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PASSED ORDINANCES.

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

No. 8 of 1946.

C.S.O.—CF. 1441A/35.

An Ordinance to amend the Defence Force Ordinance.

Chapter 258
(Vol. VI., p. 66)

HENRY MOORE.

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. 8 of 1946.

Short title.

2. Section 13 of the Defence Force Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended by the insertion, immediately after sub-section (4), of the following new sub-sections :—

Amendment of section 13 of Chapter 258.

"(4A) Any officer or soldier belonging to any Defence Force Corps or portion thereof so called out may, at any time during the period of such service, be placed on compulsory leave by order, made by the Officer Commanding the Troops or any other officer authorised by him in writing in that behalf, and published in such manner as the Officer Commanding the Troops may deem adequate.

(4B) Notwithstanding anything in section 14 or in section 15, any officer or soldier of a Defence Force Corps who is placed on compulsory leave as hereinbefore provided shall not be entitled to any pay or allowance or any other benefit under section 14 or to any relief for his wife or family under section 15 in respect of the period of such leave.

(4C) Any officer or soldier of the Defence Force who has been placed on compulsory leave as hereinbefore provided may at any time be recalled from such leave by notice served or published in such manner as the Officer Commanding the Troops may deem adequate; and upon the service or publication of such notice, the compulsory leave of such officer or soldier shall be determined and he shall be bound to attend in person on such date and at such place as may be specified in the notice and to perform such service as may be required under sub-section (2)."

3. Section 14 of the principal Ordinance is hereby amended by the addition, at the end thereof, of the following Proviso :—

Amendment of section 14 of the principal Ordinance.

"Provided that in the case of any officers or soldiers of any such Corps who are employees of any Department of the Government of Ceylon, the pay and allowances may, if the Governor thinks fit, be at such rates as he may in his discretion determine."

Retrospective effect of amendments made by this Ordinance.

4. The amendments made by sections 2 and 3 of this Ordinance shall for all purposes be deemed to have taken effect on the twenty-fourth day of February, One thousand Nine hundred and forty-six.

Savings.

5. Every notice whereby any member of any Defence Force Corps was placed on compulsory leave under any law in force prior to the twenty-fourth day of February, One thousand Nine hundred and forty-six, being a notice in force on the day immediately preceding that day, shall be deemed on and after the aforesaid twenty-fourth day of February to be an order made under the provisions of the principal Ordinance as amended by this Ordinance.

Passed in Council the First day of March, One thousand Nine hundred and Forty-six.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Ninth day of April, One thousand Nine hundred and Forty-six.

C. H. HARTWELL,
Acting Secretary to the Governor.

DISTRICT AND MINOR COURTS NOTICES.

Circuit Courts, Ratnapura District.

NOTICE is hereby given that the Circuit Courts at Balangoda and Rakwana will be held by me on the dates given below :—
(The dates are subject to alteration).

1946.	Balangoda.	Rakwana.
July	.. 5, 6 and 19, 20	.. 12 and 26
August	.. 2, 3 and 16, 17	.. 9 and 23
September	.. 6, 7 and 20, 21	.. 13 and 27
October	.. 4, 5 and 18, 19	.. 11 and 25
November	.. 1, 2 and 15, 16	.. 8 and 22
December	.. 6, 7 and 16, 17	.. 13 and 20

N. M. J. RAJENDRAM,
Magistrate and Commissioner of Requests.
Magistrate's Court,
Ratnapura, April 10, 1946.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Henrietta Alice de Fonseka of The Glades, de Fonseka place, Bambalapitiya, in Colombo, deceased.

No. 11,788. Simon Richard de Fonseka of The Glades, de Fonseka place, Bambalapitiya, aforesaid Petitioner.

Vs.

(1) Lorna Henrietta de Silva, (2) Simon Richard Errol Anthony de Fonseka, both of de Fonseka place, aforesaid .. Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on March 28, 1946, in the presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of three of the attesting witnesses dated February 11, 1946, and the affidavit of three of the attesting witnesses dated February 21 and 13, 1946, having been read and the evidence of the said petitioner having been heard:

It is ordered that the last will and testament of Henrietta Alice de Fonseka, the deceased above named, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved and the petitioner is one of the executors named in the said will and the said petitioner, be and he is hereby declared entitled, to have probate of the said will issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before June 6, 1946, show sufficient cause to the satisfaction of this court to the contrary.

April 6, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Eda Classina Ransou Daniel of Stubb's place, Havelock Town, Colombo, deceased.

No. 11,807. (1) Ivor Stewart de Salam of Havelock road, Colombo, and (2) Alma Edith Victoria Keyt of Horton place, Colombo Petitioners.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on March 5, 1946, in the presence of Mr. L. L. Fonseka, Proctor, on the part of the petitioners above named; and the affidavit of (1) the petitioners dated February 24, 1946, and (2) the attesting Notary Public and witnesses dated March 2, 1946, having been read:

It is ordered that the last will and testament No. 3,203 made by Eda Classina Ransou Daniel the deceased above named, and attested by J. M. Pereira, Notary Public, on November 30, 1945, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved.

It is further ordered that the petitioners above named are the executors named in the said will and they are hereby declared entitled to have probate thereof issued to them accordingly on their taking the usual oath and tendering the security bond.

April 9, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Alice de Silva of Gangodawila, deceased.

No. 11,811.

Hettiaratchige Bartholomew de Silva of Gangasiri, Panadure Petitioner.

And

(1) Lena Gwendoline de Silva of Gangasiri, Panadure, (2) Stanislaus Bertram de Silva, and (3) Maurice Edgar de Silva, both of Singapore, and (4) Constance Vivienne de Silva of Gangasiri, Panadure Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo on March 6, 1946, in the presence of Messrs. de Silva & Mendis, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 4, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the widower of the deceased, to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before May 30, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 27, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament and Codicil of Sir Thomas Jackson, K.B.E., C.B., M.V.O., of Waterside, Uplyme, Devon, England, deceased.

No. 11,829. THIS matter coming on for final determination before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on March 15, 1946, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner, Thomas Jackson of Henfold Estate, Lmdula, and the affidavit of the said petitioner dated March 9, 1946, a certified copy of probate, certified copy of the last will and testament and codicil of the above-named deceased, and Supreme Court's order dated March 5, 1946, having been read: It is ordered that the will of the said deceased dated March 19, 1936, and a codicil thereto dated June 26, 1945, of which a certified copy 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 one of the surviving executors named in the said will and that he is entitled to have probate of the said will and codicil issued to him on his paying estate duty and taking oath of office.

March 30, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Sydney John Edwards Sproston of Dickella No. 11,836. Estate, Kegalla, in the Island of Ceylon, deceased.

THIS matter coming on for final determination before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on March 21, 1946, in the presence of Messrs. J. J. & C. Creasy, Proctors, on the part of the petitioner, Theresa Hilda Sproston of Kandy; and the affidavit of the said petitioner dated March 16, 1946, 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 August 10, 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 estate duty and taking oath of office.

V. E. RAJAKARIER,
Additional District Judge.

April 1, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Kate Madeleine Dora Brockman, late of Cheriton, Greve d'Azette, in the Parish of St. Clement, Island of Jersey, spinster, deceased.

And in the Matter of the British Courts Probates (Re-sealing) Ordinance (Chapter 84).

NOTICE is hereby given that after the expiry of twenty-one days from the date hereof, application will be made to the District Court of Colombo under the British Courts Probates (Re-sealing) Ordinance (Chapter 84) for the sealing of the grant of letters of administration of the last will and testament of Kate Madeleine Dora Brockman late of Cheriton, Greve d'Azette, in the Parish of St. Clement, Island of Jersey, spinster, deceased, granted by the Ecclesiastical Court of the Island of Jersey on December 12, 1945.

JULIUS & CREASY,
Proctors for Cecil Grandison Colquhoun Kerr,
Attorney for Alice May Caroline Campbell,
the Administratrix of the Last Will and Testament of Kate Madeleine Dora Brockman, deceased.

Colombo, March 27, 1936.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Theodore Henry Bayford Owen of Elma, Oathall avenue, Haywards Heath, in the County of Sussex, deceased.

THIS matter coming on for disposal before V. E. Rajakarier Esq., Additional District Judge of Colombo, on April 6, 1946, in the presence of Beram Kalkushroo Billmorria of Colombo, Proctor, on the part of the petitioner, Frederick Claude Rowan of Colombo; and the affidavit of the said petitioner dated March 30, 1946, a certified copy of probate, certified, copy of the last will and testament of the above-named deceased, a certified copy of power of attorney in favour of the petitioner, and Supreme Court's order dated March 25, 1946, having been read: It is ordered that the will of the said deceased dated May 19, 1944, of which a certified copy 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 one of the attorneys of the executors 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 May 30, 1946, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

April 8, 1946.

In the District Court of Colombo.

Notice of Application.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Jean Douglas Murray, sometime of 1, Woodend Drive, Jordanhill, Glasgow, W. 3 and late of 34, Eastcote Avenue, Jordanhill, Glasgow, W. 4, spinster, 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 confirmation of the will of Jean Douglas Murray sometime of 1, Woodend Drive, Jordanhill, Glasgow,

W. 3, and late of 34, Eastcote Avenue, Jordanhill, Glasgow, W. 4, Spinster deceased, granted by the Commissariat of Lanarkshire, at Glasgow in Scotland on July 27, 1945.

V. GNANARATNAM COOKE,
Proctor for William Anderson Murray, M.D., and Horatio Stewart Murray, M.B., Ch.B., the executors named in the will.

Colombo, April 19, 1946.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Henry Agnew (sometimes known as "Captain Samuel Henry Agnew") formerly of 35, Clifton Drive, and late of 110, Holywood Road, both in Belfast, Northern Ireland, Master Mariner, and Ceylon Government Pilot, retired, deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on April 8, 1946, in the presence of Messrs F. J. & G. de Saram, Proctors; on the part of the petitioner, James Robert Norman Shirreff of Colombo; and (1) the affidavit of the said petitioner dated March 30, 1946, (2) the power of attorney dated December 12, 1945, and (3) the order of the Supreme Court dated March 13, 1946, having been read: It is Ordered that the will of the said Henry Agnew (sometimes known as "Captain Samuel Henry Agnew") deceased dated October 29, 1936, a certified copy of which under the seal of the High Court of Justice in Northern Ireland, King's Bench Division (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 James Robert Norman Shirreff is the attorney in Ceylon of the sole executrix 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 May 30, 1946, show sufficient cause to the satisfaction of this court to the contrary.

V. E. RAJAKARIER,
Additional District Judge.

April 10, 1946.

In the District Court of Colombo.

Order Absolute.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Colonel Theodore Godfred Jayawardene of 55, Horton place, in Colombo, deceased.

Caroline Lena Jayawardene of 55, Horton place, in Colombo Petitioner.

THIS matter coming on for final disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on April 10, 1946, in the presence of Mr. C. P. G. Abeyawardene, Proctor, on the part of the petitioner above named; and the affidavit (1) of the petitioner dated April 10, 1946 and (2) the attesting Notary Public and the witnesses dated March 29, 1946, having been read:

It is ordered that the joint last will and testament No. 3,577 made by Colonel Theodore Godfred Jayawardene, the deceased above named; and Caroline Lena Jayawardene *Nee* Attygalle and attested by S. R. Ameresekere, Notary Public on May 29, 1945, the original of which has been produced and is now deposited in this court be and the same is hereby declared proved.

It is further ordered that the petitioner above named is the executrix named in the said will and she is hereby declared entitled to have probate thereof issued to her accordingly on her taking the usual oath and tendering the security bond.

V. E. RAJAKARIER,
Additional District Judge.

April 11, 1946.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Weerakondabaduge Andris Fernando and wife, Korwakankanange Ethm Fernando Kulasuriya of Nallahena in Beruwala.

Weerakondabaduge Henry Arthur Fernando of Nallahena, Beruwala Petitioner.

(1) Korwakankanange Ethm Fernando, Kulasuriya of Nallahena, Beruwala, (2) Weerakondabaduge Simon Peter Fernando of Nallahena, Beruwala, (3) ditto Bernard Walter Fernando, (4) ditto Dharmadasa Fernando, both of Nallahena, Beruwala, (5) ditto Cecilin Somawathie Fernando, 12, Nikape, Hill street, Dehiwala Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on March 11, 1946, in the presence of Mr. Arthur de Silva, Proctor, on the part of the petitioner; and the affidavits of the above-mentioned petitioner dated February 21, 1946, and of the notary and witnesses dated March 8, 1946, along with the last will No. 3,012 and filed of record having been read:

It is ordered that the joint last will of Weerakondabaduge Andris Fernando, deceased; and wife Korwakankanange Ethm Fernando Kulasuriya and numbered 3012 be and the same is hereby declared proved, unless the respondents or other person or persons interested in the estate shall, on or before May 17, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioner is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondents or others interested in the estate shall, on or before May 17, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 11, 1946.

V. S. JAYAWICKRAMA,
District Judge.

In the District Court of Matara.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Pannigala Gamage Sugathadasa of Malimboda No. 4,286. in Matara District, deceased.

Pannigala Gamage Pathmine Cornelia Umawathie of Malimboda Petitioner.
And

(1) Dona Carlina Rubasinghe, (2) Pannigala Gamage Chandrasena Ariyaratne, both of Malimboda Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Matara, on November 20, 1945, in the presence of Mr. B. E. A. Jayawickreme, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 13, 1945, having been read.

It is ordered that the petitioner be and she is hereby declared entitled, as sister of the deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents or any other persons interested in the estate shall, on or before January 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 1st respondent be appointed guardian *ad litem* over the said 2nd minor respondent, unless the respondents or any others interested in the estate shall, on or before January 21, 1946, show sufficient cause to the satisfaction of this court to the contrary.

November 20, 1945.

Extended till March 4, 1946.

Extended for May 20, 1946.

March 4, 1946.

K. D. DE SILVA,
District Judge.

K. D. DE SILVA,
District Judge.

K. D. DE SILVA,
District Judge.

In the District Court of Jaffna (held at Point Pedro).

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Velupillai Logeswaran of Point Pedro, deceased.
No. 295 P.T.

Kovindapillai Kandappah of Point Pedro Petitioner.

Vs.

(1) Walliammal, widow of Vinasithamby, (2) Vyramuttu Subramaniam, (3) Arumugam Kandapillai, all of Point Pedro Respondents.

THIS matter coming on for disposal before E. Wijeyawardene, Esq., Additional District Judge, Jaffna, on February 22, 1946, in the presence of Mr. K. Rataasingham, Proctor, on the part of the petitioner; and the petition and affidavits of the petitioner having been read:

It is ordered that the 3rd respondent be appointed guardian *ad litem* over the minor, the 2nd respondent, to protect his interests in these testamentary proceedings, that the petitioner, as uncle of the deceased be declared entitled to have letters of administration to the intestate estate and that letters of administration be issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before March 22, 1946, appear and show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd and 3rd respondents above named do appear personally before this court on the said March 22, 1946, at 9 o'clock in the forenoon, and that attachment do issue against them in the event of their failing to so appear.

February 22, 1946.

E. WIJEYWARDENE,
Additional District Judge.

Time to show cause and to appear extended till May 3, 1946.

March 22, 1946.

E. WIJEYWARDENE,
Additional District Judge.