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PART II — LEGAL.

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

	PAGE		PAGE
Passed Ordinances	343	District and Minor Courts Notices	—
Draft Ordinances	—	Notices in Insolvency Cases	363
Governor's Ordinances	—	Council of Legal Education Notices	—
List of Notaries	—	Notices of Fiscals Sales	363
Supreme Court Notices	363	Notices in Testamentary Actions	364
Notifications of Criminal Sessions of the Supreme Court	—	Miscellaneous	—

PASSED ORDINANCES

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

No. 19 of 1943.

L D — O 47/39

**An Ordinance to provide for the establishment and
regulation of the Agricultural and Industrial Credit
Corporation of Ceylon**

[Assented to by His Majesty the King See Proclamation dated
July 23, 1943, published in Government Gazette No 9,152 of
July 30, 1943]

A CALDECOTT

TABLE OF SECTIONS

- 1 Short title and date of operation

PART I

ESTABLISHMENT AND CONTROL OF THE CORPORATION

The Corporation

- 2 Establishment of the corporation
3 Head office and branch offices
4 Law governing the corporation
5 General control of the corporation
6 Business of the corporation

The Board of Directors

- 7 Constitution of the Board
8 Chairman and Deputy Chairman of the Board
9 Meetings of the Board
10 Quorum
11 Determination of questions at meetings
12 Minutes of meetings
13 Resolution without Board meeting
14 Term of office of nominated director
15 Remuneration of directors
16 Qualifications of nominated director
17 Vacation of office of nominated director
18 Certain officers deputising for Financial Secretary and
Minister at meetings
19 Casual vacancies among nominated directors
20 Acting appointment in case nominated director unable to
discharge his duties owing to illness, &c
21 Register of directors

Funds of the Corporation

- 22 Advances to corporation from general revenue
23 Grant from general revenue towards preliminary expenses
24 Power of Board to raise money by debentures
25 Provisions applicable to issue of debentures
26 Mode of payment of interest on and principal of debentures
27 Certificate of Deputy Financial Secretary on debentures.

- 28 Register of debentures
- 29 Transfer of debentures
- 30 Debentures of deceased holder
- 31 Evidence of title to debenture
- 32 Cesser of interest after repayment of debenture is available
- 33 Corporation not affected with notice of trusts

Officers of the Corporation

- 34 Appointment of officers
- 35 Certain officers to furnish security
- 36 Dismissal of officers
- 37 Delegation by Board of powers, &c, to officers of corporation
- 38 Provisions relating to losses caused to corporation or incurred by officers of corporation
- 39 Declaration of secrecy
- 40 Right to refuse to answer questions

Accounts and Audit

- 41 Accounts of the corporation
- 42 Profit and loss account and balance sheet for each year
- 43 Contents of profit and loss account
- 44 Report of directors
- 45 Audit of accounts
- 46 Auditor's report
- 47 Powers of auditor
- 48 Annual accounts with reports of directors and auditor to be transmitted to Governor
- 49 Publication of accounts

PART II

BUSINESS OF THE CORPORATION

General

- 50 Authorised business of the corporation

Provisions relating to all loans by the Corporation

- 51 Refusal to consider applications in certain cases
- 52 No loans to be given except on certain securities
- 53 Further restrictions regarding security for loans, &c
- 54 Rate of interest on loans
- 55 Loan not to be granted except upon resolution
- 56 Loan not to be granted to certain classes of persons
- 57 Withdrawal of grant of a loan
- 58 Power of Board to investigate purpose to which loan is applied
- 59 Power of Board to require additional security or recall loan
- 60 Change of security
- 61 Mode of repayments of loans
- 62 Registered address of borrower, &c
- 63 Service of notice on borrower, &c

Provisions relating to loans by the Corporation on the security of immovable property

- 64 Priority of charge created by loan made by corporation
- 65 Form of mortgage of immovable property
- 66 Default of payment
- 67 Action by Board where default is made
- 68 Authorisation of manager to take possession of mortgaged property
- 69 Procedure where manager is appointed
- 70 Authorisation of sale of mortgaged property
- 71 Where borrower is dead
- 72 Notice of resolution of Board to sell mortgaged property
- 73 Notice of sale
- 74 Payment before sale
- 75 Upset price
- 76 Default in respect of one of several loan on same property
- 77 Recovery of expenses and costs incurred by the corporation
- 78 Payment of excess balance
- 79 Certificate of sale
- 80 Order for delivery of possession
- 81 Cancellation of sale
- 82 Re sale by corporation
- 83 Board not precluded from other methods of recovery
- 84 Power of Board to inspect valuation rolls of local rating or taxing authority

PART III

GENERAL

Rules

- 85 Rules made by the Board

Miscellaneous

- 86 Contracts, &c, on behalf of the corporation
- 87 Execution of deeds abroad
- 88 Receipts on behalf of corporation
- 89 Common seal of corporation
- 90 Governor's powers to order investigation, winding up, &c
- 91 Interpretation

SCHEDULE

**An Ordinance to provide for the establishment and
regulation of the Agricultural and Industrial Credit
Corporation of Ceylon**

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 Agricultural and Industrial Credit Corporation Ordinance, No 19 of 1943, and shall come into operation on such date as the Governor may appoint by Proclamation published in the *Gazette*

Short title
and date of
operation

PART I.

**ESTABLISHMENT AND CONTROL OF THE
CORPORATION**

The Corporation

2 (1) A corporation to be called the Agricultural and Industrial Credit Corporation of Ceylon is hereby established

Establishment
of the
corporation

(2) The Agricultural and Industrial Credit Corporation of Ceylon shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. It shall, subject to the provisions of this Ordinance, be capable of acquiring, holding and alienating property, movable and immovable, and of doing and performing all such acts and things as bodies corporate may do and perform

3. (1) The head office of the corporation shall be at Colombo

Head office
and branch
offices

(2) Such branch offices of the corporation as the Board may consider necessary may be established at places in Ceylon other than Colombo

4 The corporation shall be conducted and managed in accordance with the provisions of this Ordinance to the exclusion of the provisions of the Companies Ordinance, No 51 of 1938, and of any other written law relating to companies

Law governing
the
corporation

5. The general supervision, control and administration of the affairs and business of the corporation shall be vested in the Board of Directors of the corporation

General
control
of the
corporation
Business
of the
corporation

6 The corporation is, subject to the provisions of this Ordinance, authorised to carry on and transact the several kinds of businesses specified in section 50

The Board of Directors

7. (1) The persons for the time being lawfully discharging the functions of Financial Secretary and of Minister for Labour, Industry and Commerce shall *ex-officio* be members of the Board of Directors of the corporation

Constitution
of the
Board

(2) The Governor may nominate not more than five other persons (hereinafter referred to as "the nominated directors") to be members of the Board, in addition to the *ex-officio* members

8 (1) The Chairman of the Board shall be elected by the members of the Board from amongst their number

Chairman
and Deputy
Chairman
of the
Board

(2) The members of the Board may, if they think necessary, elect from amongst their number a Deputy Chairman

(3) The Chairman of the Board shall preside at every meeting of the Board at which he is present

(4) In the absence of the Chairman, the Deputy Chairman shall preside at meetings of the Board, and, in the absence of both the Chairman and the Deputy Chairman, a director chosen by the majority of the directors present, shall preside at any meeting of the Board

9 (1) A meeting of the Board shall be held as often as the Chairman may deem necessary

Meetings
of the
Board

Provided that a meeting shall be held at least once in every month

(2) The Chairman shall upon a written requisition from any two directors call a special meeting. No such special meeting shall be held unless at least four days' notice specifying the time of such meeting and the purpose for which it is to be held has been given by notice in writing to every director

10 Four directors shall constitute a quorum at any meeting of the Board

Quorum

11 Any question which arises at any meeting of the Board shall be decided by a majority of votes of the directors present and, in the case of an equality of votes, the director presiding at the meeting shall have a second or casting vote

Determination
of questions
at meetings

12. (1) The Board shall cause minutes to be made, in books provided for the purpose, of the proceedings of every meeting of the Board

Minutes of
meetings

(2) The minutes of the proceedings of any meeting, if signed by the director presiding at that meeting or at the next succeeding meeting, shall be *prima facie* evidence of the proceedings of the meeting to which the minutes relate

Resolution without Board meeting	<p>13 (1) A resolution signed by all the directors of the corporation for the time being shall be as valid and effectual as if it had been passed at a meeting of the Board</p> <p>(2) Every such resolution shall be recorded in the minutes book containing the proceedings of the Board as if it had been passed at a meeting of the Board</p>
Term of office of nominated director	<p>14. Every nominated director shall ordinarily be appointed and hold office for a term of three years, and shall be eligible for re-nomination at the end of that period</p>
Remuneration of directors	<p>15 Every nominated director shall be remunerated from the funds of the corporation for work done by him in his capacity as a director according to such scale as the Governor may, with the advice of the Executive Committee of Labour, Industry and Commerce, determine</p>
Qualifications of nominated director	<p>16 No person shall be qualified to be a nominated director unless—</p> <p>(a) he is a British subject and has been resident in Ceylon, whether continuously or otherwise, for a period or periods amounting in all to not less than five years out of the ten years immediately preceding the date of his nomination,</p> <p>(b) being a member of the State Council he shall resign therefrom within one month of being nominated a director,</p> <p>(c) being a whole-time salaried officer of the Government, he shall resign from such post within one month of being nominated a director</p>
Vacation of office of nominated director	<p>17. The office of a nominated director shall be vacated if such director—</p> <p>(a) accepts or holds any office or place of profit under the corporation,</p> <p>(b) becomes bankrupt or is adjudicated insolvent or compounds with his creditors,</p> <p>(c) becomes lunatic or is adjudged to be of unsound mind,</p> <p>(d) is convicted of an offence and sentenced to imprisonment,</p> <p>(e) is absent from meetings of the Board for more than three consecutive months without the leave of the Board,</p> <p>(f) being a member of the State Council at the time of his nomination as director, fails to resign his seat in such Council within one month of such nomination,</p> <p>(g) becomes a member of the State Council,</p> <p>(h) becomes a whole-time salaried officer of the Government,</p> <p>(i) by letter addressed to the Governor resigns his office,</p> <p>(j) is removed from office by the Governor</p>
Certain officers deputising for Financial Secretary and Minister at meetings	<p>18 (1) Subject as hereinafter provided, any officer of Government may, by name or by office, be authorised in writing—</p> <p>(a) by the Financial Secretary, or</p> <p>(b) by the Minister,</p> <p>either generally to attend meetings of the Board, or specially to attend any particular meeting of the Board, on behalf of the Financial Secretary or of the Minister, as the case may be</p> <p>Provided that the same officer of Government shall not attend any such meeting on behalf both of the Financial Secretary and of the Minister</p> <p>(2) Any officer authorised under sub-section (1) shall, at any meeting which he is authorised to attend on behalf of the Financial Secretary or of the Minister, be entitled to exercise the same privileges and rights as the Financial Secretary or the Minister, as the case may be</p>
Casual vacancies among nominated directors	<p>19. (1) If at any time a nominated director dies or vacates his office, the Governor may nominate another person in place of the director so dying or vacating his office</p> <p>(2) The director so nominated shall hold office for the remainder of the period of office of the director in whose place he has been nominated and no longer, but shall be eligible for re-nomination</p>
Acting appointment in case nominated director unable to discharge his duties owing to illness, &c	<p>20 If it appears to the Governor that a nominated director is unlikely to be able to discharge the duties of his office for a period of three months by reason of absence from Ceylon, illness, ill-health, or any other cause whatsoever, he may appoint another person to act in the place of such director for such period as he may deem fit</p>
Register of directors	<p>21. A register showing the names, addresses and occupations of the directors for the time being of the corporation shall at all times be kept at the head office of the corporation</p>

Funds of the Corporation

22 (1) Sums not exceeding three million rupees in the aggregate may, at the request of the Board and with the approval of the Board of Ministers, be advanced to the corporation out of the general revenue of the Island. All such sums shall be advanced on such terms and conditions as to the rate and payment of interest and the time and manner of repayment, as the Board of Ministers may determine.

Advances to corporation from general revenue

(2) The Deputy Financial Secretary is hereby authorised and empowered to pay or cause to be paid any sum required to be advanced under this section to the corporation out of the general revenue of the Island.

23 (1) Such sums, not exceeding fifty thousand rupees in the aggregate, as may be required for the purpose of defraying the preliminary costs and expenses of the corporation may, at the request of the Board, be granted to the corporation out of the general revenue of the Island.

Grant from general revenue towards preliminary expenses

(2) The Deputy Financial Secretary is hereby authorised and empowered to pay or cause to be paid any sum required under this section to be granted to the corporation out of the general revenue of the Island.

24 (1) Subject to the provisions of section 25, the Board may from time to time raise by means of debentures such sums, not exceeding fifty million rupees in the aggregate, as may be required for the purpose of carrying on the business of the corporation.

Power of Board to raise money by debentures

(2) In addition to the sums authorised to be raised under sub-section (1), the Board may, for the purpose of carrying on the business of the corporation and subject to the provisions of section 25, raise by means of debentures such further sums as may from time to time be authorised by resolution passed by the State Council, upon motion made in that behalf by the Minister with the approval of the Board of Ministers.

(3) The principal of, and interest due upon, all sums raised under this section shall be charged upon all the property and assets of the corporation.

25 (1) The Board shall, prior to each issue of debentures, with the approval of the Board of Ministers, determine in respect of that issue of debentures—

Provisions applicable to issue of debentures

- (a) the maximum sum which may be raised by such debentures,
- (b) the rate of interest payable upon such debentures,
- (c) the amount or amounts for which such debentures will be issued,
- (d) the time or times at which and the manner in which such debentures will be redeemed, including the circumstances in which and the conditions and restrictions subject to which all or any of such debentures may be compulsorily redeemed.

(2) Every determination under sub-section (1) in respect of an issue of debentures shall be published in the *Gazette* prior to the date on which such issue commences.

26 (1) Subject to the provisions of sub-sections (2) and (3), the interest on and principal of all debentures shall be paid as they fall due from the funds of the corporation.

Mode of payment of interest on and principal of debentures

(2) Where the funds of the corporation are insufficient to pay the whole or any part of the interest on or the principal of any debentures, such interest and principal shall be paid from the general revenue of the Island, upon which they are hereby constituted a charge.

(3) The provisions of section 22 relating to the rate of interest at which and the terms and conditions on which advances under that section may be made and the manner in which such advances may be paid to the corporation shall apply to every amount paid out of the general revenue of the Island under this section as if such amount were an advance under section 22.

Provided that no amount paid out of such revenue under this section shall be aggregated with any advance made under section 22 for the purpose of computing the sum of three million rupees mentioned in that section.

27 Every debenture shall be in the prescribed form and shall be inscribed with a certificate bearing the signature or the facsimile of the signature of the Deputy Financial Secretary. Such certificate shall for all purposes be conclusive evidence of the fact that the debenture has been duly issued under this ordinance and that the payment of the principal of the debenture and of the interest thereon is a charge upon the revenue of the Island under section 25.

Certificate of Deputy Financial Secretary on debentures

28 The corporation shall keep a register in which each debenture shall be entered, together with the date of issue and the name of the holder of that debenture.

Register of debentures

Transfer of debentures

29 Any debenture may be transferred by the holder thereof in such manner as may be prescribed

Provided, however, that no transfer of any debenture shall be valid until such transfer has been entered in the register and endorsed upon the debenture by an officer of the corporation thereto authorised in writing by the Board

Debentures of deceased holder

30. Where any debenture holder has died, no person other than an executor, administrator or heir of such holder shall be recognised by the corporation as having any title to any debenture of such holder

Evidence of title to debenture

31. The register of debentures shall be conclusive evidence that the person entered therein as the holder of any debenture is entitled to such debenture, and of the date of issue, redemption, cancellation, transfer, or transmission of any debenture, and of all other matters entered in such register

Cesser of interest after repayment of debenture is available

32 With effect from the day determined in the prescribed manner for the repayment of any debenture, all interest on the principal amount secured by that debenture shall cease, whether payment of such amount is or is not demanded

Corporation not affected with notice of trusts

33. (1) Save as is otherwise provided in this section, no notice of any trust in respect of any debenture shall be receivable by the corporation

(2) Any debenture holder or any person who is an applicant for any debenture or to whom any debenture is to be transferred may, by request made in writing to the Board, require that he be described in the register of debentures as a trustee, whether under a specified instrument of trust or otherwise, and on such request being made, the Board shall make such entries in the register of debentures and in any debenture issued to such person, as the Board may consider necessary for the purpose of complying with the request

Where any request is made under this section by a debenture holder or by a person to whom a debenture is to be transferred, the debenture shall be transmitted to the Board at the time when such request is made

(3) Where any instrument of transfer of a debenture or any power of attorney or other document purporting to be executed by a debenture holder, who is described in the register of debentures as a trustee is produced to the Board, the Board shall not be concerned to inquire whether the debenture holder is entitled in law to execute such instrument or other document or to give any such power, and the Board may act upon such instrument or power of attorney or document in like manner as though the debenture holder had not been described in the register as a trustee, whether he is or is not so described in such instrument, power of attorney or document, and whether he does or does not purport to execute such instrument, power of attorney or document in his capacity as a trustee

(4) Nothing in sub-section (2) or sub-section (3) shall, as between trustees or as between any trustee and any beneficiary, be deemed to authorise a trustee to act otherwise than in accordance with the rules of law applicable in the case of that trustee and the terms of any instrument appointing him a trustee, and neither the Government nor the corporation nor any person holding or acquiring any interest in any debenture shall, by reason only of any entry in the register of debentures, or of anything in any debenture or in any document or instrument relating thereto, be affected with notice of any trust or the fiduciary character of any debenture holder or of any fiduciary obligation attaching to the holder of any debenture

(5) In this section "trustee" includes the executor of the last will or the administrator of the estate of a deceased person, the curator of the property of a minor, the manager of the estate of a lunatic and any person holding or intending to hold any debenture on behalf or for the benefit of any other person or body of persons

Officers of the corporation

Appointment of officers

34 (1) Subject as hereinafter provided, the Board shall have power to appoint all such officers of the corporation (including the subordinate staff) as may from time to time be necessary for carrying on the business of the corporation

Provided that the appointment of the General Manager, Assistant General Manager, Secretary and Accountant of the corporation shall not be made without the previous approval in writing of the Governor

(2) For the purposes of sub-section (1) and of sections 35 to 37, the expression "subordinate staff" includes only such officers of the corporation as are by the Board deemed to be members of the subordinate staff

Certain officers to furnish security

35. Every officer of the corporation (not being a member of the subordinate staff) shall, if called upon to do so by the Board, give security to the satisfaction of the Board for the due and faithful performance of his duties

36. No officer of the corporation (other than a member of the subordinate staff) shall be dismissed except on a resolution of the Board passed by a majority of the directors for the time being and approved by the Governor

Dismissal of officers

37. Subject to the approval of the Governor, the Board may in writing authorise the General Manager or other officer of the corporation (not being a member of the subordinate staff) to exercise, perform or discharge any power, duty or function conferred or imposed upon or assigned to the Board under this Ordinance

Delegation by Board of powers, &c., to officers of corporation

38. (1) No director or other officer of the corporation shall be liable for any damage or loss suffered by the corporation unless such damage or loss was caused by his misconduct or wilful default

Provisions relating to losses caused to corporation or incurred by officers of corporation

(2) Every director, auditor, manager, secretary or other officer of the corporation shall be indemnified by the corporation for all losses and expenses incurred by him in or about the discharge of his duties except such as the Board may deem to have been occasioned by his misconduct or wilful default

39. Every director, manager, auditor, officer, servant, agent, accountant, or other person employed in the business of the corporation shall, before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all transactions of the corporation, its agents, and all matters relating to such transactions and shall by such declaration pledge himself not to reveal any other matters which may come to his knowledge in the discharge of his duties, except—

Declaration of secrecy

(a) when required so to do—

- (i) by the directors, or
- (ii) by a court of law, or
- (iii) by the person to whom such matters relate,

(b) in the performance of his duties, and

(c) in order to comply with any of the provisions of this Ordinance or any other law

40. Every director, auditor, manager, secretary, or other officer of the corporation shall, except when required to do so by a court or by any law, decline to answer any question concerning the business of the corporation which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose any secret of the corporation or the business or affairs of any client of the corporation

Right to refuse to answer questions

Accounts and Audit

41. (1) The Board shall cause the accounts of the corporation to be kept in such form and in such manner as may be prescribed

Accounts of the corporation

(2) The books of account of the corporation shall be kept at the head office of the corporation or at such other place or places as the Board may determine

42. (1) The Board shall cause the books of the corporation to be balanced on the thirtieth day of September in each year, and shall, as soon as may be thereafter, cause to be prepared a profit and loss account and a balance sheet containing a summary of the assets and liabilities of the corporation made up to the date aforesaid

Profit and loss account and balance sheet for each year

(2) The profit and loss account and the balance sheet shall be signed by a majority of the directors for the time being and by the General Manager and the Accountant of the corporation

43. (1) The profit and loss account shall show, arranged under the most convenient heads, the amount of gross income, distinguishing the several sources from which it has been derived and the amount of gross expenditure distinguishing the expenses of establishment, remuneration of directors, salaries and other matters

Contents of profit and loss account

(2) Every item of expenditure fairly chargeable against the year's income shall be brought to account, and, in cases where any item of expenditure which may fairly be distributed over several years has been incurred in any one year, the whole amount of such item shall be shown and, where only a portion of such amount is charged against the income of the year, the reasons for not charging the whole of such amount shall be stated

44. Every profit and loss account and balance sheet shall be accompanied by a report, signed by a majority of the directors, as to the state and condition of the affairs of the corporation

Report of directors

45. (1) The accounts of the corporation shall be audited each year by the Auditor-General or by a chartered accountant as the Board may determine

Audit of accounts

Auditor's report	<p>(2) Where the accounts of the corporation are to be audited by a chartered accountant, such accountant shall be chosen by the Board, subject to the approval of the Governor, and shall receive such remuneration from the funds of the corporation as the Board may determine</p> <p>46 (1) The auditor shall examine the accounts of the corporation and ascertain the correctness of the balance sheet and report—</p> <p>(a) whether he has or has not obtained all information and explanations required by him, and</p> <p>(b) whether, in his opinion, the accounts referred to in the report are properly drawn up so as to exhibit a true and correct view of the corporation's affairs according to the best of his information and the explanations given to him and as shown by the books of the corporation</p> <p>(2) The report of the auditor shall be transmitted by him to the Board</p>
Powers of auditor	<p>47 For the purpose of performing his functions under section 46, every auditor shall have the same powers as a District Court—</p> <p>(a) to enforce the attendance of any person and to examine any person on oath,</p> <p>(b) to enforce the production of any document, and</p> <p>(c) to issue commissions for the examination of any person on interrogatories or otherwise,</p>
Cap 86	<p>and the provisions of the Civil Procedure Code relating to the powers of a civil court in respect of the matters aforesaid shall apply accordingly</p>
Annual accounts with reports of directors and auditor to be transmitted to Governor	<p>48. The Board shall, on receipt of the auditor's report in each year, transmit such report together with the profit and loss account and the balance sheet to which such report relates, and the report of the directors under section 44, to the Governor</p>
Publication of accounts	<p>49 The profit and loss account and the balance sheet shall, together with the whole or such portions (if any) of the reports transmitted to the Governor under section 48, as the Governor may determine, be published in the <i>Gazette</i></p>

PART II

BUSINESS OF THE CORPORATION

General

Authorised business of the corporation	<p>50. (1) Subject to the provisions of this Ordinance, the corporation is authorised to carry on and transact the several kinds of business hereinafter specified, namely—</p> <p>(a) to grant loans of money to any person for the purpose of—</p> <p>(i) the purchase or lease, or the cultivation, development or improvement of any land used or to be used for any purpose of agriculture or for the exploitation of the mineral resources thereof,</p> <p>(ii) the purchase or lease, or the construction, repair or renewal of any building, factory, mill, mine, machinery or equipment used or to be used in connection with any agricultural or industrial undertaking,</p> <p>(iii) the manufacture or preparation of any agricultural or industrial product or commodity for sale in the market,</p> <p>(iv) any purpose incidental, accessory or ancillary to any purpose mentioned in any of the foregoing sub-paragraphs,</p> <p>(v) the liquidation of any debt already incurred for any purpose mentioned in any of the foregoing sub-paragraphs,</p> <p>(b) to grant loans of money to any co-operative society for the purpose of conducting any agricultural or industrial business,</p> <p>(c) to manage, supervise or control, with or without remuneration, or to participate in the management, supervision or control, with or without remuneration, of any agricultural or industrial undertaking of any person to whom the corporation has lent any money (hereinafter in this section referred to as "a client of the corporation"),</p> <p>(d) to act, with or without remuneration, as the technical advisers of any client of the corporation, on any matter relating to any agricultural or industrial undertaking of such client,</p>
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- (e) to set up the necessary organisation for selling or marketing any product or commodity of any agricultural or industrial undertaking of any client of the corporation,
- (f) to act as the agent of any client of the corporation for the purpose of the purchase of any machinery or equipment or of any material of any description, required for the purpose of any agricultural or industrial undertaking of such client,
- (g) to buy, sell, invest or deal in stocks, shares, debentures, mortgages, bonds or securities issued or guaranteed by the Government of Ceylon or by any other Government of the British Empire or any public authority registered or having its principal place of business in Ceylon,
- (h) to make arrangements for the insurance of any property mortgaged to the corporation by any client of the corporation,
- (i) to acquire and undertake the whole or any part of the business of any person carrying on any business which the corporation is authorised to carry on,
- (j) to purchase, take on lease or in exchange, hire or otherwise acquire any movable or immovable property and any rights or privileges which the corporation may think necessary or convenient with reference to any business which the corporation is authorised to carry on, or the acquisition of which the corporation may deem to be necessary or advisable in order to facilitate the realisation of any securities held by the corporation, or to prevent or diminish any apprehended loss or liability,
- (k) to establish and support or aid in the establishment and support of associations, institutions, trusts or schemes for the providing of pensions and of gratuities and other funds and conveniences calculated to benefit employees or ex-employees of the corporation or the dependants or connections of such employees or ex-employees,
- (l) to improve, manage, develop, exchange, lease, mortgage, dispose of, sell, turn to account or otherwise deal with all or any part of the property and rights of the corporation, including any property, movable or immovable, on the security of which the corporation may have made any loan or over which the corporation may have any power of disposal,
- (m) to take or concur in taking all such steps and proceedings as the corporation may deem to be best calculated to uphold and support the credit of the corporation and to obtain and justify public confidence and to avert and minimise financial disturbances which might affect the corporation,
- (n) to give any guarantee or indemnity and to enter into any arrangements with the Government or any local authority or with any body corporate or other person, in order to obtain any rights, concessions and privileges that may seem to the corporation to be conducive to any object of the corporation;
- (o) to do all things incidental or conducive to the attainment of the objects, or the exercise of the powers, set out in the preceding paragraphs

(2) Any object mentioned in any paragraph of sub-section (1) shall not, except where the context expressly so requires or where any limitation or restriction has been prescribed, be in any way limited or restricted by reference to or inference from the terms of any other paragraph of that sub-section or the objects therein specified, or otherwise

Provisions relating to all loans by the corporation

51 Where any person has applied to the corporation for a loan of money and it appears to the Board that the case is one in which the application should more appropriately be made to the Ceylon State Mortgage Bank, the Board shall refuse to consider the application

Refusal to consider applications in certain cases

Provided that the refusal by the Board to consider any application made by any person shall not be deemed or construed to prevent the making of a fresh application to the corporation by that person

52 Subject as hereinafter provided, no loan of money shall be granted unless its repayment is secured—

- (a) by a primary mortgage of immovable property in Ceylon, or
- (b) by a primary mortgage of movable property in Ceylon, or

No loans to be given except on certain securities.

(c) by a mortgage of the crops or farming stock of any agricultural land in Ceylon, in accordance with any written law now in force or hereafter to be enacted which is applicable to the corporation,

and until the instrument effecting such mortgage has been duly registered

Provided that where a loan has been granted by the corporation on the primary mortgage of any property, movable or immovable, and that property is not encumbered by any mortgage to any person other than the corporation, an additional loan may, subject to the other provisions of this Ordinance relating to loans, be granted on the security of a secondary mortgage of that property

Further restrictions regarding security for loans, &c

53 No loan shall be granted unless the Board shall first—

- (a) have estimated the value of the property offered as security for the loan, due regard being had to the market value of each property, the income derived from it at the time the value is estimated and the income likely to be derived from it in the future, the possibility of its depreciation in value in the future, the risks incidental to a forced sale, and any other circumstances which in the opinion of the Board may affect the value of such property,
- (b) have satisfied itself that the amount of the loan to be granted on the security of such property, together with such amount, if any, as may be outstanding in respect of any earlier loan on the security of the same property, does not exceed such proportion of the value of the property as so estimated as the Board may from time to time prescribe,
- (c) have satisfied itself that the borrower has a valid title to the property offered as security,
- (d) have satisfied itself that the purpose for which the loan is required is one for which loans may be made under this Ordinance by the corporation, and
- (e) have satisfied itself that there is no other good or valid reason why the loan should not be granted

Rate of interest on loans

54 No loan of any amount or for any purpose shall be granted at a rate of interest lower than such rate as may from time to time be fixed by the Board and approved by the Governor for loans of that amount, or for loans for that purpose or a similar kind or class of purpose, as the case may be

Loan not to be granted except upon resolution

55 No loan shall be granted except upon a resolution by the Board, and no loan exceeding ten thousand rupees shall be granted except upon a resolution passed by the favourable votes of at least four directors

Loan not to be granted to certain classes of persons

56 No loan shall be granted to any director, or to any parent, wife, brother, sister, child or stepchild of any director, nor, except with the approval of a two-thirds majority of the directors for the time being, to any firm, company, or corporation of which a director or the wife of a director is a partner, director or shareholder or in which a director or the wife of a director is in any way directly interested

Withdrawal of grant of a loan

57 At any time after the grant of a loan has been approved by the Board and before the actual payment of the money, the Board may, in its discretion and without assigning any reason therefor, cancel the grant of the loan or modify the conditions on which the loan is to be made or withhold payment of the whole or any portion of the money

Power of Board to investigate purpose to which loan is applied

58 The Board may call upon any person to whom a loan has been granted to satisfy the Board that the loan has been or is being applied to the purpose for which it was granted, and the person so called upon may adduce evidence before the Board or any director authorised by the Board to take such evidence, to prove that the loan has been or is being applied for such purpose

Power of Board to require additional security or recall loan

59. (1) The Board may at any time, in its discretion and without assigning any reason therefor, by written order direct—

- (a) that additional security to the satisfaction of the Board be provided in respect of any loan before a date fixed by the Board,
- (b) that any loan be repaid, either in full or in part, before a date fixed by the Board

(2) Where an order issued under sub-section (1) is not complied with before the date fixed by the Board, default shall be deemed to be made in respect of the whole of the unpaid portion of the loan and the interest due thereon up to date and, where the loan was granted on the mortgage of any immovable property, the provisions of sections 67 to 83 shall apply accordingly.

60 The Board may accept new security in lieu of the whole or any part of any security it has already accepted for any loan, if the security tendered in substitution is such that the Board would be entitled to accept it, either alone or together with any portion of the original security which is to remain, as security for a new loan of an amount equal to the total principal and interest still outstanding on account of the original loan

Change of security

61 Every loan shall be repaid by instalments or equated payments of such amounts, and made at such intervals, as the Board may direct or in such other manner as the Board may determine

Mode of repayment of loans

62 Every person—

- (a) to whom a loan is granted by the corporation, or
 (b) who has obtained probate of the will or letters of administration to the estate of a person to whom a loan has been granted by the corporation or who has, under the provisions of section 71, been appointed to represent the estate of a deceased borrower, or
 (c) to whom any right, title or interest whatsoever in any property, or in any part of any property, movable or immovable, mortgaged to the corporation as security for any loan has passed, whether by voluntary conveyance or by operation of law,

Registered address of borrower, &c

shall register with the corporation an address to which all notices to him may be addressed

63 Any notice which is required under this Ordinance to be served on any person to whom the provisions of section 62 apply shall be deemed to have been duly served on that person if it is sent by post in a registered letter directed to that person at the address registered by him under that section, and the service shall be deemed to have been effected at the time at which the letter would be delivered in the ordinary course of post

Service of notice on borrower, &c

Provided that where any such person fails to register his address under that section, the corporation shall publish, in the *Gazette* and in a daily newspaper, a notice addressed to him, and such notice shall be deemed to be duly given to that person on the day on which such notice is published

Provisions relating to loans by the Corporation on the security of immovable property

64. Where a loan is granted by the corporation on the mortgage of any immovable property, that property shall from and after the date of the registration of such mortgage be charged with the payment of the loan with interest in priority to every other debt, mortgage or charge affecting it, except a debt which is secured by a mortgage duly registered prior to such date and which is due to a creditor who in good faith advanced the money before the loan was granted by the corporation

Priority of charge created by loan made by corporation

65. (1) Every mortgage of immovable property executed in favour of the corporation as security for any loan of money shall be substantially in the Form A in the Schedule

Form of mortgage of immovable property

(2) Any such mortgage may include a covenant that a higher rate of interest than that on which the loan was granted shall be paid if the borrower fails or neglects to make any payment due on account of interest, principal or otherwise under the mortgage, in full and on the due date

66. Where default is made in the payment of any sum due on any loan granted on the mortgage of immovable property, whether that sum is due on account of principal or interest or of both, default shall be deemed to have been made in respect of the whole of the unpaid portion of that loan and the interest due thereon up to date

Default of payment

67. Where under the provisions of this Ordinance, default is made or deemed to have been made in respect of the whole of the unpaid portion of any loan and the interest due thereon, the Board may, in its discretion, take action as specified either in section 68 or in section 70

Action by Board where default is made

Provided that where the Board has in any case taken action, or commenced to take action, in accordance with section 68, nothing shall be deemed to prevent the Board at any time from subsequently taking action in that case by resolution under section 70 if the Board deems it necessary or advisable to do so

68. Subject to the provisions of section 71, the Board may by resolution to be recorded in writing authorise any person specified in the resolution to enter upon any immovable property mortgaged to the corporation as security for any loan in respect of which default has been made, to take possession of and to manage and maintain such property, and to exercise the same powers in the control and management of such property as might have been exercised by the mortgagor if he had not made default

Authorisation of manager to take possession of mortgaged property

Procedure where manager is appointed

69. (1) Any person authorised by resolution of the Board under section 68 in respect of any property shall be entitled generally to take action in terms of the resolution and in particular—

- (a) to sell the produce of such property,
- (b) to receive the rents, profits or other income from such property,
- (c) to pay the expenses incurred in the control and management of such property out of the income from such property,
- (d) to appropriate to himself out of such income such sum (if any) as the Board may deem fit to fix as remuneration for his services,
- (e) to remain in possession of such property until all moneys due to the corporation under the mortgage on such property have been fully paid or until he is directed by the Board to yield possession of such property under sub section (2)

(2) Every person authorised by resolution of the Board under section 68 in respect of any property shall—

- (a) pay monthly, out of the income of such property such sum (if any) as the Board in its discretion fix to the mortgagor for his maintenance,
- (b) pay quarterly or as otherwise directed by the Board to such person or persons and in such manner as the Board may direct the balance of the income from such property remaining after the payments hereinbefore authorised have been made,
- (c) keep and render to the Board at such intervals as the Board may determine, clear and accurate records of all sums received or paid out by him in respect of such property,
- (d) yield possession of such property to the mortgagor or some other person as directed by the Board and pay to the Board any balance of the income from such property remaining in his hands after the payments hereinbefore authorised have been made

(3) The Board shall when all sums due to the corporation under the mortgage have been fully paid surrender possession of the mortgaged property to the mortgagor and return to him any balance remaining of the income from such property

Authorisation of sale of mortgaged property

70. Subject to the provisions of section 71 the Board may by resolution to be recorded in writing authorise any person specified in the resolution to sell by public auction any immovable property mortgaged to the corporation as security for any loan in respect of which default has been made in order to recover the whole of the unpaid portion of such loan, and the interest due thereon up to the date of the sale, together with the moneys and costs recoverable under section 77

Where borrower is dead

71. (1) Save as otherwise provided in sub-section (2), the provisions of sections 68 and 70 shall apply in the case of any default notwithstanding that the borrower may have died or that any right, title or interest whatsoever in the property mortgaged as security for the loan may have passed by voluntary conveyance or by operation of law to any other person

(2) Where the borrower is dead and probate of his will or letters of administration to his estate have not been issued, the District Court of Colombo or the District Court of the district in which that property is situate may, upon application made in that behalf by the Board and after service of notice of the application on such persons, if any, as the court may order, and if satisfied that the grant of probate or the issue of letters of administration is likely to be unduly delayed, appoint a person to represent the estate of the borrower for the purposes of this section, and the provisions of sections 68 and 70 shall not apply in the case of any default made by the borrower unless and until a representative of his estate is appointed under this section

Notice of resolution of Board to sell mortgaged property

72. Notice of every resolution under section 70 authorising the sale of any property shall be published in the *Gazette* and in a daily newspaper printed in English and copies of such notice shall be served on the borrower, if he is alive, and on every person who has, in respect of that property, registered his address under section 62

Notice of sale

73 Notice of the date, time and place of every sale shall, not less than fourteen days before the date fixed for the sale, be published in the *Gazette* and copies of such notice shall be—

- (a) served on the borrower, if he is alive, and on every person on whom notice of any resolution is required to be served under section 72,

- (b) posted on or near the property which is to be sold, and
 (c) affixed to the walls of the Kachcheri and the several District Courts and Magistrate's Courts within the jurisdiction of which the property is situate

74. (1) If the amount of the whole of the unpaid portion of the loan (together with all interest due thereon according to the terms of the mortgage), and of the moneys and costs, if any, recoverable by the Board under section 77 is tendered to the Board at any time before the date fixed for the sale, the property shall not be sold and no further steps shall be taken in pursuance of the resolution under section 70 for the sale of that property

Payment before sale

(2) If the amount of the instalment or other payment in respect of which default has been made, together with any interest due thereon according to the terms of the mortgage, and of the moneys and costs, if any, recoverable by the Board under section 77, is tendered to the Board at any time before the date fixed for the sale, the Board may, in its discretion, direct that the property shall not be sold, and that no further steps shall be taken in pursuance of the resolution under section 70 for the sale of that property

75. The Board may fix an upset price below which the property shall not be sold to any person other than the corporation

Upset price

76. In any case where two or more loans have been granted by the corporation on the security of the same property and default is made in the payment of any sum due upon any one or more of such loans, the foregoing provisions of this Ordinance shall apply notwithstanding that default may not have been made in respect of the other loan or any of the other loans, and the Board may, in any such case, by resolution under section 70 authorise the sale of the property for the recovery of the total amount due to the corporation in respect of both or all the loans, as the case may be, and the provisions of this Ordinance, shall apply accordingly

Default in respect of one of several loans on same property

77. In addition to the amount due on any loan, the Board may recover from the borrower, or any person acting on his behalf—

Recovery of expenses and costs incurred by the corporation.

- (a) all moneys expended by the corporation in accordance with the covenants contained in the mortgage bond executed by the person to whom the loan was made, in the payment of premiums and other charges in respect of any policy of insurance effected on the property mortgaged to the corporation, and in the payment of all other costs and charges authorised to be incurred by the corporation, under the covenants contained in such mortgage bond, and

- (b) the costs of advertising the sale and of selling the mortgaged property

Provided that the costs incurred under this paragraph shall not exceed such percentage of the loan as may from time to time be fixed by resolution of the Board and approved by the Governor

78. If the mortgaged property is sold, the Board shall, after deducting from the proceeds of the sale the amount due on the mortgage and the money and costs recoverable under section 77, pay the balance remaining, if any, either to the borrower or any person legally entitled to accept the payments due to the borrower, or, where the Board is in doubt as to whom the money should be paid, into the District Court of the district in which the mortgaged property is situate

Payment of excess balance

79 (1) If the mortgaged property is sold, the Board shall sign a certificate of sale and thereupon all the right, title and interest of the borrower to and in the property shall vest in the purchaser, and thereafter it shall not be competent for any person claiming through or under any disposition whatsoever of the right, title or interest of the borrower to and in the property, made or registered after the date of the mortgage of the property to the corporation, in any court to move to invalidate the sale for any cause whatsoever or to maintain any right, title or interest to or in the property as against the purchaser

Certificate of sale

(2) A certificate signed by the Board under sub-section (1) shall be conclusive proof, with respect to the sale of any property, that all the provisions of this Ordinance relating to the sale of that property have been complied with

(3) If the purchaser is some person other than the corporation, the certificate shall be substantially in the Form B in the Schedule and, if the purchaser is the corporation, the certificate shall be substantially in the Form C in that Schedule

(4) Every certificate of sale shall be liable to stamp duty and charges as if it were a conveyance of immovable property and to any registration and other charges authorised by law, all of which shall be payable by the purchaser

Order for
delivery of
possession

80. (1) The purchaser of any immovable property sold in pursuance of the preceding provisions of this Ordinance shall, upon application made to the District Court of Colombo or the District Court having jurisdiction over the place where that property is situate, and upon production of the certificate of sale issued in respect of that property under section 79 be entitled to obtain an order for delivery of possession of that property

Cap 86

(2) Every application under sub section (1) shall be made, and shall be disposed of, by way of summary procedure in accordance with the provisions of Chapter XXIV of the Civil Procedure Code, and on all documents filed for the purpose of each such application and on all proceedings held thereupon, stamp duties and other charges shall be payable at the respective rates payable under any written law for the time being in force, on applications for, and proceedings connected with or incidental to, the execution of a decree of a District Court for the delivery of possession of any immovable property of the same value as the land to which such application relates

(3) Where any immovable property sold in pursuance of the preceding provisions of this Ordinance is in the occupancy of the debtor or of some person on his behalf or of some person claiming under a title created by the debtor subsequently to the mortgage of the property to the corporation, the District Court shall order delivery to be made by putting the purchaser, or any person whom he may appoint to receive possession on his behalf, in possession of the property

(4) Where any immovable property sold in pursuance of the preceding provisions of this Ordinance is in the occupancy of a tenant or other person entitled to occupy the same, the District Court shall order delivery to be made by affixing a notice that the sale has taken place, in English and in the Sinhalese and Tamil languages, in some conspicuous place on the property, and proclaiming to the occupant by beat of tom-tom, or in such other mode as may be customary, at some convenient place, that the interest of the debtor has been transferred to the purchaser. The cost of such proclamation shall be fixed by the court and shall in every case be prepaid by the purchaser

(5) Every order under sub-section (3) or sub-section (4) shall be deemed, as the case may be, to be an order for delivery of possession made under section 287 or 288 of the Civil Procedure Code, and may be enforced in like manner as an order so made, the debtor and the purchaser being deemed, for the purpose of the application of any provision of that Code, to be the judgment-debtor and judgment-creditor, respectively

Cancellation
of sale

81. Where the property sold has been purchased on behalf of the corporation, the Board may at any time before it re-sells that property, cancel the sale by an endorsement to that effect on a certified copy of the certificate of sale, upon the debtor or any person on his behalf paying the amount due in respect of the loan for which the property was sold (including the costs of seizure and sale) and interest on the aggregate sum at a rate not exceeding the prescribed rate. Such an endorsement shall, upon registration in the office of the Registrar of Lands, revert the property in the debtor as though the sale under this Ordinance had not been made

Re sale by
corporation

82. If the property so sold has been purchased on behalf of the corporation, and the sale is not cancelled under section 81, the Board may, at any time, re-sell the property and transfer to the purchaser by endorsement on a certified copy of the certificate referred to in sub-section (3) of section 79, all the right, title and interest which would have been acquired by the purchaser at the original sale. The endorsement shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, and shall, when it is registered in the office of the Registrar of Lands, vest such right, title and interest as aforesaid in the purchaser

Board not
precluded
from other
methods of
recovery

83. Nothing in sections 67 to 82 shall be deemed to preclude the Board from recovering the amount due on any mortgage bond in accordance with the provisions of any other written law

Power of
Board to
inspect
valuation rolls
of local
rating or
taxing
authority.

84. For the purpose of deciding whether any immovable property tendered as security for a loan should or should not be accepted, the Board shall have access without fee or charge to the valuation roll of any local rating or taxing authority, and the officers of every such authority shall upon application supply to the Board full particulars as to any valuation of property in respect of which such authority is empowered under the provisions of any law to levy any rate or tax

PART III.

GENERAL

Rules

85 (1) The Board may make rules for or in respect of all or any one or more of the following matters —

Rules made
by the
Board

- (a) all matters stated or required by this Ordinance to be prescribed,
- (b) the payment and recovery of fees to be paid by applicants for loans in respect of the valuation of property offered as security, the examination of the applicant's title to any such property, the preparation, perfection and registration of mortgage bonds and other instruments and of any other service performed by any person acting on behalf of the corporation in connection with applications for loans;
- (c) the payment and recovery of fees and other charges in respect of any work done or any service rendered by or on behalf of the corporation in the transaction of any business under this Ordinance,
- (d) the forms to be used by the corporation, or by any person transacting business with the corporation under this Ordinance,
- (e) the powers, duties and functions of the various officers and employees of the corporation,
- (f) the payment from the funds of the corporation of remuneration (including allowances for travelling) to officers and employees of the corporation or to other persons performing services for the corporation in the transaction of any business under this Ordinance, and the scales in accordance with which such payment shall be made,
- (g) the issue, registration, transfer, redemption, (including compulsory redemption) and cancellation of debentures, and all matters incidental to or consequential upon such issue, registration, transfer, redemption or cancellation,
- (h) the mode and manner of payment of interest on debentures,
- (i) the issue of debentures in the names of minors or to any particular classes of persons, and the mode and manner of payment of interest on debentures so issued,
- (j) the payment of a higher rate of interest than that on which any loan is granted in cases where the borrower has failed or neglected to make any payment due to the corporation on account of interest, principal or otherwise, in full and on the due date,
- (k) all other matters not herein specially mentioned which may be necessary for the conduct of business by the corporation, the regulation of its funds, the prevention of the evasion or violation by any person of any provision of this Ordinance, and generally for fully and efficiently carrying out or giving effect to the objects and purposes of the corporation

(2) All rules made under sub-section (1) shall be submitted to the Governor for ratification and, when ratified, shall be published in the *Gazette* together with a notification of such ratification

(3) Every rule made by the Board shall, upon notification in the *Gazette* of the ratification of such rule by the Governor, be as valid and effectual as if it were herein enacted

Miscellaneous

86 No person other than the directors and persons thereunto expressly authorised by the Board and acting within the limits of the authority so conferred on them shall have any authority to enter into any contract so as to impose thereby any liability on the corporation or otherwise to pledge the credit of the corporation, or to make, draw, accept or indorse any promissory note, bill of exchange, cheque or order for the payment of money in the name or on behalf of the corporation

Contracts,
&c., on behalf
of the
corporation

87 (1) The corporation may, by writing under its common seal, empower any person either generally or in respect of any specific matter, as its attorney, to execute deeds on its behalf in any place not situate in Ceylon

Execution of
deeds abroad

(2) A deed signed by such an attorney on behalf of the corporation and under his signature or seal shall bind the corporation and have the same effect as if it were under its common seal

Receipts on behalf of corporation	88 A receipt signed by two directors or by any person expressly authorised by the Board to give receipts shall be an effectual discharge for moneys paid to the corporation
Common seal of corporation	89 (1) The Board shall from the funds of the corporation provide a common seal for the purposes of the corporation and may from time to time change such seal (2) The common seal shall be kept by such person and in such manner as the Board may from time to time determine, and shall not be used except by the authority of the Board and in the presence of at least two directors, who shall sign the document to which the seal is affixed
Governor's powers to order investigation, winding up, &c	90 The Governor may at any time if it appears to him expedient so to do— (a) direct any person or persons to inquire into and report to him upon the working and financial condition of the corporation, (b) direct that the affairs of the corporation be wound up, (c) issue such incidental, consequential or supplemental directions as may appear to him to be necessary for the purpose of giving effect to any direction issued by him under paragraph (a) or paragraph (b)
Interpretation	91. In this Ordinance, unless the context otherwise requires— “agriculture” includes the breeding, rearing or keeping of animals of any kind (including birds and insects), dairying and the pasturing of animals, and cognate words shall be construed accordingly, “Board” means the Board of Directors of the corporation, “Board of Ministers” means the Board of Ministers constituted under the Ceylon (State Council) Order in Council, 1931, “corporation” means the Agricultural and Industrial Credit Corporation of Ceylon established under this Ordinance, “director” means a person holding the office of a director of the corporation, “Minister” means the Minister for Labour, Industry and Commerce, “prescribed” means prescribed by rules made under this Ordinance, “rule” means a rule made by the Board under this Ordinance

SCHEDULE

(Section 65)

FORM A

Mortgage Bond

To all to whom these presents shall come
_____ of _____ (hereinafter called “the Mortgagor”, which expression shall, where the context so requires or admits) include the heirs, executors and administrators of the said _____,
Sends Greeting

1 (a) Whereas the mortgagor is lawfully entitled to the land called _____, more fully described in the Schedule hereto

(b) And whereas the said mortgagor has applied to the Agricultural and Industrial Credit Corporation of Ceylon (hereinafter called “the Corporation”, which expression shall, where the context so requires, mean and include the persons deriving title from the Corporation) for a loan under the Agricultural and Industrial Credit Corporation Ordinance (hereinafter called “the Ordinance”, which expression shall include any amendment thereof and any rules made thereunder) to be applied in or towards the following purposes, that is to say,

(a) _____ (b) _____ and (c) _____

(c) And whereas the Corporation has agreed to grant such loan to the mortgagor on having the repayment thereof with interest secured in the manner hereinafter appearing

2 Now this bond witnesseth as follows —

(a) In pursuance of the said agreement and in consideration of the sum of _____ rupees now paid by the Corporation to the mortgagor (the receipt of which sum the mortgagor hereby acknowledges) the mortgagor is held and firmly bound to the Corporation in the said sum of _____ rupees lawful money of Ceylon and interest thereon at the rate of _____ rupees per centum per annum to be paid to the Corporation, for which payment to be well and truly made the mortgagor is firmly bound by these presents

(b) And for further securing to the Corporation the payment of all the money payable by virtue of or in respect of these presents the mortgagor does hereby specially mortgage to the Corporation

¹[as a first or primary mortgage free from all encumbrances] or ²[as a secondary mortgage] the land called ——— and in the First Schedule hereto fully described with all rights, privileges, easements, servitudes, and appurtenances whatsoever thereto belonging, or in anywise appertaining or used or enjoyed, there with or reputed or known as part and parcel thereof, and all the estate, right, title, interest, property, claim, and demand whatsoever of the mortgagor in, to, out of, or upon, the said land

(c) And for better securing the said mortgage the mortgagor does herewith deposit in the hands of the said Corporation the title deeds of the said property

3 The mortgagor hereby covenants with the Corporation as follows —

(a) ¹ [That the land mortgaged by these presents is in no wise encumbered either by a prior charge, Fiscal's seizure, or claim and that the mortgagor will warrant and defend title to the said land against all other claimants whatsoever]

Or

² [That the land mortgaged by these presents is subject to a primary mortgage in favour of the Corporation created by bond No ——— dated ——— and attested by ——— Notary Public, and is not otherwise encumbered either by a prior charge, Fiscal's seizure or claim, and that the mortgagor will warrant and defend title to the said land against all other claimants whatsoever, save and except the Corporation]

(b) That the mortgagor will pay the said principal sum of Rupees ——— in instalments of not less than ——— Rupees payable on the ——— day of ——— in each and every year, the first of such payments to be made on the ——— day of ———, and shall on the same dates pay all interest due on the said sum of Rupees ——— or the balance thereof then outstanding at the rate of ——— per centum per annum or ——— in each and every year, the first of such payments to be made ——— Rupees and interest in the instalments and on the date set out in the Second Schedule hereto (*Retain only the appropriate alternative*)

(c) That during the continuance of this security the mortgagor will pay and discharge and indemnify the Corporation against all rates, taxes, duties, charges, assessments, impositions, and outgoings whatsoever which shall be assessed, charged, or imposed upon, or payable in respect of, the mortgaged premises or any part thereof by the mortgagor, or the Corporation or a receiver in respect thereof and that if the mortgagor shall at any time refuse or neglect to make such payments or to deliver the receipt therefor to the Corporation on demand, the Corporation may pay the same, and all moneys expended by the Corporation under this provision shall be deemed to be properly paid by the Corporation

(d) That the mortgagor will from time to time so long as money remains owing on this security well and substantially repair and keep in good and substantial repair and condition all buildings and other improvements erected and made upon the said land, and the Corporation may at all times be at liberty by itself, its agents or servants, to enter upon the said land to view and inspect the said buildings and improvements

(e) That if the mortgagor fail or neglect to repair the said buildings and improvements or to keep them in good and substantial repair and condition as aforesaid, then and in any such case and as often as the same shall happen it shall be lawful for, but not obligatory upon, the Corporation, at the cost and expense in all things of the mortgagor, to repair the said buildings and improvements and keep them in good and substantial repair and condition

(f) Insurance shall be effected as directed by the Corporation Every policy of insurance so effected or renewal thereof shall be in the name of the Corporation

(g) That all moneys expended by the Corporation in and about repairing or keeping in repair any of the said buildings and improvements as aforesaid, or in the insurance thereof, or in attempting to exercise or enforce any power, right, or remedy herein contained or implied, in favour of the Corporation, shall be payable to the Corporation by the mortgagor on demand, and until paid shall be charged on the said land together with interest at the rate of not more than the appropriate rate fixed for the time being under the said Ordinance computed from the date or dates of such moneys being expended

(h) That the mortgagor will at all times cultivate and manage the property mortgaged in a skilful and proper manner and according to the rules of good husbandry Failure in the performance of this condition shall entail the immediate recovery of the loan should the Corporation so desire

(i) That there shall be implied herein the power conferred upon the Corporation under the Ordinance to authorise any person to enter upon and take possession of the property mortgaged and to manage the same until all moneys due in respect of the said mortgage are fully paid and liquidated or until such earlier date as the Corporation may, in the exercise of any power under the Ordinance, determine, and that such powers and all incidental powers in that behalf conferred by the Ordinance may be exercised if and whenever the mortgagor makes default in the full and punctual payment of any instalment of interest or principal in accordance with the respective covenants for the payment thereof herein contained

(j) That there shall be implied herein the power of sale and incidental powers in that behalf conferred upon the Corporation under the Ordinance, and that such powers may be exercised if

1 to be used
in the case where
money is lent on
a primary
mortgage

2 to be used
where the
Corporation
lends money on
the secondary
mortgage of
a property
which is
already
mortgaged to
the
Corporation

and whenever the mortgagor makes default in the full and punctual payment of any instalment of interest or principal in accordance with the respective covenants for payment thereof herein contained or if and whenever the mortgagor makes default in the faithful observance and performance of any other covenant or conditions on his part herein contained or implied

Provided, however, and it is hereby expressly agreed, that the Corporation may, in exercising the said power of sale and incidental powers as aforesaid (and by resolution of its Board of Directors to that effect published in the *Gazette*) sell any land mortgaged to it as security either in its entirety or in two or more separate blocks or in both such ways, at any public sale or sales held under the Ordinance

(k) That if and whenever the mortgagor makes any such default as in the two covenants last preceding mentioned, it shall be lawful for the Corporation to call up and compel payment of all principal, interest, and other moneys for the time being owing under this security, notwithstanding that the time or times by these presents appointed for the payment thereof respectively may not have arrived

4 Provided always that upon any sale under the power conferred by the Ordinance a purchaser shall not either before or after conveyance be concerned to see or inquire whether any default has been made in payment of any such instalment or be affected by any notice that no such default has occurred or that the sale is otherwise unnecessary or improper

5 Provided that this bond is subject to the provisions of the Ordinance, and of any law replacing the same so far as they are capable of application to the exclusion of the common law governing mortgages

Witnesses _____

(Notary's Attestation)

The First Schedule above referred to

Particulars of the land mortgaged

The Second Schedule

Table showing details of the number and amount of instalments to be paid

(Section 79).

FORM B

Form of certificate of sale where the Corporation is not the purchaser

Whereas the sum of _____ rupees is due to the Agricultural and Industrial Credit Corporation of Ceylon from _____ and the land called _____ hereinafter more fully described has been mortgaged by the said _____ on bond No _____ dated _____ and attested by _____ Notary Public, as security for the payment of the aforesaid sum in the manner provided in the said bond

And whereas a sum due in respect of the said bond has not been paid by or on behalf of the said _____

And whereas the aforesaid land was sold in conformity with the Agricultural and Industrial Credit Corporation Ordinance on the _____ day of _____ and the same was purchased by _____ of _____ for the sum of _____ rupees, which has been duly paid by the said _____

Now Know Ye that we, _____ (the Directors of the Agricultural and Industrial Credit Corporation of Ceylon) by virtue and in the exercise of the powers in us vested in this behalf by or under the Ordinance aforesaid do hereby certify that the following property to wit, _____ (*here insert full and accurate description of property with metes and bounds*), has been sold to _____ and purchased by the said _____ for the sum of _____ rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said _____ his heirs, executors, administrators, and assigns

Given under my hand this _____ day of _____ 19____

Signed _____

Directors, the Agricultural and Industrial Credit Corporation of Ceylon

(Section 79)

FORM C

Form of certificate of sale where the Corporation is the purchaser

Whereas the sum of _____ rupees is due to the Agricultural and Industrial Credit Corporation of Ceylon from _____ and the land called _____ hereinafter more fully described, has been mortgaged by the said _____ on bond No _____ dated _____ and attested by _____ Notary Public, as security for the payment of the aforesaid sum in the manner provided in the said bond

And whereas a sum due in respect of the said bond has not been paid by or on behalf of the said _____

And whereas the aforesaid land was sold in conformity with the Agricultural and Industrial Credit Corporation Ordinance on the _____ day of _____ and the same was purchased for and on behalf of the Agricultural and Industrial Credit Corporation of

Ceylon by _____ for the sum of _____ rupees, which has been duly credited to the said Corporation, in part (or full, as the case may be) satisfaction, of the sum due as aforesaid

Now Know Ye that we, _____ (the Directors of the said Corporation) by virtue and in the exercise of the powers in us vested in this behalf by or under the Ordinance aforesaid, do hereby certify that the following property, to wit, _____ (here insert full and accurate description of the property with metes and bounds) has been sold and purchased by the said _____ for and on behalf of the said Corporation for the sum of _____ rupees, and that the said premises are and shall henceforward be absolutely vested in the said Corporation

Given under my hand this _____ day of _____, 19—
(Signed) _____

Directors, the Agricultural and Industrial Credit Corporation of Ceylon

Passed in Council the Twenty-eighth day of March, One thousand Nine hundred and Forty-one

D C R GUNAWARDANA,
Clerk of the Council

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

No. 20 of 1943.

L D — O 47/39

An Ordinance to amend the Ordinance intituled "An Ordinance to provide for the establishment and regulation of the Agricultural and Industrial Credit Corporation of Ceylon".

[Assented to by His Majesty the King See Proclamation dated July 23, 1943, published in Government Gazette No 9,152 of July 30, 1943]

A CALDECOTT

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

1 This Ordinance may be cited as the Agricultural and Industrial Credit Corporation (Amendment) Ordinance, No 20 of 1943

Short title

2 In the event of the Bill intituled "An Ordinance to provide for the establishment and regulation of the Agricultural and Industrial Credit Corporation of Ceylon" receiving the assent of His Majesty and taking effect as an Ordinance upon the signification of such assent by Proclamation published in the *Government Gazette*, that Ordinance shall, on and after the date of the publication of such Proclamation, have effect with the amendments specified in the Schedule hereto

Agricultural and Industrial Credit Corporation Bill to be amended in the event of that Bill becoming law

Schedule

Provision of the Ordinance	Nature and extent of amendment
Section 7	In sub section (2), for the words "the <i>ex-officio</i> members", there shall be substituted the words "the <i>ex-officio</i> members, and may at any time remove any nominated director from office"
Section 24	1 In sub section (1), for the words "the corporation" substitute the following — "the corporation" Provided, however, that where at any time the Board proposes to raise by means of an issue of debentures any sum which, when aggregated with the total amount outstanding in respect of debentures at that time, will exceed thirty million rupees, such proposed issue shall not be made except with the sanction of the Governor and of the Secretary of State previously obtained" 2 In sub section (2), for the words "by the Minister with the approval of the Board of Ministers", substitute the following — "by the Minister" Provided, however, that no such motion shall be made by the Minister unless the proposed issue of debentures to which the motion relates has been previously approved by the Board of Ministers and sanctioned by the Governor and by the Secretary of State"

Provision of the Ordinance	Nature and extent of amendment
Section 25	In sub section (1), for the words " Board of Ministers," substitute " Board of Ministers and with the sanction of the Governor,"
Section 26	For sub section (3), there shall be substituted the following new sub section — <p style="margin-left: 40px;">“(3) All sums paid out of the general revenue of the Island under sub section (2) shall be repaid by the corporation on such terms and conditions as to the rate and payment of interest, and the time and manner of repayment, as the Board of Ministers may determine ”</p>
Section 27	The section shall be repealed and the following new section substituted therefor — <p>Certifi- 27 Every debenture shall be in cates on the prescribed form and shall bear— deben (a) a certificate, signed by the tures Charman, to the effect that the principal of, and the interest due upon, the debenture are charged upon all the property and assets of the corporation, and (b) a certificate, authenticated by the signature or the facsi- mule of the signature of the Deputy Financial Secre- tary, to the effect that the payment of the principal of, and the interest due upon, the debenture is guaranteed by the Govern- ment of Ceylon</br></p> <p style="margin-left: 40px;">Such certificates shall for all purposes be conclusive evidence of the matters stated therein and of the fact that the debenture has been duly issued under this Ordinance</p>
Section 37	For the words " under this Ordinance " there shall be substituted the words " under any provision of this Ordinance other than a provision contained in any of the sections 22, 23, 24, 25 or 55 "
Section 45	1 In sub section (1), for the words " Auditor General or by a chartered accountant as the Board may determine ", there shall be substituted the words " Auditor General (hereinafter referred to as " the auditor ") " 2 Sub section (2) shall be repealed
Section 47	For the words " every auditor " there shall be substituted the words " the auditor "
Section 50	1 In sub section (1)— <p>(a) for all the words, in paragraph (c), from " of any person " to the end of that paragraph, there shall be substituted the words " of any client of the corporation, where such management, supervision or control, or such participation therein, appears to the Board to be necessary in order to protect the interests of the corporation in any loan granted by the corporation, " ,</p> <p>(b) for the words " to buy," in paragraph (g), there shall be substituted the words " for the purpose of employing any surplus funds of the corporation, to buy," ,</p> <p>(c) for the words " the business of any person carrying on any business " in paragraph (i) there shall be substituted the words " any business carried on in Ceylon by any person, being a business " ,</p> <p>(d) paragraph (m) shall be omitted ,</p> <p>(e) paragraph (n) shall be re lettered as paragraph (m) ,</p> <p>(f) paragraph (o) shall be re lettered as paragraph (n) ,</p>

Provision of the Ordinance	Nature and extent of amendment
	(g) for the words "to do all things" in the 1e lettered paragraph (n), there shall be substituted the words "generally to take or concur in taking all such steps and proceedings as the corporation may deem to be best calculated to uphold and support the credit of the corporation and to obtain and justify public confidence, and to do all things", 2 The following new sub section shall be added at the end of the section — " (3) In this section, "client of the corporation" means a person to whom the corporation has lent any money in accordance with the provisions of this Ordinance "
Section 77	In the Proviso, for the words " by resolution of the Board and approved by the Governor " there shall be substituted the words " by resolution of the Board "
Section 85	1 In sub section (2), for the words " under sub section (1) ", there shall be substituted the words " under sub section (1), (other than a rule made under paragraph (e) or paragraph (f) of that sub-section)." 2 In sub section (3), for the words " made by the Board ", there shall be substituted the words " made under sub-section (1), (other than a rule made under paragraph (e) or paragraph (f) of that sub section)." 3 The following new sub section shall be added at the end of the section — " (4) Every rule made under paragraph (e) or paragraph (f) of sub section (1) shall be submitted to the Governor for ratification and, when ratified, shall be as valid and effectual as if it were herein enacted "

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

D C R GUNAWARDANA,
Clerk of the Council

SUPREME COURT NOTICES

IT is hereby notified that the Chief Justice and the other Justices of the Supreme Court of the Island of Ceylon acting in their respective capacities of President and Judges of the Colonial Court of Admiralty of the Island of Ceylon have been pleased to appoint, with the approval of His Excellency the Governor, Mr Dewamullage Arthur Albert Perera, Acting Registrar of the Supreme Court, to act as Registrar of the Colonial Court of Admiralty of the Island of Ceylon in the exercise of its Prize Jurisdiction, during the absence on leave of Mr C E E Stork, Registrar, from August 9, 1943

By order,
C STORK,
Registrar, Supreme Court

NOTICES OF FISCAL SALES

Western Province

In the Court of Requests of Colombo

R T Fernando of Borella Plaintiff.
No 86,477 Vs

A S Fernando of National Bank, Limited, Colombo, and 195/4, Hulftsdorp street, Colombo Defendant.

NOTICE is hereby given that on Friday, August 20, 1943, at 4 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 20 63 with legal interest thereon from September 2, 1942, till payment in full and costs of suit, incurred costs Rs 7 75, prospective costs Rs 7, viz —

All that allotment of land marked lot B 5 and of the tiled boutique bearing assessment Nos 115 presently No 135 standing thereon, situated at Deans road, in Maradana, within the Municipality and District of Colombo, Western Province, and bounded on the north by lot marked B 6 of this land, on the east by Arablane, on the south by lots marked B 1 to B 4 allotted to the 1st, 3rd, 5th, 6th, 8th, and 9th defendants in partition case No 15,539, District Court, Colombo, and on the west by Deans road, and containing in extent 2 00/100 perches Registered A 171,173

Fiscal's Office,
Colombo, July 28, 1943

H C WIVESINHA,
Deputy Fiscal.

In the District Court of Kalutara

Hettikankanange Aeran Perera Wijesekera of Talpitiya, Wadduwa Substituted-Plaintiff
No 14,516 Vs

(1) Harthruuda Wickramasinghe Wettasinghe Hamme (dead),
(2) Don Edmund Wettasinghe, both of Alubomulla, and others Defendants

NOTICE is hereby given that on Saturday, August 21, 1943, at 2 30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs 3,625 85 with interest on Rs 2,000 at 15 per cent per annum from December 19, 1927, till July 9, 1929, and thereafter at the rate of 9 per cent per annum on the aggregate till payment in full and costs of suit Rs 379 92, viz —

An undivided 13/18 shares of the entire soil, trees, plantations and of all the buildings including the tiled house thereon of the land called the five portions of Jambugahawatta alias Delgahawatta alias Dingirugewatta, three portions of Delgahawatta, Dingirugewattapaulawita and four portions of Pothueliyawita forming

NOTICES OF INSOLVENCY

Notice to Creditors

In the District Court of Colombo

No 5,252 In the matter of the insolvency of M P Mendis of Insolvency Moratimulla in Moratuwa

TAKE notice that there will be a sitting of this court on August 27, 1943, at 10 45 in the forenoon to consider the scheme of distribution of the money realised by the sale of insolvent's property and lying to the credit of this case

By order of court C EMMANUEL,
Secretary

July 28, 1943

In the District Court of Jaffna

Insolvency Jurisdiction No 190 In the matter of the insolvency of Arulappu Anthom pillai Thevasagayam of Convent South road, Jaffna

Thayiriyannather Anthom Pillai of Cathedral road, Jaffna Petitioning Creditor

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will be held at the sitting of this court on August 25, 1943, to consider the declaration of a dividend payable to the creditors of the above named insolvent

By order of court, V KATIRKAMPILLAI,
Secretary

July 16, 1943

one property and situated at Alubomulla in Talpitiabadda of Panadura totamune in Kalutara District, Western Province, and bounded on the north by a portion of land at present belonging to Madamange Sisilian Fernando and portions of Pothueliyakumbura, east by the owitas of Undugodage Nomis Perera and others, I Don Carolis, Dodangodage Nonnohamy and others and Delgahawatta of Dodangodage Nonnohamy, south by the owitas of I Don Carolis, Dodangodage Nonnohamy and portions of Delgahawatta of Dodangodage Nonnohamy, D H. Wettasinghe, Bopearachchige Don Simon Appuhamy and Buisige Welbinahamy, and west by Delgahawatta of Buisige Welbinahamy, the cart road and a portion of land of Madamange Sisilian Fernando and the owita of Kotha godage Kumathara Fernando, containing in extent 8 acres 1 rood and 6 perches as per plan No 8,610 dated October 27, 1920, made by Mr B M F Caldera, Surveyor of Panadura, and registered in B 327/231 of Kalutara

Appraised value Rs 7,760

Deputy Fiscal's Office,
Kalutara, July 21, 1943

P D WEERAMAN,
Deputy Fiscal

Central Province

In the District Court of Kandy

- (1) Gertrude F de Soysa assisted by her husband, (2) S M C de Soysa, both of Mutwal, in Colombo Plaintiffs
No M B 764 Vs
- (1) Ellawala Arachchige Don Geeris Appuhamy of Kalugala, Madugoda, Kandy, (2) Ellawala Arachchige France Appuhamy of Uragala, Kandy, Defendants

NOTICE is hereby given that on Friday, September 3, 1943, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property, mortgaged with the plaintiff upon bond No 6237 dated March 12, 1939, and attested by P B Rangajaya, 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 927.50 being the aggregate amount of the principal and interest with further interest on Rs 700 at 15 per cent per annum from March 10, 1942, till September 28, 1942, and thereafter with interest on the aggregate amount at the rate of 9 per cent per annum till payment in full and costs and poundage, viz —

1 An allotment of land situate at Kalugala in Gandesha korale of Uda Dumbara in the District of Kandy, Central Province, and bounded on the east by reservation along the road, south by reservation along the road and land said to belong to the Crown and all other sides by land said to belong to the Crown, containing in extent 76 acres according to a survey and description thereof bearing No 106890 dated August 10, 1877, authenticated by Lieutenant Colonel A B Fryers, R E, Surveyor General

2 An allotment of land situate at Kalugala aforesaid, and bounded on the west by the land described in plan No 10416, north-west by a stream and land said to belong to the Crown and all other sides by the land said to belong to the Crown, containing in extent 95 acres according to a survey and description thereof bearing No 10689 dated August 10, 1877, authenticated by the aforesaid Surveyor General

Valuation Rs 5,130

Fiscal's Office,
Kandy, July 27, 1943

K B KADURUWUWA,
Deputy Fiscal

In the District Court of Kandy

- M A M Abdul Gany Maukar of Colombo street, Kandy Plaintiff
No M R 787 Vs
- M A M Ahmadu Abdul Cader of Colombo street, Kandy Defendant

NOTICE is hereby given that on Saturday, August 28, 1943, at 2 o'clock in the afternoon, will be sold, by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs 2,079.30 and poundage, viz —

An undivided 1/5 part of share from and out of an undivided one half part or share from and out of all that house and ground formerly numbered No 164 and presently bearing assessment Nos 175-176, situate at Colombo street within the town, Municipality and District of Kandy, Central Province, and bounded on the north by Crown land sold to E P Wilmet, on the east by house and ground of Cassie Lebbe, on the south by Colombo street, and on the west by the house and ground of Kolenda Marikar Kuppa Tamby and his wife Isa Umma, containing in extent six ninety one hundredth square perches in the whole

Valuation Rs 5,000

Fiscal's Office,
Kandy, July 26, 1943

M K YATIGAMMANA,
Deputy Fiscal

In the District Court of Kandy

- Alutdurayagedera Horatala alias A D Hemapala of Alugolla in Dolosbage in Ganga Ihala korale of Udapalata Plaintiff
No 38,892 Vs
- Alutduragedera Setuwa, late Vidane of Alugolla in Dolosbage in Ganga Ihala korale of Udapalata Defendant

NOTICE is hereby given that on the days and times mentioned below, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property mortgaged with the plaintiff upon bond No 833 dated August 14, 1927, and attested by Mr M W R de Silva, Notary Public, Gampola, and declared specially bound and executable

under the decree entered in the above case for the recovery of the sum of Rs 24,033.53 with interest on Rs 23,733.53 at the rate of 9 per cent per annum from March 12, 1932, till payment in full, less a sum of Rs 16,000, and poundage, viz —

On Friday, August 20, 1943, commencing at 2 p m

1 An undivided portion of one amunam in paddy sowing extent, from and out of all that field called Barandare Watakkadeniyekumbura of about five pelas in paddy sowing extent in the whole, situate at Telihunna in Dolosbage in Ganga Ihala korale of Uda palata in the District of Kandy, Central Province, and which said entire field is bounded on the north by Galkotuwa, on the east by water course, on the south by the imawella of Pallegama Horatalagekumbura, and on the west by the ella of Watakkadeniyewatta and Maha Gala Registered in D 90/32

2 All that field called Kendagolekumbura of 2 roods and 36 perches, situate at Telihunna aforesaid, and bounded on the east by manyara of Kendagollekumbura, south by the tea estate belonging to Mr Blackett, west by Kendagollewatta, and on the north by ella of Kendagollewatta Registered in D 92/6

3 An undivided portion of about one pela in paddy sowing extent from and out of all that field called Thembuwakakumbura, of about twelve lahas in paddy sowing extent in the whole, situate at Telihunna aforesaid, and which said entire field is bounded on the north by imawella, east by ela, south by the ella of the tea estate, and on the west by the limit of the tea estate Registered in D 92/5

4 All that field called Galapayagederakumbura of about twelve lahas in paddy sowing extent, situate at Galapaya in Dolosbage aforesaid, and bounded on the east by rukkattana tree and Kajugahamulagala (and now ela), south by Kadawathpedigedera kumbura, west by stone fence of Medduma Appugewatta, and on the north by Egodawatta Registered in D 107/244

5 All that field called Gederakumbura of about twelve lahas in paddy sowing extent, situate at Galapaya aforesaid, and bounded on the north by Elweedeniyekumbura, east by high road, south by Dodangederakumbura, and on the west by the garden belonging to Samtchi Appuhamy Registered in D 80/273

On Saturday, August 21, 1943, commencing at 11 a m

6 All that land called Andagalihena alias Endagalihena of 7 acres in extent, situate at Meetalawwa in Dolosbage aforesaid, and bounded on the north and west by land claimed by natives, east by T P 195,200 and land claimed by natives, and on the south by T P 195,202 and 195,201 Registered in D 46/118

7 All that land called Endagalihena of about two amunams in paddy sowing extent, situate at Meetalawwa aforesaid, and bounded on the east by galperiya, south by the limit of Hapugahakelehen, west by the limit of Kendagollehena, and on the north by the limit of Kehelwerewetenna Registered in D 107/243

8 All that land called Pawalpituyehena of about three pelas in paddy sowing extent, situate at Meetalawwa aforesaid, and bounded on the east by agala and Mala ela, on the south by the agala, on the west by the agala of the hena belonging to Ungadureya, and on the north by the limit of Ambagahamulihena Registered in D 107/240

9 All that land with the buildings and everything standing thereon called and known as Dodantennewatta alias Kalawwawatta of about one pela in paddy sowing extent, situate at Meetalawwa aforesaid, and bounded on the east by the fence, on the south by ella, on the west by yakerabadu tree and fence, and on the north by the path Registered in D 81/284

10 All that land called Yaberagodawatta of about twelve lahas in paddy sowing extent, situate at Polmalgama in Dolosbage aforesaid, and bounded on the north by dewata road, east by the agala of Ambalamagawawatta, south by oya, and on the west by the fence of Balaya's land Registered in D 107/242

11 An undivided one fourth part or share from and out of all that eastern portion of two pelas and one timba in paddy sowing extent of the field called Malangomuwekumbura, situate at Meetalawwa aforesaid, and which said eastern portion is bounded on the east by liminary ridge of Kaluwa's field, south by ela, west by liminary ridge of six lahas of this field given to Kirisaduwa Veda, and on the north by ella, which said undivided share is presently divided and contains in extent about one pela paddy sowing, and is bounded on the east by Kaluwa's field, south by ela, west by liminary ridge of the six lahas of this field given to Kirisaduwa Veda, and on the north by the imawella of the portion of this field belonging to Rattarana Panwidakaraya and Sedera Registered in D 107/238

Valuation Rs 13,400

Fiscal's Office,
Kandy, July 24, 1943

K B KADURUWUWA,
Deputy Fiscal

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo

Order Nisi

Testamentary Jurisdiction In the Matter of the Intestate Estate of the late Dewaraja Pathrannehelage Bastian Perera of No. 10,499 Biyagama in the Adikari pattu of Siyane korale, deceased

Dewaraja Pathrannehelage Brampy Perera of Makola in the Adikari pattu of Siyane korale

Petitioner

And

- (1) Dewaraja Pathrannehelage Podihamy of Ambagasmitiya, (2) Dewaraja Pathrannehelage Angohamy, (3) ditto Jitwanis Perera, (4) ditto Abaran Perera, all of Biyagama, (5) ditto Yohanahamy of Heiyantuduwa, (6) ditto Pelis Perera, (7) Kumarapalaratchige Martin, (8) Inbulana Liyaraage Carolis Perera, both of Heiyantuduwa Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on July 1, 1943, in the presence of Mr N C S Cooray, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated June 9, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as one of the brother and heir of the deceased above named, and to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 2, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction Jayasinghe Aratchige Clarence Paul Wickreme
No 10,507 singhe of St Thomas' estate in Talangama.

- (1) Jayasinghe Aratchige Leo Elmore Wickremesinghe of Etul Kotte Petitioner
(1) Kahagalagamage Maria Perera Wickremesinghe, (2) Jayasinghe Aratchige Clement Albert Wickremesinghe, now Bandaragama Sadhawas Thero of Anuradhapura, (3) ditto Sylvester Edward Wickremesinghe, (4) ditto Emmanuel Peter Wickremesinghe, (5) ditto Mark Bernard Wickremesinghe, (6) ditto Nathaniel Ablinu Wickremesinghe, (7) ditto Thomas Andreas Wickremesinghe, (8) ditto Felicia Perris nee Wickremesinghe, all of St Thomas' estate, Talangama Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on July 8, 1943, in the presence of Mr S W Perera, Proctor, on the part of the petitioner, and the affidavit of the petitioner dated July 8, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as a brother of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 13, 1943

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 Mohamed Hamin, deceased, of Conston,
No 10,512 65, Lake Crescent, Cinnamon Gardens, Colombo

THIS matter coming on for final determination before James Joseph, Esq., Additional District Judge of Colombo, on July 9, 1943, in the presence of Messrs. D L & F de Saram Proctors, on the part of the petitioners—(1) Nona Laila Hamin, and (2) Tuan Mohamed Bohari Hamin, both of Conston, 65, Lake Crescent, Cinnamon Gardens, Colombo, and the affidavits of the said petitioners dated June 30, 1943, and of the attesting notary dated July 9, 1943, having been read

It is ordered that the last will made by the deceased above named bearing No 3,179 dated December 3, 1942, and now deposited in this court, be declared proved and probate thereof be issued to the petitioners aforesaid, as the executors mentioned in the said will on the publication of this order once in the *Ceylon Government Gazette* and twice in the "Daily News" newspaper, and on their tendering the usual oath and bond

July 19, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Andrew
Jurisdiction Thomas Swift Boyle of Payagala estate, Kalu
No 10,520 tara South, in the Island of Ceylon, deceased

Edith Isabel Boyle of Colombo Petitioner

Vs

Margaret Alma Swift Boyle presently care of National Bank
of India, Limited, Calcutta Respondent

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on July 17, 1943, in the presence of Julius & Creasy of Colombo, Proctors, on the part of the petitioner above named, and the affidavit of the said petitioner dated July 12, 1943, certificate of death of the above named deceased and minute of consent from the respondent above named having been read

It is ordered that the petitioner be and she is hereby declared entitled, as the widow and one of the heirs and next of kin of the said deceased, and that she is entitled to have letters of administration to the intestate estate of the said deceased issued to her accordingly, unless any other person or persons interested shall, on or before August 5, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 17, 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 John James Finlayson, late of Oldhamstocks
No 10,522 Cockburnspath in the County of Haddington,
Scotland 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 a certified copy of the Scotch confirmation of the last will and testament of John James Finlayson, late of Oldhamstocks, Cockburnspath in the County of Haddington, Scotland, deceased, granted by the Sheriff Court of The Lothians and Peebles, at Haddington on August 7, 1942

O P Mounr,

Attorney for Catherine Tullis Wight Finlayson and Sarah Ann Webb, the Executrices of the last will and testament of John James Finlayson, deceased
Colombo, July 16, 1943

In the District Court of Negombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction Alawaturage Livinus Fernando of Adikaramulla,
No 3,219 deceased.

Between

(1) Warnakulasuraya Habaralage Asonona of Adikara
mulla Petitioner

And

(1) Alawaturage Meyanona Keenawinna, (2) ditto Baba Nona of Walpola, (3) ditto Thomas Fernando, (4) ditto Peduru Fernando, (5) ditto Sedus Fernando, (6) ditto Raphael Fernando all of Adikaramulla Respondents

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge of Negombo, on July 3, 1943, in the presence of Mr S A I Dheen, Proctor, on the part of the petitioner and the petition and the affidavit of the said petitioner dated June 28, 1943, and June 24, 1943, respectively, having been read

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the above named deceased, to have letters of administration to his estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 4, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 3, 1943

S RAJARATNAM,
District Judge

In the District Court of Negombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Mallawa
Jurisdiction Aratchige John William Perera Senanayake of
No 3,220 Katuwellegama, deceased.

George Edmund Perera Senanayake of Katuwellegama Petitioner
Vs

(1) Cecilia Esther Silva, (2) Lily Margaret Wickremesinghe, (3) David Francis Perera Senanayake, (4) Arnold Victor Perera Senanayake, (5) William Alfred Perera Senanayake, (6) Charles Wilnot Perera Senanayake, (7) Lionel Walter Perera Senanayake, (8) Pearl Gertrude Perera Senanayake, all of Katuwellegama Respondents

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge of Negombo, on July 10, 1943, in the presence of Mr S D C W Senaratne, Proctor, on the part of the petitioner, and the petition and the affidavit of the said petitioner dated July 10, 1943, and July 8, 1943, respectively, having been read

It is ordered (a) that the 3rd respondent above named be and he is hereby appointed guardian *ad litem* of the 4th to 8th respondents above named, who are minors, to represent them for all the purposes of this action, and (b) that the said petitioner be and he is hereby declared entitled, as a son of the above named deceased, to have letters of administration to his estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 5, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 10, 1943

M TIRUCHELVAM,
District Judge

In the District Court of Negombo

Order Nisi

Testamentary In the Matter of the East Will and Testament of
Jurisdiction Sinhalagurunanselage Haris Perera of Mana-
No 3,221 wariya, deceased.

Sinhalagurunanselage Jean de Arc Catherine Perera of Mana-
wariya Petitioner

THIS matter coming on for disposal before M Tiruchelvam, Esq., Additional District Judge of Negombo, on July 14, 1943, in the presence of Mr A V Perera, Proctor, on the part of the petitioner, and the petition and the affidavit of the petitioner dated July 11, 1943, and July 6, 1943, respectively, the affidavit dated June 30, 1943, of the attesting notary and one of the witnesses and the affidavit dated June 28, 1943, of the other attesting witnesses having been read

It is ordered that the last will of the said Sinhalagurunanselage Haris Perera, deceased, bearing No 3698 dated August 22, 1940, and attested by Malkankanamalage Maximus Lucean de Silva Karunatillaka of Kochchikade, 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 any person or persons interested shall, on or before August 10, 1943, show sufficient cause to the contrary to the satisfaction of this court

It is further ordered 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 any person or persons interested shall, on or before August 10, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 14, 1943

S RAJARATNAM,
District Judge

In the District Court of Kalutara

Order Nisi

Testamentary Jurisdiction In the Matter of the Estate of the late Don Charles Edirimanne Waidya Kulatilleke, deceased, of No 3,097 Maha Yala

(1) Dona Calo Nona Weerakkoda Hamme of Maha Yala Petitioner

Vs

(1) Edirimanne Aratchige Piyasena Edirimanne Waidya Kulatilleke, (2) Edirimanne Aratchige Anantapala ditto, (3) ditto Karunasena ditto, (4) ditto Samanasakara ditto, (5) ditto Amarawathie ditto, (6) ditto Pemachandra ditto, all of Maha Yala, minors, by their guardian *ad litem*, (7) Don Lewis Edirimanne, Village Headman of Werawatta Respondents

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge, Kalutara, on July 6, 1943, in the presence of Messrs Wijemanne & Coorey, Proctors, on the part of the petitioner, and the affidavit of the above mentioned petitioner dated March 20, 1943, having been read

It is ordered that the petitioner is hereby declared entitled, as widow of the deceased, to have letters of administration issued to him, unless the respondents or any person or persons interested in the estate shall, on or before August 6, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further declared that the said 7th (D L Edirimanne), respondent be appointed guardian *ad litem* over the 1st to 6th minor respondents for this case, unless the respondents or others interested in the estate shall, on or before August 6, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 6, 1943

V S JAYAWICKRAMA,
District Judge

In the District Court of Kalutara

Order Nisi

Testamentary Jurisdiction In the Matter of the Estate of the late Meera Lebba Marikar Abdul Careem Marikar, deceased, of No 3,100 Mosque street, Kalutara

Abdul Careem Marikar Saig Ismail of Kalutara Petitioner

Vs

(1) Ahmed Shamsadeen Marikar Kadija Bebe, (2) Abdul Careem Marikar Abdul Jalil, (3) ditto Umamu Sahura, (4) ditto Janambay Natchiya, (5) ditto Sitty Nasara, (6) ditto Saig Hassen, (7) ditto Saig Abdulla, (8) ditto Alavia Umma, (9) ditto Arifa Umma, (10) ditto Saig Abdul Gader, all of Kalutara, 5th to 8th are minors by guardian *ad litem* the 1st respondent

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge, Kalutara, on July 7, 1943, in the presence of Messrs Wijemanne & Coorey, Proctors, on the part of the petitioner, and the affidavit of the above named petitioner dated July 7, 1943, having been read

It is ordered that the petitioner is entitled to have letters of administration, as the eldest son of the deceased, unless the respondents or other person or persons interested shall, on or before August 5, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further declared that the said 1st respondent be appointed guardian *ad litem* over the 5th to 10th minor respondents for this case, unless the respondents or others interested in the estate shall, on or before August 5, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 7, 1943

V S JAYAWICKRAMA,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary Jurisdiction In the Matter of the Estate of the late Simoncorea Meru Pathirannahelage Don Martin Mahanama, deceased, of Pilmatalawa

Lilian Mahanama of Pilmatalawa Petitioner

And

(1) Simoncorea Meru Pathirannahelage Don Kirthistha Chandrawansa Mahanama, (2) ditto Don Chandrasiri Sepala Mahanama, (3) ditto Don Srimath Srimawasa Mahanama, (4) ditto Dona Srimathie Asokanala Mahanama, (5) ditto Senarath Pandukabaya Mahanama, (6) ditto Gamana Mahanama, (7) ditto Sarath Mahanama, (8) ditto Stha Mahanama, (9) C A P Srinaga, all of Pilmatalawa Respondents

THIS matter coming on for disposal before C. Nagalingam, Esq., District Judge, Kandy, on May 24, 1943, in the presence of Messrs de Silva & Karunaratne, Proctors, on the part of the petitioner, Lilian Mahanama of Pilmatalawa, and the affidavit of the said petitioner dated April 20, 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 or any other person or persons interested shall, on or before August 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 9th respondent be appointed guardian *ad litem* over the minors, the 1st to 8th respondents, unless the respondents or any other person or persons interested shall, on or before August 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

May 24, 1943

C NAGALINGAM,
District Judge

In the District Court of Galle sitting at Balapitiya

Order Nisi

Testamentary Jurisdiction In the Matter of the Last Will and Testament of the late Sipkaduwe Magage Siman de Silva Gunaratna, retired Village Headman of Polwatta in Ambalangoda, deceased

Sipkaduwe Magage Wijepala Gunaratna of Polwatta in Ambalangoda Petitioner

And

Lebunahewa Thiselhamy of Polwatta in Ambalangoda Respondent

THIS matter coming on for disposal before A. S. Wanigasuriyar, Esq., Additional District Judge of Balapitiya, on January 27, 1943, in the presence of Mr Newton H de Silva, Proctor, on the part of the petitioner and the affidavit of the said petitioner dated August 25, 1942, and of the attesting notary dated August 31, 1942, having been read

It is ordered that the last will and testament of Sipkaduwe Magage Siman de Silva Gunaratna, deceased, dated December 9, 1933, and now deposited in this court be and the same is hereby declared proved, and the probate thereof be issued to the petitioner above named, as executor mentioned in the said will, unless the respondent above named or any other person interested in the said estate shall, on or before August 26, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 14, 1943

A S WANIGASURIYAR,
Additional District Judge

In the District Court of Galle

Order Nisi declaring Will proved

Testamentary Jurisdiction In the Matter of the Last Will and Testament of Thomas Henry Dantanarayana of Ratnagiri, Minuwangoda, Galle, deceased

(1) Corneha Ratnawibhusana, (2) Don Simon Ratnawibhusana, both of Minuwangoda, Galle Petitioners.

And

(1) Gilbert Reginald Dantanarayana of Minuwangoda, Galle, (2) Muriel de Silva nee Dantanarayana of Minuwangoda, Galle, presently of Colombo Respondents

THIS matter coming on for disposal before Martin de Alwis Samarakoon, Esq., District Judge of Galle, on June 30, 1943, in the presence of Mr Edwin Wijesurendra, Proctor, on the part of the petitioners above named, and the affidavits of (1) the petitioners dated June 24, 1943, and of (2) the attesting Notary Public, and the witnesses dated June 9, 1943, having been read

It is ordered that the last will and testament of Thomas Henry Dantanarayana of Minuwangoda, Galle, deceased, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved, and that the petitioners above named as the joint executors named therein be, and they are hereby declared entitled to have probate thereof issued to them accordingly, unless the respondents above named or any other person or persons interested shall, on or before July 30, 1943, show sufficient cause to the satisfaction of this court to the contrary

June 30, 1943

M A SAMARAKOON,
District Judge

In the District Court of Matara

Order Nisi

Testamentary Jurisdiction In the Matter of the Last Will and Testament of Sarukkali Patabendige Jane Nona of Weligama, deceased

David de Silva Warnasuriya of Muratamure Petitioner

And

Sarukkali Patabendige Samitchohappu of Weligama Respondent

THIS matter coming on for disposal before S. S. J. Goonasekara, Esq., District Judge of Matara, on June 1, 1943, in the presence of Mr C E Wickremasinghe, Proctor, on the part of the petitioner above named, and the affidavit dated May 10, 1943, and (2) the attesting notary dated May 21, 1943, and (3) attesting witnesses dated May 24, 1943, having been read

It is ordered that the last will and testament of Sarukkali Patabendige Jane Nona, deceased, the original of which has been produced and is now deposited in this court be and the same is hereby declared and the petitioner above named is the executor

named in the said will and is hereby declared entitled to have probate thereof issued to him accordingly unless any person or persons interested shall, on or before August 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

S S J GOONASEKARA
District Judge

In the District Court of Tangalla

Order Absolute declaring Will proved

Testamentary Jurisdiction In the Matter of the Last Will and Testament of Kahandawe Geegana Achchige Don Carolis late No 1,366 of Tissamaharama, deceased

Emahhamy Kumaranatunga of Tissamaharama Petitioner

THIS matter coming on for disposal before M C Sansoni, Esq, District Judge of Tangalla, on May 5, 1943, in the presence of Mr R G W Nilaweera, Proctor, on the part of the petitioner, and the affidavit of the said petitioner dated April 16, 1943, and of the attesting notary, Tuan Kitchu Burah of Hambantota dated April 27, 1943, and of the two attesting witnesses, Gamacharige Babu singho and Gautamadasa Vidanage, both of Hambantota dated April 21, 1943, having been read

It is ordered that the last will of Kahandawe Geegana Achchige Don Carolis, deceased, of which the original has been produced and is now deposited in this court, bearing No 1,285 dated November 12, 1940, be and the same is hereby declared proved, and that the petitioner above named the executor named in the said will be and she is hereby declared entitled to have probate to the said will issued to her

May 5, 1943

M C SANSONI,
District Judge

In the District Court of Jaffna

Testamentary Jurisdiction In the Matter of the Estate of the late Theivanai pillai, wife of T Muttukkumaru, of Uduvil, deceased

(1) Thamothersampillai Muttukkumaru and wife (2) Sinna tankachippillai, both of Uduvil Petitioners

Vs

(1) Thamar Kanagaratnam and wife (2) Muttuppillai, both of Siruppiddy Respondents

THIS matter coming on for disposal before G C Thambyah, Esq, District Judge, Jaffna, on May 10, 1943, in the presence of Mr T Kumaraswamy, Proctor, on the part of the petitioners, and on reading the affidavit and petition of the petitioners

It is ordered that the above named petitioners be declared entitled to letters of administration to the estate of the above named deceased and that the same be issued to them accordingly, unless the above named respondents or any other person shall, on or before June 14, 1943, appear before this court and show sufficient cause to the satisfaction of this court to the contrary

May 10, 1943

Extended for July 12, 1943

Extended for July 26, 1943

Extended for August 30, 1943

G C THAMBYAH,
District Judge

G C THAMBYAH,
District Judge

G C THAMBYAH,
District Judge

G C THAMBYAH,
District Judge

In the District Court of Jaffna held at Point Pedro

Order Nisi.

Testamentary Jurisdiction In the Matter of the Intestate Estate of the late Elayathamby Pasupathy of Puloly East, Point Pedro, deceased

P Kathirgamar Elayathamby of Puloly East Petitioner

(1) Pasupathy Balasubramaniam, (2) Pasupathy Kathirgama thamby, both of Puloly East, minors, by their guardian *ad litem* Rasamma, widow of Pasupathy of ditto Respondents

THIS matter coming on for disposal before L W de Silva, Esq, Additional District Judge, Jaffna, on June 4, 1943, in the presence of Mr M Esurapachiam, Proctor, on the part of the petitioner, and on reading the petition and affidavit of the petitioner dated June 4, 1943, having been read

It is ordered that the petitioner, as father of the deceased, be declared entitled to take out letters of administration to the estate of the deceased, and that letters of administration be accordingly issued to him, unless the respondents or any other shall appear before this court on or before July 2, 1943, and show sufficient cause to the satisfaction of this court to the contrary

June 22, 1943

Extended and reissued for August 5, 1943

July 2, 1943

L W DE SILVA,
Additional District Judge

L W DE SILVA,
Additional District Judge

In the District Court of Jaffna held at Point Pedro

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction Kandiah Rajaratnam of Puloly South, Point Pedro,
No 204/P T deceased

Chellammah, widow of K Rajaratnam of Puloly South Petitioner

(1) Kanagaratnamah daughter of Rajaratnam, (2) Rajaratnam
Rajasingham, both of Puloly South Respondents

THIS matter coming on for disposal before L W de Silva, Esq.,
Additional District Judge, Jaffna, on June 4, 1943, in the presence
of Mr M Esurapadham, Proctor, on the part of the petitioner, and
the petition and affidavit of the petitioner dated June 4, 1943,
having been read

It is ordered that the petitioner, as widow of the deceased, be
declared entitled to take out letters of administration to the estate
of the deceased, and that letters of administration be issued to her
accordingly, unless the respondents shall appear before this court
on or before July 2, 1943, and show sufficient cause to the satisfac-
tion of this court to the contrary

L W DE SILVA,
Additional District Judge

June 22, 1943

Extended and reissued for August 5, 1943

L W DE SILVA,
Additional District Judge

July 2, 1943

In the District Court of Jaffna held at Point Pedro

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction Arunasalam Sadasivam of Valvettiturai, deceased
No 205/P T

Kosalammah, widow of Sadasivam of Valvettiturai Petitioner

Vs

(1) Sadasivam Balasubramaniam of Valvettiturai, minor, by his
guardian *ad litem* Arunasalam Sandrasegaram of Mahiddy,
(2) Veeragathippillai Sellarajah of Valvettiturai and (3)
wife Sathupama of ditto Respondents

THIS matter coming on for disposal before L W de Silva, Esq.,
Additional District Judge, Jaffna on June 16, 1943, in the presence
of Mr M Esurapadham, Proctor, on the part of the petitioner, and
the petition and affidavit dated June 17, 1943 having been read

It is ordered that the petitioner, as widow of the deceased, be declared
entitled to take out letters of administration to the estate of the
deceased and that the letters of administration be accordingly
issued to her, unless the respondents or any other person shall appear
before this court on or before July 15, 1943, and show sufficient
cause to the satisfaction of this court to the contrary

L W DE SILVA,
Additional District Judge

July 5, 1943

Time to show cause extended to August 5, 1943

L W DE SILVA,
A D J

July 15, 1943