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	PAGE		PAGE
Passed Ordinances	—	District and Minor Courts Notices	—
Draft Ordinances	283	Notices in Insolvency Cases	290
Governor's Ordinances	—	Council of Legal Education Notices	—
List of Notaries	—	Notices of Fiscals' Sales	290
Supreme Court Notices	—	Notices in Testamentary Actions	291
Notifications of Criminal Sessions of the Supreme Court	290	Miscellaneous	—

DRAFT ORDINANCES

MINUTE

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

L D — O 36/41

An Ordinance to amend certain provisions of the Children and Young Persons Ordinance, No 48 of 1939

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 Children and Young Persons (Amendment) Ordinance, No of 1942

Short title

2 Section 1 of the Children and Young Persons Ordinance, No 48 of 1939, (hereinafter referred to as "the principal Ordinance"), is hereby amended by the addition, at the end of that section, of the following —

Amendment of section 1 of Ordinance No 48 of 1939

"Provided that different dates may be appointed for the coming into operation of different provisions of this Ordinance"

3 Section 3 of the principal Ordinance is repealed, and the following section is hereby substituted therefor —

Replacement of section 3 of the principal Ordinance

3 (1) The Governor may, for each Magistrate's Court, appoint any person or persons, by name or by office, to be or to act as Magistrate or Magistrates of that Court when that Court is sitting as a Juvenile Court

Children's Magistrates

(2) The Governor may, for each Municipal Court, appoint any person or persons, by name or by office, to be or to act as Magistrate or Magistrates of that Court when that Court is sitting as a Juvenile Court

(3) Where the number of persons to be appointed for any court under sub section (1) or sub section (2) is less than three, the person or each of the persons to be so appointed must be an advocate or a proctor or a person who holds or has held judicial office, and in every other case, one at least of the persons to be so appointed for any court must be an advocate or a proctor or a person who holds or has held judicial office

(4) A woman shall not be disqualified, by reason only of her sex, from being appointed as a Magistrate under sub section (1) or sub-section (2)

(5) Every person appointed under sub section (1) or sub section (2) shall be known as a Children's Magistrate of the judicial division or municipal town for which he is appointed, and is hereinafter referred to as "a Children's Magistrate"

(6) Where the number of Children's Magistrates appointed for any Magistrate's Court or Municipal Court is less than three, the jurisdiction conferred by this Ordinance or by

any other written law on such Court, sitting as a Juvenile Court, shall be exercised by the Magistrate or either of the Magistrates so appointed

(7) Where the number of Children's Magistrates appointed for any Magistrate's Court or Municipal Court is three or more, the jurisdiction conferred by this Ordinance or by any other written law on such Court, sitting as a Juvenile Court, may be exercised either—

(a) by any one of such Magistrates sitting alone, if he is an advocate or a proctor or holds or has held judicial office, or

(b) by any three of such Magistrates sitting together including in every such case one who is an advocate or a proctor or holds or has held judicial office

(8) In any case where any three Children's Magistrates sit together as provided in sub section (7), such Magistrates shall elect one of their number to be the Chairman of the Court for the sitting, and—

(a) the proceedings of the Court, and the evidence given before the Court, shall be recorded by the Chairman,

(b) the verdict of the Court, and every order made by the Court, shall be signed by the Chairman and by at least one of the other Magistrates,

(c) the decision of the majority of such Magistrates shall, in the event of any difference of opinion between such Magistrates, be the decision of the Court

(9) In this section, "judicial office" does not include the office of President of a Village Tribunal or the office of Chairman of a Village Committee or the office of Children's Magistrate

Amendment of section 24 of the principal Ordinance

4 Section 24 of the principal Ordinance is hereby amended, in sub-section (2) thereof, by the addition at the end of that sub section, of the following —

"Where such a sentence is passed, the Court shall remand the child or young person to a remand home pending his detention pursuant to the directions of the Governor"

Amendment of section 26 of the principal Ordinance

5 Section 26 of the principal Ordinance is hereby amended, in sub-section (1) thereof, as follows —

(1) by the substitution, for the words "Where a child or young person", of the words "Where a child who has attained the age of twelve years or a young person", and

(2) by the omission of the Proviso to that sub-section

Amendment of section 35 of the principal Ordinance

6 Section 35 of the principal Ordinance is hereby amended as follows —

(1) in sub section (1), by the substitution, for the words "order him", in paragraph (a), of the words "if he has attained the age of twelve years, order him", and

(2) in sub-section (2), by the omission of all the words from "and it shall be the duty" to the end of the sub-section

Amendment of section 36 of the principal Ordinance

7 Section 36 of the principal Ordinance is hereby amended, in sub-section (2) thereof, by the substitution, for all the words from "the local authority" to the end of that sub-section, of the following —

"the officer or person specified in that behalf in the order to bring the child or young person before such a Court under section 35"

Insertion of new section 36A in the principal Ordinance

8 The following new section shall be inserted immediately after section 36 of the principal Ordinance and shall have effect as section 36A of that Ordinance —

Removal or remand of child or young person to place of safety

36A (1) A police officer of a rank not below that of Sub-Inspector, or any person authorised by any court, may take to a place of safety any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Ordinance has been or is believed to have been committed, or who is about to be brought before a Juvenile Court in accordance with section 35 or section 36, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a Juvenile Court

(2) If a Juvenile Court before which any child or young person is brought is not in a position to decide whether any and, if so, what, order ought to be made under section 35 or section 36, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him

An interim order under this sub section shall not remain in force for more than twenty-eight days, but if at the expiration of that period the court deems it expedient to do so, it may make a further interim order

9 Section 38 of the principal Ordinance is hereby amended as follows —

Amendment of section 38 of the principal Ordinance

- (1) in sub section (1), by the substitution, for the words "approved or certified", of the word "approved",
- (2) in sub section (2), by the substitution, for the words "approved or certified", of the word "approved",
- (3) by the repeal of sub section (3), and the substitution therefor of the following sub section (3) —

"(3) Where an order has been made sending a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian, or nearest adult relative may apply—

- (a) if the order was made by a court of summary jurisdiction, to that court sitting as a Juvenile Court,
- (b) in any other case, to the Governor, to remove or send the person to a certified school, or to an approved school for persons of his religious persuasion, and the court or the Governor shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant.

Provided that nothing in this sub-section shall empower a court, or impose an obligation upon the Governor, to comply with any request as aforesaid unless—

- (a) accommodation is available at a certified school, or
- (b) the applicant has named an approved school for persons of the religious persuasion in question and shown to the satisfaction of the court or the Governor that the manager thereof has accommodation available "

10. Section 40 of the principal Ordinance is hereby amended as follows —

Amendment of section 40 of the principal Ordinance

- (a) by the repeal of sub section (1), and the substitution therefor of the following sub-section —

"(1) Every approved or certified school order shall contain a declaration as to the age and religious persuasion of the child or young person with respect to whom the order is made, and shall specify the name and address, if ascertainable, of the parents, guardian or nearest adult relative of the child or young person",

and

- (b) by the repeal of sub section (2) of that section

11. Section 44 of the principal Ordinance is hereby amended in sub-section (4) thereof, by the substitution, for the words "the Governor" wherever they occur collectively in that sub section, of the words "the Director of Education"

Amendment of section 44 of the principal Ordinance

12 Section 49 of the principal Ordinance is hereby amended as follows —

Amendment of section 49 of the principal Ordinance

- (1) in sub section (1)—

- (a) by the substitution, for the words "apply to the Governor", of the words "apply to the Director of Education", and
- (b) by the substitution, for the words "and the Governor may," of the words "and the Director may, subject to the approval of the Governor, and",

- (2) in sub-section (3), by the substitution, for the words "the Governor", of the words "the Director of Education"

13 Section 50 of the principal Ordinance is hereby amended by the addition at the end of that section of the following new sub-section —

Amendment of section 50 of the principal Ordinance

"(3) The provisions of section 29 of the Education Ordinance, No 31 of 1939, shall apply *mutatis mutandis* in the case of every certified school and of the children and young persons in every such school "

Amendment of section 51 of the principal Ordinance

14 Section 51 of the principal Ordinance is hereby amended as follows —

(1) in sub section (1), by the substitution, for the words “The Executive Committee may make rules—”, of the words “Rules may be made—”,

(2) by the addition, at the end of that section, of the following new sub section —

“(3) The power to make rules under sub-section (1) shall—

(a) in the case of rules relating to remand homes and to children and young persons in remand homes, be vested in the Executive Committee of Home Affairs,

(b) in the case of rules relating to approved and certified schools and to children and young persons in such schools, be vested in the Executive Committee of Education”

Amendment of section 52 of the principal Ordinance

15 Section 52 of the principal Ordinance is hereby amended in paragraph (a) of sub section (2) of that section, by the substitution, for the words “is a school”, of the words “is an approved school”

Insertion of new section 52A in the principal Ordinance

16 The following new section shall be inserted immediately after section 52 of the principal Ordinance, and shall have effect as section 52A of that Ordinance —

Religious instruction, &c, to person detained in approved school

52A (1) Where a child or young person who is detained in an approved school is of a religious persuasion other than that of the proprietor or manager of the school, such child or young person shall not, except with the express written consent of his parent, be required or permitted by the person for the time being in charge of the school to attend any religious worship or religious observance or any instruction in religious subjects in the school or elsewhere

(2) Where a child who is detained in any approved school is of the same religious persuasion as that of the proprietor or manager of the school, such child or young person may be compelled by the person for the time being in charge of the school to attend any religious worship or religious observance or any instruction in religious subjects

Amendment of section 53 of the principal Ordinance

17 Section 53 of the principal Ordinance is hereby amended by the repeal of sub section (3) of that section

Insertion of new section 53A in the principal Ordinance

18 The following new section is hereby inserted immediately after section 53 of the principal Ordinance, and shall have effect as section 53A of that Ordinance —

Powers, &c, of Director of Education and other officers

53A The Director of Education, and all such other officers of the Department of Education as may be specially authorised by the Director in that behalf, shall, in the exercise and performance of the powers and duties conferred or imposed on them by or under this Ordinance, be subject to the general direction and control of the Executive Committee of Education

Repeal of section 59 of the principal Ordinance

19 Section 59 of the principal Ordinance is hereby repealed

Amendment of section 61 of the principal Ordinance

20 Section 61 of the principal Ordinance is hereby amended as follows —

(1) in paragraph (b) of that section, by the substitution, for the words “restriction, or”, of the word “restriction”,

(2) by the omission of paragraphs (c) and (d) of that section

Amendment of section 84 of the principal Ordinance

21 Section 84 of the principal Ordinance is hereby amended by the repeal of sub sections (2) and (3) of that section, and the substitution thereof of the following sub sections —

“(2) The Executive Committee of Education may make regulations providing for the payment of moneys from State Funds towards the expenses of the maintenance in approved schools of children and young persons ordered to be detained in such schools in pursuance of the provisions of this Ordinance, and prescribing the conditions upon which and the restrictions subject to which such payments may be made

(3) Where regulations have been made under sub-section (2), all such payments as are authorised thereby shall be made out of such moneys as may from time to time be voted by the State Council for the purpose”

22 The following new section shall be inserted immediately after section 84 of the principal Ordinance and shall have effect as section 84A of that Ordinance —

Insertion of
new section 84A
in the principal
Ordinance

84A (1) The Governor may, by Order published in the *Gazette*—

Delegation
of powers of
the Governor

- (a) delegate to the Legal Secretary, the Minister for Home Affairs, the Minister for Education or the Head of any Government Department, the exercise of any power or authority, or the discharge of any function, vested in or conferred upon the Governor by any provision of this Ordinance ;
 - (b) direct that any such power, authority or function shall be exercised or discharged subject to such conditions, exceptions, or limitations as may be prescribed in the Order ;
 - (c) direct that for the purpose of giving effect to the Order, any provision of this Ordinance to which the Order refers or relates shall have effect subject to such adaptations, modifications or exceptions as may be specified in the Order
- (2) Every Order under sub section (1) shall, upon publication in the *Gazette*, have the force of law and be as valid and effectual as if it were herein enacted

23 Section 85 of the principal Ordinance is hereby amended by the substitution, for the words " the Executive Committee ", wherever they occur collectively in that section, of the words " an Executive Committee "

Amendment of
section 85 of
the principal
Ordinance

24 Section 86 of the principal Ordinance is hereby amended as follows —

Amendment of
section 86 of
the principal
Ordinance

(1) by the substitution, for the definition of " appointed date ", of the following —

" appointed date ", where it occurs in any provision of this Ordinance, means the date on which that provision comes into operation by virtue of a Proclamation under section 1 , ,

(2) by the insertion immediately after the definition of " child ", of the following new definition —

" court " includes a court of summary jurisdiction

Objects and Reasons

In the course of the consideration of questions relating to the administrative machinery which will have to be set up before the Children and Young Persons Ordinance, No 48 of 1939, is brought into operation, and to the Departments which are to be responsible for the administration of various provisions of the Ordinance, it was found that certain arrangements are proposed to which effect cannot be given without an amendment of the principal Ordinance

2. Section 1 of the principal Ordinance provides that the Ordinance will come into operation on a date to be appointed by the Governor by Proclamation published in the *Gazette*. Since, however, it is proposed that the provisions of Parts I-III of the Ordinance should not be brought into operation immediately, it is necessary to amend section 1 by inserting provision to the effect that different dates may be appointed for the coming into operation of different provisions of the principal Ordinance (Clause 2)

3. Section 3 of the principal Ordinance contemplates the appointment of a single person to be or to act as the Magistrate of a Magistrate's Court when the court is sitting as a Juvenile Court. But it has been decided that, especially in the case of the larger towns, the more suitable arrangement would be to appoint a panel of Magistrates and to provide that cases may be heard by one or more of the members of the panel

Clause 3 of the Bill will accordingly replace section 3 of the principal Ordinance by a new section providing for the appointment of two or more persons to be Children's Magistrates of a Magistrate's Court or of a Municipal Court. Sub-section (6) of the new section will provide that, where three or more persons are appointed to be Children's Magistrates, the jurisdiction of the Juvenile Court can be exercised either by one of the persons, if he holds or has held judicial office or is an advocate or proctor, or by any three of such persons, one of whom must be a person similarly qualified

4. Section 26 of the principal Ordinance provides that if a child or young person is found guilty of an offence which, in the case of an adult, is punishable with imprisonment, the court may order him to be sent to an approved or certified school.

It has now been decided, however, that a child under the age of twelve should not be sent to such a school: effect will be given to this decision by Clause 5 of the Bill.

A similar amendment will be effected by Clause 6 in section 35 of the principal Ordinance, which confers power on a Juvenile Court to order children and young persons in need of care or protection to be sent to an approved or certified school.

5. Clause 8 of the Bill inserts in the principal Ordinance a new section 36A corresponding to section 67 of the English Act of 1933 which enables a child who is considered to be in need of care or protection to be taken to a place of safety until such time as he can be brought before a Juvenile Court, or until a Juvenile Court makes a final order relating to the care and custody of the child.

6. It has been decided that the supervision and control of approved and certified schools, to which children and young persons will be sent under the provisions of the principal Ordinance, should be entrusted to the Department of Education; and the following amendments to the principal Ordinance are to be effected upon the recommendation of the Executive Committee of Education:—

(a) *Clause 9.* Section 38 of the principal Ordinance provides, *inter alia*, that before a child or young person is sent to an approved or certified school, the court or the Governor, as the case may be, will take into consideration the religious persuasion of the child or young person; in view, however, of the fact that certified schools will not be under the control of any particular religious organisation, it is considered that the provisions of section 38 which are referred to above need not apply in the case of such schools.

(b) *Clause 12* will amend section 49 of the principal Ordinance in order to provide that an application for the approval of a school, or for the cancellation of such approval, will be made to the Director of Education; but the grant of a certificate will be subject to the approval of the Governor.

(c) *Clause 13.* The effect of new sub-section (3) which is to be inserted in section 50 of the principal Ordinance will be that the provisions of section 29 of the Education Ordinance, No. 31 of 1939 (which relate to religious instruction in Government schools) will apply also in the case of certified schools established under the principal Ordinance.

(d) *Clause 14.* In view of the assignment to the Department of Education of duties and functions relating to administration and supervision of approved and certified schools, it is necessary to amend section 51 so as to provide that rules relating to approved and certified schools will be made by the Executive Committee of Education.

(e) *Clause 21.* Section 84 (2) of the principal Ordinance provides for the payment out of general revenue of grants-in-aid of the establishment, maintenance and management of approved schools. The effect of the amendments to be made by Clause 21 in section 84 will be that grants will only be paid towards the expenses of the *maintenance* of children and young persons in approved schools; the Executive Committee of Education will, by regulation, prescribe the conditions and restrictions subject to which such payments will be made.

(f) *Clause 22.* The object of this clause is to insert in the principal Ordinance a new section, which will enable the Governor to delegate the exercise of any power or the discharge of any function conferred upon him by the Ordinance.

7. Clause 16 will insert in the principal Ordinance a new section the effect of which will be—

(a) to provide that an inmate of an approved school who is not of the same religious persuasion as the manager or proprietor must not be permitted to receive any religious instruction except with the written consent of his parent; and

(b) to declare that an inmate, who is of the same religious persuasion as the proprietor or manager of the school, may be compelled by the school authorities to receive religious instruction and to attend religious observances.

J. H. B. NIBELL,
Legal Secretary.

Colombo, July, 5th 1943.

MINUTE

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

An Ordinance to Incorporate a Board of Governors of Anula Vidyalaya, Nugegoda

WHEREAS a school called and known as Anula Vidyalaya, has heretofore been established at Nugegoda for the purpose of education

Preamble

And whereas the purpose and object of the said Anula Vidyalaya would be more effectually prosecuted and attained by the constitution and incorporation of a Board of Governors empowered to own, control, manage and transact all the affairs of the said Anula Vidyalaya and of any branches thereof and of any other schools such Board may deem it advisable to establish

Be it therefore 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 Anula Vidyalaya Board of Governors (Incorporation) Ordinance

Short title

2 There shall be established a Board (hereinafter referred to as "the Board") the members of which for the time being shall be and are hereby constituted a body politic and incorporate with the name of "Anula Vidyalaya Board of Governors"

Incorporation of Anula Vidyalaya Board of Governors

The Board shall in the said name and for the purposes herein mentioned have perpetual succession, and shall by the said name sue and be sued, plead and be pleaded, answer and be answered in all courts and shall have and use a common seal with power to break, alter and renew the same at its discretion

3 (1) The Board shall consist of the following members (a) Three Life Members, (b) Seven such other Members as may be elected in accordance with the rules made under this Ordinance

Composition of the Board

(2) All the Members of the Board shall be Buddhists

(3) Notwithstanding anything in sub section (1) contained, the first Members of the Board shall be the following Life Members — Mrs N Fernando, Dr P B Fernando, Dr E W Adikaram Other members — (1) Dr E A Blok, (2) T U de Silva, Esq, (3) P de S Kularatne, Esq, (4) Dr G P Malalasekera, (5) D W Rupesinghe, Esq, (6) N E Weerasooria, Esq, (7) Dr O H de A Wijesekera

4 It shall be lawful for the Board from time to time at any meeting specially called for that purpose and by a majority of the members present and voting to make such rules not inconsistent with this Ordinance, it may deem expedient for the—

Powers to make Rules

(a) constitution of the Board and the terms of office of its members and the custody of the common seal, (b) for the procedure in the transaction of business, and (c) conduct of the duties of the Board and of the various officers and servants and otherwise generally for the management of the affairs of the Board and the accomplishments of its objects

5 The Board shall at all times hereafter be able and capable in law to acquire either by purchase, exchange, gift, devise or bequest or in any other manner, and to hold and enjoy in perpetuity or for any lesser term, subject to any express trust or otherwise for the benefit of the said Anula Vidyalaya and of its branches and of any other schools such Board may deem it advisable to establish any property movable or immovable of any nature or kind whatsoever

The Board may hold Property Movable and Immovable

6 The Board may erect or cause to be erected any building on any land vested in or acquired or held by it, and may also from time to time sell, grant, convey, demise, assign, exchange and dispose of or mortgage any property for the time being vested in the Board The Board may invest any funds vested in the Board in any securities declared to be a trustee investment by the Law of England or of India or of Ceylon or upon any mortgage of movable or immovable property in Ceylon

7 The common seal of the Board shall not be affixed to any instrument whatsoever except in the presence of the Chairman and one other member of the Board who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness

How the Seal of the Board is to be affixed

8 It shall be lawful for the Board in all cases not provided for in this Ordinance to act in such a manner as appears to it best calculated to promote the welfare of the said Anula Vidyalaya and of any branches thereof and of any other schools such Board may deem it advisable to establish

General Powers of the Board

Saving as to
the Rights of
His Majesty
and Others

9 Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, His Heirs and Successor, or of any body politic or corporate or of any other person, except such as are mentioned in this Ordinance and those claiming by, from, or under them

Objects and Reasons

This Bill is designed for the purpose of incorporating a Board of Governors for Anula Vidyalaya, Nugegoda. The incorporated Board of Governors will be able more effectively to hold, manage, control and administer the property of the Anula Vidyalaya and of its branches and of any other schools such Board may establish

P DE S KULARATNE, M S C
Balapitiya

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 Central Province, will be holden at the Courthouse at Kandy, on Monday, August-2, 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,
Kandy, July 5, 1943

E T DYSON,
Fiscal

BY virtue of a mandate to me directed by the Hon the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Kegalla, will be holden at the Courthouse at Kandy, on Monday, August 2, 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,
Ratnapura, July 5 1943

R M DAVIES,
Fiscal

BY virtue of a mandate to me directed by the Hon the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Anuradhapura, will be holden at the Courthouse at Kandy, on Monday, August 2, 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,
Anuradhapura, July 6, 1943

R ALUWIHARE,
Fiscal

NOTICES OF INSOLVENCY

In the District Court of Galle

No 728 In the matter of the insolvency of A E Ratnayako of
Insolvency Ganegama

NOTICE is hereby given that the examination of the above named insolvent will take place at the sitting of this court, on September 16, 1943

June 29, 1943

By order of court, M N. PEREIRA,
Secretary

NOTICES OF FISCAL SALES

Western Province

In the District Court of Colombo

N K N Caruthan Chetty of Sea street in Colombo Plaintiff

No 1,212/S

Vs

D J R Goonewardena of Boralugoda in Waga Defendant

NOTICE is hereby given that on Saturday, August 7, 1943, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties for the recovery of the sum of Rs 12,786 25, with legal interest thereon from July 1, 1937, till payment in full or for one year whichever is shorter, viz —

(1) At 10 a m — All those three allotments of land called Weralu mandiyalanda situated at Kosgama in the Udugaha pattu of Hewagama korale in the District of Colombo, Western Province, bounded on the north-east by reservation for a road and land described in plan No 124051, east by the land purchased by M Kornis and another, the property of M Kornis and others and land described in plan No 125429, on the south-east by reservation for a road, the property of M Kornis and others and land described in plan No 125429 and by a path, and south west by a property of G Janga and others and lands described in plans Nos 125495 and 125497 and by a reservation for a road, on the north west by the property of M Baba Appu and others exclusive of the reservation for a road thirty links wide passing through the lands, and containing in extent 59 acres 2 roods and 5 perches Registered in K 54/4

(2) At 10 45 a m — All that land called Alubogahakumbura alias Junagedemya situated at Kosgama aforesaid, bounded on the north by Godabuma, on the east and south by lands belonging to Mallawa arachchige Paul Perera and others, west by Miniswatte deniya, containing in extent three bushels paddy sowing Registered in K 40/55

(3) At 11 15 a m — All that portion of the land called Weralu mandiyalanda situated at Kosgama aforesaid, bounded on the east by the lands described in the plans Nos 125496, 118778 and 125430 and a water course, on the south by the ditch separating the portion of Netewmandiya, on the west by a portion of this land allotted to Hendrick Rodrigo, and on the north by Crown land, containing in extent 8 acres 3 roods and 6 perches Registered in K 17/183

(4) At 11 45 a m — All that land called Miniswatta situated at Kosgama aforesaid, bounded on the north by land described in title plan No 44920, east by land described in plan No 66433, south by land described in plan No 169110, and west by land described in plan No 186272, containing in extent 2 roods and 14 perches Registered in K 40/56

Fiscal's Office,
Colombo, July 7, 1943

H C WIJESINHA,
Deputy Fiscal

In the District Court of Colombo

Miss L D E Silva of Rawatawatta, Moratuwa Plaintiff

No 10,814/M

Vs

Jacob C Mendis of the Audit Office, Colombo, residing at Canekaratne place, Laxapathya, Moratuwa Defendant

NOTICE is hereby given that on Friday, July 30, 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 2,500, with interest thereon at 9 per cent per annum from September 19, 1939, till payment in full less a sum of Rs 1,290 50 already paid by the defendant, viz —

All that allotment of land called Panderyyagahawatta with the trees, plantations and buildings standing thereon bearing assessment No 8, situated at Rawatawatta in Moratuwa in the Pallo pattu of Salpiti korale in the District of Colombo, Western Province, and which said land is bounded on the north by Panderyyagahawatta of Kumaragewattege Manuel Fernando and Weerapennedige Cornelis Fernando, on the east by the high road, a portion of Panderyyagahawatta of Peter Silva, on the south by a portion of Panderyyagahawatta of Warnakulasuriya Wadumestrige Cornelis Mendis, on the west by Panderyyagahawatta belonging to Kumara wattege Manuel Fernando and Mahamahalalage Juan Stembo, and containing in extent 1 rood and 16 17/100 perches, and registered in M 335/245, Colombo

Fiscal's Office,
Colombo, July 6, 1943

H C WIJESINHA,
Deputy Fiscal

Central Province

In the District Court of Kandy.

Kumaragewattege John Simon Fernando of Hyltonland Group Plaintiff

No M B 675

Vs

Henry Benjamin Fernando of Kaludawela in Panadura, as representative of the estate and effects of the late Kumaragewattege David William Fernando Defendant

NOTICE is hereby given that on Friday, August 6, 1943, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant as legal representative in the following property for the recovery of the sum of Rs 17,862 30, with legal interest thereon from August 20, 1941, less the sum of Rs 214 71 realized by sale of the mortgaged property, and pounce, viz —

1 An undivided one ninth part or share of the land and premises following, to wit —

(a) All that estate called Pattiyagamatenna, situate at Pattiyagama in the Hewawisse korale of Pata Hewaheta, in the District of Kandy, Central Province, and bounded on the north by Paacker Thamby's land and chena, east and south by the property of Messrs Pride & Gaskels, and on the west by the property of Messrs Donald, containing in extent 78 acres 3 roods 11 36/100 perches according to the figure of survey bearing date December 29, 1842, made by Mr J W Van Houten and authenticated by J R Norris, Esq, the then Surveyor General, and registered in the Kandy Land Registry under reference G 165/244

(b) An undivided one half part or share from and out of all that land called Puwakketiya Milalagamulahena of three pelias in paddy sowing extent in the whole situate at Pattiyagama aforesaid, and bounded on the east by Habibu's land, west by Vathilingam's land, south by the ditch and by the land belonging to Paacker Thamby and Uduman Kandu, and on the north by Sinna Thamby's land,

containing in extent in the whole 2 acres 2 roods 11 perches according to the figure of survey dated November 19, 1903, and made by James T. Towell, Licensed Surveyor, registered in the Kandy Land Registry under reference G 166/94

(c) All that land called Panghena of two pelias in paddy sowing extent, situate at Pattiyyagama aforesaid, and bounded on the north by Malakandura west by Vaithilingam's land and by the ditch, south by patana and by kandura, and on the east by Udumun Kamlu's field, containing in extent 5 acres 2 roods and 28 perches according to the figure of survey dated November 19, 1903, made by James T. Towell, Licensed Surveyor, save and except one acre towards the Gansabawa road, registered in the Kandy Land Registry under reference G 166/290

(d) An undivided one half part or share of the piece of land and of the buildings and plantations thereon formerly part of Naranhiene watta situate at Pattiyyagama aforesaid, and bounded on the north by water course, south by Ralp tekkandura, east by Naranhiene forest, and on the west by Chetty's coffee estate, containing in extent 14 acres 2 roods and 28 perches in the whole according to the figure of survey bearing date June, 1871, made by Charles Vandort, Surveyor, registered in the Kandy Land Registry under reference G 166/291

2 All the right, title, interest, claim, and demand whatsoever of the late Kumaragawattege David William Fernando, deceased, in and to the following premises and to the buildings thereon, namely —

(a) All that portion of land containing about 100 feet in length and forty feet in breadth, situate at Pattiyyagama aforesaid, and bounded on the east by cart road, west by the wella belonging to Pattiyyagama estate, south by the cemetery belonging to the Pattiyyagama estate, and north by Mosque, together with the bakery, tea rooms, cloth boutique and warehouse and all other buildings thereon

(b) All that portion of land containing about 40 feet in length and 12 feet in breadth, situate at Pattiyyagama aforesaid, and bounded on the east by cart road to Hewaheta, west by wella belonging to Pattiyyagama estate, south by the boutique belonging to Pattiyyagama estate, north by the cart road to Kandy, together with everything thereon

(c) All that portion of land, with the two boutiques thereon, containing in extent 30 feet in length and 30 feet in breadth, situate at Pattiyyagama aforesaid and bounded on the east by the boutique sold to Majeed, west by Kammale, south by the bare land of Pattiyyagama estate, north by the cart road leading to Bopitiya, together with everything thereon

3 An undivided one half part or share out of all those contiguous lands called (1) Kelessemadithewatta of 6 lahas paddy sowing, (2) Kelessemadithewatta alias Elagawawatta of 5 lahas in paddy sowing extent, (3) Parinawatta of 2 pelias in paddy sowing extent, and (4) Pallewatta of about 1 pela paddy sowing all forming one property of the aggregate extent of 1 amunam and 1 laha paddy sowing alias 3 acres in extent (according to the figure of survey dated February 27, 1886, under the hand of Hon F C H Clarke, bearing No 138037) and now called and known as Madapataneuwatta situate at Pattiyyagama and Gonagoda in Pattiyyagama Udagama in Hewawisse korale of Lower Hewaheta in the District of Kandy, Central Province, the entirety being bounded on the north by a water course, on the north east by Kalasamadittekkumbura claimed by M L Saleman Arachy and S M Ramen Chetty, and Medapataneuwatta claimed by Perumal Nayagam, east by K lasamadittekkumbura claimed by S M Ramen Chetty and Medapataneuwatta claimed by Perumal Nayagam, on the south east by Medapataneuwatta claimed by Perumal Nayagam and another, and on the south west by Madapataneuwatta claimed by natives and land described in plan No 89,160, and on the north west by land claimed by natives and Mottawawatta claimed by S R Ramen Chetty, together with a like share of everything thereon Registered in the Kandy Land Registry under reference G 156/22

Valuation Rs 10,250

Fiscal's Office,
Kandy, July 7, 1943

K B KADURUWEWA,
Deputy Fiscal

In the District Court of Kandy

Kadirgamar Vythilingum Chelvadurai of Peradeniya road,
Kandy Plaintiff

No 48,897 Vs
Don Piyatilake Weerasiri of Kandy (deceased) Defendant

R B Ratnaik Secretary, District Court, Kandy, Legal Representative of the Estate of D P Weerasiri, defendant, deceased

NOTICE is hereby given that on Monday, August 2, 1943 commencing at 10 o'clock in the forenoon, will be sold by public auction at the jewellery shop at Queen's Hotel, Kandy, the right, title, and interest of the said defendant in and to the stock in trade, consisting of the following property, mortgaged with the plaintiff upon bond No 7,639 dated October 24, 1936 and attested by H A C Wickremaratne, Notary Public Kandy, and declared specially bound and executable under the decree entered in the above case for the recovery of the sum of Rs 2,120, with interest on Rs 2,000 at 15 per cent per annum from August 21, 1937, till December 8, 1937, and thereafter legal interest on the full amount till payment in full, and costs and poundage, viz —

No 1 Long Showcase — (1) 1 peraheta elephant with silver fittings (image), (2) 1 silver cigarette tin (inferior silver), (3) 1 silver octagonal tray, (4) 1 E P N S sweets dish (5) 1 E P N S cake stand (6) 1 silver cup (small), (7) 1 silver broad bangle (inferior silver) (8) 1 paper cutter with silver blade, (9) 1 butter knife silver (10) 1 jam spoon (11) 1 tortoise shell penholder, (12) 1 tortoise shell brush, (13) 3 tortoise shell shoe horns, (14) 1 box of semi precious stones (15) 3 whalebone elephant bridges (16) 1 medium elephant bridge (17) 1 ivory cigarette holder (imitation), (18) 1 ivory lion, (19) 1 ivory Dagoba, (20) 1 sandalwood Dagoba, (21) 3 tortoise shell paper weights (22) 2 imitation bangles, (23) 4 elephant charms, (24) 7 ebony elephants

No 2 Flat Showcase — (25) 52 silver and brass set with stones, gents' and ladies' rings, (26) 8 silver spoons, (27) 1 lot Lac shell, (28) 1 brass and silver inlaid tray, (29) 5 pairs brass vases, (30) 2 brass spearheads (31) 1 brass elephant stand, (32) 2 pairs brass cranes, (33) 1 brass Kotha, (34) 2 pairs brass bull heads, (35) 1 brass flower vase, (36) 1 brass Indian cup, (37) 1 Kandyan brass candle stand (38) 1 brass image (cobra), (39) 1 brass large cobra, (40) 1 brass image of Buddha, (41) 1 brass farmer and plough, (42) 4 brass flower bowls, (43) 2 brass bowls

No 3 Showcase (Flat) — (44) 1 lot antiques, (45) 18 white gold bracelets with stones (2, 9 ct gold), (46) 8 pairs white gold eardrops and studs, set with stones, (47) 3 cuff links, white gold, (48) 35 saree pins set with stones

No 4 Showcase (Flat) — (49) old jewellery (lot), (50) 46 necklaces, assorted, (51) 15 Kalutara hats, (52) 1 lot Kalutara ladies' hats and bags

No 5 Showcase Almirah — (53) 13 brass trays, large and small, (54) 1 lot ash trays, (55) 1 lot miscellaneous brass trays, small, (56) 10 old plates, (57) 1 lot ola books, (58) 3 brass boxes, (59) 10 brass trays, large and small

No 6 Showcase — (60) 1 lot tortoise shell goods, (61) 1 amethyst necklace, (62) 6 walking sticks, (63) 7 old boxes, (64) 1 lot antiques, (65) 1 office writing table, (66) 4 Welcome chairs, (67) 1 old iron safe, (68) 4 large showcases, (69) 3 showcases, (70) 4 glass almirahs, small and large, (71) 1 hairpin, (72) 1 pendant, (73) 1 pair earrings, (74) 1 ring, (75) 15 pairs bangles, (76) 1 lot white and assorted stones, (77) 1 old brass large oil lamp (pana), (78) 5 picture frames, (79) 4 large trays, (80) 1 tray stand, (81) 2 talpot fans, (82) 1 brass flower pot

Valuation Rs 2,474 95

Fiscal's Office,
Kandy, July 6, 1943

K B KADURUWEWA,
Deputy Fiscal

Southern Province

In the Court of Requests of Balapitiya

Karunakalage Peter de Silva of Ambalangoda Plaintiff creditor

No 21,946

Vs

Appuwanandi Abraham de Silva of Seengama Defendant debtor

NOTICE is hereby given that on Tuesday, August 10, 1943, commencing at 9 a.m. in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs 305 25 with legal interest on Rs 276 25 from May 3, 1939, till payment in full, viz —

1 Commencing at 9 a.m. — An undivided $\frac{1}{2}$ part of the soil and soil share trees of the land called Kudubhiya Godawatta, situated at Weragoda in Wellaboda pattu of Galle District, Southern Province, and bounded on the north by Atholywekumbura east by Manella and the road to Alutwala, south by Karalgahawelakumbura, and on the west by lot No 2 and Manella, and containing in extent about 17 acres

2 Commencing at 10 30 a.m. — All the soil and trees of the land called Dodangahademva, together with everything standing thereon, situated at Seengama in Wellaboda pattu aforesaid, and bounded on the north by lot No of Pakinigaawatta, east by Adakan kanamagewela, south by Dodangahademva and Sumbalagahawatta, and west by the V C road to Malawenna, and containing in extent 2 acres and 3 roods

3 Commencing at 11 30 a.m. — An undivided $\frac{1}{10} + \frac{1}{16} + \frac{1}{40}$ parts of the soil and soil share trees of the land called Athipitiyewatta situated at Munugoda in Wellaboda pattu aforesaid, and bounded on the north by Kalupe Ettange Ampitiyewatta, east by Lundamulla watta, south by Kanapathiwatta, and west by Madangahaawita, and containing in extent about $3\frac{1}{2}$ acres

(The 1st and 2nd lands are subject to a mortgage for Rs 3,000 in favour of L S Letchman Chettiar, Galle)

Deputy Fiscal's Office,
Balapitiya, July 5, 1943

SAM RANASOORIYA,
Additional Deputy Fiscal

NOTICES OF TESTAMENTARY ACTIONS

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Jurisdiction Weerapperuma Kankanamage Peter, late of No 10,421 Slave Island, Colombo, deceased

Ranasinghe Aratchilage Karunawathie of 15/23, Kew lane, Slave Island aforesaid Petitioner.

(1) Weerapperuma Kankanamage Hemapala, (2) Weerapperuma Kankanamage Somapala, both of 15/23, Kew lane, aforesaid, (3) Weerapperuma Kankanamage Piyasana, tailor, of Panchikawatta, Maradana Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on April 27, 1943, in the presence of Mr D F J Perera, Pictor, on the part of the petitioner above named and the affidavit of the petitioner dated April 21, 1943, having been read

It is ordered that the 3rd respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st and 2nd respondents, to represent them for all the purposes of this action and 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 any other person or persons interested shall, on or before June 24, 1943, show sufficient cause to the satisfaction of this court to the contrary

June 8, 1943

JAMES JOSEPH,
Additional District Judge

The date for showing cause against the above Order Nisi is extended to July 22, 1943

June 21, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of
Jurisdiction Podimarakkala Vidanalage Martin Peter
No 10,466 Perera of 185, Modera street, Mutwal,
Colombo Petitioner

- (1) Podimarakkala Vidanalage Carl George Peter Perera,
(2) Podimarakkala Vidanalage Rachel Catherine Perera,
(3) Podimarakkala Vidanalage Walter Alexander Perera,
(4) Podimarakkala Vidanalage Mary Irene Perera, (5)
Podimarakkala Vidanalage Jerome Bedd Perera, (6) Podi-
marakkala Vidanalage Roland Joseph Perera, (7) Podi-
marakkala Vidanalage Ivan Walter Perera, all of 185,
Modera street, Mutwal, (8) Mahatage Walbert Dias of
Mutwal Respondents

THIS matter coming on for disposal before James Joseph, Esq.,
Additional District Judge of Colombo, on June 8, 1943, in the
presence of Mr S M C de Soysa, Proctor on the part of the
petitioner above named, and the affidavit of the petitioner dated
May 3, 1943, having been read

It is ordered that the 8th respondent above named be and he is
hereby appointed guardian *ad litem* of the minors, the 5th, 6th, and
7th respondents, to represent them for all the purposes of this
action and 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 any other person or persons
interested shall, on or before July 15, 1943, show sufficient cause to
the satisfaction of this court to the contrary

June 18, 1943 JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the matter of the Intestate Estate of John
Jurisdiction George de Vos of Thurlby, 22, Austin place,
No 10,472 Borella, Colombo, deceased

George Henry de Vos of Thurlby, 22, Austin place,
Borella Petitioner

And

- (1) Eva Agnes de Vos nee Lodewyke of 22, Austin place,
Borella, (2) Evangeline Carlotte Georges nee de Vos of 28,
Austin place, Borella (3) John George de Vos of Thurlby,
gasyaya road Colombo, (4) Matilda Winifred Daviot nee de
Vos of Galle, (5) Douglas Vernon de Vos of 22, Austin place,
Borella, (6) Virginia Priscilla Honter nee de Vos of Galle,
(7) Eric Bertram de Vos of 22, Austin place, Borella, (8)
Carlyle Arnold de Vos, and (9) Olga Theresa de Vos, both
of 22, Austin place, Borella Respondents

THIS matter coming on for disposal before James Joseph, Esq.,
Additional District Judge of Colombo, on June 11, 1943, in the
presence of Messrs de Silva & Mendis, Proctors, on the part of
the petitioner above named and the affidavit of the petitioner
dated June 4, 1943, having been read

It is ordered that the 7th respondent above named be and he is
hereby appointed guardian *ad litem* of the minors, the 8th and the
9th 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 an heir of the deceased above named, 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 July 22, 1943, show sufficient cause to
the satisfaction of this court to the contrary

June 26, 1943 JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate and Effects of
No 10,473 Kalaha Pandige Don Davith Appuhamy of
1, Dispensary lane, Slave Island, deceased

Kalaha Pandige Sumanasena of 1, Dispensary lane, Slave
Island Petitioner

Vs

Kalaha Pandige Sarasena of 1, Dispensary lane, Slave
Island Respondent

THIS matter coming on for disposal before James Joseph, Esq.,
Additional District Judge of Colombo, on June 16, 1943, in the
presence of Mr P Kandiah, Proctor, on the part of the petitioner
above named, and the affidavit of the petitioner dated June 14,
1943, having been read

It is ordered and decreed that the petitioner above named be and
he is hereby declared entitled, as the eldest 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 July 29,
1943, show sufficient cause to the satisfaction of this court to the
contrary

June 18, 1943 JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Arthur
Jurisdiction Noel de Livera of 13th lane, Bambalapitiya,
No 10,483 deceased

Douglas Ian de Livera of 13th lane, Bambalapitiya,
in Colombo Petitioner

Conrad Eric Ruenzie de Livera of 13th lane, Bambalapitiya,
presently of Trincomalee Respondent

THIS matter coming on for disposal before James Joseph, Esq.,
Additional District Judge of Colombo, on June 23, 1943, in the

presence of Mr S H Dias Abeysinghe, Proctor, on the part of the
petitioner above named, and the affidavit of the petitioner dated
June 22, 1943, having been read

It is ordered that the petitioner above named be and he is hereby
declared entitled, as the eldest 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 July 22, 1943, show
sufficient cause to the satisfaction of this court to the contrary

June 26, 1943 JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Uslyanage
Jurisdiction Abraham Perera of Tumburgasyaya road,
No 10,477. Colombo, deceased

Ma id Henrietta Nicholas nee Rozairo of 40, Narahenpita road,
Tumburgasyaya Petitioner

- (1) Uslyanage Maria Perera, (2) ditto Philip Perera, both of
200, Gonawela, Kelaniya, (3) Grace Josephine Wiyaya
naysake nee Rozairo of 40, Narahenpita road, Tumburgasyaya,
(4) Florence Blanche Perera nee Rozairo of 19, 34th lane,
Wellawatta, (5) Elaine Constance Sybil Mohotti nee Rozairo
of General Hospital, Ananda, (6) Rata Juliet Amarasokera
nee Rozairo of Government Dispensary, Kamburupitiya,
(7) Stanley William Felix Rozairo of Military Headquarters,
Kandy, (8) Andrew Christopher Rozairo of 1, Kottawa
road, Mirihana, Nugegoda, (9) Edward Walter Rozairo
of 90, 77th lane, Tumburgasyaya, (10) Joseph Daniel
Rozairo of Kirillapone place, Kirillapone road, Tumburgasyaya,
(11) Malcolm Edward Noel, (12) Louis Aristobol
Vernee, (13) Albert Russell Pearson, (14) Horace Elmore
Bruce, (15) Rex Laurence St George, (16) Kingsley Tenny
son Danell, (17) Ralph Norman Milton, (18) Banyan St
Valentine Milton, (19) Maureen Barbara Amybelle, (20)
Joan Bridget Erin, all of Mirihana Respondents

THIS matter coming on for disposal before James Joseph,
Esq., Additional District Judge of Colombo, on June 26, 1943, in
the presence of Messrs Perera & Sahanratne, Proctors, on the part
of the petitioner above named, and the affidavit of the petitioner
dated March 29 1943, having been read

It is ordered that the 11th respondent above named be and he is
hereby appointed guardian *ad litem* of the minors, the 15th, 16th,
17th, 18th, 19th, and 20th respondents, to represent them for all the
purposes of this action and that the petitioner above named be and
she is hereby declared entitled, as the niece of the deceased above
named, to have letters of administration to the above estate issued
to her accordingly, unless the respondents above named or any other
person or persons interested shall, on or before July 29, 1943, show
sufficient cause to the satisfaction of this court to the contrary

June 29, 1943 JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Notice of Application

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Percy Edward Cobham formerly of 104, Queen's
No 10,495 Gate, London, S W 7, but late of Hibberts Close
Kington Langley in the County of Wilts and
care of The Chartered Bank of India, Australia
and China of 38, Bishopsgate, London E C 2,
deceased

And in the matter of the British Courts Probates
(Re sealing) Ordinance (Chapter 84)

NOTICE is hereby given, that after the expiry of twenty-one
days from the date hereof, application will be made to the District
Court of Colombo, under the British Courts Probates (Re sealing)
Ordinance (Chapter 84) for the Sealing of an Exemplification of
Probate of the last will and testament of Percy Edward Cobham
formerly of 104, Queen's Gate, London, S W 7, but late of Hibberts
Close Kington Langley in the County of Wilts and care of The
Chartered Bank of India, Australia and China of 38, Bishopsgate,
London E C 2, deceased, granted by the Principal Probate Registry
of His Majesty's High Court of Justice at Llandudno on February
27, 1940

JULIUS & CHASBY,

Proctors for James Robert Thorburn, Attorney for Alastair
Patrick Hadow and John Ernie Money, the Executors of
the Last Will and Testament of Percy Edward Cobham,
deceased

Colombo June 28, 1943

In the District Court of Colombo

Order Absolute in the First Instance

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Wilmot Arthur de Silva of Sravasti, Edinburgh
No 10,501 Crescent, Colombo, in the Island of Ceylon,
deceased

And

In the matter of the Civil Procedure Code (Cap 86)
Chapter XXXVIII

Frederick Lionel de Fonseka of 118, Galle road, Wellawatta,
Colombo Petitioner

THIS matter coming on for final determination before James
Joseph, Esq., Additional District Judge of Colombo on July 2,
1943, in the presence of Messrs F J & G de Saram, Proctors, on the
part of the petitioner Frederick Lionel de Fonseka of 118, Galle
road, Wellawatta, Colombo, and (1) the affidavit of the said

petitioner dated June 30, 1943, and (2) the affidavit of the attesting notary of the will dated July 2, 1943, having been read. It is ordered that the will of the said Wilfrid Arthur de Silva, deceased, bearing No 2499 dated October 18, 1941, and attested by James Aubrey Martensz of Colombo, Notary Public, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved. And it is further declared that the said Frederick Lionel de Fonseka is the sole executor named in the said will and that he is entitled to have probate thereof issued to him accordingly subject to his tendering the usual oath, and bond

July 2, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Negombo
Order Nisi declaring Will proved

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Francis James Beling of Welhena estate,
No 3,216 Negombo, deceased

Ruby Beatrice Beling *nee* Ephraims of Welhena estate, Ne-
gombo Petitioner

Vs

(1) Lorna Beatrice Vanderstraeten *nee* Beling, (2) Isabel Naomi Beling, (3) Francis James Beling, (4) Ruby Miriam Beling, (5) Emma Ruth Beling, (6) F L Vanderstraeten, all of Welhena estate, Negombo Respondents

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge of Negombo, on June 19, 1943, in the presence of Mr A V Perera, Proctor, on the part of the petitioner, and the affidavit of the petitioner dated June 19, 1943, and June 14, 1943, respectively, and the affidavit dated June 17, 1943, of the attesting notary and one of the attesting witnesses of the will of the above named deceased having been read

It is ordered that the last will of the said Francis James Beling, deceased bearing No 799 dated August 31, 1932, and attested by Arthur Victor Pereira of Negombo, Notary Public, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved unless the above named respondents or any other person or persons interested shall, on or before July 19, 1943, show sufficient cause to the contrary to the satisfaction of this court

It is further ordered (a) that the 6th respondent above named be and he is hereby appointed guardian *ad litem* of the 2nd to 5th respondents above named, who are minors, to represent them for all the purposes of this action, and (b) that the said petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless the said respondents or any other person or persons interested shall, on or before July 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the said minor respondents be produced in this court on July 19, 1943, at 10 A M

June 19, 1943

S RAJARATNAM,
District Judge

In the District Court of Kalutara
Order Nisi

Testamentary In the Matter of the Estate of the late Watta
Jurisdiction nekunge Odanis Fernando, deceased, of Melegama
No 3,057

Wattenekatte Romanis Fernando of Melegama Petitioner

Vs

(1) W Gustina Fernando and husband, (2) Vidyahepiti Vipulatilaka Tarukaratna Malankatte Paulis Fernando both of Melegama, (3) W Pemona Fernando, (4) W. Win doris Fernando, both of Siyambalagoda in Salpiti korale Respondents

THIS matter coming on for disposal before V Joseph, Esq., District Judge, Kalutara, on December 22, 1942, in the presence of Mr C L E Perera, Proctor, on the part of the petitioner, and the affidavit of the above mentioned petitioner dated March 26, 1942, having been read

It is ordered that the estate of the late Wattenekatte Odanis Fernando, deceased, be administered by the petitioner as his brother, and that letters of administration be issued to him, unless the respondents or other persons interested shall, on or before February 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

December 22, 1942

V JOSEPH,
District Judge

The date to show cause has been extended to July 15, 1943

V S JAYAWICKRAMA,
District Judge

In the District Court of Kalutara
Order Absolute declaring Will proved

Testamentary In the Matter of the last will and testament of
Jurisdiction Munasinghe Limoris de Silva of Pohaddaramulla,
No 3,086 deceased

Munasinghe Neelis de Silva of Pohaddaramulla Petitioner

THIS matter coming on for disposal before V S Jayawickrama, Esq., District Judge of Kalutara, on May 6, 1943, in the presence of Messrs Tumanne & Meszema, Proctors, on the part of the petitioner and the affidavit of the above mentioned petitioner dated February 13, 1943 and affidavit of notary's witnesses dated February 13, 1943 having been read, with last will No 7640 dated November 28, 1942, and filed of record

It is ordered that the will of Munasinghe Limoris de Silva, deceased dated November 28, 1942, and numbered 7640 be and the same is hereby declared proved, unless any person or persons interested shall, on or before June 22, 1943, show sufficient cause to the satisfaction of this court to the contrary

V S JAYAWICKRAMA,
District Judge

The date for showing cause against this is extended for July 22, 1943

June 22, 1943

V S JAYAWICKRAMA,
District Judge

In the District Court of Kalutara
Order Nisi

Testamentary In the Matter of the Estate of Greruge Andris,
Jurisdiction Greru of Talpitiya South, deceased
No 3,087

Greruge Robert Greru of Pallimulla in Panadure Petitioner

Vs

(1) Greruge Sarah Greru of Talpitiya south, (2) Greruge Solomon Greru of Pallimulla, Panadure, (3) Greruge Dharmadasa Greru of Pallimulla, Panadure, (4) Kelanyage Pedrick Silva of Galkissa Respondents

THIS matter coming on for disposal before J H V S Jayawickrama, Esq., District Judge of Kalutara, on May 6, 1943, in the presence of Mr Danister Perera, Proctor, on the part of the petitioner, and the affidavit of the above named petitioner dated March 8, 1943, having been read

It is ordered that the petitioner above named be hereby declared entitled, as a son of the deceased, to have letters of administration issued to him, unless the respondents or other person or persons interested shall, on or before June 22, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the said Kelanyage Pedrick Silva, the 4th respondent, be appointed guardian *ad litem* over the 3rd respondent, who is a minor, unless the respondents of other interested person or persons shall, on or before June 22, 1943, show sufficient cause to the satisfaction of this court to the contrary

- May 6, 1943

V S JAYAWICKRAMA,
District Judge

The date for showing cause against the above *Order Nisi* is extended to July 22, 1943

V S JAYAWICKRAMA,
District Judge

In the District Court of Kandy
Order Nisi

Testamentary In the Matter of the Estate of the late Andige
Jurisdiction Noms Fernando of Bodimaluwa in Bentota
No T 64 Walallawiti korale in Galle District, deceased

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge of Kandy, on June 21, 1943, in the presence of Mr Arthur de Silva, Proctor, on the part of the petitioner, Andige Ensohamy Fernando of Bodimaluwa, and the affidavit of the said petitioner dated March 30, 1938, having been read

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents—(1) Andige Nandawathie Fernando, (2) ditto Anadasa Fernando, (3) ditto Somawathie Fernando, (4) ditto Baniholeriew Fernando, (5) ditto Piyadasa Fernando, (6) ditto Untragesena Fernando, (7) ditto Nenne Sardiawathie Fernando, (8) ditto Hubert Hemeratne Fernando, (9) ditto Sumanasathirawathie Fernando, (10) ditto Hemawathie Fernando, all of Bodimaluwa, or any other person or persons interested shall, on or before July 29, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 2nd respondent be appointed guardian *ad litem* over the minors, the 3rd to 10th respondents, unless the respondents above named or any other person or persons interested shall, on or before July 29, 1943, show sufficient cause to the satisfaction of this court to the contrary

June 21, 1943

C NAGALINGAM,
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 the late Walter Wilfred Wittabron, deceased, of
No T 355 Matale

Leena Jeerasinghe of Haragama Walawwe, Matale Petitioner

And

Mrs Van Twest of Cemetery road, Kandy Respondent

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge of Kandy, on April 15, 1943, in the presence of Messrs de Silva & Karunaratne, Proctors, on the part of the petitioner, and the affidavit of the above named petitioner dated April 12, 1943, having been read. It is ordered that the will of Walter Wilfred Wittabron, deceased dated September 7, 1942, and numbered 166 be and the same is hereby declared proved, unless the respondent or any other person or persons interested shall, on or before June 14, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further declared that the said Leena Jeerasinghe, petitioner, as the executor named in the said will and that she is entitled to have probate of the same issued to her accordingly, unless the respondent or others shall, on or before June 14, 1943, show sufficient cause to the satisfaction of this court to the contrary

April 15, 1943

C NAGALINGAM,
District Judge

Date for showing cause is extended for July 22, 1943

June 14, 1943

C NAGALINGAM,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Amerasinghe
Jurisdiction Mudiyanselege Welpahalagedera Appuhamy,
No T 358 deceased, of Galdola Tumpane Udapalata West
in Tumpane

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on April 21, 1943, in the presence of Mr N Wimalasena, Proctor, on the part of the petitioner, Ratnayake Mudiyanselege Bandu Menika of Welpahalagedera, and the affidavit of the said petitioner dated April 20, 1943, having been read

It is ordered that the petitioner be and he is hereby declared entitled, as the widow of the above named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents—(1) Amerasinghe Mudiyanselege Welpahalagedera Puchi Amma, (2) ditto Ram Banda, (3) Heen Menika, (4) Loku Menika, (5) Mutu Banda, and (6) Karuppu Mudiyanselege Heen Menika, all of Galdola—or any other person or persons interested shall, on or before June 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 2nd respondent be appointed guardian *ad litem* over the minors, the 3rd to 6th respondents, unless the respondents or any other person or persons interested shall, on or before June 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

April 21, 1943

C NAGALINGAM,
District Judge

Showing cause is extended to July 26, 1943

C NAGALINGAM,
District Judge

In the District Court of Kandy

Testamentary In the Matter of the Estate and Effects of the late
No T 365 Wadanahaluwalagedera alias Welehenyala
gedera Kuda Heneya, deceased, of Akuramboda
in Udugoda Udasapattu of Matale North

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on June 3, 1943, in the presence of Messrs Wickramasinghe & Pinto, Proctors, on the part of the petitioner Puwakpitiye Kandangamuwegedera Kirimudu Ridee of Akuramboda, and the affidavit of the said petitioner dated May 14, 1943, having been read

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents—(1) Kandangamuwegedera Puchi, (2) Kandangamuwegedera Babee and (3) Wadanahaluwalagedera Puchi Wadana of Akuramboda in Matale—or any other person or persons interested shall, on or before July 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 3rd respondent be appointed guardian *ad litem* over the minor, the 2nd respondent, unless the respondents or any other person or persons interested shall, on or before July 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

June 3, 1943

C NAGALINGAM,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late William
Jurisdiction Arnoldus Moses, deceased, of Peradeniya road,
No T 369 Kandy

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on June 18, 1943, in the presence of Mr P. Mapalagama, Proctor, on the part of the petitioner, John Matthew Moses of Kandy, and the affidavit of the said petitioner dated June 15, 1943, having been read

It is ordered that the petitioner be and he is hereby declared entitled, as the brother of the above named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondent—(1) Louisa Moses, (2) Maud Elizabeth Moses, (3) L W Moses of Badulla, (4) G E P Moses, (5) Ernest Leslie Moses of Nugegoda, (6) G O Thomas Moses, and (7) O Cristobel Maud Outschoorn, presently of Nandyaya, or any other person or persons interested shall, on or before July 26, 1943, show sufficient cause to the satisfaction of this court to the contrary

June 18, 1943

C NAGALINGAM,
District Judge

In the District Court of Matara

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late
No 4-178 Manikyaratna Rupanchanage Amaris of Dick
wella, deceased

Epalanthuduwe Banakiyanage PUNCHHAMY of Dick
wella Petitioner

And

(1) Manikyaratna Rupanchanage Podihamy, (2) ditto Salpina both of Galagama, (3) ditto Charlma, (4) ditto Seetin, (5) Ediribandange Somawathy, (6) ditto Sumanawathy, 5th and 6th are minors by guardian *ad litem* the 7th respondent, all of Dickwella, (7) ditto Sadiris of Angulmaduwa Respondents

THIS matter coming on for disposal before S S J Goonesekera, Esq., District Judge of Matara, on June 9, 1943, in the presence of Mr J P Goonewardana, Proctor, on the part of the petitioner and the affidavit of the above named petitioner dated May 28, 1943, having been read

It is ordered that the said petitioner be and she is hereby declared entitled, as wife of the deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents or any other person or persons interested in the estate shall, on or before July 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the said Ediribandange Sadiris, the 7th respondent, be appointed guardian *ad litem* over the 5th and 6th minor respondents, unless the respondents or others interested in the estate shall, on or before July 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

June 9, 1943

S S J GOONESEKERA,
District Judge

In the District Court of Tangalla

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction the late Siyadonis de Silva Ratnaweera of
No 1367 Mamadola, deceased

Liyana Arachchi Patabendige Dinoris Silva of Mama
dola Petitioner

Vs

(1) Misunona Ratnaweera of Mamadola, (2) Chandrawathie Ratnaweera of Mamadola, minor, living under the 4th respondent, (3) Donald Ratnaweera of Mamadola, minor living under the 4th respondent, (4) Suleham Jayawardana of Mamadola Respondents

THIS matter coming on for disposal before M C Sansoni, Esq., District Judge of Tangalla, on June 16, 1943, in the presence of Mr H D Ratnatunga, Proctor, on the part of the petitioner, and the affidavits of the said petitioner dated June 1, 1943, and of the attesting notary D N W A Kumasingha of Tangalla dated June 1, 1943 and of the two attesting witnesses Arukattupatabendige Mandiyas of Welpatanwila dated May 27, 1943, and Abdul Latiff Muhammadu Abdul Salam of Ambalantota dated May 29, 1943, having been read

It is ordered that the last will of Siyadonis de Silva Ratnaweera, deceased, of which the original has been produced and is now deposited in the court bearing No 3301 dated February 3, 1942, be and the same is hereby declared proved and that the petitioner above named, the executor named in the said will, be and he is hereby declared entitled to have probate to the said will issued to him accordingly, unless any person or persons interested shall, on or before July 15, 1943, show sufficient cause to the satisfaction of the court to the contrary

It is further ordered that the 4th respondent above named be appointed guardian *ad litem* over the 2nd and 3rd minor respondents, unless any person or persons interested shall, on or before July 15, 1943, show sufficient cause to the satisfaction of the court to the contrary

June 16, 1943

M C SANSONI,
District Judge

In the District Court of Jaffna

Order Nisi

Testamentary In the Matter of the Estate of the late Thambiah
Jurisdiction Kandappilla of Maruvanpulo, deceased
No 424

Ramalingam Ragunather of Maruvanpulo Petitioner

Vs

(1) Muttappillai widow of Sethalingam Kandiah of Maruvanpulo, (2) Sadappillai widow of Appapillai Naduvithamby of Kandiah Navakkudy, (3) Kandiah Ponnampalam, (4) Kandiah Sethalingam and (5) Kandiah Ambavanar, all of Maruvanpulo Respondents

THIS matter coming on for disposal before G C Thambiah, Esq., District Judge, Jaffna on June 1, 1943, in the presence of Mr R Sivarajah, Proctor for the petitioner, and an affidavit of the petitioner dated May 31, 1943, having been read

It is ordered that the petitioner as a cousin of the deceased intestate is entitled to have letters of administration to the said estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall appear before this court on or before July 12, 1943, at 10 A.M., and show cause if any to the satisfaction of the court to the contrary

June 1, 1943

G C THAMBIAH,
District Judge