



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. 17 of 1946.

391/15/111 (SB/RA/FSO).

An Ordinance to amend the Customs Ordinance.

Chapter 185
(Vol. IV.,
page 491).

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 Customs Amendment Ordinance, No. 17 of 1946.

Short title.

2. Section 47 of the Customs Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended in sub-section (2) thereof, by the substitution for the word "thereon," of the words :—

Amendment of
section 47 of
Chapter 185.

"thereon :

Provided that the preceding provisions of this sub-section shall not apply in the case of the sale of any salt passed duty free as aforesaid on or after the first day of September, 1944."

3. The amendment made in the principal Ordinance by this Ordinance, shall be deemed for all purposes to have come into force on the first day of September, 1944.

Retrospective
effect of
amendment to
the principal
Ordinance.

Passed in Council the Twenty-second day of May, One thousand Nine hundred and Forty-six.

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

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

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

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

No. 18 of 1946.

L. D.—O. 4/46.

4/7/23 (FSO)

An Ordinance to amend the Income Tax Ordinance.

Chapter 188,
(Vol. IV., p.609).

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 Income Tax (Amendment) Ordinance, No. 18 of 1946.

Short title.

Amendment of section 6 of Chapter 188.

2. Section 6 of the Income Tax Ordinance (hereinafter referred to as the "principal Ordinance") is hereby amended in paragraph (a) (ii) of sub-section (2) by the substitution, for the word "pension", of the words "pension, or any sum refunded under section 38 (1) or section 39 of the Widows and Orphans Pension Fund Ordinance";

Amendment of section 7 of the principal Ordinance.

3. Section 7 of the principal Ordinance is hereby amended in sub-section (1) thereof by the insertion, immediately after paragraph (g), of the following new paragraph:—

"(gg) the official emoluments and any income not arising in or derived from Ceylon of the persons for the time being holding office as Representative in Ceylon of the Government of India and as Secretary to such Representative: As regards other income the liability to tax of such Representative and such Secretary shall be the same as though they were non-resident persons";

Amendment of section 11 of the principal Ordinance.

4. Section 11 of the principal Ordinance is hereby amended in sub-section (7) thereof, by the addition, at the end of that sub-section, of the following proviso:—

"Provided that the provisions of this sub-section shall not apply to any source of profits or income arising in or derived from Ceylon which was a source of profits or income of that person before he became resident."

Amendment of section 20 of the principal Ordinance.

5. Section 20 of the principal Ordinance is hereby amended as follows:—

(a) in sub-section (7), by the substitution, for the Proviso thereto, of the following:—

"Provided that for the year of assessment commencing on the first day of April, nineteen hundred and forty-five, and the next subsequent year of assessment, the rate of tax chargeable as aforesaid shall be increased by a further additional rate of three per centum.";

(b) in sub-section (7A), by the substitution in the Proviso thereto, for the words "additional rates", of the words "further additional rates";

(c) by the insertion, immediately after sub-section (7A), of the following new sub-section:—

"(7B) Tax shall be charged for the year of assessment commencing on the first day of April, nineteen hundred and forty-five, and for each subsequent year of assessment, upon the taxable income of any Government, other than the Imperial Government or the Government of Ceylon, at twice the unit rate increased by an additional rate of three per centum:

Provided that for the year of assessment commencing on the first day of April, nineteen hundred and forty-five, and the next subsequent year of assessment, the rate of tax chargeable as aforesaid shall be increased by a further additional rate of three per centum.";

and

(d) in sub-section (10), by the substitution, for all the words from "commutation of pension" to "included", of the words "commutation of pension or refunded under section 38 (1) or section 39 of the Widows and Orphans Pension Fund Ordinance, the sum to which it would amount if no such commutation or refund were included".

Cap. 296.

Amendment of section 21 of the principal Ordinance.

6. Section 21 of the principal Ordinance is hereby amended in the Proviso to sub-section (1) thereof, as follows:—

(a) by the re-numbering of paragraphs (b) and (c) of that Proviso as paragraphs (c) and (d), respectively; and
(b) by the insertion, immediately after paragraph (a) of that Proviso, of the following new paragraph:—

"(b) where the marriage subsists during part only of a year of assessment, the foregoing provisions of this sub-section shall not apply to any source of profits or income which is not a source of profits or income of the wife during that part of the year for which the marriage subsists";

Amendment of section 45 of the principal Ordinance.

7. Section 45 of the principal Ordinance is hereby amended in sub-section (4), by the substitution, for sub-paragraph (ii) of paragraph (b) of that sub-section, of the following paragraph:—

"(ii) any additional tax charged under any of the following provisions, that is to say, sub-sections (6), (7), (7A), and (7B) of section 20, not being an

additional tax charged under any Proviso to the aforesaid sub-section (7) or sub-section (7A) or sub-section (7B);”.

8. Section 52 of the principal Ordinance is hereby amended by the insertion, immediately after sub-section (1), of the following new sub-section :—

Amendment of section 52 of the principal Ordinance.

“(1A) Where under sub-section (1) the whole or any part of the undistributed profits of a company is treated as distributed in the form of dividends, and any shareholder is assessable accordingly, the additional amount which becomes payable as tax by that shareholder by reason of the operation of that sub-section shall be recoverable either from the shareholder or from the company as the Commissioner may in his discretion determine.”.

9. (1) The amendments made in the principal Ordinance by section 2 and sections 4 to 8 of this Ordinance shall be deemed to have come into force on the first day of April, nineteen hundred and forty-five.

Retrospective effect of amendments made by this Ordinance.

(2) The amendment made in section 7 of the principal Ordinance by section 3 of this Ordinance shall be deemed to have come into force on the first day of April, nineteen hundred and forty-three.

Passed in Council the Twenty-second day of May, One thousand Nine hundred and Forty-six.

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

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

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

DRAFT ORDINANCES.

MINUTE.

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

L. D.—O. 43/41

An Ordinance to amend the Rubber Research Ordinance so as to authorise the establishment of a provident fund for the benefit of persons employed in the Rubber Research Scheme, and to validate acts done and rules made heretofore in relation to the establishment and maintenance of a fund for the purposes aforesaid.

Chapter 302.
(Volume VI.,
page 444).

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 Rubber Research (Amendment) Ordinance, No. of 194 .

Short title.

2. Section 4 of the Rubber Research Ordinance (herein after referred to as “the principal Ordinance”), is hereby amended as follows :—

Amendment of section 4 of Chapter 302.

(1) in sub-section (8)—

- (a) by the substitution, for the words “ appointment of its officers,” of the words “ appointment of its officers and servants,”; and
- (b) by the substitution, for the words “ any such officers ” in the Proviso, of the words “ any such officers or servants ”; and

(2) by the insertion, immediately after sub-section (8), of the following new sub-section :—

“(8A) The Board may establish and maintain a provident fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that fund, regulate the management and investment thereof, prescribe the contributions to be made thereto by and the payments to be made therefrom to such officers and servants, provide that no sum standing to the credit of a member in the provident fund shall be assignable or transferable or liable to be attached, sequestered or levied upon for or in respect of any claim whatsoever other than a debt due to the Government or to the Board, and lay down the conditions under which any such sum may be repaid or declared forfeit or otherwise applied for the purposes of the fund.”.

Retrospective effect of section 2 and validation of existing rules.

3. The amendments made in the principal Ordinance by section 2 of this Ordinance shall be deemed for all purposes to have had effect from the date of the commencement of the principal Ordinance, and accordingly—

- (a) the provident fund heretofore established for the employees of the Rubber Research Scheme shall be deemed to have been duly established, and all contributions made to and payments made from that fund and all acts done in the course of the management and conduct thereof prior to the date of the commencement of this Ordinance shall be deemed to have been duly made and done, under powers conferred by the principal Ordinance ;
- (b) the rules for the establishment and management of the fund which were published in *Gazette* No. 8,011 of October 6, 1933, and the rule amending those rules published in *Gazette* No. 8,556 of December 8, 1939, shall be deemed to have been duly made under the principal Ordinance and to have been valid and effectual for the purposes for which they were made, at all material times from the sixth day of October, 1933, to the thirty-first day of March, 1940 ;
- (c) the aforesaid rules shall be deemed to have been duly amended on the first day of April, 1940, on the twenty-first day of April, 1941, on the twenty-first day of July, 1941, and on the sixteenth day of April, 1942, and, subject to those amendments, shall be deemed to have been valid and effectual for the purposes for which they were made at all material times from the first day of April, 1940, to the date of the commencement of this Ordinance ; and
- (d) from the date of the commencement of this Ordinance, the aforesaid rules as so amended shall be in force as if they were rules made under the principal Ordinance and may be amended, rescinded, added to, or replaced by rules made under that Ordinance.

Objects and Reasons.

In 1933, The Rubber Research Board framed rules, purporting to be made under section 4 of the Rubber Research Ordinance (Chapter 302), for the establishment and management of a provident fund for the benefit of persons employed by the Board. As it has since been found that such rules could not have been made under the Ordinance as it now stands, it is proposed to amend the Ordinance so as to take the requisite powers.

The object of Clause 2 of this Bill is to effect the necessary amendments in the principal Ordinance.

2. Clause 3 of the Bill contains special provision for giving retrospective validity to the rules published in 1933 and to certain amendments that were made in 1939, 1940, 1941 and 1942.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.

Colombo, June 18, 1946.

MINUTE.

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

L. D.—O. 43/41

Cap. 303.
(Vol. VI.,
page 450.)

An Ordinance to amend the Coconut Research Ordinance so as to authorise retrospectively the establishment of a provident fund for the benefit of employees of the Coconut Research Scheme, and to validate acts done and rules made heretofore in connexion with the establishment and maintenance of such fund.

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 Coconut Research (Amendment) Ordinance, No. of 194 .

Amendment of section 4 of Chapter 303.

2. Section 4 of the Coconut Research Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

(1) in sub-section (7)—

- (a) by the substitution, for the words " appointment of its officers," of the words " appointment of its officers and servants," ; and
- (b) by the substitution, for the words " any such officers " in the Proviso, of the words " any such officers or servants " ; and

(2) by the insertion, immediately after sub-section (7), of the following new sub-section :—

“(7A) The Board may establish and maintain a provident fund for the benefit of all or any of its officers and servants, make contributions out of the moneys at its disposal to that fund, regulate the management and investment thereof, and prescribe the contributions to be made thereto by, and the payments to be made therefrom to, such officers and servants.”.

3. The amendments made in the principal Ordinance by section 2 of this Ordinance shall be deemed for all purposes to have had effect from the date of the commencement of the principal Ordinance, and accordingly—

Retrospective effect of section 2 and validation of existing rules.

- (a) the provident fund heretofore established for the employees of the Coconut Research Scheme shall be deemed to have been duly established, and all contributions made to and payments made from that fund and all acts done in the course of the management and conduct thereof prior to the date of the commencement of this Ordinance shall be deemed to have been duly made and done, under powers conferred by the principal Ordinance ;
- (b) the rules for the establishment and management of the fund which were published in *Gazette* No. 8,046 of May 4, 1934, shall be deemed to have been duly made under the principal Ordinance and to have been valid and effectual for the purposes for which they were made, at all material times from the fourth day of May, 1934, to the thirtieth day of April, 1940 ;
- (c) the aforesaid rules shall be deemed to have been duly rescinded on the first day of May, 1940, and in substitution therefor the rules set out in the Schedule to this Ordinance shall be deemed to have been duly made under the principal Ordinance and to have been valid and effectual for the purposes for which they were made at all material times from that date to the date of the commencement of this Ordinance ; and
- (d) from the date of the commencement of this Ordinance, the rules set out in the Schedule as aforesaid shall be in force as if they were rules made under the principal Ordinance and may be amended, rescinded, added to, or replaced by rules made under that Ordinance.

SCHEDULE.

The Coconut Research Scheme (Provident Fund) Rules.

1. These rules may be cited as the Coconut Research Scheme (Provident Fund) Rules.

2. The Provident Fund established for the employees of the Coconut Research Scheme under the rules made under sub-section (8) of section 4 of the Coconut Research Ordinance and published in *Gazette* No. 8,046 of May 4, 1934, shall be continued as the Provident Fund for the purposes of these rules and is hereinafter referred to as “the Fund”.

3. (1) Every employee of the Board (other than a person holding a pensionable office under the Government who has been seconded for service with the Board) drawing a monthly salary of forty rupees or over shall be a member of the Fund.

(2) Any monthly paid employee of the Board may become a member of the Fund after he has served the Board for a period of six months notwithstanding that his monthly salary may be less than forty rupees.

4. (1) Every member shall contribute to the Fund in respect of each month a sum equivalent to seven and one-half per centum of his salary for that month.

(2) The sum payable by a member under paragraph (1) shall be levied by way of abatement on pay sheets, or be paid to the Secretary within fifteen days of the receipt by the member of his salary.

(3) Where the sum payable under paragraph (1) is levied by way of abatement from salary on pay sheets, such sum shall, for the purposes of computing interest, be deemed to have been credited to the Fund on the last day of the month in respect of which the salary was due.

(4) Where the sum payable under paragraph (1) is paid to the Secretary such sum shall, for the purposes of computing interest, be deemed to have been credited to the Fund on the last day of the month in which such payment is made.

(5) All sums payable by a member under paragraph (1) shall be computed by reference to the actual salary paid to that member and no sums shall be due under that paragraph in respect of any period of leave without pay.

(6) Any member who is temporarily transferred, or whose services are lent, to a Government department or a local authority

or to any research institution may continue to contribute to the Fund at the same rate as he would have contributed if he had not been so transferred or his services had not been so lent.

(7) In this rule—

“actual salary” includes full pay and half pay;

“salary” includes any personal allowance equivalent to salary, but does not include any other fee or emolument.

5. (1) There shall be placed to the credit of each member on the last day of the Board's financial year a bonus equal to the total of the sums contributed by such member during that financial year.

(2) Where any member ceases to contribute to the Fund on death or retirement, there shall be placed to the credit of that member a bonus equal to twice the total of the sum contributed by such member to the Fund during the twelve months immediately preceding the month in which the death or retirement takes place.

(3) No bonus shall be payable in respect of any contribution made under rule 4 (6).

(4) For the purposes of this rule “retirement” means—

(a) the quitting of service on or after attaining the age of fifty-five;

(b) in the case of a member on contract for a definite period, the quitting of service after satisfactory completion of the contract; or

(c) the quitting of service with the approval of the Chairman on grounds of ill-health before attaining the age of fifty-five, or before completion of the contract, as the case may be.

6. (1) An account shall be maintained in the name of each member of the Fund.

(2) Each account shall be kept in two parts, the first part showing the amount of the member's own contribution with interest thereon as it accrues, and the second part showing the bonus credited to that member with interest thereon as it accrues.

(3) The Secretary shall cause to be furnished to each member as soon as possible after the end of each financial year, a statement showing the moneys lying to his credit in the Fund.

7. (1) All moneys lying in the Fund to the credit of a member shall be deemed to be invested with the Board and shall bear interest at the rate of $4\frac{1}{2}$ per centum per annum:

Provided, however, that interest for the period commencing on the first day of May 1940 and ending on the thirty-first day of December 1943, shall be calculated at the rate of $3\frac{1}{2}$ per centum per annum on all moneys credited to a member in respect of that period or any part of that period.

(2) The interest due under these rules shall be made up on the last day of the Board's financial year and shall be computed separately in respect of each month in that year on the sum lying to the credit of the member at the commencement of the month.

(3) No amount credited as interest in respect of any month in any financial year shall commence to bear interest until the first day of the succeeding financial year.

(4) No interest shall be payable under this rule in respect of any period less than one month.

(5) The total of the sums payable in respect of any financial year as interest on the moneys lying to the credit of a member in an account in the Fund shall be added on the last day of that year to the capital sum in that account.

(6) All sums due under this rule as interest shall be paid out of moneys vested in the Board.

8. On the death of a member, or upon a member leaving the services of the Board on any date in any financial year, interest up to the end of the month preceding that date and any bonus for that financial year to which such member may be entitled under rule 5 shall be credited to his account or accounts, and such account or accounts shall then be closed.

9. (1) Upon the death of any member the amount lying to the credit of his account or accounts shall be paid to the person legally entitled thereto.

(2) Where a member leaves the service of the Board, the sum lying to the credit of his account or accounts shall be paid to him subject to the succeeding provisions of this rule.

(3) Upon the voluntary resignation of a member from the service of the Board before attaining the age of fifty-five, or in the case of a member serving under contract, before the expiration of the period of the contract, he shall be entitled to receive the whole sum lying to his credit at the closing of his account or accounts.

(4) In any case where the services of a member are terminated by the Board for causes other than the misconduct or negligence of the member, he shall be entitled to receive the whole sum lying to his credit at the closing of his account or accounts together with a bonus equivalent to the sum contributed by him in the financial year in which his services are terminated.

(5) In any case where the services of a member are terminated by the Board on the ground of his misconduct or negligence, it shall be lawful for the Board to declare that the whole or any part of the sum lying to the credit of that member representing the bonus payable to him under rule 5 and the interest thereon shall be forfeited; and any amount so forfeited shall become vested in the Board.

(6) All moneys due to the Board from any member shall be deducted before payment is made of any money lying to his credit in the Fund.

10. (1) No member and no legal representative of any member, shall have any right or vested interest in the Fund or any part of it so as to be able to assign, transfer, mortgage, charge, or otherwise deal with all or any part of the amount lying to his credit.

(2) Where any member does or purports to do any act in contravention of paragraph (1), or where he becomes bankrupt, or where he voluntarily or involuntarily does or suffers any act or thing to be done whereby the amount lying to his credit becomes or is likely to become due or payable to any other person, the Board may by resolution annul his membership and declare the amount lying to his credit to be forfeited, or may apply that amount or any part thereof for the benefit of his wife, children or other dependents.

11. The books, accounts and vouchers of the Fund shall form part of the accounts of the Board and shall be subject to the same audit and publication as the accounts of the Board.

12. In these rules—

“Chairman” means the Chairman of the Board;

“member” means a member of the Fund; and

“Secretary” means the Secretary of the Board.

Objects and Reasons.

In 1934, the Coconut Research Board framed rules, purporting to be made under section 4 of the Coconut Research Ordinance (Chapter 303), for the establishment and management of a provident fund for the benefit of persons employed by the Board. As it has since been found that such rules could not have been made under the Ordinance as it now stands, it is proposed to amend the Ordinance so as to take the requisite powers. The object of this Bill is to effect the necessary amendments in the principal Ordinance.

2. Clause 3 of the Bill contains special provision for giving retrospective validity to the rules published in 1934. As the Board, however, has after April, 1940, modified those rules and made changes relating to membership of the provident fund and the rate of interest on contributions, it is also necessary to provide that the old rules shall be deemed to have been rescinded with effect from May 1, 1940, and that a new set of rules, as set out in the Schedule to the Bill, shall be deemed to have come into force on that date.

D. S. SENANAYAKE,

Minister for Agriculture and Lands.

Colombo, June 18, 1946.

(Continued on page 551.)

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the Western Circuit will be holden at the court-house at Hulftsdorp on Wednesday, July 10, 1946, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above-mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Colombo, June 18, 1946.

G. M. CHINNATAMBY,
for Fiscal.

Nugegoda, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said K. S. Diyatillake insolvent accordingly; and that two public sittings of the court, to wit, on July 19, 1946, and on August 2, 1946, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,
M. N. PIERIS,
Secretary.

June 12, 1946.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the Districts of Ratnapura and Avissawella will be holden at the court-house at Hulftsdorp on Wednesday, July 10, 1946, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above-mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Ratnapura, June 17 1946.

M. K. T. SANDYS,
Fiscal.

In the District Court of Nuwara Eliya holden at Hatton.
Insolvency In the matter of the insolvency of Sandanam Case No. 47. Nuthy, K.-P. of Rockwood estate, Norwood.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sittings of this court on June 25, 1946, for proof of claims.

By order of court,
N. SOMASUNDARAM,
Secretary.

June 15, 1946.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,691. In the matter of the insolvency of T. V. Brohier of 331/7, Insolvency. Deal place, Colpetty, Colombo, insolvent.

NOTICE is hereby given that the said sittings and examination of the above named insolvent will take place at the sitting of this court on June 28, 1946.

June 6, 1946.

By order of court,
M. N. PIERIS,
Secretary.

In the District Court of Colombo.

No. 5,708. In the matter of the insolvency of K. S. Diyatillake of 852, Gangodawilla, Nugegoda, insolvent.

WHEREAS the above-named K. S. Diyatillake has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by D. E. G. de Silva of 28, Jambugasmulla,

NOTICES OF FISCALS' SALES.

Central Provinces.

In the District Court of Kandy.

Jasentu Liyanage William de Silva of Wiguhampola in Meda-siyapattu of Harispattu Plaintiff.
No. MB. 985. Vs.

Paragaha Ange Hapanpedigedera Appuwa of Walgama in Medasiyapattu aforesaid Defendant.

NOTICE is hereby given that on Tuesday, July 23, 1946, 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. 4,438 dated October 8, 1943, and attested by M. Ameen, Notary Public, for the recovery of the sum of Rs. 322, with legal interest from January 1, 1945, till payment in full and poundage, viz. :—

1. An undivided one-third part or share of and in all that land called Atugodayehitnagedarawatta of one amunam in paddy

sowing extent situate at Walgama in Medasiyapattu of Harispattu in the District of Kandy, Central Province; and bounded on the east by Kandaheeriya of Mr. Wickremaratne's land, south by ditch of Hatarakorallaya's land and ditch of Pitapegedara Pancha's land, west by paddy field and north by Crown land together with a like share of everything standing thereon; registered in H. 290/171.

2. An undivided one-third part or share or the right, title, and interest of the defendant in and to all that field called Viyale Kumbura of two pelus and five lahas in paddy sowing extent, situate at Walgama aforesaid; and bounded on the east by oya, south by imaniyara of the upper two pelus of Viyalekumbura of Ismail Palle Cassie Lebbe, west by Panwatta, and north by above Kirihatana's field; registered in H. 217/14.

3. All the right, title, and interest of the defendant in and to all that western portion in extent one amunam paddy sowing out of all that field called Ratmale Ange Kumbura of five pelus paddy sowing in the whole, situate at Walgama aforesaid; and which said western portion is bounded on the east by the limit of the remaining one pelu of this land, south by Dehiattalanda belonging to H. Wijenaike, west by iura of Ratmala Angawatta, and north by iura of Ratmala Angawatta belonging to H. Wijenaike; registered in H. 182/262; and all the right, title, interest and claim whatsoever of the defendant in, to, upon or out of the said several premises mortgaged by the defendant.

Fiscal's Valuation, Rs. 5,400.

Fiscal's Office,
Kandy, June 17, 1946.

H. F. RATWATTE,
Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

Harischandra Walisinghe Rajasinghe Gunadasa of Bamunagama Plaintiff.
No. 3,206. Vs.

(1) Piramasinghalage John Fonseka, (2) ditto Peter Fonseka, both of Kayamulla Defendants.

NOTICE is hereby given that on Wednesday, July 17, 1946, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property mortgaged with one Tissera Appuhamy by bond No. 1478 dated February 23, 1937, and attested by C. A. Ratnayake, Notary Public, and assigned to plaintiff on bond No. 702 dated June 23, 1945, attested by J. P. Payee, Notary Public, and declared specially bound and executable under decree dated January 15, 1946, and ordered to be sold by order of court dated April 10, 1946, for the recovery of the sum of Rs. 350 with interest thereon at the rate of 9 per cent. per annum from February 23, 1937, to October 25, 1945, and thereafter with interest on the aggregate amount at 5 per cent. per annum till payment in full and costs of suit Rs. 164.61, viz:—

All that undivided $\frac{1}{2}$ share of the land called Kahatagaha watta containing in extent about 45 acres situate at Kayamulla in Katugampola Medapattu korale west of Katugampola hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by the barb wire fence of the land of Pedalis Lokka, east by the land of the moors and a water-course, south by the land of the moors, and west by the barb wire fence of the land of Maappa and others together with everything standing thereon. Registered in C 245/134 of the Kurunegala Land Registry. Valued at Rs. 2,625.

Amount to be recovered Rs. 350 with interest, costs and poundage.

Fiscal's Office,
Kurunegala, June 6, 1946.

W. D. M. PERERA,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Mee goda Kankanamage Dona Sesilina alias
No. 11,840. Sesimis Jayasingha nee Wijeratne, late of
"Seelena", Serpentine road, Borella, Colombo,
deceased.

Athula Jayasingha of "Seelena", Serpentine road, Borella,
Colombo Petitioner.

Vs.

(1) Ananda Jayasingha, (2) Somalatha Jayasingha, (3) Ravindra Jayasingha, all of "Seelena", Serpentine road, Borella, (4) M. D. D. Wijeratne of Kevityagala, guardian *ad litem* over the 1st, 2nd, and 3rd respondents, minors Defendants.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on March 26, 1946, in the presence of Mr. S. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 7, 1946, having been read:

It is ordered that the 4th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st, 2nd, and 3rd respondents above named, and the petitioner above named, be and he is hereby declared entitled, as the widow 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 June 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 6, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. the late Ellakkala Jayasingha of 481,
No. 11,857. "Somi Medura", Pita Kotte, Kotte, in the Palle
pattu of Sripiti korale, deceased.

Helesage Diana Adelina Caldera of 481, "Somi Medura",
Pita Kotte aforesaid Petitioner.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on April 11, 1946, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 22, 1946, having been read.

It is ordered that the last will and testament of Ellakkala Jayasingha, 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 the executrix named in the said will and the said petitioner be and she is hereby declared entitled to have probate of the said will issued to her accordingly, unless any person or persons interested shall, on or before July 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 2, 1946.

S. S. J. GOONESEKERA,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Thomas Kennedy of Jawatte avenue, Colombo,
No. 11,875. deceased.

David John Kennedy of 86, Galle road, Bambalapitiya, in
Colombo Petitioner.

Vs.

(1) Thomas Samuel Kennedy of Calderport, Broomhouse N.R., Uddington, Lanarkshire, (2) George Charles Kennedy of 94, Manning place, Wellawatta, (3) Robert John Kennedy of 131, Chatham street, Fort, Colombo, (4) Irene Mabel Deigham, c/o Mrs. Irvine, 103-37, 123rd street, Richmond Hill, Richmond, Long Island, U. S. A., (5) Mary Rebecca Kennedy of 51, Hunter's Hill South Ruislip, Middlesex, England, (6) Clare Martha Kennedy of Oatlands, St. Andrew's Drive, Nuwara Eliya, (7) Kathleen Barton Kennedy presently of England, (8) Judith Helen Norma St. Clair Cleasby of 54, Layland road, Harrogate in the County of York, England Respondents.

THIS matter coming for disposal before S. S. J. Goonesekera, Esq., Additional District Judge of Colombo, on April 30, 1946, in the presence of Mr. A. H. Abeyaratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 17, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the son 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 July 18, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 8, 1946.

S. S. J. GOONESEKERA,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Kuruppu Appuhamillage Brampy Perera of
No. 11,879. Halgampitiya, deceased.

Weerasuriya Appuhamillage Sobin Nina Hamine of Halgampitiya Petitioner.

Vs.

(1) Kuruppu Appuhamillage Seelawathie Meniko, (2) Kuruppu Appuhamillage Anandala Premachandra a minor, both of Halgampitiya, by his guardian *ad litem* the 1st respondent Respondents.

THIS matter coming on for disposal before S. S. J. Goonesekera, Esq., Additional District Judge of Colombo, on April 30, 1946, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 1, 1946, having been read:

It is ordered that the 1st respondent above named be and she is hereby declared appointed guardian *ad litem* over the minor, the 2nd respondent above named, and the petitioner above named be and she is hereby declared entitled as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before July 25, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 6, 1946.

S. S. J. GOONESEKERA,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of the
Jurisdiction. late Vene Mildred Bartlett (nee Vernon) of
No. 11,917. Colombo, deceased.

Edward Albert Bartlett of 8, Rohanda Gardens, Colpetty,
Colombo Petitioner.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 3, 1946, in the

presence of Mr. C. A. S. Mather, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 21, 1946; and the affidavit of the attesting witnesses dated May 21, 1946, having been read:

It is ordered that the last will and testament of Vene Mildred Bartlett (*nee* Vernon), 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 the executor 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 any person or persons interested shall, on or before June 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 15, 1946.

S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Notice of Application

Testamentary In the Matter of the Last Will and Testament with
Jurisdiction. Three Codicils of Charles Robert Gilliat of
No. 11,880 Kilworth Andover Hampshire, England and
of 10, Old Jewry in the City of London, Merchant
Banker, 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 probate of the last will and testament with three codicils thereto of Charles Robert Gilliat of Kilworth Andover Hampshire, England, and of 10, Old Jewry, in the City of London, Merchant Banker, deceased granted by the Principal Probate Registry of His Majesty's High Court of Justice in England on November 21, 1944.

F. J. & G. DE SARAM.

Proctors for Algernon Edward Gilhat, John Francis Grey Gilliat and Hugh Teesdale, the executors of the last will and testament with three codicils thereto.

Colombo, June 21, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Sivaraman Chettiar, son of Venkatachala Siva-
No. 11,906. rama of Karaikudi, Ramnad District in South
India, deceased

Meyyappan, son of Sathappa Velar of 54, Main street in Ratna-
pura Petitioner.

Vs.

(1) Pichamma Achi, widow of the said Sivaraman Chettiar,
(2) Venkatachalam and, (3) Sreenivasan, both sons of the
said Sivaraman Chettiar, all of Karaikudi, Ramnad District
in South India, and (4) S. M. Narayanan Chettiar of 63,
Ward place, in Colombo. Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 14, 1946, in the presence of Mr. S. Somasundaram, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 14, 1946, copy of power of attorney dated December 18, 1945, and the Supreme Court order dated February 6, 1946, having been read:

It is ordered that the 4th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 2nd and 3rd respondents above named, and the petitioner above named be and he is hereby declared entitled, as the attorney of the 1st respondent, 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 August 1, 1946, show sufficient cause to the satisfaction of this Court to the contrary.

May 22, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Suriya-
Jurisdiction. bandarage Don Lazarus Karunaratne of Mahara
No. 11,922. Karagahamune in the Adakarpattu of Sivane
korale, deceased.

Suriyabandarage Don Francis Edmund Karunaratne of
Mahara Karagahamuna Petitioner.

And

(1) Suriyabandarage Dona Theresa Karunaratne, (2) Suriya-
bandarage Mary Margaret Karunaratne, (3) Suriyabanda-
raged Don Lazarus Alfred Karunaratne, (4) Suriyabandarage
Don Vincent Godfrey Karunaratne, (5) Suriyabandarage
Dona Constan Mary Karunaratne, (6) Suriyabandarage Don
Dems Lawrence Karunaratne, all of Mahara Pahala Kara-
gahamuna aforesaid Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 23, 1946, in the presence of V. A. Jayasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated February 1, 1946, having been read:

It is ordered that the 3rd respondent above named be appointed guardian *ad litem* over the 6th respondent above named, minor, to represent him for all the purposes of this action and that the petitioner above named, be and he is hereby declared entitled, as

B 2

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 July 11, 1946, show sufficient cause to the contrary to the satisfaction of this court.

June 12, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Raja-
Jurisdiction. paksepatherannehelage Madduma Bandara of
No. 11,923. 16, New Chetty street, Colombo, deceased

Weerasinghe Aratchige Rosalm Nona of 16, New Chetty
street, Colombo Petitioner.

Vs.

(1) Rajapaksepatherannehelage Kassumbawathie, (2) Raja-
paksepatherannehelage Samuddrawathie, (3) Rajapaksepatherannehelage
Sathawathie, all of 16, New Chetty street, Colombo, (5)
Weerasinghe Aratchige Martin Singh of Dipputigoda,
Kelaniya Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 24, 1946, in the presence of Mr. V. A. Jayasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated May 14, 1946, having been read:

It is ordered that the 5th respondent above named be and he is hereby declared appointed guardian *ad litem* over 1st, 2nd, 3rd and 4th respondents above named, minors, 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 of the above estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before July 11, 1946, show sufficient cause to the contrary to the satisfaction of this court.

June 12, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Alexander Nelson Perera Sri Wardana of Pathe-
No. 11,930. watta, Walauwa, Matara, deceased.

Greta Heloise Sri Wardana of Seneviratne Walauwa, Wellweniya,
Matara Petitioner.

Vs.

(1) Sushila June Sri Wardana, (2) Nelum Chassanthi Sri
Wardana, (3) Manodatta Sri Wardana, all of Seneviratne
Walauwa, Matara, minors appearing by their guardian *ad
litem*, (4) Simon Kotalawala of the Kachcheri,
Matara Respondents.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on May 29, 1946, in the presence of Mr. T. E. D. Pieres, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 23, 1946, having been read:

It is ordered that the 4th respondent above named be and he is hereby declared appointed guardian *ad litem* over the minors, the 1st, 2nd, and 3rd respondents above named, and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased, to have letters of administration to the estate of the said deceased issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before July 25, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 1, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Herbert William Roy Bertrand of "Ogwen", 636,
No. 11,941. Dorchester road, Upwey Weymouth in the County
of Dorset, England; formerly of Govinna Estate,
Govinna, Ceylon, deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 5, 1946, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, David Lowdon of Colombo; and (1) the affidavit of the said petitioner dated May 30, 1946, (2) the power of attorney dated November 20, 1945, and (3) the order of the Supreme Court dated May 21, 1946, having been read: It is ordered that the will of the said Herbert William Roy Bertrand, deceased dated June 1, 1945, 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 David Lowdon is the attorney in Ceylon of the executor 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 July 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Charles John Kerr formerly of The Fintry, Witley,
No. 11,942. in the County of Surrey, England, but now of
Raydaleside, Stanhope road, Darlington, in the
County of Durham, England, Gentleman,
deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 5, 1946, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, David Lowdon of Colombo; and (1) the affidavit of the said petitioner dated May 30, 1946, (2) the power of attorney dated November 5, 1946, and relative deed of substitution dated March 15, 1946, and (3) the order of the Supreme Court dated May 21, 1946, having been read: It is ordered that the will of the said Charles John Kerr, deceased dated August 26, 1936, 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 David Lowdon is the substituted 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 July 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. Isabel Ada Waddilove of Flat 1, Eaton Court, Eaton
No. 11,943. road, Hove, in the County of Sussex, England,
spinster, deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 5, 1946, in the presence of Messrs. F. J. & C. de Saram, Proctors, on the part of the petitioner, David Lowdon of Colombo; and (1) the affidavit of the said petitioner dated May 30, 1946, (2) the power of attorney dated July 7 and 13, 1945, and relative deed of substitution dated March 15, 1946, and (3) the order of the Supreme Court dated May 17, 1946, having been read: It is ordered that the will of the said Isabel Ada Waddilove deceased dated September 19, 1942, 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 David Lowdon is the substituted 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 July 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction. George Andrew Martin of the Bull Hotel, Barton
No. 11,944. Mills in the County of Suffolk, England, formerly of
the Lamb Hotel, Ely, in the County of
Cambridge, England, deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 5, 1946, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, David Lowdon of Colombo; and (1) the affidavit of the said petitioner dated May 30, 1946, (2) the power of attorney dated February 1, 1946, and (3) the order of the Supreme Court dated May 17, 1946, having been read: It is ordered that the will of the said George Andrew Martin, deceased dated June 13, 1932, a certified copy of which under the Seal of the District Probate Registry at Ipswich 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 David Lowdon is the attorney in Ceylon of the 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 July 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Colombo

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament or
Jurisdiction. trust disposition and settlement (with codicils) of
No. 11,945. Anna Watson Douglas-Hamilton of Forest Hill,
Muir-of-Ord, Ross-shire, Scotland, widow, deceased.

THIS matter coming on for disposal before V. E. Rajakarier, Esq., Additional District Judge of Colombo, on June 5, 1946, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, David Lowdon of the Chartered Bank of India, Australia and China, Colombo; and (1) the affidavit of the said petitioner dated June 1, 1946, (2) the power of attorney dated February 26, 1946, and (3) the order of the Supreme Court dated May 28, 1946, having been read: It is ordered that the will of the said Anna Watson Douglas-Hamilton deceased dated November 12, 1937,

and four codicils thereto dated October 14, 1944, April 7, 1941, May 19, 1941, and November 29, 1942, a certified copy of which under the Seal of the Sheriff Court of Ross and Cromarty 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 David Lowdon is the attorney in Ceylon of the surviving 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 July 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1946.

V. E. RAJAKARIER,
Additional District Judge.

In the District Court of Panadura.

Testamentary In the Matter of the Intestate Estate of Bope
Jurisdiction. Achchige Don Wille Alfred of Udahamulu
No. 14. Pattiya in Panadura, deceased.

Bope Achchige Don Charles Alfred Munasingha of Udahamulu
Pattiya in Panadura Petitioner.

THIS matter coming on for disposal before N. Sinnatamby, Esq., District Judge of Panadura, on April 1, 1946, in the presence of Mr. D. L. Aleyasena, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated January 27, 1946, having been read:

It is ordered that the petitioner above named be and he is declared entitled, as the brother and as the sole surviving heir of the deceased, to have letters of administration to the above estate issued to him accordingly, unless any other person or persons interested shall, on or before May 20, 1946, show sufficient cause to the satisfaction of this court to the contrary.

April 30, 1946.

N. SINNATAMBY,
District Judge.

Time for showing cause against this *Order Nisi* is extended to
July 8, 1946

May 20, 1946.

A. C. GOONERATNE,
Acting District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Herat-
Jurisdiction. rallage Mohotti Appuhamy of Halpe, deceased.
No. 3,371.

Herat-rallage William Singho of Halpe Petitioner.

Vs.

(1) Ananda Patirannehelage Leisohamy of Halpe, (2) Herat-rallage Sedanona of Gaspe, (3) ditto Ahee Nona of Halpe, (4) ditto Sarpin Singho of Halpe, (5) ditto Wijetunga of Halpe Respondents.

THIS matter coming on for disposal before H. S. Roberts, Esq., District Judge of Negombo, on May 3, 1946, in the presence of Mr. S. D. C. W. Senaratne, Proctor, on the part of the petitioner above named; and the affidavit of the petitioner dated April 8, 1946, having been read:

It is ordered that the 4th respondent above named be appointed guardian *ad litem* over the 5th respondent above named, minor, to represent him for all the purposes of this action, and that the petitioner above named be and he is hereby declared entitled, as a 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 May 23, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 3, 1946.

HERBERT S. ROBERTS,
District Judge.

Time for showing cause is extended to June 17, 1946.

May 23, 1946.

HERBERT S. ROBERTS,
District Judge.

Time to show cause extended to July 8, 1946.

June 17, 1946.

HERBERT S. ROBERTS,
District Judge.

In the District Court of Negombo

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Geekeyana Gamarallage Don Raphiel Dharma-
No. 3,373. sena of Dombawala, deceased.

Wijesingheratnayake Appuhamillage Dona Lissie Ratnayake of
Dombawala Petitioner.

Vs.

(1) Geekeyana Gamarallage Dona Kusumawathe of Dombawala, (2) Wijesinghe Ratnayake Appuhamillage Don Robert Wijesinghe Ratnayake of Dombawala Respondents.

THIS matter coming on for disposal before H. S. Roberts, Esq., District Judge of Negombo, on May 31, 1946, in the presence of Messrs. Sinnawardane & Samarantunga, Proctors, on the part of the petitioner above named; and the affidavit of the petitioner dated April 8, 1946, having been read:

It is ordered that the 2nd respondent above named be appointed guardian *ad litem* over the 1st respondent, minor, above named to represent her for all the purposes of this action and the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 26, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 31, 1946.

HERBERT S. ROBERTS,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Hegalkandage
Jurisdiction. Magalkandage Martin Fernando, deceased, of
No. 3,272. Kalutara North.

Alankarage Lucy Fernando of Wiligoda Petitioner.
Vs.

(1) Hegalkandage Jane of Kalutara North, (2) ditto Lionel *alias*
Stephen, (3) ditto Vinnie, (4) Sunnie *alias* Noms, (5) ditto
Pemawathie *alias* Agnes, all of Wiligoda, (6) Mahaduragewage
Sadiris Fernando of Wiligoda, guardian *ad litem* over
2nd to 5th minor respondents Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on May 9, 1946, in the presence of Mr. D. C. Paranagama, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated May 4, 1946, having been read.

It is ordered that the petitioner be declared entitled as widow of the deceased, to claim letters of administration and that same be issued to her, unless the respondents or any other person or persons interested in the estate shall, on or before June 28, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 6th respondent be appointed guardian *ad litem* over the 2nd to 5th minor respondents and that the said petitioner is entitled to have letters of administration to the same issued to her accordingly, unless the respondents or others interested in the estate shall, on or before June 28, 1946, show sufficient cause to the satisfaction of the court to the contrary.

May 9, 1946.

J. H. V. S. JAYAWICKRAMA,
District Judge.

In the District Court of Kalutara.

Order Absolute declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Bodiya-
Jurisdiction. baduge Jeronis Perera Wijeyaratne, deceased,
No. 3,273. of Beruwala.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., on May 27, 1946, in the presence of Mr. B. E. Walter Fernando, Proctor, on the part of the petitioner; and the affidavit of petitioner dated May 24, 1946, and affidavit of notary and two witnesses dated May 17, 1946, having been read along with last will No. 3505 dated December 4, 1945, filed of record.

It is ordered that the will of B. Jeronis Perera Wijeyaratne, deceased dated December 4, 1945, be and the same is hereby declared proved.

It is further declared that the said Sonny Oliver Stambo of Moratuwa is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly.

May 27, 1946.

V. S. JAYAWICKRAMA,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament
Jurisdiction. of John Campbell Tribe of Matale Estate, Matale,
No. 601. in the Island of Ceylon, Planter, deceased.

THIS matter coming on for disposal before H. A. de Silva, Esq., District Judge of Kandy, on June 11, 1946, in the presence of Messrs. Liesching & Lee, Proctors, on the part of the petitioner, Kenneth Ashton Robertson of The Mercantile Bank of India, Limited, Colombo; and (1) the affidavit of the said petitioner dated June 7, 1946, (2) the affidavit of the attesting notary of the will dated June 11, 1946, and (3) the power of attorney dated January 29, 1946, having been read: It is ordered that the will of the said John Campbell Tribe, deceased No. 2,247 dated February 24, 1939, and attested by Nigel Inglesant Lee of Kandy, Notary Public, the original of which has been produced and is now deposited in this court, be and the same is hereby declared proved; And it is further declared that the said Kenneth Ashton Robertson is the attorney of the executor 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 July 4, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1946.

H. A. DE SILVA,
District Judge.

In the District Court of Nuwara Eliya

Notice of Application.

Testamentary In the Matter of the Intestate Estate of William
Jurisdiction. Reginald Richard Stewart Bruce, a Captain in
No. 411. His Majesty's Irish Guards, late of Glentaaffe
Estate, Hatton, deceased.

And

In the Matter of the British Courts Probate (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 Nuwara Eliya under the British Courts Probate (Re-sealing) Ordinance (Chapter 84) for the sealing of the Confirmation granted by the Commissariat of Edinburgh, Scotland, in respect of the intestate estate of the above-named deceased, on September 18, 1945.

V. C. MODDER,
Proctor for Ralph D. Banks, the duly appointed Attorney
of Mirabel Melville Gray Hawkes, the Executrix Dative.
June 21, 1946.

In the District Court of Galle

Order Nisi.

No. 8,158 Testy. In the Matter of the Intestate Estate of Kanakke
Hewage Carolis de Silva of Kataluwa, deceased.

Arumabadaturuge Wimalawathie Weerasekera of
Kataluwa Petitioner.
Vs.

(1) Kanakkehewage Premalatha, (2) ditto Amarabandu, (3)
ditto Nandiyasena, (4) ditto Geewasiri, (5) ditto Mangalika,
all of Kataluwa, (6) PUNCHHEWAGE Dionysious de Silva of
Weligama Respondents.

THIS action coming on for disposal before T. Q. Fernando, Esq., Additional District Judge of Galle, on January 8, 1946, in the presence of Mr. P. B. de Silva, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated December 24, 1945, having been read:

It is ordered that the said PUNCHHEWAGE Dionysious de Silva of Weligama, the 6th respondent, be appointed guardian *ad litem* over the 2nd to 5th respondents, minors, unless the said respondents, or any other person or persons shall, on or before February 22, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 6th respondent do produce before this court the 2nd to 5th minor respondents on the said date.

It is further declared that the petitioner above named is entitled to have letters of administration to the estate of the said deceased issued to her accordingly, unless the said respondents or any other person or persons shall, on or before March 29, 1946, show sufficient cause to the satisfaction of this court to the contrary.

March 3, 1946.

S. J. C. SCHOKMAN,
District Judge.

The date of showing cause is extended to May 10, 1946.

March 29, 1946.

S. J. C. SCHOKMAN,
District Judge.

The date of showing cause is extended to July 1, 1946.

June 8, 1946

S. J. C. SCHOKMAN,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Wappu Marikar Mohamed Sahe of Richmond
No. 8,184. Hill road, Galle, deceased.

Abdul Kuddoos Zahira of Richmond Hill road, Galle Petitioner.
And

(1) Numala Aneez *nee* Sahe, (2) Athiyathil Alaviya Jabul
nee Sahe, (3) Milhan Sahe, (4) Kathama Sahe, (5) Sharvil
Hamid Sahe, (6) Mohamed Mubashir Sahe, (7) Awi Sahe,
(8) Jawhara Sahe, (9) Abdul Kuddoos Abdul Waddood, all of
Richmond Hill road, Galle Respondents.

THIS matter coming on for disposal before S. J. C. Schokman, Esq., District Judge of Galle, on May 30, 1946, after reading the petition and affidavit of the petitioner above named, and the motion of Messrs. Saheed & Thahir, Proctors, on the part of the petitioner:

It is ordered that the 9th respondent above named be appointed guardian *ad litem* over the 3rd to 8th respondents, and the petitioner be declared entitled to have letters of administration to the estate of the deceased above named, as widow of the deceased, unless the respondents above named shall, on June 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 30, 1946.

T. F. C. ROBERTS,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament
Jurisdiction. of Don Cornelis Migelratna of Dondra, deceased.
No. 4,233.

Suduwell Kondege Charles of Dondra Petitioner.
Vs.

(1) Migelratna Kodippily Aratchugey Babu *nee* Dandu-
wathie, (2) ditto Edwin *alias* A. (4)
ditto David Henry, (5) ditto Karunawathie, (6) ditto Lanty,
(7) ditto Don Luvas, all of Dondra Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Matara, on March 22, 1945, in the presence of Mr. C. E. Wickremasinghe, Proctor, on the part of the petitioner above named; and the affidavit of (1) the petitioner dated July 18, 1944, (2) the attesting notary dated March 19, 1945, and (3) witnesses dated December 20, 1944, having been read:

It is ordered that the last will and testament of Don Cornelis Migelratna of Dondra deceased, the original of which has been 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 any person or persons interested shall, on or before April 30, 1945, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 7th respondent be and he is hereby appointed guardian *ad litem* over the 3rd to 6th minor respondents, unless the respondents or any others interested in the estate shall, on or before April 30, 1945, show sufficient cause to the satisfaction of this court to the contrary.

March 22, 1945.

K. D. DE SILVA,
District Judge.

The above *Order Nisi* is hereby amended by substituting the 2nd respondent as guardian *ad litem* over 3rd to 6th minor respondents in place of the 7th respondent, deceased, *Order Nisi* is extended for February 25, 1946.

January 26, 1946.

K. D. DE SILVA,
District Judge.

The date for showing cause extended to July 1, 1946.

K. D. DE SILVA,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction George Philipiah of Jaffna Town, deceased.
No. 530

(1) Samuel Christmas Gunaratnam and wife, (2) Nora Selva-
nayaky Gunaratnam, both of Tinnavely Petitioners.

Vs

(1) Victor Selvanayagam Philipiah of 137, Tenakara street,
Division No. 5, Tinnomalee, (2) George Albert Hector
Philipiah of 99, Bridge street, Slave Island, Colombo, (3)
Samuel Rigmald Philipiah of Eravur, Chengalady, (4)
Charles Wilmot Singanayagam Philipiah, Irrigation Quarters,
Mineriya Respondents.

THIS matter of the petition of the petitioners above named praying that the 2nd named of them be appointed administrator as one of the heirs of the estate of the above-named deceased and letters issued to her accordingly, coming on for disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on March 4, 1946, in the presence of Mr. C. R. Tambiah, Proctor, on the part of the petitioners; and the affidavit and petition of the petitioners having been read.

It is ordered that the 2nd named petitioner be as one of the heirs of the said deceased be granted letters of administration of the estate of the said deceased, unless the respondents or any others who have an interest, shall show sufficient cause to the contrary on or before June 25, 1946, at 10 A.M.

March 20, 1946

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Absolute in the First Instance.

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction the late Samuel Thambipillai Chinnappah of
No. 555. Nallur, deceased

Alfred Ratnapillai Chinnappah of Nallur presently of Kal-
munai, E. P. Petitioner.

THIS matter coming on for final determination before R. R. Selvadurai, Esq., District Judge of Jaffna, on May 27, 1946, in the presence of Mr. D. Rajadurai, Proctor, on the part of the petitioner; and the affidavit of the petitioner and that of the attesting witnesses and of the attesting notary having been read.

It is ordered that the application of the petitioner be made absolute in the first instance and that probate of the will of Samuel Thambipillai Chinnappah of Nallur be issued to the petitioner above named.

May 27, 1946.

R. R. SELVADURAI,
District Judge.

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

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction Velupillai Kanagasabai of Karaveddy West,
No 309/PT. deceased.

Sithamparanathar Velupillai of Karaveddy West Petitioner.

Vs.

(1) Karthigesar Vallipuram, (2) Sinniah Kanapathipillai,
and (3) wife Wallipillai, (4) Karthigesar Kandappu, all of,
Karaveddy West Respondents.

THIS matter of the petition of the petitioner praying for letter of administration to the estate of the above-named deceased, Velupillai Kanagasabai, coming on for disposal on April 12, 1946, before E. Wijewardene, Esq., Additional District Judge, in the presence of Mr. K. Sivasangaram, Proctor, on the part of the petitioner; and the petition and affidavit of the petitioner having been read:

It is ordered that the petitioner be declared entitled, to take out letters of administration, as the father of the deceased, and that letters of administration be accordingly issued to the petitioner, unless the respondents or any other person shall, on or before June 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

April 12, 1946.

M. K. SANGARAPILLAI,
Additional District Judge.

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

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of the
Jurisdiction late Thangammali, wife of Kanapatipillai of
No. 312/P.T. Puloly East, Point Pedro, deceased.

Kanapatipillai Kandiah of Puloly East, presently of
Badulla Petitioner.

Vs.

(1) Alvappillai Kanapathipillai, (2) and wife Thewanaupillai,
(3) Kanapatipillai Navaratnam, (4) Meenadchippillai
daughter of Kanapatipillai, (5) Rasaledchumppillai, daughter
of Kanapatipillai, (6) Kanapatipillai Kartigesapillai, (7)
Alvar Kandiah Kanapatipillai, all of Puloly East, Point
Pedro Respondents.

THIS matter coming on for disposal before Eardley Wijewardene, Esq., Additional District Judge, Jaffna (held at Point Pedro), on May 29, 1946, in the presence of Mr. M. Esurapadham, Proctor, on the part of the petitioner; and on reading the last will of the above-named deceased dated July 11, 1945, the affidavit of the witnesses thereto and the petition and affidavit of the petitioner above named:

It is ordered that the 7th respondent be appointed guardian *ad litem* of the minors, 3rd to 6th respondents, that the said last will be declared proved, that the petitioner be declared entitled to obtain probate of the said last will as executor appointed thereunder and that probate thereof be accordingly issued to the petitioner, unless the respondents appear before this court on or before June 28, 1946, and show cause to the satisfaction of this court to the contrary.

May 29, 1946.

E. WIJEWARDENE
Additional District Judge

In the District Court of Kurunegala.

Order Nisi declaring Will proved

Testamentary In the Matter of the Estate of the late Herat
Jurisdiction Wijepala Wijesundera Mudiyanse Ukku
No. 4,621. Banda, ex Korala of Talgodapitiya, deceased.

THIS matter coming on for disposal before Roland de Zoysa, Esq., Additional District Judge of Kurunegala, on April 16, 1946, in the presence of Mr. F. B. P. Seneviratne, on the part of the petitioner, Herat Wijepala Wijesundera Mudiyanse Ukku Banda Talgodapitiya and the affidavit of the petitioner dated April 13, 1946, of the Notary Public dated April 16, 1946, and of the witnesses dated April 12, 1946, having been read:

It is ordered that the will No. 5286 dated October 29, 1945, of Herat Wijepala Wijesundera Mudiyanse Ukku Banda, ex Korala, deceased, and now deposited in this court, be and the same is hereby declared proved, unless the respondents or any other person or persons interested shall, on or before June 7, 1946, show sufficient cause to this court to the contrary.

It is further declared that the said Herat Wijepala Wijesundera Mudiyanse Ukku Banda Talgodapitiya is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless respondent shall, on or before June 7, 1946, show sufficient cause to the satisfaction of this court to the contrary.

April 16, 1946.

ROLAND DE ZOYSA,
District Judge.

Extended to July 12, 1946.

June 7, 1946.

T. P. P. GOONETILLEKE,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction Henaka Tenannehalage Appuhamy Gan-Aratchy,
No. 1,713. deceased, of Imbulgala in Kegalla District

Atulugama Rallage Punchedahatmaya of Imbulgala in Kegalla
District Petitioner.

Vs.

(1) Henaka Tenannehalage Dingurimahatmaya, (2) ditto
Sadumahatmaya, (3) ditto Somapala Seneviratne, (4) ditto
Bisomenika, (5) ditto Wijeratne, (6) ditto Dusanayake Banda,
(7) ditto Rajaratne, all of Imbulgala aforesaid, the 2nd to
7th being minors by their guardian *ad litem* the 8th respondent,
(8) Atulugama Rallage Mudiyanse of Neluwakkana in Kegalla
District Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq., District Judge of Kegalla, on March 20, 1946, in the presence of Mr. E. Ashley Peries, Proctor, on the part of the petitioner above named; and the petition and the affidavit of the above-named petitioner dated March 20, 1946, and March 13, 1946, respectively, having been read:

It is ordered that the above-named 8th respondent be and he is hereby appointed guardian *ad litem* over the above-named 2nd, 3rd, 4th, 5th, and 6th and 7th respondents, minors, and the above-named petitioner be and she is hereby appointed the administratrix to the estate of the above-named deceased and that letters of administration be issued to her accordingly, unless the above-named respondents or any other person or persons interested shall, on or before May 14, 1946, show sufficient cause to the satisfaction of this court to the contrary.

May 20, 1946.

M. C. SANSONI,
District Judge.

The date for showing cause is extended to July 1, 1946.

May 14, 1946.

M. C. SANSONI,
District Judge.

DRAFT ORDINANCES:

(Continued from page 545.)

MINUTE.

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

L.D.—O. 23/46/M.L.A.—BA 666.

An Ordinance to make provision for the payment of allowances in respect of the increased cost of living to pensioners of local authorities, and to validate certain such payments heretofore made.

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 Local Authorities (Pensioners' Allowances) Ordinance, No. of 1946.

Short title.

2. Each local authority is hereby authorised to grant to any pensioner of that authority, in addition to his pension, a cost of living allowance in accordance with the provisions of section 3.

Power of local authority to grant allowance.

3. (1) The cost of living allowance under section 2 may be granted only in respect of periods commencing on or after the sixteenth day of July, 1945, and no such allowance may be granted in respect of any period subsequent to such date as may be specified in that behalf by the Minister for Local Administration by Order published in the *Gazette*.

Period for which and rate at which allowance may be granted.

(2) The amount of the cost of living allowance granted under section 2 in respect of any period shall be determined according to the rates applicable in the case of the corresponding allowance payable in respect of that period to pensioners in receipt of pensions from the Government.

4. Every allowance, by whatsoever name called, heretofore granted by any local authority to any pensioner of that authority in consideration of the increased cost of living and in respect of any period commencing not earlier than June 1, 1944, and ending not later than July 15, 1945, shall be deemed for all purposes to have been validly granted in like manner as though that authority had power to grant such allowances in respect of such period and to make payments of such allowances out of the local fund of that authority.

Validation of grants already made.

Interpretation.

5. In this Ordinance—

“local authority” means any Municipal Council, Urban Council, Town Council, Sanitary Board, Local Board, Village Committee, Provincial Road Committee or District Road Committee;

“pensioner” means any person who, having been employed in the service of any local authority, is for the time being in receipt of a pension from that authority.

Objects and Reasons.

Allowances, known as war allowances, in respect of the increased cost of living, have been paid to Government pensioners since June 1, 1944. No local authority, except the Colombo Municipal Council, has power to grant similar allowances to its pensioners. But certain local authorities have paid war allowances to their pensioners under the erroneous impression that they had power to do so.

2. It has been decided that local authorities should be authorised to pay such allowances to pensioners, and the Board of Ministers propose that the Government should contribute 50 per cent. of the amounts necessary to pay such allowances in respect of periods commencing on or after July 16, 1945.

3. The objects of this Bill are—

(a) to validate such payments as have already been made in respect of periods commencing on or after June 1, 1944;

(b) to permit arrears of war allowance from July 16, 1945, to be paid to pensioners by such local authorities as desire to do so; and

(c) to permit war allowances to be paid in future to pensioners of local authorities.

The rates at which the allowance is to be payable will be the same as those applicable in the case of Government pensioners.

S. W. R. D. BANDARANAIKE,
Minister for Local Administration.

Colombo, June 20, 1946.