



THE CEYLON GOVERNMENT GAZETTE

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PART II.—LEGAL.

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

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DRAFT ORDINANCES

MINUTE

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

L D—O 37/41

An Ordinance to amend the Bank of Ceylon Ordinance, No 53 of 1938.

1941 Supplement, Volume II, p 480

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 Bank of Ceylon (Amendment) Ordinance, No of 1943

Short title

2 Section 25 of the Bank of Ceylon Ordinance, No 53 of 1938 (hereinafter referred to as "the principal Ordinance"), is hereby amended in sub-section (2) of that section by the substitution for the words "ordinary meeting" of the words "ordinary meeting, and shall then be eligible for re-election"

Amendment of section 25 (2) of Ordinance No 53 of 1938

3 Section 28 of the principal Ordinance is hereby amended in sub-section (1) by the addition, at the end of that sub-section, of the following —

Amendment of section 28 (1) of the principal Ordinance

"Provided, further, that the exercise by the Board of the power conferred by this sub-section shall be subject to any right of nominating a director or directors which may for the time being be vested in the Governor under any other provision of this Ordinance"

4 Section 29 of the principal Ordinance is hereby amended in sub-section (1) by the addition, at the end of that sub-section, of the following —

Amendment of section 29 of the principal Ordinance

"Any director so nominated shall be subject to retirement at the same time as the director in whose place he has been nominated would have retired had he remained in office"

5 Section 30 of the principal Ordinance is hereby amended by the substitution for the words "in his stead" of the words "in his stead, and such person shall be subject to retirement at the same time as if he had become a director on the day on which the director in whose place he is elected was last elected a director"

Amendment of section 30 of the principal Ordinance

6 The following new sections are hereby inserted immediately after section 32 of the principal Ordinance and shall have effect as sections 32A and 32B, respectively, of that Ordinance —

Insertion of new sections 32A and 32B in the principal Ordinance

32A (1) The Board shall, out of the profits available for payment of dividend and before any dividend is declared, set aside a sum equivalent to twenty per centum of such profits to the credit of a fund called the permanent reserve fund of the bank and shall also, subject to the provisions of section 33, carry to the credit of such permanent reserve

Permanent Reserve Fund

	<p>fund any premiums received on the issue of shares, until such permanent reserve fund is equivalent to one-half of the paid up capital of the bank for the time being, and shall thereafter and from time to time carry to such permanent reserve fund out of profits such further sums as shall be necessary to maintain such permanent reserve fund at all times at a sum equivalent to one-half of the paid up capital of the bank</p> <p>(2) The permanent reserve fund shall be shown separately in the balance sheet of the bank</p>
Contingency Fund	<p>32B (1) In addition to the permanent reserve fund the Board shall create a fund called the contingency fund of the bank and shall carry to that fund—</p> <p>(a) all premiums received on the issue of shares which are not carried to the permanent reserve fund, and</p> <p>(b) such sums out of the profits of the bank as the Board think proper</p> <p>(2) The contingency fund may be applied from time to time in such manner as the Board shall determine—</p> <p>(a) for meeting depreciation and losses,</p> <p>(b) for equalizing dividends,</p> <p>(c) for repairing, improving or maintaining any of the property of the bank,</p> <p>(d) for any other purposes which the Board may think proper</p> <p>(3) The Board may divide the contingency fund into such special funds as they think fit, and may consolidate into one fund any special funds or any parts of any special funds into which the contingency fund may have been divided as they think fit, with full power to employ the whole or any part of the assets constituting the contingency fund in the business of the bank without being under any obligation to keep the same separate from the other assets of the Bank. The Board may also, (subject to the provisions of this Ordinance), without placing the same to reserve, carry over any profits which they may think it not prudent to divide</p> <p>(4) It shall not be necessary to show the contingency fund separately in the balance sheet of the bank</p>
Amendment of section 33 of the principal Ordinance	<p>7 Section 33 of the principal Ordinance is hereby amended—</p> <p>(a) in paragraph (a), by the substitution for the words “a fund called the permanent published reserve fund” of the words “the permanent reserve fund”, and</p> <p>(b) in paragraph (b), by the substitution for the words “a fund called the contingency fund” of the words “the contingency fund of the bank”</p>
Amendment of section 34 of the principal Ordinance	<p>8 Section 34 of the principal Ordinance is hereby amended—</p> <p>(a) in sub-section (1), by the substitution for the words “rank for payment” of the words “rank for dividend”, and</p> <p>(b) in sub-section (2), by the substitution for the words “in excess of the nominal value” of the words “in excess of the capital paid thereon”</p>
Amendment of section 35 (1) of the principal Ordinance	<p>9 Section 35 of the principal Ordinance is hereby amended in sub-section (1) by the substitution for the words “a dividend or dividends amounting in all in any one year to not less than six per centum have been declared” of the words “a dividend of not less than six per centum, or dividends amounting in all in any one year to not less than six per centum, has or have been declared”</p>
Amendment of section 36 of the principal Ordinance	<p>10 Section 36 of the principal Ordinance is hereby amended by the substitution, for the words “the share or reduced amount is derived” occurring at the end of the Proviso to that section, of the words “the share of reduced amount is derived”</p>
Amendment of section 37 of the principal Ordinance	<p>11 Section 37 of the principal Ordinance is hereby amended—</p> <p>(a) in sub-section (2), by the substitution for the words “as shall be previously approved in writing by the Minister” of the words “as the Board may decide, but due regard shall be given to the provisions of section 35”, and</p> <p>(b) by the substitution for sub-section (3) of the following—</p> <p>“(3) The allotment of shares issued or created under this section, shall be in the discretion of the Board”</p>
Amendment of section 38 of the principal Ordinance	<p>12 Section 38 of the principal Ordinance is hereby amended by the substitution for the words “a shareholder” of the words “the shareholders”</p>

13 Section 39 of the principal Ordinance is hereby amended in sub-section (1)—

(a) in paragraph (b) of that sub-section—

(i) by the substitution for the words “which is by law required” of the words “is by law required”,

(ii) by the substitution for the words “by any person acting under its authority, express or implied,” of the words “by any person or persons duly authorised thereto as hereinafter provided,”,

(b) in paragraph (c) of that sub-section, by the substitution for the words “by any person acting under its authority, express or implied” of the words “by any person or persons duly authorised thereto as hereinafter provided”

Amendment of section 39 of the principal Ordinance

14 Section 40 of the principal Ordinance is hereby amended by the substitution for the words “by any person acting under its authority” of the words “by any person or persons duly authorised thereto as hereinafter provided”

Amendment of section 40 of the principal Ordinance

15 The following new section is hereby inserted immediately after section 40 of the principal Ordinance and shall have effect as section 40A of that Ordinance —

Insertion of new section 40A in the principal Ordinance

40A 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 make, draw, accept or endorse any promissory note, bill of exchange, cheque or order for the payment of money in the name or on behalf of the bank, or to enter into any contract so as to impose thereby any liability on the bank or otherwise to pledge the credit of the bank

Persons authorised to act on behalf of the bank

16 Section 48 of the principal Ordinance is hereby amended, in the Proviso to that section, by the substitution for the words “without the previous consent of the State Council”, of the words “without the consent of the State Council and the sanction of the Governor, previously obtained”

Amendment of section 48 of the principal Ordinance

17 Section 54 of the principal Ordinance is hereby amended in sub-section (1), by the substitution for the words “Every officer,” of the words “The General Manager, Assistant General Manager, Secretary, Accountant and every other officer,”

Amendment of section 54 (1) of the principal Ordinance

18 Section 55 of the principal Ordinance is hereby amended by the substitution, for the words “by a majority”, of the words “by a majority consisting of not less than two-thirds”

Amendment of section 55 of the principal Ordinance

19 Section 56 of the principal Ordinance is hereby repealed and the following new section substituted therefor —

Replacement of section 56 of the principal Ordinance

56 No Director or other officer of the bank shall be liable for any damage or loss suffered by the bank unless such damage or loss was caused by his misconduct or wilful default

No liability for damage or loss caused otherwise than by misconduct or wilful default

20 Section 57 of the principal Ordinance is hereby repealed and the following new section substituted therefor —

Replacement of section 57 of the principal Ordinance

57 Every Director, Auditor, Manager, Secretary or other officer of the bank shall be indemnified by the bank from all losses and expenses incurred by him in or about the discharge of his duties, other than such losses and expenses as the Board may deem to have been occasioned by his misconduct or wilful default

Reimbursement for expenses incurred on behalf of the bank

21. Section 62 of the principal Ordinance is hereby amended—

Amendment of section 62 of the principal Ordinance

(a) in sub-section (1), by the substitution for the words “a balance sheet and statement” of the words “a balance sheet or statement”, and

(b) in sub section (2), by the substitution for the words “such balance sheet and statement” of the words “such balance sheet or statement”

22 Section 63 of the principal Ordinance is hereby amended—

Amendment of section 63 of the principal Ordinance

(a) in sub-section (1)—

(i) by the substitution, for the words “by two firms of chartered accountants”, of the words “by two qualified auditors”,

(ii) by the substitution, for the words "one year", of the following —

"one year

Provided that the two auditors so elected shall be practising independently of each other and shall not be members of the same firm of auditors",

(iii) by the substitution for the words "Provided that while and whenever" of the words "Provided, further, that while and whenever",

(iv) by the substitution for the words "such other accountant" of the words "such other auditor",

(b) by the omission of sub-section (2) and the substitution therefor of the following —

"(2) No qualified auditor (other than an auditor retiring from office) shall be proposed for election at any meeting, unless notice of intention to propose that auditor has been given not less than five days and not more than one month before that meeting", and

(c) by the addition at the end of that section of the following new sub-section —

"(4) In this section, "qualified auditor" means a chartered accountant or a member of the Society of Incorporated Accountants and Auditors, and includes a firm of qualified auditors"

Amendment of section 70 (1) of the principal Ordinance

23 Section 70 of the principal Ordinance is hereby amended, in sub-section (1) of that section, by the substitution for the words "The Board may by resolution" of the words "The shareholders may by special resolution"

Amendment of First Schedule to the principal Ordinance

24 The First Schedule to the principal Ordinance is hereby amended—

(a) in Part I of that Schedule, by the substitution, in paragraph (a) of section 1, for the words "in Ceylon" of the words "in Ceylon and elsewhere", and

(b) in section 3 of Part II of that Schedule—

(i) by the substitution, for paragraph (c), of the following new paragraph —

"Limit on aggregate amount of advances

(c) The advances made by the bank and outstanding at any time shall not in the aggregate exceed fifty per centum of the total of the amounts lying at that time to the credit of depositors, in current, deposit or other accounts, in the bank",

(ii) by the insertion, immediately after paragraph (c), of the following new paragraph —

"Minimum cash reserve

(cc) There shall at all times be maintained by the bank in cash (either in the bank's treasury or at credit with the bank's clearing agents) a total reserve of an amount not less than ten per centum of the total of the amounts for the time being lying to the credit of depositors, in current, deposit or other accounts, in the bank",

(iii) by the substitution, in paragraph (d), for the words "twelve months" of the words "twenty four months", and

(iv) by the substitution, for paragraph (g), of the following new paragraph —

"(g) Subject as hereinafter provided, no bill of exchange, promissory note or similar negotiable or transferable document shall be discounted, negotiated or dealt with by the bank, or accepted by the bank as collateral security for any advances, unless such bill, note or document is signed by, and the bank thereby obtains the security of, at least two parties signing in different capacities

Provided, however, that any such bill, note or document may be so discounted, negotiated, dealt with or accepted on the signature of a single party—

(i) where it is signed on behalf of the Government of any country, or on behalf of a local authority in Ceylon, or

(ii) where the transaction is a loan or accommodation for an amount not exceeding ten thousand rupees, or

Bills, &c, against which advances may be made

(iii) where the particular transaction is of such nature, and is covered or supported by a document or documents of such description, as may be determined from time to time by resolution of the Board "

25 The Second Schedule to the principal Ordinance is hereby amended—

Amendment of Second Schedule to the principal Ordinance

- (a) in by-law 14, by the substitution, in paragraph (3) (b), for the words "in the event of the bank" of the words "the bank",
- (b) in by-law 31, by the substitution, in paragraph (2), for the words "and the purchaser shall be deemed" of the words "and a certificate of proprietorship shall be delivered to the purchaser thereof, and thereupon the purchaser shall be deemed";
- (c) in by-law 52, by the substitution for the words "ordinary annual meeting but shall entitle such holder to be present and vote at all extraordinary meetings" of the words "ordinary annual meeting at which only ordinary business is to be transacted, but shall entitle such holder to be present and vote at all extraordinary meetings, and to be present at annual meetings at which special business is to be transacted and to vote at such meetings on such special business";
- (d) in by-law 58, by the substitution for the words and figures "on the ———— 19—" of the words and figures "on the ————, 19—, and at any adjournment thereof";
- (e) in by-law 67, by the addition of the following at the end of that by-law —

"A general notice that a director is a member of a specified firm or company, and is to be regarded as interested in any subsequent transactions with such firm or company, shall be sufficient disclosure under this by-law, and after such general notice it shall not be necessary to give any special notice relating to any particular transaction with such firm or company";

- (f) in by-law 68, by the addition at the end of that by-law of the following —

"If any director does so vote, his vote shall not be counted";

- (g) by the repeal of by-law 69 and the substitution of the following new by-law therefor —

"Exceptions from provisions of law 68 69 Nothing in by-law 68 shall apply to any contract made by or on behalf of the bank to give to the directors or any of them any security for advances or by way of indemnity";

- (h) in by-law 82, by the substitution for the words "Reserve Fund" of the words "Reserve Fund in accordance with the provisions of this Ordinance";
- (i) in by-law 83, by the substitution for the word "profit" occurring in the Proviso, of the word "profits";
- (j) in by-law 84, by the substitution for the words "providing for the maintenance" of the words "providing for the maintenance of the capital of the bank and for the establishment and maintenance"; and
- (k) by the repeal of by-law 85

Objects and Reasons

The Secretary of State for the Colonies, when communicating His Majesty's assent to the Bill which became law as the Bank of Ceylon Ordinance, No 53 of 1938, recommended that consideration be given to certain suggestions for amendment made by the London Committee which formulated the original proposals for the legislation and to which a copy of the Bill was submitted for examination

The large majority of the Clauses in the present Bill gives effect to suggestions made by the London Committee. The more important of these amendments are mentioned in paragraph 3

2 The amendments effected by Clauses 22 and 24 relate to matters on which amendments are considered desirable or necessary in the light of experience in the working of the principal Ordinance.

Clause 22 enlarges the class of persons eligible for appointment as auditors of the Bank. Under section 63 of the Ordinance, the auditors (appointed not less frequently than once a year) must be "two firms of chartered accountants". This provision is considered unnecessarily restrictive and the amendment provides that the audit shall be carried out by two "qualified auditors", and defines "qualified auditor" to mean either a chartered accountant or a member of the Society of Incorporated Accountants and Auditors. That there will be two independent audits is secured by the insertion of a proviso to the effect that the two qualified auditors appointed shall not be practising in partnership or members of the same firm.

Clause 24 effects several amendments in Part II of the First Schedule.

It has been found that the limitation of the period for which the Bank may grant seasonal loans to twelve months unduly restricts the activities of the Bank. Paragraph (b) (iii) of Clause 24 extends the period for seasonal loans to twenty-four months.

The other sub-paragraphs of paragraph (b) of this clause are intended to clarify the provisions relating to the limit of the advances which may be made by the Bank, the bills of exchange, &c, against which advances may be made, and the maintenance of a cash reserve by the Bank.

3 The provisions regarding the creation and maintenance of the Reserve Fund and the Contingency Fund of the Bank at present occur in the Second Schedule to the Ordinance and can therefore be amended without reference to the legislature. Clause 6 transfers those provisions to the main body of the principal Ordinance.

The terms and conditions on which unissued capital and any new capital raised by the creation of new shares are to be issued, as well as the allotment of shares so issued or created, will, under the amendment effected by Clause II, be decided in future by the Board of Directors of the Bank.

Sections 39 and 40 of the Ordinance which deal with contracts made on behalf of the Bank and the manner in which bills of exchange, &c, shall be made or executed on behalf of the Bank are merely declaratory and not in a restrictive form. Clause 15 inserts a new section 40A which specifies the persons who may act on behalf of the Bank in matters of the kinds mentioned.

Under section 48 of the Ordinance, the Financial Secretary may sell shares held by the Government in the Bank at not less than par, if he is authorised in that behalf by the Board of Ministers and if the consent of the State Council has been obtained. As the power of the Governor to control certain acts of the Bank is contingent upon the Government being the holder of a certain percentage of the shares, it is considered appropriate that the sanction of the Governor should be obtained before any of the Government's shares in the Bank are sold. Clause 16 amends section 48 to achieve this result.

Clause 18 fixes the majority of the Board, required under section 55 for the dismissal of certain officers, as a two-thirds majority.

Section 56 of the Ordinance which grants protection to an officer of the Bank for damage or loss caused to the Bank is in very wide terms. Clause 19 substitutes a new section, suggested by the London Committee, under which an officer will be protected unless the loss or damage was caused by his misconduct or wilful default. Similarly section 57, dealing with reimbursement for expenses incurred by an officer on behalf of the Bank, is, by Clause 20, replaced by a new section under which no reimbursement will be made where the expenses were occasioned by the misconduct or wilful default of the officer.

Under section 70 of the Ordinance, the Second Schedule, which contains what are termed the "by-laws" of the Bank, may be altered by a resolution of the Board, approved by the Governor. That Schedule provides for matters which, in the case of a company, are dealt with in the Articles of Association and subject to alteration only by a special resolution of the shareholders. Clause 23 amends section 70 so as to introduce a similar practice in the case of the Bank and provides that the Second Schedule may be altered only by a special resolution of the shareholders, approved by the Governor.

4 The clauses of the Bill, other than those mentioned in paragraphs 2 and 3, effect minor or consequential amendments in the principal Ordinance.

G. C. S. COREA,

Minister for Labour, Industry and Commerce

Colombo, September 8, 1943.

MINUTE

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

L D—O 13/42

An Ordinance to amend the War Risks (Goods) Insurance Ordinance, No 1 of 1942

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 War Risks (Goods) Insurance Amendment Ordinance, No of 1943 Short title
- 2 Section 17 of the War Risks (Goods) Insurance Ordinance, No 1 of 1942, is hereby amended in sub-section (2) thereof as follows Amendment of section 17 of Ordinance, No 1 of 1942
- (1) in paragraph (b) by the substitution, for the words "situated in Ceylon", of the words "situated in Ceylon",
and
- (2) by the insertion, immediately after paragraph (b), of the following new paragraph —
- "(c) where any goods in respect of which a marine policy against war risks has not been taken are borne on the territorial waters of Ceylon, the goods shall, while they are borne on such waters, be deemed to be situated in Ceylon"

Objects and Reasons

The object of this Bill is to amend the definition of the phrase "situated in Ceylon" in the War Risks (Goods) Insurance Ordinance, No 1 of 1942, so as to enable goods which are borne on the territorial waters of Ceylon and which are not covered by a marine war risks insurance policy to be insured under that Ordinance

G C S COREA,

Minister for Labour, Industry and Commerce

Colombo, 9 September, 1943

NOTICES OF INSOLVENCY

In the District Court of Colombo

Insolvency In the matter of the insolvency of H Thomas Fonseka Case No 5,492 of 636, Moratumulla in Moratuwa

NOTICE is hereby given that a meeting of the creditors of the above named insolvent will take place at a sitting of this court on October 22, 1943, at 10 45 A M, to appoint an auditor and to approve the scheme of distribution of the money lying in deposit in the above case

September 17, 1943 By order of court, C EMMANUEL,
Secretary

In the District Court of Colombo

No 5,666 In the matter of the insolvency of Abdul Cader of Insolvency 96, New Market, Pettah, Colombo

NOTICE is hereby given that a meeting of creditors of the above named insolvent will take place at a sitting of this court fixed for October 22, 1943, to approve conditions of sale

September 20, 1943 By order of court, C EMMANUEL,
Secretary

NOTICES OF FISCALS' SALES

Western Province

In the District Court of Colombo

Muna Pana Lana Raman Chettiar of Hiripitiya in Veyangoda, Administrator of the estate of the late P L K N M N Plaintiff
Nagappa Chettiar, deceased

No 282/M B Vs

Subasinghe Aisandiri of Paramulla Defendant

NOTICE is hereby given that on Friday, October 15, 1943, at 3 P M, will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No 16489 dated September 26, 1929, and attested by Jno Gunawardena, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated February 2/August 3, 1943, for the recovery of the sum of Rs 600, together with costs of suit, viz —

All that undivided $\frac{1}{4}$ share of the land called Kopawatta situated at Paramulla in Meda pattu of Siyane korale in the District of Colombo, Western Province, bounded on the north by water course, east by Goroggas ela, south by Dee ella oya, and on the west by limit of Mendoragahakumbura, containing in extent about 16 acres, and registered under E 220/277

Fiscal's Office,
Colombo, September 21, 1943

H C WIJESINHA,
Deputy Fiscal

Central Province

In the District Court of Kandy

Udugoda Heeralungegedera Hapee of Pallegedera in Kandan Plaintiff
hena of Harispattu

Pallegedera Jams of Kandanhena in Haris Substituted Plaintiff
pattu

No 44,180 Vs

Yalagalage Susew Pieris of Bokkawela in Galasiyapattu of Harispattu Defendant

NOTICE is hereby given that on Friday, October 22, 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 defendant in the following property mortgaged upon bond No 25334 dated February 14, 1928, and attested by J W Wickrema singhe, 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 1,000, with interest on Rs 600 at 12 $\frac{1}{2}$ cents per Rs 10 per month from August 24, 1933, till June 21, 1934, and thereafter with legal interest on the aggregate amount till payment in full and costs and poundage, viz —

1 All that allotment of land called Egalehena now garden of one amunam in paddy sowing extent, situate at Wewala in Galasiyapattu of Harispattu in the District of Kandy, Central Province, and bounded on the east and south by Mala-ela of Wijesinghe's land, west by the limitary ridge of Morankande estate, and north by above the ditch of Gederawatta now belonging to Horatala, together with the plumbago mines, sheds and other buildings thereon, which said description includes all that allotment of land called Kahahadaputenna of two pelas in paddy sowing extent Registered in H 107/218

2 All that undivided portion of two pelas in paddy sowing extent (described in prior title deeds as the undivided northern two pelas) of and in all that allotment of land called Egalagawahena (now garden) of about twelve amunams in paddy sowing extent situate at Wewala aforesaid, and bounded on the east by the Kala ela of Gonnagahadeniyehena, south by the limit of Hettipolagewatta, west by the Mala ela of Wehgalagederahena, and north by agala, with everything thereon

3 All that land called Liyangollehena (now garden) of six lahas paddy sowing in extent, situate at Hingulwala in Galasiyapattu aforesaid, and bounded on the north by this side of the kahata tree on Balappu's land, east by dry stream of Molagodawalauwehena, south by Dembata stump of Wagedera Appu's chena, and west by limit of Dunuwilawalauehena, together with everything thereon, and registered in H 119/363 and 173/160 151 at the Kandy Land Registry Office

Valuation Rs 3,350

Fiscal's Office,
Kandy, September 21, 1943

CHARLES DE SILVA,
Deputy Fiscal

NOTICES OF TESTAMENTARY ACTIONS.

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Parasangli
Jurisdiction Nekatige Gelena Fernando of Siyambalagoda in
No 10,334 Polgasowita, deceased
Weerasinghege Louis William Silva of Siyambalagoda Petitioner

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on February 8, 1943, in the presence of Messrs Perera & Senaratne, Proctors, on the part of the petitioner above named, and the affidavit of the petitioner dated February 5, 1943, having been read

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

February 9, 1943 JAMES JOSEPH,
Additional District Judge

The date for showing cause against the Order Nisi is extended to September 30, 1943

August 25, 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 Naganathan Logambatchy of Naga Villa,
No 10,450 Bambalapitiya, Colombo, deceased
Sivasithamparam Somanathan of Villula, Torrington place,
Colombo Petitioner

And

(1) Anandeswaran Nagendran, and (2) Sumithra Nagendran, appearing by their guardian *ad litem*, (3) Sanmogam Nagen dran, all of Ayodyha, Rosmead place, Colombo, (4) Nahes wari Carthgasen, (5) Skanathanathan Ponnambalam, (6) Dhanesa Ponnambalam, (7) Mahendra Ponnambalam, (8) Srikanthi Kanagasabai all of Naga Villa, Bambalapitiya, Colombo, (9) Rajeswari Jeganathan of Chislehurst, Barnes place, Colombo, (10) Vanendra Nagendra of Hendala, (11) Selliah Nagendra (Jnr) of Naga Villa aforesaid Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 13, 1943, in the presence of Mr S Ratnakaram, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated September 1, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as the nephew 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 September 30, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 16, 1943 S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate and Effect of
Jurisdiction James Emmanuel Potger, late of 29, Mary's
No 10,500 road, in Bambalapitiya in Colombo, deceased
James Lancelott Denzil Oorloff of 29, Mary's road,
Bambalapitiya in Colombo Petitioner

Vs

(1) Agnes Potger, (2) Stanley Dickens Potger of 20, Lewella, Kandy, (3) Dorothy Augusta Oorloff (*nee* Potger) of St Mary's road, Bambalapitiya Respondents
(4) Doreen Clare Aldons of 756A, Barnes avenue, Mt Lavinia, (5) James Sevenburne de Bruin, and (6) Fritszroy Gerald de Bruin, both presently serving overseas Added Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on June 30, 1943, in the presence of Mr W O Herft Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated June 24, 1943, having been read

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

July 2, 1943 JAMES JOSEPH,
Additional District Judge

The date for showing cause against the above Order Nisi is hereby extended to September 30, 1943

September 16, 1943 S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Johana
Jurisdiction Perera Wangasuriya of Mulleriyawa, deceased
No 10,531

James Perera Wangasuriya of Mulleriyawa Petitioner

(1) Lenora Perera Wangasuriya of Wennawatta, (2) Collin Dayananda Hauschandra Javasekera, (3) Bevin Mahatma Indrawansa Jayasekera, (4) P A Jayasekera, all of Mount Lavinia Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on July 21, 1943, in the presence of Mr N J S Cooray, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated July 15, 1943, having been read

It is ordered that the 4th respondent above named be and he is hereby appointed guardian *ad litem* of the infants, the 2nd and the 3rd respondents, to represent them for all the purposes of this action, and that the petitioner above named be and he is hereby declared entitled, as a son and heir 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 September 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 24, 1943 JAMES JOSEPH
Additional District Judge

The date for showing cause against the above Order Nisi is hereby extended to October 7, 1943

September 3, 1943 JAMES JOSEPH
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Botalage
Jurisdiction Herbert Lucas Fonseka of 7, Bawa place,
No 10,583 Borella, Colombo, deceased
Virginia Clara Fonseka of 7, Bawa place, Colombo Petitioner

(1) Botalage Mervyn Lucian Fonseka of 7, Bawa place, Colombo, (2) Doctor Botalage Marcus Fonseka of 85, Ward place, Colombo Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on September 6, 1943, in the presence of Mr John Wilson, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated September 3, 1943, having been read

It is ordered that the 2nd respondent above named be and he is hereby appointed guardian *ad litem* of the minor, the 1st respondent, to represent him for all the purposes of this action and that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 14, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 18, 1943 S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Doctor Garret Arnold Rode of Elbank road,
No 10,584 Havelock Town, Colombo, deceased

(1) Clotilda Lucy Rode of Havelock Town, Colombo, and (2) Edith Inez VanDort *nee* Rode of Nuwara Eliya Petitioners

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on September 6, 1943, in the presence of Mr John Wilson, Proctor, on the part of the petitioners above named, and (1) the affidavit of the petitioners dated August 31, 1943, and (2) the affidavit of the attesting notary public dated September 6, 1943, having been read

It is ordered that the last will and testament of Doctor Garret Arnold Rode, 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 are the executors named in the said will and they are hereby declared entitled to have probate thereof issued to them accordingly, unless any person or persons interested shall, on or before October 14, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 18, 1943 S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Order Absolute

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Herbert Alexander McLaren of Gikyanakande
No 10,588 estate, Neboda, Kalutara District in the Island of Ceylon, deceased

THIS matter coming on for final determination before S J C Schokman, Esq., Additional District Judge of Colombo, on September 8, 1943, in the presence of Messrs Julius & Creasy, Proctors, on the part of the petitioner, Mrs Alice Maude McLaren of Gikyanakande estate, Neboda, Kalutara District, in the Island of Ceylon, and the affidavit of the said petitioner dated August 31, 1943, an affidavit as to the due execution of the will, original will and certificate of death of the above named deceased having been read It is ordered that the will of the said deceased dated April 8,

1916, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said petitioner is the sole executrix named in the said will and that she is entitled to have probate of the said will issued to her on her paying usual duty and taking oath of office

S J C SCHOKMAN,
Additional District Judge
September 15, 1943

In the District Court of Colombo

Notice of Application

Testamentary In the Matter of the Last Will and Testament (with Jurisdiction a codicil) of Margaret Graham Derry of Meadfield No 10,592 Haslemere, Surrey, England, deceased, wife of Douglas Erith Derry formerly temporarily of the Avondale Hotel, Tevistock place, in the County of London, England

And

In the Matter of the British Courts Probates (Re sealing) Ordinance (Chapter 84)

NOTICE is hereby given, that after the expiry of 14 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 the probate of the last will and testament with codicil of Margaret Graham Derry of Meadfield, Haslemere, in the County of Surrey, England, deceased, wife of Douglas Erith Derry formerly temporarily of the Avondale Hotel, Tavistock place, in the County of London, England, granted by the Principal Probate Registry of His Majesty's High Court of Justice in England on May 20, 1942

V GNANARATNAM COOKE,
Proctor for Douglas Monro Ramsay,
Harry Borradaile and Francis Chal
mers, executors of the last will and
testament and codicil

Colombo, September 24, 1943

In the District Court of Colombo

Order Nisi declaring Will proved

Testamentary In the Matter of the Last Will and Testament of Jurisdiction Charles Knapp Darnell, L R C P and S E, No 10,601 late of Greenbank, 15 Tennyson avenue, Bangor, County Down Northern Ireland, Medical Doctor, deceased

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 13, 1943, in the presence of Messrs F J & G de Saram, Proctors, on the part of the petitioner, Matthew Richard Lothian Leishman of Colombo, and (1) the affidavit of the said petitioner dated September 9, 1943, (2) the power of attorney dated March 24, 1943, and (3) the order of the Supreme Court dated August 30, 1943, having been read. It is ordered that the will of the said Charles Knapp Darnell, deceased, dated December 24, 1941, a certified copy of which under the seal of the High Court of Justice in Northern Ireland has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said Matthew Richard Lothian Leishman is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before September 30, 1943, show sufficient cause to the satisfaction of this court to the contrary

S J C SCHOKMAN,
Additional District Judge
September 14, 1943

In the District Court of Colombo

Order Absolute in the First Instance

Testamentary In the Matter of the Last Will and Testament of the Jurisdiction late Eugene Lucretia Ferdinands of Colpetty, in No 10,604 Colombo, deceased

THIS matter coming on for final determination before S J C Schokman, Esq., Additional District Judge of Colombo, on September 15, 1943, in the presence of Mr L L Fonseka, Proctor, on the part of the petitioner, Arthur Clarence Belong of Stratford avenue, Wellawatta in Colombo, and the affidavit of the said petitioner dated August 13, 1943, and of the attesting notary and a witness dated August 30, 1943, and September 15, 1943, having been read. It is ordered that the last will made by the deceased above named bearing No 457 dated July 28, 1940, and now deposited in this court be declared proved and probate hereof be issued to the petitioner aforesaid, as the executor mentioned in the said will, on the publication of this order once in the *Ceylon Government Gazette* and twice in the Ceylon Observer newspaper and on his tendering the usual oath and bond

S J C SCHOKMAN,
Additional District Judge
September 16, 1943

In the District Court of Colombo

Order Nisi declaring Will proved

Testamentary In the Matter of the Last Will and Testament and Jurisdiction two Codicils of Arthur Victor Windover of Ashdown, 57 Arnold street, Killara, New South Wales, Australia, and care of Barclays Bank, Limited, 4, Vere street, Cavendish Square, London W 1 England, deceased No 10,605

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 15, 1943, in the presence of Messrs F J & G de Saram, Proctors, on the part of the petitioner, Philip Edmonds Pitcher, care of the Imperial Bank

of India, Colombo, and (1) the affidavit of the said petitioner dated September 8, 1943, (2) the power of attorney dated September 18, 1942, and (3) the order of the Supreme Court dated September 2, 1943, having been read. It is ordered that the will of the said Arthur Victor Windover deceased dated November 14, 1939 (with two codicils thereto dated April 11, 1940, and September 8, 1941, respectively), a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced and is now deposited in this court, be and the same is hereby declared proved, and it is further declared that the said Philip Edmonds Pitcher is the attorney in Ceylon of the executors named in the said will and that he is entitled to have letters of administration (with will and codicils annexed) issued to him accordingly, unless any person or persons interested shall, on or before September 30, 1943, show sufficient cause to the satisfaction of this court to the contrary

S J C SCHOKMAN,
Additional District Judge
September 16, 1943

In the District Court of Avissawella

Order Nisi

Testamentary In the Matter of the Intestate Estate of Jurisdiction J A Balahamy, late of Palle Yogama, deceased No 321

Between

Weralupe Gamladdalage Gunaratne of Panawaita estate, Yatiyantota Petitioner

And

(1) Jasim Atatchillage Appu, (2) ditto Ran Etana, both of Maboptiya, (3) ditto Dingiri Appu of Degalatriya, (4) Luyana Aratchillage Punchi Nona of Palle Yogama Respondents

THIS matter coming on for disposal before L B de Silva, Esq., District Judge, Avissawella, on July 20, 1943, in the presence of Mr D St E Amerasinghe of Messrs Kelaart & Amerasinghe, Proctors, on the part of the petitioner, and of Mr P G de Silva of Messrs de Silva & de Silva, Proctors, on the part of the 4th respondent, and the affidavit of the petitioner dated December 2, 1942, having been read and the objections of the 4th respondent having been inquired into

It is ordered that the petitioner be and he is hereby declared entitled to have letters of administration to the estate of the above named deceased issued to him, unless the respondents above named or any other person or persons interested therein shall, on or before September 7, 1943, show sufficient cause for the satisfaction of this court to the contrary

L B DE SILVA,
District Judge
August 17, 1943

This *Order Nisi* is extended and reissued for September 28, 1943

L B DE SILVA,
D J
September 7, 1943

In the District Court of Galle (sitting at Balapitiya)

Order Nisi

Testamentary In the Matter of the Estate of the late Dona Jurisdiction Dutehunona Wickramatilleke Hamme of Haburu No B 67 gala in Bentota, deceased

Don Edwin Mahavithana of Haburugala in Bentota Petitioner

Vs

(1) Dona Lily Mahavithana (Mrs N C W T Gunasekera) of Bentota, (2) Don Arthur Mahavithana, (3) Don Laurence, ditto, (4) Don Leelaratna, ditto, (5) Don Upasena Mahavithana, all of Haburugala in Bentota, the 5th respondent is a minor appearing by his guardian *ad litem*, the 6th respondent, (6) Don Johannes Wickramatilleke of Gonagala in Induruwa Respondents

THIS matter coming on for disposal before A Jayaratna, Esq., Additional District Judge of Galle, sitting at Balapitiya, on August 26, 1943, in the presence of Mr W A C Sirisena, Proctor, on the part of the petitioner aforesaid, and the affidavit of the said petitioner dated August 26, 1943, having been read

It is ordered that the petitioner and he is hereby declared entitled, as one of the sons of the above named deceased, to have letters of administration to her estate issued to him accordingly, and that the 6th respondent be and he is hereby appointed guardian *ad litem* of the 5th minor respondent for the purpose of these proceedings, unless the respondents above named or any other person or persons shall, on or before October 7, 1943, show sufficient cause to the satisfaction of this court to the contrary

A JAYARATNA,
Additional District Judge
August 26, 1943

In the District Court of Galle

Order Nisi

Testamentary In the Matter of the Intestate Estate of Gonapmu Jurisdiction wala Vithanage Pedris de Silva of Gummellagaha, deceased No 8,045

Daluwatu Mulle Gamage Isohamy of Gummellagaha Petitioner

And

(1) Gonapmuwala Vithanage Edmund de Silva of Batapola West, (2) ditto Mammel Silva of Gummellagaha, (3) ditto Premawathie Indra of Sariputra Vidyalyaya, Aban-gama Respondents

THIS matter coming on for disposal before M A Samarakoon, Esq., District Judge of Galle, on July 22, 1943, in the presence of

Mr A S Jayawickrama, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated July 20, 1943, having been read

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased above named, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 27, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 27, 1943

M A SAMARAKOON,
District Judge

Date for showing cause is extended to October 8, 1943

M A S,
D J

In the District Court of Nuwara Ehiya

Order Nisi

Testamentary In the Matter of the Intestate Estate and Effects of
Jurisdiction Doctor Ernest Lionel Frederick de Mel of Nuwara
No 362 Ehiya, deceased

Between

Daisy Agnes de Mel of Nuwara Ehiya Petitioner

And

(1) Therese Agnes Manel de Mel, (2) Gamini Ernest Sebastian de Mel, both of Nuwara Ehiya, minors, by their guardian *ad litem*, (3) Leshe Marcellus Fernando of 24, Queen street, Fort, Colombo Respondents

THIS matter coming on for disposal before T P P Goonetilleke, Esq., District Judge of Nuwara Ehiya, on August 31, 1943, in the presence of Mr V Ponnusamy, Proctor, on the part of the petitioner, and the petition and affidavit of the petitioner above named dated August 6, 1943, having been read It is ordered (a) that the petitioner be and she is hereby declared entitled to obtain letters of administration to the estate of the deceased above named, as his widow, and (b) that in terms of an order entered in this case on August 6, 1943, the 3rd respondent above named be and he is hereby appointed guardian *ad litem* of the 1st and 2nd respondents, who are minors of the respective ages of 12 and 8 years, for the purpose of these proceedings, unless any person interested in the estate of the said deceased shall, on or before October 8, 1943, show sufficient cause to the contrary to the satisfaction of this court

August 31, 1943

T P P GOONETILLEKE,
District Judge

In the District Court of Kurunegala

Order Nisi

Testamentary In the Matter of the Estate of the late Tudugala
Jurisdiction Weerakoon Mudiyanse Dona Albertina of
No 4,474 Talgodapitiya, deceased

Sree Narayana Ratapakse Veda Brakmana Atapattu Mudiyanse
lage Wimalawathie Kumarihamy Madawela of Talgodapitiya,
in Ihalavisideke korale Petitioner

THIS matter coming on for disposal before H A de Silva, Esq., District Judge of Kurunegala, on August 23, 1943, in the presence of Mr R E de S Jayasundara, Proctor, for the petitioner above named, and the affidavit of the petitioner dated August 18, 1943, having been read

It is ordered that the said petitioner be and she is hereby declared entitled, as sole heir of the above named deceased, to have letters

of administration to her estate issued to her, unless the respondents or any other person or persons interested shall, on or before September 30, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 23, 1943

H A DE SILVA,
District Judge

In the District Court of Ratnapura

Order Nisi

Testamentary In the Matter of the Intestate Estate of John
Jurisdiction Charles Perera Samarasekera of Ratnapura,
No 1,139 deceased

Violet Letitia Perera of Ratnapura Petitioner
Vs

(1) Tilaka Indragith Samarasekera, a minor by his guardian *ad litem*, (2) Mrs Nimala Samarasekera of Shadygrove avenue, Castle street, Colombo Respondents

THIS matter coming on for disposal before V E Rajakarier, Esq., District Judge, Ratnapura, on September 10, 1943, in the presence of Mr P A Dharmadasa, Proctor, on the part of the petitioner and the petition and affidavit of the petitioner above named dated August 31, 1943, having been read It is ordered that the said petitioner above named is the daughter of the deceased above named and that she is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 14, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that Mrs Nimala Samarasekera of Shadygrove avenue, Castle street, Colombo, the 2nd respondent above named, be and she is hereby appointed guardian *ad litem* over Tilaka Indragith Samarasekera, the 1st respondent above named, unless the respondents above named or any other person or persons interested shall, on or before October 14, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 10, 1943

V E RAJAKARIER,
District Judge

In the District Court of Kegalla

Order Nisi

Testamentary In the Matter of the Intestate Estate of Don
Jurisdiction Charles Wickramasundara of Nelundeniya,
No 1,670 deceased

Mudiyanse Korallage Dolpi Nona Suwarnalatha of
Manoluwa Petitioner

And

Wickramasundara Muhandramage Rosalma Hamy of
Manoluwa Respondent

THIS action coming on for disposal before R R Selvadurai, Esq., District Judge, Kegalla, on August 10, 1943, in the presence of Mr A I Abeyawickrama, Proctor, on the part of the petitioner, and petition dated August 10, 1943, and affidavit dated July 16, 1943, having been read

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to his estate issued to her, unless the respondent above named or any person or persons interested shall, on or before September 29, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 10, 1943

R R SELVADURAI,
District Judge