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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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DRAFT ORDINANCES.

MINUTE.

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

L. D.—O 1/38

An Ordinance to provide for the holding of Commissions of Inquiry.

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An Ordinance to provide for the holding of Commissions of Inquiry.

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 Commissions of Inquiry Ordinance, No. of 1942. Short title.

2. (1) Whenever it appears to the Governor that information is necessary concerning the management of any department of the public service or of any public or local authority or institution, or concerning any matter in respect of which, in his opinion, an inquiry would be for the public welfare, the Governor may, by warrant under the Public Seal of the Island, appoint a Commission of Inquiry consisting of one or more members to inquire into and report upon such management or matter. Power to appoint commissions of inquiry.

(2) Every warrant issued under this Ordinance shall contain—

- (a) the names of the members of the Commission ;
- (b) the appointment of the Chairman of the Commission where the Commission consists of more than one member ;
- (c) the terms of reference to the Commission ;
- (d) a direction whether the inquiry or any part thereof shall or shall not be held in public.

Appointment of additional members.

3. (1) The Governor may add to the number of members of any Commission appointed under section 2, and where any member so appointed or added dies, or resigns, or desires to be discharged, or refuses or becomes unable to act, the Governor may appoint a new member in his place.

(2) When a new member has been appointed under the provisions of sub-section (1) it shall not be necessary for any evidence which may have been taken before the Commission prior to such appointment to be retaken.

Enlargement of time.

4. The Governor may, from time to time, by endorsement under his hand on a warrant issued under this Ordinance, enlarge the time for the rendering of the report of the Commission appointed by such warrant, whether the time for the rendering of such report has expired or not.

Alteration or revocation of warrant.

5. The Governor may at any time alter or revoke any warrant issued under this Ordinance.

Change of Governor.

6. No warrant issued under this Ordinance shall lapse by reason of, or be otherwise affected by, the death, absence, retirement or removal of the Governor who issues the warrant.

Powers of Commissioners.

7. A Commission appointed under this Ordinance shall have the following powers.—

- (a) to procure and receive all such evidence, written or oral, and to examine all such persons as witnesses as the Commission may think it necessary or desirable to procure or examine ;
- (b) to require the evidence (whether written or oral) of any witness to be given on oath or affirmation, such oath or affirmation to be that which could be required of the witness if he were giving evidence in a court of law, and to administer or cause to be administered by an officer authorised in that behalf by the Commission an oath or affirmation to every such witness ;
- (c) to summon any person residing in Ceylon to attend any meeting of the Commission to give evidence or produce any document or other thing in his possession and to examine him as a witness or require him to produce any document or other thing in his possession ;
- (d) notwithstanding any of the provisions of the Evidence Ordinance, to admit any evidence, whether written or oral, which might be inadmissible in civil or criminal proceedings ;
- (e) subject to any direction contained in the warrant—
 - (i) to admit or exclude the public from the inquiry or any part thereof ;
 - (ii) to admit or exclude the press from the inquiry or any part thereof ;
- (f) to recommend to the Governor that any person whose conduct is the subject of inquiry under this Ordinance or who is in any way implicated or concerned in the matter under inquiry be awarded such sum of money as, in the opinion of the Commission, may have been reasonably incurred by such person as costs and expenses in connexion with the inquiry. In this paragraph, "costs and expenses" includes the costs of representation by advocate or proctor, and travelling and other expenses incidental to the inquiry or consequential upon the attendance of such person at the inquiry.

Cap. 11.

Members of Commission to be public servants and inquiries to be "judicial proceedings" under the Penal Code

Cap. 15.

Application of section 47 of the Courts Ordinance to Commissions of Inquiry.

Cap. 6.

8. The members of a Commission appointed under this Ordinance shall, so long as they are acting as such members, be deemed to be public servants within the meaning of the Penal Code, and every inquiry under this Ordinance shall be deemed to be a judicial proceeding within the meaning of that Code.

9. The provisions of section 47 of the Courts Ordinance shall apply to every offence of contempt committed against or in disrespect of the authority of a Commission appointed under this Ordinance in like manner as though such Commission were a court within the meaning of that Ordinance but without jurisdiction under section 57 thereof to take cognisance of and punish such offence.

10. (1) Every summons shall, in any case where a Commission consists of one member only, be under the hand of that member, and in any case where a Commission consists of more than one member, be under the hand of the Chairman of the Commission :

Summons.

Provided that where a person has been appointed under section 17 to act as secretary, any such summons may, with the authority of the Commission, be issued under the hand of the secretary.

(2) Any summons may be served by delivering it to the person named therein, or if that is not practicable, by leaving it at the last known place of abode of that person.

(3) Every person on whom a summons is served shall attend before the Commission at the time and place mentioned therein, and shall give evidence or produce such documents or other things as are required of him and are in his possession or power, according to the tenor of the summons

11. If any person upon whom a summons is served under this Ordinance—

Failure to obey summons, to give evidence, &c.

- (a) fails without cause, which in the opinion of the Commission is reasonable, to appear before the Commission at the time and place mentioned in the summons ; or
- (b) refuses to be sworn or, having been duly sworn, refuses or fails without cause, which in the opinion of the Commission is reasonable, to answer any question put to him touching the matters directed to be inquired into by the Commission, or
- (c) refuses or fails without cause, which in the opinion of the Commission is reasonable, to produce and show to the Commission any document or other thing which is in his possession or power and which is in the opinion of the Commission necessary for arriving at the truth of the matters to be inquired into,

such person shall be deemed to have committed the offence of contempt against or in disrespect of the authority of the Commission

12. Every person who gives evidence before a Commission appointed under this Ordinance shall, in respect of such evidence, be entitled to all the privileges to which a witness giving evidence before a court of law is entitled in respect of evidence given by him before such court.

Privileges of witnesses.

13. The presumptions which, under section 80 of the Evidence Ordinance, are applicable to the documents therein mentioned shall apply to every document produced before any court purporting to be a record or memorandum of the evidence or any part of the evidence given by a witness examined before a Commission appointed under this Ordinance and purporting to be signed by the members thereof.

Presumption on production of record of evidence given by witnesses.
Cap. 11

14. Every person whose conduct is the subject of inquiry under this Ordinance, or who is in any way implicated or concerned in the matter under inquiry, shall be entitled to be represented by one or more advocates or proctors at the whole of the inquiry ; and any other person who may consider it desirable that he should be so represented may, by leave of the Commission, be represented in the manner aforesaid.

Representation of persons by advocates or proctors.

15. (1) On the conclusion of any inquiry under this Ordinance, and on the recommendation of the Commission, the Governor may, by Order under his hand, award to any person whose conduct has been the subject of such inquiry or who has been in any way implicated or concerned in the matter under inquiry such sum of money as the Governor may, in his discretion, specify in the Order as sufficient to meet the costs and expenses which may have been reasonably incurred by such person in connexion with the inquiry.

Costs and other expenses.

In this sub-section " costs and expenses " includes the cost of representation by advocate or proctor, and travelling and other expenses incidental to the inquiry or consequential upon the attendance of such person at the inquiry.

(2) All moneys awarded by Order of the Governor under sub-section (1) shall be charged upon the public revenue and other funds of the Island ; and the payment of all such moneys is hereby declared to be authorised by law for the purpose of the application of the provisions of Article 61 of the Ceylon (State Council) Order in Council, 1931.

Protection of members of Commission.

16. No civil or criminal proceedings shall be instituted against any member of a Commission in respect of any act *bona fide* done or omitted to be done by him as such member.

Appointment of secretary and interpreters.

17. (1) The Governor may appoint any person to act as secretary to a Commission and such person shall perform such duties connected with the inquiry as the Commission may order subject to the directions, if any, of the Governor.

(2) A Commission may appoint any person to act as interpreter in any matter arising at the inquiry and to translate any book, document, or other writing produced at the inquiry.

Process issued under Ordinance to be exempt from stamp duty

18. No stamp duty shall attach to or be payable for any process issued by or by the authority of a Commission appointed under this Ordinance

Service of process.

19. Every process issued by a Commission appointed under this Ordinance shall be served and executed by the Fiscal.

Vesting of members of Committees appointed to inquire into the conduct of public officers with powers of Commissioners.

20. The members of any Committee appointed by the Governor under the Public Service Regulations to investigate charges framed under those regulations against an officer in the public service, may, by Order under the hand of the Governor, be appointed to be a Commission of Inquiry under this Ordinance for the purposes of such investigation; and upon such appointment the provisions of this Ordinance shall apply as though a warrant under section 2 had been issued to such members for the purposes for which they were appointed members of the Committee.

Repeal.
Cap. 276.

21. The Commissions of Inquiry Ordinance is hereby repealed:

Provided that every "commission" within the meaning of that Ordinance, issued heretofore and remaining unexecuted or unrevoked on the day immediately preceding the date on which this Ordinance comes into force, shall be deemed to be as valid for all purposes, and may be executed or completed, as if that Ordinance had not been repealed

Objects and Reasons.

The powers vested in members of a Commission of Inquiry by the Commissions of Inquiry Ordinance (Chapter 276) have, in recent times, been found to be inadequate. The object of this Bill is to replace that Ordinance by a more comprehensive Ordinance. Clause 7 of this Bill will vest wider powers in a Commission of Inquiry

2. Under the existing law a Commission has no power to deal with cases of insult, or contempt occurring in the course of the proceedings. Clause 8 of the Bill will therefore provide that every member of a Commission shall, so long as he is acting as such member, be deemed to be a public servant within the meaning of the Penal Code, and that every inquiry shall be deemed to be a judicial proceeding within the meaning of that Code. Clause 9 will vest in the Supreme Court the power to punish offences of contempt committed against or in disrespect of the authority of a Commission of Inquiry.

3. It is desirable to confer on witnesses giving evidence before a Commission of Inquiry the same privileges as are enjoyed by witnesses giving evidence before a Court. The necessary provision will be made by Clause 12.

4. There is no power in the existing Ordinance under which costs and other expenses may be awarded to any person whose conduct has been the subject of inquiry under the Ordinance or who has in any way been implicated or concerned in the matter under inquiry. Clause 15 will vest the power to make such an award in the Governor.

5. Clause 16 will confer protection on the members of a Commission of Inquiry for any act *bona fide* done or omitted to be done by them in their capacity as such members.

6. Provision for the appointment of secretaries and interpreters will be made by Clause 17.

7. The Public Service Regulations empower the Governor to appoint a Committee for the investigation of charges preferred against a public officer. The Governor will be given power by Clause 20 to vest such a Committee with the powers of a Commission of Inquiry.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the Western Circuit will be holden at the court-house at Hultsdorp on Monday, January 11, 1943, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Colombo, December 17, 1942

V. ALI RAJAH,
for Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Jaffna

Insolvency In the matter of the insolvency of M. C. Thendathu, Jursidiction. uthapany and M. C. Senthrasekaram of Nos 196 and 197. Kaddandy, Jaffna, insolvents.

NOTICE is hereby given that a special sitting will be held on January 20, 1943, at 10 A.M. by this court to enable all creditors to prove their claims.

District Court, By order of Court, V. KATIRIKAMPILLAI,
Jaffna, December 2, 1942. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Kandy.

Simon Vitharana of 16B, Asgriya, presently of Empire Bakery, Katukelle, Kandy Plaintiff.

No. 756/M.B.

Vs.

Don Cyril Weerasinghe of Heneratgodia, presently Sub-Post-master, Hettiyawatta, Bentota Defendant.

NOTICE is hereby given that on Monday, January 18, 1943, at 3 P.M., will be sold by public auction at the premises, the following property mortgaged with the plaintiff by bond No 490 dated April 6, 1941, and attested by L. M. L. Perera, Notary Public of Kandy, and ordered to be sold by the order of court dated November 30, 1942, for the recovery of the sum of Rs. 991, with interest on Rs. 850 at the rate of 20 per cent. per annum from February 11, 1942, till August 26, 1942, and thereafter with interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full, and costs Rs. 169.01, viz. :-

Undivided 22/48 + 2/48 + 2/80 + 1/20 parts or shares of and in all that land called Millagahawatta of about 1 acre and 2 roods in extent in the whole, situate at Heneratgodia in Moda pattu of Sriyane korale in the District of Colombo, Western Province; and the entirety being bounded on the north by high road leading from Heneratgodia to Ja-ela, east by Kandy road, south by the land belonging to Narangoda Appuhamilage Dotchohanay and others, on the west by the land belonging to Don Charles Medonsa Wijerathne Gunasekera, schoolmaster, and others, together with the well, trees, plantations and an undivided half share plus one-twentieth share of the tiled house standing thereon and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said premises, which said land is registered in E 278/90 at the Land Registry Office, Colombo.

Fiscal's Office,
Colombo, December 21, 1942.

V. ALI RAJAH,
Deputy Fiscal.

In the District Court of Colombo.

(1) Nallacaruppan Chettiar Muttupalamappa Chettiar, (2) Nallacaruppan Chettiar Thiagarajan Chettiar, and (3) Nallacaruppan Chettiar Annamalai Chettiar, all carrying on business under the name, style, firm, and vilasam of Nana Moona Awarna Roona or N. M. A. R. of 285, Sea street, Colombo Plaintiffs.

No. 3,669/S.

Vs.

(1) Hafila Ghouse and (2) A. M. M. Ghouse (wife and husband), of 49, Launes road, Bambalapitiya Defendants.

NOTICE is hereby given that on Saturday, January 16, 1943, at 10 A.M., will be sold by public auction at the premises, the right, title, and interest of the said 1st and 2nd defendants in the following property, for the recovery of the sum of Rs. 1,518.75 together with interest on Rs. 1,500 at the rate of 15 per cent. per annum from July 13, 1939, up to the date of decree and thereafter, in the aggregate amount of the decree at 9 per cent. per annum, till payment in full and costs taxed at Rs. 204.52, to wit. Rs. 110.75 being incurred costs and Rs. 93.77 being prospective costs, less a sum of Rs. 1,500 and a further sum of Rs. 50, viz. :-

All that house and ground bearing assessment Nos. 49 and 51, situated at Dam street, within the Municipality and District of Colombo, Western Province; bounded on the north by property of Francisca, east by premises bearing assessment No. 53, south by Dam street, and west by property bearing assessment No. 47, containing in extent 8 95/100 perches. Registered under A 256/159.

Fiscal's Office,
Colombo, December 21, 1942.

V. ALI RAJAH,
Deputy Fiscal.

In the District Court of Avissawella.

(1) Puwakowitzige Podiappuhamy, (2) ditto Sarnelis Appuhamy, both of Getahatta Plaintiffs

No. 2,739

Vs.

(1) Kandekankanamalage Peter, (2) Aron, (3) ditto Baron alias Baby, all of Durumpitiya Defendants

NOTICE is hereby given that Monday, January 18, 1943, at 4 o'clock in the afternoon, will be sold by public auction at the

premises the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 1,031.45 plus Rs. 16.20, viz. :-

1 The land called and known as Gurugewatta situated at Walawita in Pallo pattu of Kuruwita korale in the District of Ratnapura, Province of Sabaragamuwa; and bounded on the north by Hiruge-ela, east by Ilukowita, south by Kumbukgahakumbura and Laulughawatta, and on the west by Baramgeladda; containing in extent about seven acres and the tiled house standing thereon.

At 4.30 p.m.

2 All that land called and known as Kammalwatta, situated at Walawita aforesaid; and bounded on the north by Kumbukgahakumbura and Ulumadameowita, east by Nagahaowita, south by Nagahaowiteparanawatta, and on the west by Delgahayataladda alias field and the thatched house standing thereon, and containing in extent about 2 acres

Valuation. Rs. 2,500.

Fiscal's Office,
Avissawella, December 7, 1942.

A. V. P. SAMARANAYAKE,
Additional Deputy Fiscal.

In the District Court of Avissawella.

Kandekankanamalage Dingri Mahatmaya of Welangalla. Plaintiff.

No. 2,840.

Vs.

Arambaramallage Peter of Morawatta Defendant.

NOTICE is hereby given that on Wednesday, January 20, 1943, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 326 less Rs. 175 with interest thereon at 9 per cent. per annum on the aggregate amount, till payment in full and costs of suit Rs. 128.35 viz. :-

An undivided one fourth share of Pallekandewatta, situated at Mahalla in Dehigampal korale of Three Korales in the District of Kegalla, Province of Sabaragamuwa; and bounded on the north by Galandehona-gal-euda, east by Madolghawilagawawatta, south by Udagalenda, west by Maha-ela and Pallekandegalle-hona, containing in extent within these boundaries 6 acres, 2 roods and 22 perches, together with the soil and plantation.

Valuation. Rs. 1,200

Fiscal's Office,
Avissawella, December 18, 1942.

A. V. P. SAMARANAYAKE,
Deputy Fiscal.

Southern Province.

In the District Court of Galle sitting at Balapitiya.

Rannulu David Gregory de Soysa of Akurula. Plaintiff-creditor

No. B. 100A

Vs.

Agampudi Pedrick de Soysa of Akurula Defendant-debtor.

NOTICE is hereby given that on Monday, January 25, 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. 2,286.85 with legal interest from November 30, 1939, till payment in full and costs, and writ costs Rs. 22.82 less a sum of Rs. 4.70 recovered, viz. :-

All that undivided 51/128 parts of the land called Gedgewatta, situated at Akurula in Wellboda pattu of Galle District, Southern Province; and bounded on the north by Mahagedonawatta, and Arumahandawatta, east by Obageerawatta, south by Walkatawatta, and west by seashore; and containing in extent about one acre, together with all the buildings and everything including stone walls standing thereon on the eastern side of the high road, and an undivided 1/4 part entitled to the judgment-debtor of all the lime kilns and their buildings built by Pedrick Soysa and Thirmeris standing thereon on the southern area to the western side of the high road.

Deputy Fiscal's Office,
Balapitiya, December 17, 1942.

SAM RANASOORIYA,
Additional Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

(1) Semban Adigari Kannammai, widow of Murugapper, (2) Murugapper Vannakku Sembacuddy, both of Periakallar Plaintiffs.

No. 232M.

Vs.

(1) Uthumandupody Semlathumamah, (2) V. V. Abdul Hamidu Meeralevva, a minor, by his guardian *ad litem* the 1st defendant, (3) V. V. Abdul Hamidu Pathumamah, a minor by her guardian *ad litem* the 4th defendant, (4) Meeralevva Mohamadu Ismail, (5) V. V. Abdul Hamidu Sulaikammah, (6) V. V. Abdul Hamidu Abdul Majeed, (7) V. V. Abdul Hamidu Muhamadu Asaummah, (8) V. V. Abdul Hamidu Muhamadu Sarpaummah, (9) Abdul Careem Sahul Hameedu, the 5th, 6th, 7th, 8th, and 9th, minors, by their guardian *ad litem* the 1st defendant, all of Kalmunakudy as heirs and parties in possession of the mortgaged properties made representatives to represent the estate of the late P. H. Sinnatambylevva V. V. Abdul Hamidu and the late Meeralevva-pody Saraummah, both of Kalmunakudy Defendants.

BY virtue of commission issued to me in the above case, I shall sell by public auction the under-mentioned properties at the dates and hours mentioned below, at the spot, for the recovery of the sum of Rs. 9,000 with interest thereon at the rate of 9 per cent.

per annum from May 31, 1940, till payment in full, costs, poundage, and other charges:—

On Monday, January 18, 1943, commencing at 10 o'clock in the forenoon

(1) The land lot No. 306, situated at Thoyanvattakandam in Malukamputti village in Sannanturapattu in the District of Batticaloa, Eastern Province; bounded on the north by lot 305, east by lot 300 mentioned below, south by lot 307, west by road and Pattamputti aru, in extent 4 acres 1 rood and 18 perches. Out of the land of these metes and bounds with the outlets, inlets and other rights an undivided half share and rights.

(2) Out of a paddy land composed of lots Nos. 299 and 300, both forming into one, situated in the place aforesaid exclusive of Pallavayal on the western side out of the remaining land a paddy field composed of the 3 lands called "Navaladyvayal, Athnadyvayal, and Maruthadvayal", forming into one, bounded on the north by the boundary of the land that belonged to Andyvannan and others, south by the land belonging to the heirs of Manikkapody Vannimai, east by the land possessed by the heirs of Sinnatambypody Udayar, west by the boundary of Pallavayal mentioned below, in extent 15 acres 3 roods and 21 perches. Out of the land of these metes and bounds with outlets, inlets and other rights an undivided half share and rights.

(3) The paddy land called Pallavayal, excluded out of the property described under (2) above, situated as aforesaid, bounded on the north by the land that belonged to Andyvannan and others, east by the property described under (2) above, south by the land possessed by the heirs of Manikkapody Vannimai, west by the property described under (1) above, in extent 5 acres. Out of the land of these metes and bounds with outlets, inlets and other rights an undivided half acre of land, viz., an undivided 1/10 share, with all its rights.

On Monday, January 18, 1943, commencing at 3 o'clock in the afternoon.

(4) The land called Koolavady vattavan vayal, situated at Manakan Kandam in Malukamputti village in Sannanturapattu aforesaid, bounded on the north by the boundary of the land that belonged to K. Inamsambu, east by Vettuvaical, south by the boundary of the land of E. Aliyar and others, west by the boundary of the land of Mohamadu Aboobuker, in extent 2 avanams of paddy sowing with outlets, inlets, and other rights.

(5) The paddy land called Vilnaiyadi vayal, situated as aforesaid; bounded on the north by the boundary of the land that belonged to K. Inamsambu, east by Puthuvaical, south by the boundary of the land of A. Karuthulovvai and others, west by Nochchiadiputti; in extent from north to south on the east 70 fathoms, on the west 90 fathoms, in the middle 75 fathoms, east to west on the north 90 fathoms, on the south 60 fathoms with the outlets, inlets and other rights.

On Tuesday, January 19, 1943, commencing at 10 o'clock in the forenoon.

(6) The western half share of the paddy land called Paravavattai-vely, situated at Paravankudiyiruppu kandam in Nindur pattu in the District of Batticaloa, Eastern Province; and bounded on the north and south by bunds erected for this land, east by the other share of this land that belonged to E. K. P. H. Muhamudnbawapody, west by tank bund and boundary bund of Thandayalkeethu; in extent 12 acres 1 rood and 2 perches. Out of the land of these metes and bounds together with the outlets, inlets, and other rights an undivided 38/80 shares and rights.

On Tuesday, January 19, 1943, commencing at 12 noon

(7) The coconut estate called Kanchooraiddikadu composed of lots Nos. 747 and 748 forming into one, situated at Nindur pattu in the District of Batticaloa, Eastern Province; bounded on the north by the land of Alurpody, east by the land of Mukaiyatnbawapody and Crown land, south by the land in plan No. 158,784, west by the reservation for road; in extent from north to south on the east 36 fathoms, on the west 39½ fathoms, east to west on the north 86½ fathoms, on the south 80 fathoms and all rights.

Fiscal's Office,
Batticaloa, December 21, 1942.

V. SUBPRAMANIAM,
for Fiscal.

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Dona Jurisdiction. Alois Elizabeth Aboewickreme of Manning No. 10,249 Town in Colombo, deceased.

Jessie Caroline Wijesuriya nee Aboesiri Goonewardene of 39, Manning Town in Colombo Petitioner.

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 17, 1942, in the presence of Messrs. de Silva & Mendis, Proctors, on the part of the petitioner above named, and the affidavit of the petitioner dated November 9, 1942, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as the sole surviving heir of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless any person or persons interested shall, on or before January 28, 1943, show sufficient cause to the satisfaction of this court to the contrary.

December 1, 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 Ranawaka Achchige Benjamin Henry de Alwis Appuhany, deceased, of Kerawalapitiya, Hendala. No. 10,271

THIS matter coming on for final determination before James Joseph, Esq., Additional District Judge of Colombo, on December 3,

1942, in the presence of Mr. J. S. Perera, Proctor, on the part of the petitioner, Ranawaka Achchige Benjamin Henry de Alwis of Kerawalapitiya, Hendaia; and the affidavit of the said petitioner, and of the attesting notary and the witnesses, both dated November 30, 1942, having been read:

It is ordered that the last will made by the deceased above named bearing No. 259 dated October 13, 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 Ceylon Daily News newspaper and on his taking the usual oath of office and tendering the security bond.

December 14, 1942

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Charles Jurisdiction. Edward Pery de Silva of Negombo, deceased. No 10,263

Dr Percival Cholmondoley Chalmers de Silva of Pendenms Avenue, Colpetty Petitioner

And

(1) Joselyn Emilia Julie Aboeydeera nee de Soysa of Pallanchena in Negombo, (2) Mona Catherine Julie Seneviratne nee de Silva of Thimburgaskatuwa in Negombo, (3) William Henry Ernest de Silva of Rajawatte, Lunuwila, and (4) Julietta Georgina Chranfenne Wijesekera nee Aboeydeera of Brownrigg road, Colombo Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on November 26, 1942, in the presence of Messrs. de Silva & Mendis, Proctors, on the part of the petitioner, and the affidavit of the petitioner dated November 20, 1942, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as an heir of the deceased, 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.

December 1, 1942

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo.

Order Nisi.

D. C. Colombo In the Matter of the Intestate Estate of the late No. 10,275 Kasivisvanathan Chettiar, son of Somasundaram Testamentary. Chettiar, of Devalkottai, Rannad District, South India, deceased.

Manickam Chettiar, son of Kasivisvanathan Chettiar of 155, Seey street in Colombo Petitioner.

Rengamayak Achy, widow of the late Kasivisvanathan Chettiar of Devalkottai, Rannad District, South India Respondent

THIS matter coming on for final disposal before James Joseph, Esq., Additional District Judge of Colombo, on December 9, 1942, in the presence of Mr. K. A. Chittampalam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated December 9, 1942, and the order of the Supreme Court dated December 9, 1942, having been read:

It is ordered that the petitioner above named be and he is hereby declared, as the son of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondent above named or any other person or persons interested shall, on or before February 11, 1943, show sufficient cause to the satisfaction of this court to the contrary.

December 17, 1942.

JAMES JOSEPH,
Additional District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Alfred Henry Stanhope Smith of 5A, Perademaya No. 320, road, Kandy, deceased.

Paul Anthony Gemeny of Kandy Petitioner.

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge, Kandy, on November 11, 1942, in the presence of Messrs. Aboeykoon & Dias Desinghe, Proctors, on the part of the petitioner, and the affidavit of the above named petitioner, dated November 10, 1942, having been read:

It is ordered that the will of the said deceased dated September 2, 1942, and numbered 1210, be and the same is hereby declared proved, unless any other 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 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 January 21, 1943, show sufficient cause to the satisfaction of this court to the contrary.

November 11, 1942.

C. NAGALINGAM,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late James Elstone, deceased, of Halloluwa road, Kandy.
No. T-32.

THIS matter coming on for disposal before Chellappah Nagalingam, Esq., District Judge, Kandy, on November 12, 1942, in the presence of Messrs. Liesching & Lee, Proctors, on the part of the petitioner, and the affidavit of the said petitioner dated November 1, 1942, having been read

It is ordered that the petitioner be and she is hereby declared entitled, as the daughter of the above named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondent, Florence Belle Snyman of Harlow, England, or any other person or persons interested shall, on or before January 21, 1943, show sufficient cause to the satisfaction of this court to the contrary.

G. NAGALINGAM,
District Judge.

December 18, 1942.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Solomon Vettivelu Chinniah of Udavil, deceased.
No. 67.

John Vettivelu Chellah of Vaddukoddai, Petitioner.

Vs.

(1) Esmay Maheswary, daughter of Chinniah, (2) Joyce Vimalavathy, minor, daughter of Chinniah, (3) Lucie Kamalavathy, minor, daughter of Chinniah, all of Udavil Respondents.

THIS action coming on for disposal before C. C. Thambayah, Esq., District Judge, Jaffna, on December 14, 1942, in the presence of Mr. J. F. Ponnambalam, Proctor, on the part of the petitioner, and the affidavit and petition of the petitioner having been read

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the 2nd and 3rd respondents, who are minors,

for the purpose of watching their interests in these testamentary proceedings and that letters of administration be issued to the petitioner, as the brother of the deceased above named, unless the respondents shall appear before this court on January 15, 1943, and show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the 1st respondent do produce the said minors on the said January 15, 1943.

December 14, 1942.

G. C. THAMBAH,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Mabel Agnes Perley de Silva of Palameenmadu.
No. 515.

Anilla Gertrude Sellar of Palameenmadu Executor.

THIS matter coming on for disposal before V. H. Wijayaratne, Esq., District Judge of Batticaloa, on November 12, 1942, in the presence of Mr. K. V. M. Subramaniam, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated November 6, 1942; and the affidavit of the attesting witnesses dated November 11, 1942, having been read:

It is ordered that the last will of Mabel Agnes Perley de Silva, deceased bearing No. 194 dated September 13, 1942, now deposited in this court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before January 7, 1943, 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 she is entitled to have probate of the same issued to her accordingly, unless any person or persons interested shall, on or before January 7, 1943, show sufficient cause to the satisfaction of this court to the contrary.

November 12, 1942.

V. H. WIJAYARATNE,
District Judge.