



THE CEYLON GOVERNMENT GAZETTE

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PART II.—LEGAL.

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

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PASSED ORDINANCES.

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

No. 34 of 1943.

L. D — O 22/43

An Ordinance to amend the Savings Certificates Ordinance.

Chapter 292,
(Vol VI,
page 323)

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 Savings Certificates Amendment Ordinance, No 34 of 1943

Short title

2. Section 5 of the Savings Certificates Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows —

Amendment of
section 5 of
Chapter 292

(1) in sub-section (1) thereof—

(a) by the substitution, in paragraph (b), for the words "such certificates", of the words "such certificates, or",

(b) by the insertion, immediately after paragraph (b), of the following new paragraphs —

"(c) by any Government Agent, Assistant Government Agent, Assistant Government Agent (Emergency) or Divisional Revenue Officer, or

(d) by any bank specially or generally authorised by the Postmaster-General to issue such certificates",

(2) in sub-section (2) thereof, by the substitution for the words "The Postmaster or other officer authorised", of the words "Every officer who, and the manager of every bank which, is authorised"

3. Section 28 of the principal Ordinance is hereby amended as follows —

Amendment of
section 28
of the
principal
Ordinance

(1) in the definition of "approved savings group" by the substitution for the words "declared by the Financial Secretary in writing", of the words "declared in writing by the Financial Secretary or by an officer authorised in that behalf by the Financial Secretary",

(2) in the definition of "issuing officer", by the substitution for the words "a Postmaster or any other officer authorised" of the words "any officer who, or the manager of any bank which, is authorised"

Passed in Council the Twenty third day of September, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Second day of October, One thousand Nine hundred and Forty-three

H A C DOBBS,
Acting Secretary to the Governor.

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

No. 36 of 1943.

M L A — B 1999

L D — O 1/43

An Ordinance to amend the Municipal Councils Ordinance.

A CALDECOTT

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

Short title

1. This Ordinance may be cited as the Municipal Councils
(Amendment) Ordinance, No 36 of 1943

Amendment of
section 128
of Chapter
193

2. Section 128 of the Municipal Councils Ordinance is
hereby amended in the proviso to sub-section (1) of that
section by the substitution, for the words "town, or vehicles",
of the words "town, or bicycles belonging to His Majesty and
used by any of His Majesty's forces, or vehicles"

Passed in Council the Twenty-second day of September,
One thousand Nine hundred and Forty three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Sixth
day of October, One thousand Nine hundred and Forty-three

H A C DOBBS,
Acting Secretary to the Governor

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

No. 37 of 1943.

L D — O 34/43/M L A — B 1775 f

An Ordinance to amend the Urban Councils Ordinance,
No. 61 of 1939.

A CALDECOTT

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

Short title

1 This Ordinance may be cited as the Urban Councils
Amendment Ordinance, No 37 of 1943

Amendment of
section 9 of
Ordinance
No 61 of 1939

2 Section 9 of the Urban Councils Ordinance, No 61 of
1939, (hereinafter referred to as "the principal Ordinance"),
is hereby amended as follows —

- (1) in sub-section (1) thereof by the substitution in para-
graph (b), for the words "objections to any name
inserted therein", of the words "objections to any
name inserted or to be inserted therein",
- (2) in sub-section (4) thereof by the substitution, for the
words "any name inserted", of the words "any
name inserted or to be inserted"

Amendment of
section 18 of
the principal
Ordinance

3 Section 18 of the principal Ordinance is hereby amended
in sub-section (2) thereof by the substitution, in paragraph
(e), for the word and figure "section 8", of the words and
figures "sub-section (2) (c) of section 7, such sentence not
being set aside in appeal"

Amendment of
section 33 of
the principal
Ordinance

4 Section 33 of the principal Ordinance is hereby amended
in sub-section (6) thereof by the substitution, for the word
"general" of the word "ordinary"

Amendment of
section 38 of
the principal
Ordinance

5 Section 38 of the principal Ordinance is hereby amended
in sub-section (1) thereof by the substitution, for all the words
from "fixed by any by-law" to the end of that sub-section,
of the words "fixed by the Council"

Amendment of
section 39 of
the principal
Ordinance

6 Section 39 of the principal Ordinance is hereby amended
as follows —

- (1) in sub-section (1) thereof by the addition, at the end of
that sub-section, of the words "The Executive
Committee may by rule made under section 205
alter from time to time the quorum prescribed by
or under this sub-section for the meetings of any
Council",
- (2) in sub-section (2) thereof by the substitution, for the
words and figure "under sub-section (1)", of the
words, "under this Ordinance"

7 Section 48 of the principal Ordinance is hereby amended in paragraph (a) thereof by the substitution, for the words "from time to time remove", of the words "subject to the provisions of section 239A, from time to time to remove"

Amendment of section 48 of the principal Ordinance

8 Section 104 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution, for the words "twenty five cents", of the words "thirty cents"

Amendment of section 104 of the principal Ordinance

9 Section 170 of the principal Ordinance is hereby amended in paragraph (6) thereof by the substitution in sub-paragraph (c), for the word "Council", of the words "Council, the regulation of the removal of sand, gravel, stones, cabook or other matter from such property, and the charging of fees for any permits issued in that connexion"

Amendment of section 170 of the principal Ordinance

10 Section 172 of the principal Ordinance is hereby amended in sub-section (1) thereof as follows —

Amendment of section 172 of the principal Ordinance

(1) in paragraph (g) by the substitution, for the word "institution", of the words "institution, and",

(2) by the insertion, immediately after paragraph (g), of the following new paragraph (h) —

"(h) all sums voted by the Council to meet the travelling expenses of members or officers of the Council attending any meeting or conference of members or officers of Urban Councils for the consideration of matters relating to local administration"

11 Section 183 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, for the words and figures "sections 135 to 147 of that Ordinance relating to the recovery or the waiver of rates, taxes and rents", of the words and figures "sections 135 to 148 of that Ordinance relating to the recovery or the waiver of rates, taxes and rents, and the termination of the tenancy of tenants of the Council"

Amendment of section 183 of the principal Ordinance

12 The following new section is hereby inserted immediately after section 183 of the principal Ordinance and shall have effect as section 183A of that Ordinance —

Insertion of new section 183A in the principal Ordinance

"183A The Council may by resolution waive the whole or any part of any sum of money (not being a sum for the waiver of which provision is made by section 183) due to the Council from any person if it appears to the Council that the amount to be waived is inconsiderable or irrecoverable or that it should be written off on the ground of the poverty of the person liable therefor. Every such resolution relating to the waiver of an amount exceeding fifty rupees shall be subject to the approval of the Executive Committee"

Waiver of sums due to the Council

13 Section 196 of the principal Ordinance is hereby amended as follows —

Amendment of section 196 of the principal Ordinance

(1) in sub-section (1) thereof by the substitution, for all the words from "the majority of the members" to the end of that sub-section, of the words "any of the members thereof, the Governor may, as the circumstances of each case may require, by Order published in the Gazette—

- (i) remove the Chairman from office, or
- (ii) remove all or any of the members of the Council from office, and direct the Government Agent to take steps for the election of a new member in place of each member so removed, or
- (iii) dissolve the Council"

(2) in sub-section (3) thereof by the substitution, for the words "office of Chairman", of the words and figures "office of Chairman, and the provisions of section 18 (3) shall thereupon apply"

(3) by the substitution for sub-section (4) thereof, of the following new sub-section —

"(4) Where the Governor removes any member of an Urban Council from office by Order under sub-section (1) and a new member in pursuance of such Order is elected in place of the member so removed, the new member shall go out of office on the date on which the original member would have gone out of office if he had not been removed from office by the Governor"

14. Section 205 of the principal Ordinance is hereby amended in sub-section (2) thereof as follows —

Amendment of section 205 of the principal Ordinance

(1) by the re-lettering of paragraph (l) as paragraph (n),

(2) by the insertion, immediately after paragraph (k), of the following new paragraphs —

- “ (l) for prescribing the quorum for the meetings of an Urban Council,
- (m) for declaring any officer of an Urban Council to be an executive officer for the purposes of section 239A,”

Insertion of new section 239A in the principal Ordinance

Disciplinary action against officers of Urban Council

15 The following new section is hereby inserted immediately after section 239 of the principal Ordinance and shall have effect as section 239A of that Ordinance —

“ 239A (1) No executive officer shall be removed or dismissed from his office except for misconduct or for neglect of, or incapacity for, his duties, and except on a resolution passed by not less than two-thirds of the total number of members of the Council

(2) No executive officer shall be suspended or fined or reduced in status nor shall the increments to his salary be withheld for any breach of departmental rules or discipline or for carelessness, incompetence, neglect of duty or other misconduct except on a resolution passed by not less than two-thirds of the total number of members of the Council

(3) In this section ‘ executive officer ’ means any officer appointed to be or to act as the Secretary, the Electrical Superintendent or the Superintendent of Works of an Urban Council and includes any other officer declared by the Executive Committee, by rule made under section 205, to be an executive officer for the purposes of this section ”

Passed in Council the Twenty-second day of September, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Sixth day of October, One thousand Nine hundred and Forty-three

H A C DOBBS,
Acting Secretary to the Governor

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

No. 38 of 1943.

(Chapter 173
Vol IV, p 391)

An Ordinance to amend the Quarantine and Prevention of Diseases Ordinance.

A CALDECOTT

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

Short title

1. This Ordinance may be cited as the Quarantine and Prevention of Diseases (Amendment) Ordinance, No 38 of 1943

Insertion of new section 9A in Chapter 173

2. The following new section is hereby inserted immediately after section 9 of the Quarantine and Prevention of Diseases Ordinance and shall have effect as section 9A of that Ordinance —

Removal of person refusing to leave the Island by accommodation provided under section 9

9A Where any person for whose departure from the Island arrangements have been made under section 9 refuses to leave the Island or to board the aircraft or vessel on which a passage has been provided for him, it shall be lawful for a police officer specially authorised in writing by the Inspector-General of Police to arrest such person and to conduct him in custody aboard such aircraft or vessel

Passed in Council the Twenty-third day of September, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Sixth day of October, One thousand Nine hundred and Forty-three.

H A C DOBBS,
Acting Secretary to the Governor

(Continued on page 527)

DRAFT ORDINANCES

MINUTE

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

L D—O 34/36

M L A—B 1396

An Ordinance to extend the operation of section 2 (1) of the Galle Municipal Council (Differential Rates) Ordinance, No 31 of 1938

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 Galle Municipal Council (Differential Rates) (Second Extension) Ordinance, No of 1943

Short title

2 Notwithstanding anything contained in sub-section (2) of section 2 of the Galle Municipal Council (Differential Rates) Ordinance, No 31 of 1938, sub-section (1) of that section shall continue in operation until the thirty-first day of December, 1944.

Continuation of the operation of section 2 (1) of Ordinance No 31 of 1938

Objects and Reasons

The object of this Bill is to extend the operation of section 2 (1) of the Galle Municipal Council (Differential Rates) Ordinance, No 31 of 1938, till the end of the year 1944. The power to make and assess different rates in different parts of the town of Galle will be necessary for a further period of one year, because there are still certain areas in that town which are not benefited by some of the public services provided by the Council, such as electric lighting and water service.

S W R D BANDARANAIKE,
Minister for Local Administration

Colombo, October 8, 1943

MINUTE

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

L D—O 21/43

An Ordinance to amend the Control of Prices Ordinance, No 39 of 1939

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

1 This Ordinance may be cited as the Control of Prices (Amendment) Ordinance, No of 1943

Short title

2 Section 6 of the Control of Prices Ordinance, No 39 of 1939, is hereby amended by the substitution for the words "Civil Administration", of the following —

Amendment of section 6 of Ordinance No 39 of 1939

"Civil Administration, but nothing in this section shall be deemed or construed to permit any person to sell, or authorise any person to refuse to sell, any article to any such Authorities, or to any other person on behalf of any such Authorities, in contravention of any of the aforesaid provisions"

Objects and Reasons

The object of this Bill is to amend section 6 of the Control of Prices Ordinance, No 39 of 1939, in such manner as to make it clear beyond doubt that the sale of any price-controlled article to any of the Service or Civil Authorities or any person on their behalf at a price greater than the maximum controlled price of that article or the refusal to sell any such article to any such Authority or person is an offence punishable under the Ordinance.

D S SENANAYAKE,
Minister for Agriculture and Lands

Colombo, 12th October, 1943

MINUTE

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

L D—CF 62/42

An Ordinance to amend the Brothels Ordinance.

Cap 25
Vol. I, p 615

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 Brothels Amendment Ordinance, No of 1943

Short title

2 Section 2 of the Brothels Ordinance is hereby amended in paragraph (b) thereof by the substitution for the words "or occupier" of the words "occupier or owner".

Amendment of section 2 of Chapter 25

Objects and Reasons

Where a house which is in the actual occupation of some person is used as a brothel or for the purposes of prostitution, the occupier can be dealt with under section 2 of the Brothels Ordinance, but that section does not provide for the case where a house which is ostensibly unoccupied is used for such purposes in a surreptitious manner. It is therefore proposed in this Bill to amend the section so as to make it possible to take proceedings against the owner of the house in any such case.

A MAHADEVA,
Minister for Home Affairs

Colombo, 11th October, 1943

DISTRICT AND MINOR COURTS NOTICES

NOTICE is hereby given that the following series of cases will be destroyed three months hence subject to the provisions of Chapter 336 of the New Legislative Enactments and any person who is interested in any record may personally, by proctor or duly authenticated petition claim upon good cause shown that such record should not be destroyed.

Magistrate's court cases Nos 31,300 of 1925 to 60,199 of 1933

Magistrate's Court, V E RAJAKARIAR,
Ratnapura, September 29, 1943 Magistrate

NOTICES OF FISCAL SALES
Western Province

In the District Court of Colombo

- (1) M P M Narayanan Chettiar, (2) M P M Ramasamy Chettiar and (3) M P M Periyacaruppan, all carrying on business in partnership under the name, style, and firm of M P M at 124, Maliban street, Colombo Plaintiffs
Vs
No 14,490/M

- (1) D J B Gomis and (2) Mrs R M Gomis, both of Fort, Colombo, presently near Kandana Police Station Defendants

NOTICE is hereby given that on Friday, November 5, 1943, at 3 P M, will be sold by public auction at the premises the right, title, and interest of the said 1st and 2nd defendants in the following property, for the recovery of the sum of Rs 358 30, with legal interest thereon from December 10, 1942, till payment in full and costs, less a sum of Rs 50, viz —

All that allotment of land called Hill Castle, formerly bearing assessment No 45 now No 2 marked lot 6 with the buildings standing thereon, situated at Silversmith street within the Municipality and District of Colombo, Western Province, bounded on the north by part of the same property marked lot No 7, on the east by premises bearing assessment No 61, Silversmith street, on the south by part of the same property marked lots 3 and 4, and on the west by reservation for a road 30 feet wide, and containing in extent 13 19 perches
Prior Registration A 285/237

Fiscal's Office,
Colombo, October 12, 1943

H C WIJESINHA,
Deputy Fiscal

In the Court of Requests of Colombo

- Moosa Bhai of 192, Church street, Slave Island Plaintiff
Vs
No 89,486

- Tudor A Perera, Proctor, S C, 207, Panadure Defendant

NOTICE is hereby given that on Saturday, November 6, 1943, at 2 30 in the afternoon will be sold by public auction at the defendant's residence, the right, title, and interest of the said defendant in the following movable property for the recovery of Rs 300, with interest on Rs 200 at 18 per cent per annum from February 25, 1943, to date of decree March 24, 1943, and thereafter interest on the aggregate amount at 9 per cent till payment in full and costs Rs 26 25, and prospective costs Rs 7, viz —

One piano, valued at Rs 750, 1 cabinet, set with glass, valued at Rs 150, 1 round table, valued at Rs 75, 10 chairs, valued at Rs 50, 1 writing table, valued at Rs 50, 1 small writing table, valued at Rs 30, 1 bench valued at Rs 20 All lying in house No 207, Panadure, the residence of the defendant

Deputy Fiscal's Office,
Kalutara, October 11, 1943

P D WEEBAMAN,
Deputy Fiscal

NOTICES IN TESTAMENTARY ACTIONS

In the District Court of Colombo

Order Nisi

- Testamentary Jurisdiction In the Matter of the Intestate Estate of Rajapaksa Pathrennehelage Don John Rajapaksa of Makola North, in the District of Colombo, deceased

Kirinde Liyanage Dona Ehsa Rajapaksa of Makola North in the Adikari pattu of Siyane korale Petitioner

- (1) Sumana Rajapaksa, (2) Gnanawathe Rajapaksa, (3) Tilaka Rajapaksa, (4) Nalini Hemalatha Rajapaksa, (5) Neil Gamini Rajapaksa, all of Makola North, (6) Kirinde Liyanage Don Heras Appuhamy of Makola North Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on October 9, 1943

in the presence of Mr N V T Cooray, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated April 12, 1943, having been read

It is ordered that the 6th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, 4th, and 5th respondents, to represent them for all the purposes of this action and that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents or any other person or persons interested shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 9, 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 Muthiah Xavier Roche of 54, High street, Wella No. 10,603 watta in Colombo, deceased

Louisa Roche of 54, High street, Wellawatta in Colombo Petitioner

- (1) Joseph Christian Roche, (2) Joseph Nepomus Roche, and
(3) Joseph Terrence Roche, all of 54, High street, Wellawatta,
(4) Joseph Maurice Bonaparte Roche of 14, 37th lane, Wellawatta Respondents

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 Mr A Maria Dason, Proctor, on the part of the petitioner above named, and the affidavit of (1) the petitioner dated September 12, 1943, and (2) the attesting notary public dated September 12, 1943, having been read

It is ordered that the last will and testament of Muthiah Xavier Roche, 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 petitioner is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 4th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 2nd and the 3rd respondents, to represent them for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 30, 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 Samaratinga Aratchige Don Charles *alias* Don No 10,606 Charles Samaratinga of Kalubowila, deceased

Don Simon Samaratinga of Kalubowila Petitioner

- (1) Don John Samaratinga, (2) Don Ekmon Samaratinga and
(3) Don Joseph Samaratinga, all of Kalubowila Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 16, 1943, in the presence of Mr D G B Gunawardena, Proctor, on the part of the petitioner above named, and the affidavit of (1) the petitioner dated July 27, 1943, and (2) the attesting Notary Public and the witnesses dated August 26, 1943, having been read

It is ordered that the last will and testament of Samaratinga Aratchige Don Charles *alias* Don Charles Samaratinga, 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 petitioner above named is the executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 8, 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 Jurisdiction of Xenia Fedorovna Gorbunoff of Colombo in No 10,619 the Island of Ceylon, widow, deceased

THIS matter coming on for final determination before S J C Schokman, Esq., Additional District Judge of Colombo, on September 24, 1943, in the presence of Messrs Julius & Creasy, Proctors, on the part of the petitioner, Henry Richard Thomas of Colombo, in the Island of Ceylon, and the affidavit of the said petitioner dated September 19, 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 July 23, 1943, 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 executor named in the said will and that he is entitled to have probate of the said will issued to him on his paying estate duty and taking oath of office

September 5, 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 Henry George Habgood of Farington in the No 10,626 County of Berks and late of Monerakelle estate, Moneragalla, in the Island of Ceylon, deceased

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge, of Colombo, on September 28, 1943, in the presence of Beram Kaikushroo Billimoria of Colombo, Proctor, on the part of the petitioner, Oscar Percy Mount of Colombo, and the affidavit of the said petitioner dated September 24, 1943, exemplification of probate of the will of the above named deceased and power of attorney in favour of the petitioner having been read

It is ordered that the will of the said deceased dated August 8, 1919, of which an exemplification of probate 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 attorney of the sole executrix named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before October 21, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 29, 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 Handu Jurisdiction weladewage Podiya Fernando of Gonahena in No 10,631 Adikari pattu of Siyane korale west, deceased

Handuweladewage Daniel Fernando of Gonahena, Kada-wata Petitioner

And

(1) Handuweladewage Rosaline Fernando, (2) ditto Abraham Fernando, (3) ditto Allis Fernando, (4) ditto Asalu Fernando, (5) ditto William Fernando, (6) ditto Rodo alias Japin Fernando, all of Gonahena, Kadawata Respondents

THIS matter coming on for disposal before S J C Schokman, Esq., Additional District Judge of Colombo, on September 30, 1943, in the presence of Mr P S P Kalpage, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated September 25, 1943, having been read

It is ordered that the petitioner above named be and he is hereby declared entitled, as the eldest son of the deceased above named, to have letters of administration to the above estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 18, 1943, show sufficient cause to the satisfaction of this court to the contrary

October 4, 1943 S J C SCHOKMAN,
Additional District Judge

In the District Court of Colombo

Notice of Application

Testamentary In the Matter of the Last Will and Testament or Jurisdiction trust disposition and settlement, of Joan Mac No 10,643 donald Matheson or Gordon, sometime of 1, West Claremont street, Edinburgh 3, and latterly of The Bruce Hotel, Carnoustie, Angus, 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 fourteen 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 confirmation of the last will and testament or trust disposition and settlement of Joan Macdonald Matheson or Gordon, sometime of 1, West Claremont street, Edinburgh 3, and latterly of The Bruce Hotel, Carnoustie, Angus, Scotland, deceased, granted by the Sheriff of Perth and Angus at Dundee, Scotland, on the ninth day of June, one thousand nine hundred and forty-one

V GNANARATNAM COOKE,
Proctor for James Archibald Walker, the executor

Colombo, October 15, 1943

In the District Court of Kalutara

Order Nisi

Testamentary In the Matter of the estate of the late Don Cornelis Jurisdiction Weerakkody Appuhamy, deceased, of Karanna- No 3,111 goda

Carlina Kannangara Hamme of Karannagoda Petitioner
And

(1) Don Thomas Pearis Weerakkody of Karannagoda, (2) Don Helanis Weerakkody of ditto, (3) Dona Johana Weerakkody of Walagedera, (4) Don Dias Weerakkody of Karannagoda, (5) Jane Nona Weerakkody of ditto, (6) Dona Carl Nona Weerakkody of ditto Respondents

THIS matter coming on for disposal before J H V S Jayawickrema, Esq., District Judge of Kalutara, on September 30, 1943, in the presence of Mr D J K Goonetilleke, Proctor, on the part of the petitioner, and the affidavit of the above mentioned petitioner dated September 30, 1943, having been read

It is ordered that the petitioner is entitled to have letters of administration, as widow of the deceased, unless the respondents or person or persons interested in the estate shall, on or before November 3, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 30, 1943

V S JAYAWICKREMA,
District Judge

In the District Court of Kandy

Order Nisi declaring will proved, &c

Testamentary In the Matter of the Last Will and Testament of Jurisdiction Ratnayake Don Charles Appuhamy, deceased, No T 334 of Lady McCarthy's Drive, Kandy

Ratnayake Don Hinna Appuhamy of Lady McCarthy's Drive, Kandy Petitioner

And

(1) Ratnayake Podhamme of Kengalla in Pata Dumbura, (2) ditto Dona Balahamme of Yakgahapitiya, (3) ditto Don Heen Appuhamy of Kachcheri in Matale Respondents

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on September 6, 1943, in the presence of Messrs Wijayatilake & Wijayatilake, Proctors, on the part of the petitioner, and the affidavit of the above mentioned petitioner dated August 27, 1943, having been read

It is ordered that the will of Ratnayake Don Charles Appuhamy, deceased, dated May 21, 1942, be and the same is hereby declared proved, unless the respondents or any other person interested shall, on or before October 25, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 6, 1943

C NAGALINGAM,
District Judge

In the District Court of Matara

Order Nisi

Testamentary In the Matter of the Intestate Estate of Seyyado Jurisdiction Mohammado Bin Seyyad Abubakker Mashoor No 4,184 Mowlana of Galle, deceased

Sheriffa Anun Nama Binthu Seyyado Sheik Hibshi Mowlana of Welgama Petitioner

And

(1) Seyyado Alarila, (2) Sheriffa Mashura, (3) Sheriffa Pathum mahura, all of Welgama, minors, by their proposed guardian *ad litem*, (4) Seyyado Hassan Ibbun Seyyado Sheik Hibshi Mowlana of Welgama Respondents

THIS matter coming on for disposal before S S J Gunasekera, Esq., District Judge of Matara, on August 18, 1943, in the presence of Mr A Gunaratna, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated June 6, 1943, having been read

It is ordered (a) that the 4th respondent be and he is hereby appointed guardian *ad litem* of the minors, 1st to 3rd respondents, to represent them for all purposes of this action, and (b) that the 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, unless the 1st respondent above named or any other person or persons interested shall, on or before September 27, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 18, 1943

S S J GUNASEKERA,
District Judge

The *Order Nisi* is extended for November 1, 1943

September 27, 1943

S S J GUNASEKERA,
District Judge

In the District Court of Matara

Order Nisi

Testamentary In the Matter of the Intestate of the late Hattotuwe Jurisdiction gamage Marshal Silva of Akuressa, deceased No 4,188

Hattotuwe Gamage Karunadasa of Akuressa Petitioner

Vs

(1) Mrs H G Marshal Silva nee Cornelia Gunawardena, (2) Hattotuwe Gamage Piyadasa, (3) ditto Yasawathie, (4) ditto Somawathie, (5) ditto Leelawathie, all of Akuressa, 3rd, 4th, and 5th are minors by their proposed guardian *ad litem* the 1st respondent Respondents

THIS action coming on for disposal before S S J Gunasekera, Esq., District Judge of Matara, on September 10, 1943, in the presence

of Mr. A M Buhari, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated September 7, 1943, having been read

It is ordered (a) that the 1st respondent be and she is hereby appointed guardian *ad litem* of the minors, 3rd to 5th respondents, to represent them for all purposes of this action and (b) that the petitioner be and he is hereby declared entitled, as son of the above named deceased, to have letter of administration to this estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 18, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 10, 1943

S § J GUNASEKERA,
District Judge

In the District Court of Jaffna

Order Nisi

No T 158 In the Matter of the Intestate Estate of the late Sellammah, wife of Veluppillai Kandiah of Nunavil, deceased

Kathirkamur-Sanmugam of Nunavil Petitioner
Vs

(1) Veluppillai Kandiah of Nunavil, (2) Annamuttu, daughter of V Kandiah of Nunavil, (3) Soranamuttu ditto, (4) Gnana muttu ditto, (5) Krishnamuttu ditto, (6) Veluppillai Maric cam of Nunavil, presently of Hartley College, Point Pedro, as guardian *ad litem* of the 2nd, 3rd, 4th, and 5th respondents Respondents

THIS matter of the petition of the above named petitioner, praying that the 6th respondent be appointed guardian *ad litem* over the minors, 2nd, 3rd, 4th, and 5th respondents and that letters of administration be issued to the petitioner in respect of the estate of the deceased above named, coming on for disposal before G C Thambyah Esq., District Judge, Jaffna, on August 16, 1943, in the presence of Mr S K Thiravaniyagam, Proctor for petitioner, and the petition and the affidavit of the petitioner having been read

It is hereby ordered that the 6th respondent be and he is hereby appointed guardian *ad litem* over the 2nd, 3rd, 4th, and 5th respondents for the purpose of this action and that letters of administration be issued to the petitioner above named in respect of the estate of the said deceased, unless the respondents shall appear before this court on September 20, 1943, and show sufficient cause to the satisfaction of this court to the contrary Any minor over the age of 12 shall be produced before court on that date

August 24, 1943

G C THAMBYAH,
District Judge

Extended for October 25, 1943

JAMES JOSEPH,
D J

In the District Court of Jaffna

Order Nisi

Testy 161 In the Matter of the Estate of the late Kumara samy Kurukul Ratnasabapathyaiyar of Vapnar ponnai West, deceased

Kumarasamy Kurukul Karthgesa Ariyar of ditto Petitioner
Vs

(1) Lalithambal, (2) Subramana Sarma (3) Sanmuganatha Sarma, (4) Somaskanda Sarma, (5) Nagaledchumyamma, all children of Ratnasabapathyaiyar, all of ditto, and (6) Paru pathamma, widow of Ratnasabapathyaiyar, all of ditto Respondents

THIS matter coming on for disposal before G C Thambyah, Esq., District Judge, Jaffna, on August 27, 1943, in the presence of Mr S Patanjali, Proctor, on the part of the petitioner, and the affidavit of the petitioner having been read It is ordered that the above named 6th respondent be appointed guardian *ad litem* over the minors, the 1st to 5th respondents, and the petitioner be declared entitled to have letters of administration to the estate of the said intestate as his brother and the respondents or any other person or persons shall appear before this court on or before September 20, 1943, and state objection or show sufficient cause to the satisfaction of this court to the contrary Petitioner do produce the minors in court on the said date

August 31, 1943

G C THAMBYAH,
District Judge

This Order Nisi is extended to November 8, 1943

In the District Court of Jaffna

Order Nisi

Testamentary Jurisdiction No 170 In the Matter of the Intestate Estate of the late Senathirajah Thuraiappah of Alaveddy, deceased

Nagamuttu widow of Kanapathippillai Senathirajah of Alaveddy Petitioner
Vs

(1) Annaludchumy, daughter of K Senathirajah of Alaveddy, (2) Visaladchupillai, daughter of K Senathirajah of ditto, (3) Ponnampalam Eliathamby and wife, (4) Sellachupillai of Mahapiddy, (5) Varamuttu Anandasabapathy and wife, (6) Thangamma of Alaveddy Respondents

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Jaffna, on September 15, 1943, in the presence of

Mr S Ilayatambi, Proctor, on the part of the petitioner, and the affidavit and petition of the petitioner dated September 8 and 10, 1943, respectively, having been read

It is ordered that the above named petitioner be declared entitled to the grant of letters of administration to the estate of the said deceased and that she be granted letters of administration accordingly, unless the above named respondents or any other person shall, on or before October 18, 1943, appear before this court and show sufficient cause to the satisfaction of this court to the contrary

September 15, 1943

JAMES JOSEPH,
District Judge

In the District Court of Jaffna

Order Nisi

Testamentary Jurisdiction No 177 In the Matter of the Estate of the late Muhandiram Anthoni Pillai Celestine Nalliah of Jaffna town, deceased

Helena Chellammah Nalliah, widow of Anthoni Pillai Celestine Nalliah of ditto Petitioner
Vs

(1) John Arasaretnam Nalliah of ditto, (2) Hilda Beatrice Leela wathy, Nalliah of ditto, (3) Judith Gertrude Pushparam Nalliah of ditto, (4) Dorothy Jeanett Alageswary Nalliah of ditto, and (5) Jacob James of ditto, the 1st to 4th respondents being minors are to be represented herein by their guardian *ad litem* the 5th respondent Respondents

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Jaffna, on September 23, 1943, in the presence of Mr J A J Tisseverasinghe, Proctor for the petitioner, and the affidavit of the petitioner having been read

It is ordered that the 5th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, and 4th respondents, for the purpose of this action and that the petitioner above named, as the widow of the deceased above named, be and she is hereby declared entitled to have letters of administration to the above estate issued to her, unless the respondents above named or any other person or persons shall, on or before October 29, 1943, show sufficient cause or objection to the satisfaction of this court to the contrary

September 27, 1943

JAMES JOSEPH,
District Judge

In the District Court of Kegalla

Order Nisi

Testamentary Jurisdiction No 1,873 In the Matter of the Intestate Estate of Wickrama singhe Dunumale Mudyanselage Pinchi Appuharny of Beruwala in Gandolaha pattu, deceased

Senanayakerallage Podimemka Senanayake of Paragammana Petitioner
And

(1) Wickramasinghe Dunumale Mudyanselage Banda, (2) ditto Kiri Banda, (3) ditto Puchi Banda, all of Beruwala, in Gandolaha pattu, Belgal korale Respondents

THIS action coming on for disposal before R R Selvadurai, Esq., District Judge of Kegalla, on September 3, 1943, in the presence of Mr G B P Aturupana, Proctor, on the part of the petitioner and the petition of the petitioner dated September 3, 1943, and the affidavit dated September 1, 1943, having been read

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the said deceased, to have letters of administration to the estate of the intestate, unless the respondents above named or any person or persons interested shall, on or before October 19, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 3, 1943

R R SELVADURAI,
District Judge

In the District Court of Kegalla

Order Nisi

Testamentary Jurisdiction No 1,674 In the Matter of the Intestate Estate of Hewa pedige Laminduwa of Kobbewela, deceased

Hewapedige Siyatuwa of Kobbewela Petitioner
(1) Hewapedige Kiri Bandiya of Kobbewela, (2) Hewapedige Sallu of Kobbewela Respondents

THIS matter coming on for disposal before R R Selvadurai, Esq., District Judge, Kegalla, on September 29, 1943, in the presence of Mr G Stanley Suraweera, Proctor, on the part of the petitioner, and the petition of the petitioner dated September 29, 1943, and the affidavit dated September 20, 1943, having been read

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the deceased, to administer the estate of the deceased and that letters of administration issued to him, unless the respondents above named or any person or persons interested shall, on or before November 17, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 29, 1943

G M DE SILVA,
District Judge

PASSED ORDINANCES

*(Continued from page 522)***Ordinance enacted by the Governor of Ceylon, with the advice
and consent of the State Council thereof****No. 39 of 1943.**

L D—O 2/43

CF D 354/39

**An Ordinance to amend section 17 of the Defence
Force Ordinance**

Cap 258

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 Defence Force
Amendment Ordinance, No 39 of 1943

Short title

2 Section 17 of the Defence Force Ordinance is hereby
amended, by the addition at the end of that section, of the
following new sub-section —

Amendment of
section 17 of
Chapter 258

“(3) In this section, “family” means any dependent
child or children, whether legitimate or illegitimate, and in
relation to any officer or soldier who leaves no widow or
dependent child, includes any dependent parent, brother
or sister of such officer or soldier.”

Passed in Council the Third day of August, One thousand
Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Thirteenth
day of October, One thousand Nine hundred and Forty-
three

H A C DOBBS,
Acting Secretary to the Governor

of Mr A M Buhari, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated September 7, 1943, having been read

It is ordered (a) that the 1st respondent be and she is hereby appointed guardian *ad litem* of the minors, 3rd to 5th respondents, to represent them for all purposes of this action and (b) that the petitioner be and he is hereby declared entitled, as son of the above named deceased, to have letter of administration to this estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 18, 1943, show sufficient cause to the satisfaction of this court to the contrary

September 10, 1943

S S J GUNASEKERA,
District Judge

In the District Court of Jaffna

Order No 158

No T 158 In the Matter of the Intestate Estate of the late Sellammah, wife of Voluppillai Kandiah of Nunavil, deceased

Kathurkamu-Sannugam of Nunavil

Petitioner

Vs

(1) Veluppillai Kandiah of Nunavil, (2) Annamuttu, daughter of V Kandiah of Nunavil, (3) Soranamuttu ditto, (4) Gnana muttu ditto, (5) Krishnamuttu ditto, (6) Veluppillai Maric cam of Nunavil, presently of Hartley College, Point Pedro, as guardian *ad litem* of the 2nd, 3rd, 4th, and 5th respondents

THIS matter of the petition of the above named petitioner, praying that the 6th respondent be appointed guardian *ad litem* over the minors, 2nd, 3rd, 4th, and 5th respondents and that letters of administration be issued to the petitioner in respect of the estate of the deceased above named, coming on for disposal before G C Thambyah, Esq., District Judge, Jaffna, on August 16, 1943, in the presence of Mr S K Thiravanayagam, Proctor for petitioner, and the petition and the affidavit of the petitioner having been read

It is hereby ordered that the 6th respondent be and he is hereby appointed guardian *ad litem* over the 2nd, 3rd, 4th, and 5th respondents for the purpose of this action and that letters of administration be issued to the petitioner above named in respect of the estate of the said deceased, unless the respondents shall appear before this court on September 20, 1943, and show sufficient cause to the satisfaction of this court to the contrary Any minor over

Mr S Ilayatambi, Proctor, on the part of the petitioner, and the affidavit and petition of the petitioner dated September 8 and 10, 1943, respectively, having been read

It is ordered that the above named petitioner be declared entitled to the grant of letters of administration to the estate of the said deceased and that she be granted letters of administration accordingly, unless the above named respondents or any other person shall, on or before October 18, 1943, appear before this court and show sufficient cause to the satisfaction of this court to the contrary

September 15, 1943

JAMES JOSEPH,
District Judge

In the District Court of Jaffna

Order No 159

Testamentary Jurisdiction In the Matter of the Estate of the late Muhandiram Anthompillai Celestine Nalliah of Jaffna No 177 town, deceased

Holena Chellammah Nalliah, widow of Anthompillai Celestine Nalliah of ditto

Petitioner

Vs

(1) John Arasaretnam Nalliah of ditto, (2) Hilda Beatrice Leela wathy Nalliah of ditto, (3) Judith Gertrude Pushparam Nalliah of ditto, (4) Dorothy Jeanett Alageswary Nalliah of ditto, and (5) Jacob James of ditto, the 1st to 4th respondents being minors are to be represented herein by their guardian *ad litem* the 5th respondent

THIS matter coming on for disposal before James Joseph, Esq., District Judge, Jaffna, on September 23, 1943, in the presence of Mr J A J Tisseverasinghe, Proctor for the petitioner, and the affidavit of the petitioner having been read

It is ordered that the 5th respondent be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, and 4th respondents, for the purpose of this action and that the petitioner above named, as the widow of the deceased above named, be and she is hereby declared entitled to have letters of administration to the above estate issued to her, unless the respondents above named or any other person or persons shall, on or before October 29, 1943, show sufficient cause or objection to the satisfaction of this court to the contrary