe the terms and conditions on which any officer or servant employed by the Board for any purpose relating to that town or village, may be transferred to the service of the aforesaid Village Committee.

(2) Upon the publication of an Order under sub-section (1)—

- (a) all the property or the rights over property or the funds, specified therein, shall vest in the Village Committee, and such funds and such part of the revenue as may be specified therein shall be employed by the Village Committee for the use and benefit of the town or village mentioned in the Order;
- (b) separate books of accounts in respect of that town or village shall, if the Order so directs, be kept by the Village Committee;
- (c) such rights, liabilities, debts or obligations as may be apportioned or assigned thereby, shall be enforceable or shall be secured or discharged by the Village Committee in such manner and subject to such conditions as may be specified therein; and
- (d) any officer or servant of the Board who is offered and accepts employment under the Village Committee shall be appointed and shall hold office on the terms and conditions specified in the Order, without prejudice, however, to any qualifications acquired by him for any pension, gratuity or other compensation payable out of the funds of the Board in respect of his service under the Board.

(3) In this section "Board" used in relation to any town excluded from the operation of the Local Boards Ordinance means the Local Board of Health and Improvement of that town, and in relation to any town or village excluded from the operation of the Small Towns Sanitary Ordinance means the Sanitary Board of the province or district within which that town or village is situated.

17. Section 43 of the principal Ordinance is hereby amended as follows:—

- (1) in paragraph (h) by the substitution, for the word "taxes" of the words "rates and taxes";
- (2) in paragraph (i), by the substitution, for the words "to impose", of the words "to establish ferries, to impose";

Replacement of section 41 of the principal Ordinance.

Transfer to Village Committees of the rights and liabilities of Local Boards or Sanitary Boards.
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Amendment of section 43 of the principal Ordinance.

(3) by the insertion, immediately after paragraph (i), of the following new paragraph :—

“(ii) in the case of a ferry established or maintained between any place within the village area and any place within any other village area or within the administrative limits of any other local authority, to distribute the tolls that may be imposed or levied in respect of any such ferry, in such manner or proportion as may be fixed by agreement entered into with the Committee of the other village area or with such local authority, as the case may be, and to apply any part of the communal fund for any work of construction or maintenance to be carried out beyond the limits of the village area in connexion with any such ferry ;” ;

(4) in paragraph (k), by the substitution, for the words “educational or charitable purposes”, of the words “other purposes”; and

(5) by the insertion, immediately after paragraph (k), of the following new paragraph :—

“(kk) to set apart such contributions from the communal fund as the Executive Committee may approve towards the cost of any association of local authorities for the consideration of matters relating to local administration, and to apply any part of the communal fund for the payment of travelling allowances to members of the Committee attending any meeting of such association with the authority of the Committee ;”.

Amendment of section 45 of the principal Ordinance.

18. Section 45 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (3), in the second proviso thereto, by the insertion, immediately after paragraph (a), of the following new paragraph :—

“(aa) any land or building which belongs to any religious body and the income from which is wholly or mainly used for religious purposes ;” and

(2) by the insertion, immediately after sub-section (7), of the following new sub-section :—

“(8) Where any town or village is excluded from the operation of the Local Boards Ordinance or the Small Towns Sanitary Ordinance and brought within the operation of this Ordinance, the Executive Committee, with the approval of the Governor, may by Order published in the *Gazette* declare that town or village or any portion thereof to be a built-up locality and direct the Village Committee to impose and levy within that locality an assessment tax in accordance with the provisions of this Ordinance.”.

Cap. 196.
Cap. 197.

Amendment of section 47 of the principal Ordinance.

19. Section 47 of the principal Ordinance is hereby amended as follows :—

(1) in sub-section (1) by the substitution, for the words “used or kept for use”, of the words “used or to be used”; and

(2) by the insertion, immediately after sub-section (3), of the following new sub-sections :—

“(4) Where any vehicle or animal liable to any tax under this Ordinance is used or to be used within the limits of more than one village area, such vehicle or animal shall only be liable to one such tax, and such tax shall be paid to the Village Committee of the village area within which that vehicle or animal is principally used or to be used, and if any question arises as to the village area within which any vehicle or animal liable to any such tax is principally used or to be used, the question shall be determined by the Government Agent, or where such village areas are not situated within the same revenue district, by the Commissioner of Local Government.

(5) Where any vehicle or animal is ordinarily liable to the tax imposed under this Ordinance and the tax imposed under section 175 of the Urban Councils Ordinance or section 128 of the Municipal Councils Ordinance, such vehicle or animal shall be liable to only one such tax which shall be payable—

(a) where the vehicle or animal is kept within the limits of a village area or within the administrative limits of an Urban Council or a Municipal Council, to the Village Committee of such village area or to such

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Urban Council or Municipal Council, as the case may be ; or

- (b) where the vehicle or animal is not kept within the limits of a village area or within the administrative limits of an Urban Council or a Municipal Council, to the Village Committee, Urban Council or Municipal Council within whose administrative limits it is principally used ;

and if any question arises as to the limits within which any such vehicle or animal is kept or used, the question shall be determined by the Commissioner of Local Government.

(6) If any person liable to pay the tax leviable under this section fails to pay such tax within seven days after demand, the Chairman shall report the failure to the Village Tribunal and the Village Tribunal shall proceed to recover the amount due as if it were a fine imposed by the Village Tribunal and shall pay the amount so recovered into the communal fund of the Village Committee."

20. The following new section is hereby inserted immediately after section 47, and shall have effect as section 47A of the principal Ordinance :—

47A. (1) Where a Village Committee establishes, maintains or provides a water service for the benefit of the inhabitants of the village area or any part thereof, the Committee may, with the sanction of the Executive Committee, impose and levy, upon the area benefited by such service, a water rate not exceeding three per centum of the annual value of all buildings and all lands situated within such area.

(2) Where a Village Committee establishes, maintains or provides a conservancy service for the benefit of the inhabitants of the village area or any part thereof, the Committee, with the sanction of the Executive Committee, may, in lieu of charging fees for such service, impose and levy upon the area benefited by such service, a conservancy rate not exceeding three per centum of the annual value of all buildings and all lands situated within such area.

(3) Where any land or building which is situated within any village area and is the property of the Crown, is occupied or held by any person under any lease or permit granted by the Crown, such land or building shall be liable to be assessed in respect of any rate imposed under this section, and such person shall be liable to pay and shall pay the rate leviable in respect of that land or building.

(4) No property of the Crown, whether movable or immovable, shall be liable to be seized or sold for the recovery of any rate which may be due from any person occupying or holding any land or building, which is the property of the Crown, under any agreement, contract or permit, whether express or implied, with or from the Crown.

(5) Every rate under this section shall be assessed and levied, and, in cases of default, shall be recovered summarily, in such manner as may be prescribed by rules under section 59 :

Provided, however, that for the purposes of the recovery of any such rate in case of default, nothing specified in the proviso to section 45 (6) shall be liable to such seizure or sale as may be prescribed by any such rule.

(6) A Village Committee may by resolution specially exempt any property from any rate imposed under this section on the ground of the poverty of the owner.

21. Section 48 of the principal Ordinance is hereby amended as follows :—

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

" (b) all rates and taxes levied under sections 44, 45, 47 and 47A ; " ;

- (2) in paragraph (e), by the omission of the word " and " ;

- (3) by re-lettering of paragraph (f) as paragraph (g) ; and

- (4) by the insertion, immediately after paragraph (e), of the following new paragraph :—

" (f) all sums appropriated by the State Council or allocated by the Executive Committee, to the Village Committee :

Provided that no such sum shall be paid into the communal fund unless such payment is authorised by the Commissioner of Local Government."

22. Section 49 of the principal Ordinance is hereby amended in sub-section (2) as follows :—

- (1) under the heading " (viii) Buildings, building operations, and works ", by the substitution, in paragraph (a),

Insertion of new section 47A in the principal Ordinance.

Water rates and conservancy rates.

Amendment of section 48 of the principal Ordinance.

Amendment of section 49 of the principal Ordinance.

- for all the words from "the definition" to "objections," of the words "the definition";
- (2) under the heading "(x) Animals", by the insertion, immediately after paragraph (d), of the following new paragraph:—

"(e) the regulation and control of the collection and sale of the dung of cattle, horses, sheep, and goats, and the removal of such dung from any place within the village area to any place outside such area;".

Amendment of section 53 of the principal Ordinance.

23. Section 53 of the principal Ordinance is hereby amended as follows:—

- (1) by the substitution, for the words and figures "sections 43 to 47", of the words and figures "sections 43 to 47A";
- (2) in paragraph (1) thereof, by the substitution, for the word "tax", of the words "rate, tax";
- (3) in sub-paragraph (c) of paragraph (2), by the substitution, for the word "Committee", of the words "Committee, or the scale of salary to be attached to such office, or the rates of the subsistence or travelling allowances payable by way of reimbursement of the expenses incurred by the holder of such office in the performance of any duty";
- (4) in sub-paragraph (g) of paragraph (2), by the substitution, for the words "any educational or charitable purpose", of the words "any purpose specified in paragraph (kk) of section 43"; and
- (5) in the proviso thereto, by the substitution, for the word "tax", of the words "rate or tax".

Amendment of section 59 of the principal Ordinance.

24. Section 59 of the principal Ordinance is hereby amended as follows:—

- (1) by the insertion, immediately after paragraph (f), of the following new paragraph

"(ff) the manner in which any rate is to be imposed and levied, or, in cases of default, recovered summarily by a Village Committee, and the manner in which property is to be assessed for the purposes of any such rate;";

- (2) by the insertion, at the end thereof, of the following new paragraph:—

"(m) the procedure to be followed by a Village Committee before any area, to which by-laws under section 49 (2) (viii) are to apply, is defined."

Amendment of section 61 of the principal Ordinance.

25. Section 61 of the principal Ordinance is hereby amended by the insertion, immediately after paragraph (c), of the following new paragraph:—

"(cc) persistent disobedience to or disregard of the directions, instructions or recommendations of the Executive Committee; or".

Amendment of section 62 of the principal Ordinance.

26. Section 62 of the principal Ordinance is hereby amended as follows:—

- (1) in paragraph (a), by the substitution, for the words "office of Chairman", of the words "office of Chairman, and he shall be disqualified, for a period of four years from the date of publication of such order, from taking any part as a voter or as a candidate in any election held for the purposes of this Ordinance"; and
- (2) by the omission of paragraph (b).

Amendment of section 129 of the principal Ordinance.

27. Section 129 of the principal Ordinance is hereby amended as follows:—

- (1) in the definition of "Government Agent", by the substitution, for the words "the Assistant Government Agent of a district", of the words "an Assistant Government Agent"; and
- (2) by the insertion, immediately after the definition of "Government Agent", of the following:—
"local authority" means a Municipal Council, Urban Council, Local Board, Sanitary Board, Provincial Road Committee or District Road Committee;".

28. The First Schedule to the principal Ordinance is hereby amended by the substitution, for the words "single-bullock cart or hackery", of the words "single bullock cart or hackery or hand-cart".

Amendment of
the First
Schedule to
the principal
Ordinance. ✓

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

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

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

H. A. C. DOBBS,
Acting Secretary to the Governor.

(Continued on page 916.)

NOTICES OF INSOLVENCY.

In the District Court of Kalutara.

Insolvency In the matter of the Insolvent Estate of Bawa Alm No. 312. Hadjar Mohamed Ibrahim of Maradana in Beruwala.

WHEREAS Bawa Alm Hadjar Mohamed Ibrahim of Maradana in Beruwala has filed a declaration of insolvency and a petition for sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853. Notice is hereby given that the said court has adjudged him as insolvent accordingly; and that two public sittings of the court, to wit, on January 27, 1943, and February 19, 1943, will take place for the insolvent to surrender and conform to agreeably to the provisions of the said Ordinance, and for the taking of other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, B. WIJAYANAYAKA,
Acting Secretary.
November 30, 1942.

NOTICES OF FISCAL SALES.

Western Province.

In the District Court of Colombo.

Mrs. Margaret Lawrence of Kirillapone, presently of Prince of Wales avenue, Colombo Plaintiff.
No. 6,817/M. Vs.

(2) Mrs. Peicia Perera of 18, Bloomendhal road, Colombo Defendant.

NOTICE is hereby given that on Thursday, January 7, 1943, at 3 30 P.M., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 1,250, with interest on Rs. 1,000 at 12 per cent. per annum from May 2, 1937, up to date of decree November 8, 1937, and thereafter on the aggregate amount of the decree at the rate of 9 per cent. per annum till payment in full, viz. —

An undivided $\frac{1}{3}$ share of the land called Kahatagahawatta ($\frac{1}{3}$ portion) marked lot C situated at Watunulla alias Ratmalana in the Palle pattu of Salpiti korale in the District of Colombo, Western Province (presently described as No. 92, Templars road), and bounded on the north by land of K. Don Cornelis, east by part of Kahatagahawatta of D. Don Jusey, south by road leading to Temple estate, and on the west by $\frac{1}{3}$ portion of the same land marked lot B; containing in extent 1 rood and 16 $\frac{75}{100}$ perches and of the house and everything standing thereon; and registered in M 201/200.

Fiscal's Office,
Colombo, December 1, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

In the Court of Requests of Colombo

S. M. S. Abdul Sathar of 70/4, Green lane, Kotahena, Colombo Plaintiff.
No. 77,787. Vs.

P. G. Kanagasabhai of C. G. R.'s Office, Parakaduwa, presently of No. 133/1-7, Kotawalamulla lane, Maradana, Colombo Defendant.

NOTICE is hereby given that on Tuesday, January 5, 1943, at 3 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 200, with legal interest thereon from February 4, 1942, till payment in full and costs of suit, to wit. — Rs. 35 75 being incurred costs and Rs. 10 50 being prospective costs, less Rs. 5, viz. —

All that divided and defined allotment of land marked letter A from and out of the lands called Ambagahawatta and Ambagahanda, formerly bearing Municipal assessment No. 21 and presently bearing assessment No. 133/1-7 Kotawalamulla lane; situated at Ketawalamulla in Maradana within the Municipality, and District of Colombo, Western Province; and which said divided and defined portion marked lot A is bounded on the north by a part of the same land marked lot B allotted to Walmunidewage Arnolis Fernando and others, on the east by the premises bearing assessment No. 23 of Mohamed Ismail Ramiesz, on the south by the properties

of D. H. Wickromaratne, G. V. Lucas Fernando and Omer Mohamed, and on the west by Kotawalamulla road; containing in extent 28 $\frac{87}{100}$ perches according to plan No. 28 dated April 10, 1917, made by A. C. Schokman, Licensed Surveyor and Leveller; and registered under title A 130/91.

Fiscal's Office,
Colombo, December 1, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kalutara.

K. Adman de Silva of Warapitiya Plaintiff.
No. 22,340. Vs.

I. L. M. Raffi of Kaduwatta Defendant.

NOTICE is hereby given that on Saturday, January 9, 1943, commencing at 2 o'clock in the afternoon will be sold by public auction at the premises the right, title, and interest of the said defendant, in the following property, for the recovery of Rs. 1,317.76 with interest on Rs. 1,050 at 16 per cent. per annum from February 23, 1941, till July 1, 1941, and thereafter at 9 per cent. per annum till payment in full, viz. :—

1. Undivided $\frac{1}{6}$ of $\frac{2}{7}$ shares of soil and trees and half of $\frac{2}{7}$ of 17 coconut trees of the 3rd plantation standing on the land called Kekirigodella, situated at Hettiwatta in Alutgam Badda of Kalutara Totamune in the District of Kalutara, Western Province; and bounded on the north by Gorakagaha pitaniya, east by Paragahawatta, south by Kalupadyawatta and west by Bajjimarikkar tottam, containing in extent 1 acre 1 rood 3.82 perches.

2. Undivided $\frac{1}{4}$ of $\frac{2}{7}$ shares of the land called Pokutawentottam situated at Hettiwatta aforesaid; and bounded on the north by Paragahawatta, east by Mudaliyawatta, south by Ellakunjavatta, and west by Ellakunjavattottam; and containing in extent 15 kurumes paddy sowing.

3. Undivided $\frac{1}{4}$ shares of the land called Welkandawatta situated at Kadiyawatta in Malewanbadda in Kalutara Totamune aforesaid; and bounded on the north by Kamapottuwewela, east by Namawegewelkandawatta, south by footpath, and west by tottam where Ahamadu Lebbe resides and Welkandawatta; and containing in extent 2 acres.

4. Undivided $\frac{3}{24} + \frac{8\frac{1}{2}}{24} + \frac{8\frac{1}{2}}{24}$ shares of the land called Kadurugahawatta alias Kadumagahaowita, situated at Hettiwatta aforesaid; and bounded on the north by Dummalawayal and Kanatiya, east by two portions of Namayan tottamwatta, south by Gorakaadpitiyawatta, and west by Palayantottam; and containing in extent 1 acre and 7 perches.

5. Undivided $\frac{5\frac{1}{2}}{7} + \frac{5\frac{1}{2}}{7}$ shares of the land called Wala-thadiyawatta, situated at Hettiwatta aforesaid; and bounded on the north by Malladittottam, east by Punchwalathadiyawattottam, south by road leading to Meegambadda or Thoretottam, and west by Elabodawatta; and containing in extent 3 acres.

6. Undivided $\frac{9}{10}$ of $\frac{2}{7}$ shares of the soil and trees together with $\frac{2}{7}$ shares of the house and other adjoining buildings of the land called Gorakapitiyawatta alias Gorakaadpitiyawatta, situated at Hettiwatta aforesaid; and bounded on the north by Periyawayal, east by Sawiyawatta, south by Kekirigodella and Sawiyawatta, and on the west by Sawiyattottam, and containing in extent 2 pelas paddy sowing.

Fiscal's Office,
Kalutara, November 30, 1942.

P. D. WEERAMAN,
Deputy Fiscal.

Southern Province.

In the District Court of Tangalla.

Malawi Achi Kanakaname Dias of Getamanna, administrator of the intestate estate of Malawi Achi Kanakaname Don Babanis Veda Appuhamy, late of Getamanna Plaintiff.
No. 4,401. Vs.

Johannes Abraham Singappuli, retired Registrar of Marriages of Mahahilla (dead) Defendant.

(1) Srisena Singappuli of Mahahilla and 6 others Substituted Defendants.

NOTICE is hereby given that on Tuesday, January 5, 1943, commencing at 3 o'clock in the afternoon will be sold by public auction the right, title, and interest of the said defendants in

the following mortgaged property, for the recovery of Rs. 3,086.95 together with legal interest on Rs. 2,200 from October 19, 1942, till payment in full, viz.:—

At Mahahilla.

1. All that fruit trees and soil of the land called lot A of Gorokgahawatta situated at Mahahilla in west Guruwa pattu of the Hambantota district, and bounded on the north by Godakaduru-hena and Ambehena, east by lot B of Gorokgahawatta, south by Serugahahena and Lolugahahena, and west by Gorokgahalyadda and Godakaduru-hena; containing in extent 1 acre 3 roods and 6 perches.

2. All that fruit trees and soil of the land called Lolugaha-koratuwa situated at Mahahilla aforesaid; and bounded on the north by Ganegewatteweta, east by Gorokgahawatteweta, south by Serugahaheneweta, and west by Ketakalagahadeniya Wolwaua; containing in extent about one kuruny of kurakkan sowing.

3. All that fruit trees and soil and all the buildings standing thereon of the land called lot A of the land called Angahawatta-alias Ketakalagahawatta situated at Mahahilla aforesaid; and bounded on the north by Helambaketiyagewatta, east by Serugaha-henewatta, south by the minor road, and west by lot B of the same land; containing in extent 1 acre 3 roods 15 73/80 perches.

Deputy Fiscal's Office,
Tangalla, November 25, 1942.

N. G. DE SILVA,
Additional Deputy Fiscal.

Eastern Province.

In the District Court of Trincomalee.

(1) S. Kandasaiya Subramaniam and (2) wife Parupathapakiam of Puloly West, Point Pedro Plaintiffs.
No. 2,469. Vs.

(1) Nandasiri de Silva of Division No. 10, Trincomalee, personally and as administratrix of the estate of the late Andris Balasuriya of Trincomalee, (2) Gunasekera Balasuriya of Nilavelly Defendants.

NOTICE is hereby given that on Saturday, January 9, 1943, at 10 o'clock in the forenoon, will be sold by public auction at the premises of the following properties mortgaged with the plaintiffs by bond No. 501 dated March 26, 1937, attested by Mr. E. Visviah of Trincomalee, Notary Public, and declared specially bound and executable under the decree entered in the above case and ordered to be sold by order of court dated August 14, 1942, for the recovery of the sum of Rs. 5,433, with interest on Rs. 3,500 at the rate of 12 per cent. per annum from November 3, 1941, to January 15, 1942, and thereafter at the rate of 9 per cent. per annum until payment in full and costs Rs. 264 04, Fiscal's fees and charges and poundage, viz.:—

1. A piece of land bearing assessment Nos. 49, 49A, situated at Division No. 7, Trincomalee in the Trincomalee District, Eastern Province, with the godowns, garage and the old house with share of the well in the adjoining land and all other appurtenances relating thereto; bounded on the north-east, south-east and south-west by roads, and on the north-west by the property belonging to the defendants and their brother. Its extent is 15 15/100 sq. perches. Registered A 14/254.

2. A piece of land bearing assessment Nos. 74, 75, and 76 situated in Division No. 10, Trincomalee in the Trincomalee District, Eastern Province, with the godowns, newly built up hall, half share of the well, coconut trees and other appurtenances; bounded on the north-east by the seashore, south-east by lane, south-west by road, and north-west by the land and the house belonging to Erampu Chinniah; containing in extent 24 97/100 sq. perches of this out of the ground, godowns, well and coconut trees and other appurtenances an undivided 11/12 share and the exclusive right of the hall newly built up. Registered A 9/83.

Deputy Fiscal's Office,
Trincomalee, December 1, 1942.

B. VRASEPILAI,
Additional Deputy Fiscal.

Province of Sabaragamuwa.

In the Additional Court of Requests of Kurunegala.

Udumahane Sumanatissa Therunname of Hengawa Pansala in Mahagalbedda Megoda korale Plaintiff.
No. 11,367. Vs.

(1) Ridigama Naidelage Puchi Naidage Ukkuhamy Nandire of Pahalawalpola, (2) Rukunayake Durayalage Handuni of Ipalawa in Ihalawisideke korale Defendants.

NOTICE is hereby given that on Tuesday, January 5, 1943, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants, in the following property, for the recovery of the sum of Rs. 243, with interest on Rs. 200 at the rate of 12 per cent. per annum from April 16, 1937, to April 15, 1940, and thereafter with legal interest on the aggregate amount till payment in full, less a sum of Rs. 47 50; and poundage, viz.:—

The land called Kahatagahamulawatta in extent two lahas kurakkan sowing with the tiled building standing on it, situated at Pahalawalpola in Ihalawisideke korale of Hiriyala hatpattu in the District of Kurunegala, North-Western Province; and bounded on the east by fence separating Siyambalagahamulawatta, south by garden of Tikiri Naide and others, west by the garden of Appu Naide and others, and north by garden of Puchi Naide and others.

Fiscal's Office,
Kurunegala, November 30, 1942.

S. SUBRAMANIAM,
Additional Deputy Fiscal.

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Debramandedige Julien Fernando of 4, 41st No. 10,055. lane, Wellawatta, Colombo, deceased.

Debramandedige Wilson Fernando of 246B, Kalubowila West, Dehiwala Petitioner.

And

(1) Hikkaduwo Podi Nona alias Rahina Fernando of Indrel-lagoda, Maggona, (2) Debramandedige Jason Fernando of 233c, Kalubowila West, Dehiwala, (3) Debramandedige Somawathie Fernando of 233B, Kalubowila West, Dehiwala, (4) Debramandedige Classon alias Gunasena Fernando of 4, 41st lane, Wellawatta, (5) Debramandedige Nandawath Fernando of 4, 41st lane, Wellawatta, (6) Debramandedige Gnanawathi Fernando, (7) Debramandedige Gunawathi Fernando, (8) Debramandedige Gunaratne Fernando, (9) Debramandedige Sumanawathi Fernando Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 5, 1942, in the presence of Mr. D. E. L. Sririmanne, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated November 4, 1942; and the affidavit of the attesting notary and the witness dated November 2, 1942, having been read:

It is ordered that the last will and testament of Debramandedige Julien Fernando, deceased the original of which has been produced and 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 respondents above named or some person or persons interested shall, on or before January 21, 1943, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent above named be and she is hereby appointed guardian *ad litem* of the minors, the 6th, 7th, 8th, and 9th respondents, to represent them for all purposes of this action.

November 9, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Asurap- Jurisdiction. pullige Marcelino Silva of Kanuwana in the No. 10,160. Ragam pattu, deceased.

Asurappullige Emarengina Silva of Kanuwana aforesaid. Petitioner.

(1) Asurappullige Thobias Silva, (2) Asurappullige Cyril Silva, both of Kanuwana aforesaid Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on October 29, 1942, in the presence of Mr. S. D. R. Valentine, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated May 19, 1942, having been read: It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or some other person or persons interested shall, on or before December 10, 1942, show sufficient cause to the satisfaction of this court to the contrary.

November 10, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Louise Ruth Barber, deceased, of No. 10,223. Colombo.

THIS matter coming on for final determination before James Joseph Esq., Additional District Judge of Colombo, on October 30, 1942, in the presence of Mr. P. S. de Kretser, Proctor, on the part of the petitioners, (1) Mildred May de Kretser of Galle and (2) Doreen Norah Marguerite de Kretser of Colombo; and the affidavit of the said petitioners dated October 14 and 22, 1942, and of the attesting notary dated October 28, 1942, having been read

It is ordered that the last will made by the deceased above named bearing No. 189, dated February 29, 1940, and now deposited in this court be declared proved and probate thereof be issued to the petitioners aforesaid; on the publication of this order once in the *Ceylon Government Gazette* and twice in the "*Ceylon Observer*" newspaper and on their taking the usual oath of office and tendering the security bond.

November 30, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Kan- Jurisdiction. kanige James Perera of Meetotamulla, Kolon- No. 10,224. nawa, deceased.

Weragala Appuhamilage Marthina Perera of Meetotamulla, Kolonnawa Petitioner.

Vs.

(1) Kankanige Themis Perera, (2) Kankanige Kulasena Perera, (3) Kankanige Jayasena Perera, all of Meetotamulla, Kolonnawa Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on October 30, 1942, in the

presence of Mr. C. Barr Kumarakulasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated October 28, 1942, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or some other person or persons interested shall, on or before December 10, 1942, show sufficient cause to the satisfaction of this court to the contrary.

November 3, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Effects Jurisdiction. of the late Assena Marikar Razena Umma No. 10,229T. of 96, Galkapanawatta, Colombo, deceased.

Assena Marikar Hamud of Barnes place, Colombo . . . Petitioner.
Saheed Assena Marikar of 543, Galle road, Wellawatta . . . Respondent.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 2, 1942, in the presence of Mr. A. C. Mohampado, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated October 29, 1942, having been read:

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

November 5, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Effects Jurisdiction. of the late Kader Mohideen Saibo Moradu Umma No. 10,232. of Mattumagalle, deceased.

Adumay Kanna Mohideen Abdul Latiff of Mattumagalle. . . Petitioner.

(1) Adumay Kanna Abdul Hamid, (2) Adumay Kanna Mohamed Buhari, (3) Adumay Kanna Mohamed Makeen, (4) Adumay Kanna Balkis Umma, (5) Adumay Kanna Jamila Umma, (6) Adumay Kanna Ummu Saleem, all Mattumagalle . . . Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 5, 1942, in the presence of Mr. A. C. Mohampado, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated November 2, 1942, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as son of the deceased above named, to have letters of administration to the estate of the deceased issued to him accordingly, unless the respondents above named or some other person or persons interested shall, on or before January 21, 1943, show sufficient cause to the satisfaction of this court to the contrary.

November 9, 1942.

JAMES JOSEPH,
Additional District Judge.

The date for showing cause against the above *Order Nisi* is hereby advanced to December 17, 1942.

November 16, 1942

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Pettkirikoralalage Dona Elexta Beryl Samarasinghe Jurisdiction. No. 10,257. nee Perera of Pamunuwila, Kelaniya, in the District of Colombo, deceased.

Don Anthony Smarasinghe of 2, Silversmith street, Hulftsdorp, Colombo . . . Petitioner.

(1) Don Anthony St. Bede Samarasinghe, (2) Don Leopold St. Nicholas Samarasinghe, (3) Don Earle St. Hilarion Samarasinghe, (4) Dona Mavis St. Clare Samarasinghe, (5) Dona Mary St. Bernadette Samarasinghe, (6) Dona Carmel St. Therese Samarasinghe, (7) Pettkirikoralalage Dona Gwendoline Perera Jayatilke, all of 2, Silversmith street, Colombo . . . Respondents.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 20, 1942, in the presence of Mr. B. James St. Valentine Perera, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated November 17, 1942, having been read:

It is ordered that the 7th respondent above named be and she is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, 4th, 5th, and 6th respondents, to represent them for all the purposes of this action and that the petitioner above named be and he is hereby declared entitled, as the widower of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or some other person or persons interested shall, on or before January 28, 1943, show sufficient cause to the satisfaction of this court to the contrary.

November 23, 1942.

JAMES JOSEPH,
Additional District Judge.

B 3

In the District Court of Avissawella.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Pahala Hittarage Kapuruhamy of Nakandala, No. 319. deceased.

Between

Pahala Hittarage Gunawardana of Millawitiya Petitioner.

And

(1) Pahala Hittarage Arnolis Hamy, (2) Pahala Hittarage Peiris Hamy, both of Nakandala Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Avissawella, on November 13, 1942, in the presence of Messrs. de Silva, & de Silva, Proctors, on the part of the petitioner above named, and the affidavit of the petitioner dated November 13, 1942, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as full brother of the said deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before December 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

November 13, 1942.

K. D. DE SILVA,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Samara-tunga Heeralupathirannehelage Wieman Perera Jurisdiction. No. 3,192 T. of Helakandana (deceased)

Between

Rassapana Appuhamillage Alice Nona Hamine of Helakandana Petitioner.

And

(1) Samaratunga Heeralupathirannehelage Ranthilaka Hamine, (2) Hanchapola Appuhamillage Bramby Perera Appuhamy, both of Helakandana Respondents.

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge of Negombo, on October 29, 1942, in the presence of Mr. C. V. Dias, Proctor, on the part of the petitioner; and the petition and the affidavit of the said petitioner dated October 29, 1942, and September 26, 1942, respectively, having been read:

It is ordered (a) that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* of the 1st respondent above named, who is a minor, to represent her for all the purposes of this action and (b) that the said petitioner be and she is hereby declared entitled, as widow of the above-named (deceased), to have letters of administration to his estate issued to her accordingly, unless the respondents above named, or any other person or persons interested shall, on or before November 24, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 29, 1942.

SPENCER RAJARATNAM,
District Judge.

Time for showing cause against the *Order Nisi* is hereby extended to December 8, 1942.

November 24, 1942.

SPENCER RAJARATNAM,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

N. T. No. 3,058. In the matter of the Estate of the late Don Gabriel Nethikumara, deceased, of Walana, Panadure.

Nethikumarage Don Juwanis Appuhamy of Dankotuwa, Bolowatta Petitioner.

Vs.

(1) Kuda Menike, (2) Iranganie, (3) Don Cyril Nethikumara, (4) Don Leshe Nethikumara, (5) Dona Felicia Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge, Kalutara, on October 27, 1942, in the presence of Mr. S. M. C. de Soya, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated September 30, 1942, and the last will of the deceased dated September 2, 1942, five affidavits to the last will having been read:

It is ordered that the will of Don Gabriel Nethikumara, deceased, dated September 2, 1942, be and the same is hereby declared proved, unless the respondents or other interested person or persons shall, on or before December 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Nethikumarage Don Juwanis Appuhamy, 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 the respondents or other interested person or persons shall, on or before December 8, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 27, 1942.

V. JOSEPH,
D. J.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Smanhewage Jurisdiction. Jamis Fernando, deceased, of Potupitiya. No. 3,060.

Susewhewage Ceceln Dharmadasa of Potupitiya Petitioner.

Vs.

Simanhewage Maghn Fernando of Potupitiya Respondent.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge of Kalutara, on November 5, 1942, in the presence

of Mr. W. James Fonseka, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated November 5, 1942, having been read:

It is ordered that the said petitioner and that she is hereby declared entitled, as widow, to have letters of administration issued to her, unless the respondent or other persons interested shall, on or before December 17, 1942, show cause to the satisfaction of this court to the contrary.

November 5, 1942.

V. JOSEPH,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testy. In the Matter of the Intestate Estate of George Edward Case. Paranagama of Paranagama Walawwe of Galagedera No. 238. in Tumpane, deceased.

THIS action coming on for disposal before Chellappah Nagalingam, Esq., District Judge, Kandy, on September 24, 1941, in the presence of Messrs. Weerasooriya & Wijenaike, Proctors, on the part of the petitioners—(1) Basil Ratwatto of Medagoda Walawwe, Galagedera and (2) Albert Amunugama of Paranagama Walawwe, Galagedera; and the affidavit of the petitioners dated September 23, 1941, having been read:

It is ordered that the petitioners be and they are hereby declared entitled, as the nephews of the above-named deceased, to have letters of administration to the estate of the deceased issued to them, unless the respondents—(1) Mrs. R. B. Etipola (*nec* Ratwatto) of Siyambalagoda Walawwe in Siyambalagoda Yatnuwera, (2) Vincent Boyagoda, (3) Neita Boyagoda, (4) Louis Boyagoda, (5) Cyril Boyagoda, (6) Violet Boyagoda, (7) Gertrude Boyagoda, (8) Quintus Boyagoda, (9) Leah Boyagoda, the 5th, 6th, 7th, 8th, and 9th minors, by their guardian *ad litem* (10) R. B. Boyagoda, all of Yatnuwera Walawwe in Yatnuwera in Kulugammanasiya pattu of Hans pattu, (11) Mrs. Laura Amunugama Ekirwatte Kumarihamy and (12) Anula Amunugama, both of Galagedera—or any other person or persons interested shall, on or before September 3, 1942, show sufficient cause to the satisfaction of this court to the contrary.

July 17, 1942.

C. NAGALINGAM,
District Judge.

This *Order Nisi* be and the same is hereby extended to December 17, 1942.

November 11, 1942.

T. F. C. ROBERTS,
District Judge.

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

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Effects Jurisdiction. of the late Wijemuni Daxley de Zoysa of Welitara, No. B-52. Balapitiya.

Wijemuni Douglas de Zoysa presently of Batagama South, Kandana Petitioner.

Vs.

(1) Wijemuni Kaniska de Zoysa, (2) ditto Reginald de Zoysa, both of Welitara, Balapitiya, (3) Agampodi Torry N. de Thabrew, (4) ditto Hector de Thabrew, (5) ditto Laura Wijayarathna *nec* de Thabrew, (6) ditto Jinton Henry de Thabrew, all of Ahungalla, Kosgoda Respondents.

THIS matter coming on for disposal before A. S. Wanigasooriyar, Esq., Additional District Judge of Galle (sitting at Balapitiya), on October 30, 1942, after reading the petition and affidavit of the petitioner above named and the motion of Mr. R. de Z. Gunawardana, his proctor, dated September 21, 1942.

It is ordered that the above-named petitioner be and he is hereby declared entitled, as a brother of the above-named deceased, to have letters of administration to the above estate issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before November 27, 1942, show sufficient cause to the satisfaction of this court to the contrary.

October 30, 1942.

A. S. WANIGASOORIYAR,
Additional District Judge.

Time for showing cause is extended to December 18, 1942.

A. S. WANIGASOORIYAR,
District Judge.

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

Order Nisi.

No. B 54 Testy. In the Matter of the Intestate Estate of the late Don Abraham Wijesinghe *alias* Don Appu Singho Wijesinghe of Gonagala in Induruwa, deceased

Don Wibuthratne Wijesinha of Gonagala Petitioner.

(1) Dona Babona Wijewardana Hamine, (2) Don Noris Wijesinge, both of Gonagala, (3) Dona Carlina Atukorale of Aruggoda, Panadure, (4) Don Champy Wijesinghe of Gonagala Respondents.

THIS matter coming on for disposal before A. S. Wanigasooriyar Esq., District Judge, Balapitiya, on November 11, 1942, in the presence of Mr. W. A. C. Sirisena, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 11, 1942, having been read.

It is ordered that the petitioner be and he is hereby declared entitled, as a son of the above-named deceased, to have letters of administration to his estate issued to him accordingly, unless the respondents above named or any other person or persons shall, on or before December 10, 1942, show sufficient cause to the satisfaction of this court to the contrary.

November 11, 1942.

A. S. WANIGASOORIYAR,
District Judge.

In the District Court of Jaffna.

Testamentary In the Matter of the Intestate Estate and Effects Jurisdiction. of the late Kathirkamar Sithamparapillai of No. 52. Kopay South, deceased

(1) Kanapathipillai Muthalitamby, and (2) wife Sellammah, both of Punnalaikkadduvan. Petitioners.

Vs.

(1) Sangarapillai Sandrasegarar, (2) wife Ratnammal, (3) Sangarapillai Manickam, (4) wife Nagammah, (5) Naga-muthar Thambipillai, and (6) wife Vallammappillai, all of Kopay South. Respondents.

THIS matter coming on for disposal before G. C. Thambiyah, Esq., District Judge, Jaffna, on November 3, 1942, in the presence of Mr. N. Thambiah, Proctor, on the part of the petitioners; and the affidavit of the petitioners having been read.

It is ordered that the first named petitioner, as an heir of the deceased above named, is declared entitled to grant of letters of administration to the estate of the deceased above named and that she be granted letters accordingly, unless the respondents above named or any other person or persons interested shall show sufficient cause to the contrary to the satisfaction of this court on or before December 4, 1942.

November 16, 1942.

G. C. THAMBIYAH,
District Judge.

In the District Court of Jaffna held at Point Pedro.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Sangarapillai Aramboo of Karaveddy No. 187/P.T. East, deceased.

Paththinipillai, widow of Sangarapillai Aramboo of Karaveddy East Petitioner.

THIS matter coming on for disposal before L. W. de Silva, Esq., Additional District Judge, Jaffna, on November 26, 1942, in the presence of Mr. M. Esurapadham, Proctor, on the part of the petitioner; and on reading the last will of the above-named deceased dated June 7, 1934, and attested by K. Muttukumar, Notary Public, under No. 4299 and now deposited in this court, and the affidavits of the petitioner and of the attesting witness, Karthigesu Veluppillai, thereto.

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

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

November 27, 1942.

L. W. DE SILVA,
Additional District Judge.

PASSED ORDINANCES.

(Continued from page 913.)

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

No. 55 of 1942.

An Ordinance to amend the British Soldiers' and Sailors' Institute of Colombo Ordinance.

Cap. 221
Vol. V.,
p. 650.

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 British Soldiers' and Sailors' Institute of Colombo (Amendment) Ordinance, No. 55 of 1942.

2. Section 4 of the British Soldiers' and Sailors' Institute of Colombo Ordinance (hereinafter referred to as "the principal Ordinance") is hereby repealed and the following section substituted therefor :—

Amendment of section 4 of Chapter 221.

4 (1) The objects of the Institute shall be—

Objects of the Institute.

- (a) to provide the privileges of club life in the Institute for members of His Majesty's forces and of the British Merchant Navy in Colombo ;
 - (b) to establish and maintain branches for the Institute at places in Ceylon other than Colombo and to provide therein the privileges of club life for members of His Majesty's forces and of the British Merchant Navy at such places ;
 - (c) to make subventions, whether by means of grants of money or otherwise, to clubs or similar institutions anywhere in Ceylon, which in the opinion of the trustees are conducted with the object of providing for the welfare of members of His Majesty's forces or of the British Merchant Navy.
- (2) The Institute and its branches shall be maintained for the use of members of His Majesty's forces and of the British Merchant Navy without any distinction of colour or race.
- (3) Persons other than members of His Majesty's forces and of the British Merchant Navy may from time to time be admitted, at the discretion of the trustees, to the Institute or to any branch of the Institute.

3. Section 6 of the principal Ordinance is hereby amended by the substitution for the word "Institute," wherever that word occurs in that section, of the words "Institute and its branches".

Amendment of section 6 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.

Savings of rights of the Crown.

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

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

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

H. A. C. DOBBS,
Acting Secretary to the Governor.