



THE CEYLON GOVERNMENT GAZETTE

No. 9,602 — FRIDAY, SEPTEMBER 20, 1946.

Published by Authority.

PART II.—LEGAL.

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

| | | | PAGE | | | | PAGE |
|---|----|----|------|-----|------------------------------------|----|------|
| Governor's Ordinances | .. | .. | .. | — | Council of Legal Education Notices | .. | .. |
| Passed Ordinances | .. | .. | .. | — | Notices in Insolvency Cases | .. | 817 |
| Draft Ordinances | .. | .. | .. | 809 | Notices of Fiscals' Sales | .. | .. |
| Notifications of Criminal Sessions of the Supreme Court | .. | .. | .. | 817 | Notices in Testamentary Actions | .. | 818 |
| Supreme Court Notices | .. | .. | .. | — | List of Notaries | .. | .. |
| District and Minor Courts Notices | .. | .. | .. | — | Miscellaneous | .. | .. |

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to provide for the Execution of Trust Receipts in conformity with Prescribed Requirements and for the Registration and Effect of Trust Receipts so executed.

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 Trust Receipts Ordinance, No. of 194 , and shall come into operation on such date as may be appointed by the Governor by Proclamation published in the *Gazette*.

Short title and date of operation.

2. (1) Where any person, at whose instance any goods are imported into Ceylon, is not entitled, under the terms of any contract relating to the goods or otherwise, to obtain possession of the goods, except upon payment of a sum of money or upon an undertaking to hold the goods in trust, and such person or any other person—

Trust Receipt for imported goods.

(a) obtains possession of such goods or documents upon the execution, in favour of any approved credit agency by which the goods or documents are actually released, of a document in respect of the goods which complies with the provisions of sub-section (2) or sub-section (3) (which document is hereinafter referred to as "a trust receipt for imported goods"); or

(b) obtains a loan from any approved credit agency for the purpose of making the payment necessary to enable him to obtain possession of such goods, or documents, upon the execution in favour of such agency of a document in respect of those goods which complies with the provisions of sub-section (2) or sub-section (3) (which document is hereinafter referred to as "a trust receipt for imported goods"), the provisions of section 4 shall be applicable in relation to that trust receipt and the goods to which it relates.

(2) In order to comply with the provisions of this sub-section, a document which is executed by any person in the circumstances mentioned in sub-section (1) must contain the following undertakings on the part of that person in respect of the goods to which it relates :—

(i) an undertaking to hold those goods in trust for the agency in favour of which it is executed, to mark the goods or packages or cases containing them in a specified manner, and to keep the goods in specified premises until the sale thereof;

- (ii) an undertaking to pay to the agency from time to time as received, the proceeds of the sale of those goods or a specified proportion of such proceeds;
- (iii) an undertaking not to sell those goods or any of those goods except for cash;
- (iv) an undertaking to deliver such of those goods as may for the time being be unsold, to, or to the order of, the agency upon demand made in writing in that behalf;
- (v) an undertaking to permit the agency, without prior notice, from time to time to enter and inspect the premises in which those goods are kept and to take stock of such of those goods as may be in the premises.

(3) In order to comply with the provisions of this sub-section, a document which is executed by any person in the circumstances mentioned in sub-section (1) must contain the following undertaking on the part of that person in respect of the goods to which it relates, that is to say:—an undertaking to hold the goods in trust for the agency in favour of which it is executed, and to store them in a specified warehouse in the name of the agency.

(4) Nothing in sub-section (2) or sub-section (3) shall be deemed to prevent the inclusion in the document of any undertakings, conditions or stipulations in addition to the undertaking specified in either of those sub-sections.

Trust Receipt
for goods for
exportation.

3. (1) Where any person purchases any goods from any other person for the purpose of exporting such goods from Ceylon, and payment for such goods is made on behalf of the purchaser by any approved credit agency upon the execution, in favour of such agency, of a document which complies with the provisions of sub-section (2) (which document is hereinafter referred to as "a trust receipt for goods for exportation"), the provisions of section 4 shall be applicable in relation to that trust receipt and the goods to which it relates.

(2) In order to comply with the provisions of this sub-section, a document which is executed by any person in the circumstances mentioned in sub-section (1) must contain the following undertakings on the part of that person in respect of the goods to which the document relates—

- (i) an undertaking to hold those goods in trust for the agency in favour of which it is executed, to mark the goods and the packages or cases containing them in a specified manner, and to keep the goods in specified premises until the exportation thereof;
- (ii) an undertaking, upon the exportation from Ceylon of those goods, to deliver to the agency the bills of lading and other shipping documents relating to such goods;
- (iii) an undertaking not to sell those goods to any other person in Ceylon except with the consent of the agency, and in the event of any such sale with such consent to deliver the proceeds of sale from time to time as received to the agency;
- (iv) an undertaking, in the event of those goods not being exported from Ceylon within a specified period, to deliver the goods to, or to the order of, the agency upon demand made in writing in that behalf;
- (v) an undertaking to permit the agency, without prior notice, from time to time to enter and inspect the premises in which those goods are kept and to take stock of such of those goods as may be in the premises.

(3) Nothing in sub-section (1) shall be deemed to prevent the inclusion in the document of any undertakings, conditions or stipulations in addition to the undertakings specified in that sub-section:

Legal effect
of trust
receipts to
which this
Ordinance
applies.

4. Where a trust receipt for imported goods, or a trust receipt for goods for exportation, has been duly executed by any person in accordance with the provisions of section 2 or section 3 and the trust receipt is registered under the Registration of Documents Ordinance as a bill of sale affecting the goods to which it relates, the following provisions shall apply during such time as any moneys stated in the trust receipt to be due to the agency remain due and unpaid:—

- (i) The Agency shall, in the event of the seizure of the goods by any other person in execution of any decree of any court, be entitled, upon application made to that Court in the action in the course of which the seizure was effected, to an order directing that the goods shall be delivered to the agency and shall be sold, either by public auction by an auctioneer selected by the agency and approved by the Court, or in such manner as the Court may direct, and in accordance with such directions as may be issued by the Court.

Upon the sale of such goods the agency shall be entitled to retain out of the proceeds of sale the amount due under the trust receipt, and the balance, if any, of the proceeds of sale shall be paid into Court and be deemed to be proceeds of the sale of the goods in execution of the decree under which they were seized.

- (ii) The agency shall, in the event of the insolvency of the person by whom the trust receipt is executed, be entitled to obtain from the Court in which the proceedings upon which such insolvency are pending, an order directing that the goods to which the trust receipt relates shall be delivered to the agency and shall be sold either by public auction by an auctioneer selected by the agency and approved by the Court, or in such other manner as the Court may direct, and in accordance with such directions as may be issued by the Court.

Upon the sale of such goods, the agency shall be entitled to retain out of the proceeds of sale the amount due under the trust receipt, and the balance, if any, of the proceeds of sale shall be paid into Court to the credit of the assignee of the estate of the insolvent.

- (iii) Where any goods are delivered to the agency in compliance with any undertaking referred to in paragraph (iv) of section 2 (2) or in paragraph (iv) of section 3 (2), the agency may sell the goods so delivered, whether after removal thereof, or at the premises in which the goods are kept if the person executing the trust receipt consents to a sale at such premises.

The agency shall be entitled to retain, out of the proceeds of sale of the goods, the amount due to it under the trust receipt, and the balance, if any, shall be paid to the person by whom the trust receipt was executed.

- (iv) The person by whom the trust receipt was executed shall, if he commits a breach or fails to comply with any undertaking referred to in sub-section (2) or sub-section (3) of section 2, or in sub-section (2) of section 3, as the case may be, being an undertaking contained in the trust receipt, be guilty of an offence and shall, on conviction be liable to imprisonment of either description for a term not exceeding three months or to a fine not exceeding five hundred rupees or to both such imprisonment and fine.

5. (1) In this Ordinance, "approved credit agency" means—

Approved
credit
agencies.

- (a) any banking company as defined in section 330 of the Companies Ordinance, No. 51 of 1938, which is declared by the Director of Commerce and Industries, by notification published in the *Gazette*, to be an approved credit agency for the purposes of this Ordinance ;
- (b) the Ceylon State Mortgage Bank, the Agricultural and Industrial Credit Corporation, the Loan Board, the Ceylon Savings Bank, and the Local Loans and Development Commissioners ; or
- (c) any other company, firm, institution or individual for the time being declared by the Director of Commerce and Industries, by notification published in the *Gazette*, to be an approved credit agency for the purposes of this Ordinance.

(2) Nothing in this Ordinance shall be deemed or construed to authorise any institution mentioned in paragraph (b) of sub-section (1) to make loans or afford any credit facilities in consideration of the execution of trust receipts, if the power to make such loans or to afford such facilities is not conferred on such institution by the Ordinance providing for the establishment, powers and functions of such institution.

Objects and Reasons.

The provisions set out in this Bill were recommended for enactment by the Mortgage Commission. The reasons for the recommendation and the objects sought to be achieved by the Bill are set out in paragraphs 74 to 81 of the Commissioners' Report which are reproduced below :—

" 74. The Banking Commission, in paragraphs 451 and 452 of its Report drew attention to the fact that a considerable portion of the foreign trade is financed by means of trust receipts and letters of lien, but that difficulties regarding ownership are experienced in the event of the borrower's death or insolvency. That Commission recommended that clear legal facilities in favour of creditors should be provided in this respect, and that violation of the obligations undertaken by a borrower upon a trust receipt should be made a criminal

offence. Both that Commission and the Sub-Committee on Commercial Legislation recommended that these special legal facilities should be made available to Banks only, so that there would be no question of the creditor taking undue advantage of the debtor. The "trust receipt" is an instrument of credit which is ordinarily used in Ceylon in two distinct cases to which we will refer.

75. Where goods are imported into Ceylon from abroad, the documents upon which actual delivery of the goods can be taken are frequently not sent direct to the consignee in Ceylon. The consignee has either to accept or to pay a Bill of Exchange drawn on him by the consignor. A transaction on D/A terms (Documents of Title on Acceptance) will not usually take place unless the consignee has well-established relations with the consignor which will justify the latter in allowing credit to the consignee. It is obvious that transactions of this nature cannot always take place between importers in Ceylon and foreign merchants and many transactions take place on D/P (Documents on Payment) terms. Bills of Exchange might be sent by the consignor to a Bank in Ceylon through its office in the foreign country or else to an agent in Ceylon of the Consignor. It often happens that the consignee is unable to make immediate payment of a Bill of Exchange in order to obtain the necessary shipping documents which entitle him to take delivery of the goods. Hence the Bank or other agency often releases shipping documents upon the execution by the consignee of what is popularly known as a trust receipt. The forms used for documents of this description vary somewhat, but many of them contain common features. The consignee undertakes to hold the goods in trust for the Bank or other agency until payment of the amount due on the bill, to sell the goods for cash only, to remit the proceeds of sale as received in payment of the debt and to deliver the goods to the Bank or other agency on demand. It may also happen that the consignee does not himself carry on the business of selling the goods but may be a commission or indent agent who orders goods from abroad for other persons and receives a commission from them. In such a case the trust receipt may be executed not by the named consignee, but by the third party who actually obtains the documents from the Bank or other agency and thereafter takes delivery of the goods. There is another class of case in which the goods or the documents are released for the purpose only of enabling the goods to be landed and warehoused, upon the execution of a trust receipt. We will for convenience describe these forms of trust receipts as "trust receipts for imported goods".

76. Again, a person who carries on business as an exporter of goods from Ceylon may enter into a contract with a merchant abroad to ship a certain quantity of produce from Ceylon, but may be unable to make immediate payment to the dealer in Ceylon from whom he proposes to purchase the produce. In such a case he would execute a document known as a trust receipt or a letter of lien in favour of the person who provides him with the necessary financial accommodation by way of overdraft or otherwise to make payments for the produce. The documents so executed usually stipulate that all the produce purchased with the moneys placed at the disposal of the exporter will be held in trust for the Bank until exported, and that when the produce is exported the shipping documents will be delivered to the Bank for transmission to their agents or office in the foreign country in order to enable the Bank to collect the contract price from the consignee in the foreign country. We will refer to such documents as "trust receipts for goods for exportation".

77. The existing law contains no special provision directly applicable to trust receipts and does not define the legal effect of such a document. Difficulties have arisen in cases where goods in relation to which trust receipts have been executed in favour of a Bank are seized in execution of decrees entered in actions brought by third parties against the merchant or dealer. For the reason that the goods are in the ostensible possession of the debtor, or for other reasons, obscure questions as to the rights of parties arise for settlement under the existing law. Difficulty also arises in a case where the debtor is adjudicated an insolvent. Moreover although the Registration of Documents Ordinance (Cap. 101) does not require the registration of a "trust receipt" many documents which were considered by the banks to be trust receipts have been held by the Courts not to come within the exemption from registration appearing in the Ordinance. The difficulties which exist were discussed with representatives of the Banks and with Counsel acting for them. They indicated that registration as a pre-requisite of validity would not give rise to much practical difficulty and that we may

make recommendations on that basis. Further, although these documents usually contain a clause by which the debtor undertakes to deliver the goods to the Bank on demand, the undertaking is not one which can be readily enforced. There are no effective means by which a Bank can prevent a debtor from secretly alienating the goods and thus impairing the security on which the Bank relied when the money was advanced.

78. In the result, a trust receipt is generally of little value as an instrument of security and Banks in Ceylon have in fact relied on the personal integrity of the borrower and not on the document or the undertaking expressed in it. It will be seen from what we have said in paragraphs 75 and 76 that a trust receipt can play a very useful part in assisting and furthering the business of import and export but in Ceylon these documents are not used nearly as often as they should be owing to the reluctance of lenders to accept them in the present state of the law.

79. Although a loan of money is involved in the transaction between the Bank on the one hand and the importer or exporter on the other, a practical distinction has to be drawn between such a transaction and one in which the borrower mortgages his movable property as security for monies advanced. In the latter case the borrower is the owner of the goods and offers the necessary security for the loan. In the former case, if the goods have been imported into Ceylon, the consignee is not entitled to take delivery of them without payment of the Bill of Exchange, and he only obtains the goods when the Bank releases them on the faith of representations made by him when executing the trust receipt. If the borrower is an exporter, he would not be able to purchase the goods but for the money placed at his disposal by the Bank. It will be seen therefore that the borrower upon a mortgage hypothecates his own property, while the borrower upon a trust receipt agrees to hold in trust goods of which he would have obtained neither possession nor ownership but for the facilities afforded him by the lender.

Bearing this distinction in mind, it will be realized that a person who alienates goods or appropriates the proceeds of a sale to his own use in breach of his undertaking in a trust receipt does an act which virtually constitutes the offence of criminal breach of trust or criminal misappropriation. If an agent for the sale of the goods were to act in such a manner, he would become liable to the penalties imposed by the criminal law. We have after very anxious consideration formed the opinion that a similar liability should be expressly imposed in the case of a breach of the undertakings of a trust receipt; certain witnesses who gave evidence on behalf of borrowers were in agreement with this view. It may no doubt be argued that resort should not be had to the sanction of the criminal law in the case of a transaction of a loan, but we feel that this consideration is heavily outweighed by the fact that the loan would never have been made and the goods would not have been obtained by the debtor but for his undertaking that he would act in a fiduciary capacity in relation to the goods and their sale proceeds. It is unlikely that there will be many instances of prosecutions for breaches of these undertakings but the very possibility of such prosecution will on the one hand encourage lending agencies to provide wider credit facilities upon such documents, and on the other hand ensure that debtors who might otherwise default would, through fear of the consequences, carry out their obligations. We consider that the urgent need to make credit available upon documents of this nature fully justifies the imposition of punishment upon the dishonest debtor.

80. We have set out in the draft Ordinance in Appendix 5 which we recommend for enactment the legislation which will be necessary to give effect to our proposal in regard to trust receipts. The Ordinance will not apply in all cases where trust receipts are executed, but only in those cases where trust receipts for imported goods or trust receipts for goods for exportation are executed in the circumstances specified in the Ordinance. The Ordinance will not apply to a trust receipt unless it contains certain clearly defined undertakings on the part of the debtor. When such undertakings are not part of the agreement between the lender and the borrower we do not find it possible to give statutory rights to a lender taking a trust receipt. For instance unless the goods are marked for purposes of identification it will be extremely difficult to establish whether or not goods sold were the subject of the trust receipt. Lack of identification marks may lead to prosecutions based on mere suspicion, and on the other hand it will permit a person who has broken his promises to escape by creating a doubt in the minds of the Court. As special liabilities are being imposed on a debtor,

we have thought it necessary to restrict the operation of the Ordinance to cases of trust receipts executed in favour of approved credit agencies.

81. Apart from imposing the criminal liability which we have referred to above, the Ordinance will, when a trust receipt is registered, provide that in the event of the goods being seized by a third party in execution of a decree, the creditor will be entitled to obtain delivery of the goods and to have them sold under directions of Court. A preferent right to the proceeds of the sale will be conferred. A similar right will be conferred in a case where the debtor is adjudicated insolvent. The balance, if any, remaining after satisfaction of the debt due on the trust receipt will of course be available for distribution among the seizing creditors. As we have stated in paragraph 79, the lender upon a trust receipt should be entitled to look upon the goods to a large extent as though they were his own, since they came into the possession of the debtor solely through money provided for him. In these circumstances, there is every justification for giving the lender special protection in the event of seizure or insolvency; this is achieved by giving him the right to have the goods sold and to satisfy his claim out of the proceeds of sale."

G. C. S. COREA,

Minister for Labour, Industry and Commerce.

Colombo, 10th September, 1946.

MINUTE.

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

Vol. III
page 211.

An Ordinance to amend the Registration of Documents Ordinance (Chapter 101.)

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

Short title
and date of
operation.

1. This Ordinance may be cited as the Registration of Documents (Amendment) Ordinance, and shall come into operation on such date as may be appointed by the Governor by proclamation published in the *Gazette*.

Amendment
of section 11
of Chapter 101.

2. (1) Section 11 of the Registration of Documents Ordinance (hereinafter referred to as "the principal Ordinance") is hereby amended by the repeal of sub-section (5) of that section.

(2) Where a *lis pendens* is duly registered at the date on which this Ordinance comes into operation, such registration shall continue in force until such time as it is cancelled under section 33 of the principal Ordinance.

Amendment
of section 17
of the principal
Ordinance.

3. Section 17 of the principal Ordinance is hereby amended as follows :—

(a) in sub-section (1) of that section, by the substitution, for the words "includes a pledge, conventional hypothecation," of the words "includes any";

(b) in sub-section (2) of that section by the omission of all the words from "or any other documents" to "thereby represented".

Replacement of
section 18 of the
principal
Ordinance.

4. Section 18 of the principal Ordinance is repealed and the following new section is hereby substituted therefor :—

Pledge, mortgage
or bill of sale
ineffectual unless
property
delivered
or instrument
registered.

18. No pledge, mortgage or bill of sale of movable property shall be of any force or effect in law or give the pledgee, mortgagee or transferee any lien, charge, claim right or priority to, over or in respect of such property unless—

- (a) such property is actually delivered into the possession and custody of the pledgee, mortgagee or transferee or of some person (other than the pledgor, mortgagor or transferor) on behalf of the pledgee, mortgagee or transferee, and continues to remain actually, ostensibly and *bona fide* in such possession and custody from the date of the pledge, mortgage or bill of sale until such time as the pledgee, mortgagee or transferee seeks to enforce his rights as such to, over, or in respect of such property; or
- (b) such pledge, mortgage or bill of sale is created by an instrument in writing signed by the person effecting the same, or by some person thereto lawfully authorised by him, and unless such writing shall, within twenty-one days (exclusive of Sundays and public holidays) from the date thereof, have been duly registered in the office of the Registrar of

Lands for the district in which such property shall be at the time of such pledge, mortgage or bill of sale, or in the office of the said Registrar for each of such districts, when such property is at the time of such pledge, mortgage or bill of sale in more than one district.

5. Section 22 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following new sub-sections :—

Amendment of section 22 of the principal Ordinance.

- “(3) Every Registrar shall prepare and keep a separate book for the registration of instruments creating a pledge or mortgage of book debts.
- (4) Every Registrar shall prepare and keep a separate book for the registration of instruments creating a pledge or mortgage of the entirety of the goods which are or may be in any specified premises or which constitute or may at any time constitute the entirety of the stock in trade of the business carried on in any specified premises.”

6. The following new section is hereby inserted immediately after section 23 of the principal Ordinance and shall have effect as section 23A of that Ordinance :

Insertion of new section 23A in the principal Ordinance.

23A. Where an assurance or mortgage of any land and a pledge, mortgage or bill of sale of any movable property situated on such land is effected by the same instrument—

- (a) the preceding provisions of this Chapter shall apply to such instrument in so far as a pledge, mortgage, or bill of sale of such movable property is effected or purported to be effected thereby ;
- (b) the preceding provisions of this Chapter shall not in any way affect such instrument in so far as an assurance or mortgage of the land is effected or purported to be effected thereby

7. Section 24 of the principal Ordinance is hereby amended by the repeal of sub-section (2) of that section.

Amendment of section 24 of the principal Ordinance.

(2) The repeal of sub-section (2) of section 24 of the principal Ordinance shall not affect the operation of that section in relation to any assurance or mortgage of land, or to any pledge, mortgage or bill of sale executed before the date on which this Ordinance comes into operation.

8. Section 19, 21, 22 (i), 23, 25 and 41 of the principal Ordinance are hereby amended by the substitution, for the expressions “ bill of sale ” and “ bills of sale ”, wherever they occur in any of those sections, of the expressions “ pledge, mortgage or bill of sale : ” and “ pledges, mortgages or bills of sale ”, respectively.

Consequential amendments of principal Ordinance.

9. Section 30 of the principal Ordinance is hereby amended in sub-section (2) thereof by the substitution, for all the words from “ registration of the priority notice ” to the end of that sub-section, of the words “ registration of the priority notice.”

Amendment of section 30 of the principal Ordinance.

Objects and Reasons.

This amendment of the Registration of Documents Ordinance (Chapter 101) was recommended for enactment by the Mortgage Commission in its Second Interim Report (Sessional Paper V. of 1945). The objects and reasons are set out in paragraphs 194 to 201 of that Report which are reproduced below :—

“ 194. *Clause 2.*—Under the existing law the registration of the *lis pendens* of an action is effective only for a period of five years from the date of registration, but such registration may be renewed from time to time for a similar period. It has been brought to our notice that the need for re-registration is sometimes overlooked. In our view, there is no reason why the registration of a *lis pendens* should not be effective without limitation. The ordinary provision in the Ordinance for the cancellation of registration should be sufficient to prevent any difficulty arising from the alteration.

This clause will amend section 11 of the Ordinance in order to give effect to our view.

195. *Clause 3.*—Chapter V. of the principal Ordinance deals with “ bills of sale ” of movables, which are defined to include a pledge and a conventional hypothecation. This definition (first introduced by the Ordinance of 1927) is unnecessarily complex. The terms “ mortgage ” and

“pledge” are well understood and there appears to have been no need to include them within the scope of the less-known term “bill of sale”. This drafting device was not employed in the earlier Ordinance No. 8 of 1871. To the layman and even to the lawyer, the intention of the provisions of Chapter V. will become clearer if the words “pledge” and “mortgage” are expressly used whenever it is intended to refer to a hypothecation, and the expression “bill of sale” used to cover other transactions in movable property. The necessary amendments of the Ordinance will be effected by Clause 3 (a) and Clause 8 of the proposed draft Ordinance.

196. The definition of “bill of sale” following corresponding legislation in the United Kingdom excludes “documents used in the ordinary course of business as proof of the possession or control of goods, and authorising or purporting to authorise either by endorsement or by delivery the possessor of such document to transfer or receive goods thereby represented”. (We note in passing that the word “and” italicised in the sentence cited above, appears to have been used in error instead of “or” which occurs in the corresponding sentence in the English Act, thus altering the scope of the exception). The effect is to exempt from the requirement of registration (imposed by section 18) a number of documents such as trust receipts, letters of lien and letters of hypothecation. Such documents have been in common mercantile usage in England where their meaning and effect are well understood. In Ceylon, however, in the absence of established or recognised custom or usage, the exemption gives rise to doubts and difficulties and the Courts have so far refused to accept any of them as “documents used in the ordinary course of business”. This uncertainty is prejudicial to the interests both of the parties to the documents as well as of third parties who may acquire interests in the goods affected by them. We accordingly recommend that this exemption be withdrawn so that registration will become necessary for the validity of these documents. The necessary amendment will be made by Clause 3 (b) of the draft Ordinance.

197.

198. *Clause 4.*—This clause re-enacts with drafting amendments the provisions of section 18 of the principal Ordinance which was recently interpreted by the Supreme Court in 43 N. L. R., p. 49. No alteration of importance is being effected in the section.

199. *Clause 5.*—We have already referred to the inevitable shortcomings of any system of registration of instruments affecting movables. Some amelioration, however slight, will be effected if separate registers are maintained for pledges or mortgages of book debts and for instruments relating to the entirety of the goods (or of the stock in trade) in special premises, and we recommend accordingly.

200. *Clauses 6 and 7.*—Section 24 (2) of the principal Ordinance provides that where an instrument relating to any land contains an assurance or mortgage of movables situated on that land, registration in the land registers will be sufficient to secure validity both as to the land and as to the movables. This means in effect that a person proposing to take an interest in movables should, in order to safeguard himself fully, search not only the registers of movables but also the land registers. We do not think there will be any hardship in requiring that the instrument should in such a case be separately registered in the register of movables, thus obviating the need to examine the land registers. Effect is given to our view in Clause 6.

201. *Clause 9.*—Section 30 of the principal Ordinance enables a person, by registering a priority notice, to make an instrument relating to land in his favour effective from the date of the registration of the notice or from the date of the execution of the instrument, whichever is later. The object of the section is to protect a person who proposes to acquire an interest against others claiming under instruments which are not themselves registered, but this object is not fully achieved. We recommend that the section should be so amended as to secure that, where a priority notice is registered, the instrument to which it relates will be effective, for the purposes of registration, from the date of the registration of the notice, thus affording to it protection even against instruments which, though executed earlier, are not on the register at the time when the priority notice is registered. This clause will give effect to our recommendation.”

MINUTE.

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

L. D.—O 28/46

1/7/19 (FSO)

An Ordinance to amend the Customs Ordinance.Chapter 185.
Vol IV., p. 491.

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. of 1946.

Short title.

2. (1) Section 21 of the Customs Ordinance (hereinafter referred to as "the principal Ordinance"), is hereby amended as follows :—

Amendment of
section 21 of
Chapter 185.

(a) by the re-numbering of sub-section (3) as sub-section (4); and

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

"(3) The powers conferred on the Governor by the preceding provisions of this section may be exercised in relation to the Representative in Ceylon of the Government of any part of His Majesty's dominions, to the Trade Commissioner in Ceylon of any such Government, and to persons on the staff of any such Representative or Commissioner, in like manner as they are exercisable in relation to consular officers or clerks of foreign states."

(2) An Order under section 21 of the principal Ordinance (as amended by sub-section (1) of this section) made in relation to the Representative in Ceylon of the Government of India or to the Trade Commissioner in Ceylon of that Government or to persons on the staff of such Representative or Commissioner, shall, if so expressed, be deemed to have had effect from such date prior to the commencement of this Ordinance as may be specified by the Governor in the Order.

Objects and Reasons.

The object of this Bill is to amend section 21 of the Customs Ordinance so as to enable Orders to be made thereunder exempting the Representatives and Trade Commissioners in Ceylon of Empire Governments and the members of their staffs from the payment of customs duty on goods consigned to them or imported for their use

It has been agreed with the Government of India that such an exemption will be granted with retrospective effect in relation to the Indian Government Representative, the Indian Trade Commissioner, and persons on their staffs; reciprocal exemptions will be granted by the Indian Government. Clause 2 (2) of the Bill confers the necessary power to grant the exemption retrospectively in Ceylon.

C. E. JONES,

Acting Financial Secretary.

Colombo, September 16, 1946.

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 Thursday, October 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, September 12, 1946.G. M. CHINNATAMBY,
for Fiscal.

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 Colombo on Thursday, October 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, September 12, 1946.M. K. T. SANDYS
Fiscal.**NOTICES OF INSOLVENCY.**

In the District Court of Colombo.

Insolvency No. 5,692. In the matter of the insolvency of W. J. A. Boteju of Station road, Kelaniya, insolvent.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on October 18, 1946, to consider the grant of a certificate of conformity to the above-named insolvent.

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

September 16, 1946.

In the District Court of Colombo.

Insolvency No. 5,714. In the matter of the insolvency of Alfred Warkuss of 64, High street, Wellawatta, Colombo, insolvent.

WHEREAS the above-named Alfred Warkuss has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by James Gilbert Atwell of Police Park, Bambalapitiya, under the Ordinance No. 7 of 1953; Notice is hereby given that the said court has adjudged the said Alfred Warkuss insolvent accordingly, and that two public sittings of the court, to wit, on October 25, 1946, and on November 15, 1946, will take place for the said insolvent to surrender and to 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.

September 16, 1946.

In the District Court of Colombo.

No. 5,707. In the matter of the insolvency of Kurukulasooriya
Insolvency. Henry Perera of 312/3, Pita Kotto, Kotto, insolvent.

NOTICE is hereby given that a meeting of the creditors of the
above-named insolvent will take place at the sitting of this court
on October 11, 1946, for the examination of the insolvent above
named.

By order of court. M. N. PIERIS.
September 4, 1946. Secretary.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Testamentary In the Matter of the Intestate Estate and Effects
Jurisdiction. of S. H. Salihue, deceased.
No. 11,863.

Mrs. F. U. Salihue of Panukarapitiya, Ratnapura Petitioner.
Vs.

(1) S. J. Salihue Marikar of Egoda Uyana, Panadura. (2)
Mrs. Mariath Bee Mukthar of Egoda Uyana, Panadura. (3)
S. M. Salihue Marikar of Egoda Uyana, Panadura. (4) Mrs.
Sulaha Bee Buhare of Police Station, Borella. (5) Mrs.
Kadija Bee Azeeb of Panukarapitiya, Ratnapura. (6) Miss
Noor Bee Salihue of Egoda Uyana, Panadura. (7) Miss Jamal
Bee Salihue of Egoda Uyana, Panadura. (8) S. I. Salihue of
Egoda Uyana, Panadura. (9) S. N. Salihue of Egoda Uyana,
Panadura. (10) S. P. Salihue of Egoda Uyana, Pana-
dure Respondents.

THIS matter coming on for disposal before V. E. Rajakarier,
Esq., Additional District Judge of Colombo, on April 15, 1946, in
the presence of Mr. C. D. Thillawasan, Proctor, on the part of the
petitioner above named; and the affidavit of the said petitioner
dated March 11, 1946, having been read:

It is ordered that 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 11, 1946, show sufficient
cause to the satisfaction of this court to the contrary.

May 2, 1946. V. E. RAJAKARIER,
Additional District Judge.

The date of showing cause against the foregoing *Order Nisi*
extended to September 26, 1946.

July 23, 1946. N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Dewapurage
Jurisdiction. Juwanis Fernando, deceased, of 451/5, Wella-
No. 11,983. watta.

Annakkarage James Pieris of Galle road, Wellawatta Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan,
Esq., Additional District Judge of Colombo, on June 25, 1946, in
the presence of Mr. D. F. J. Perera, on the part of the petitioner; and
the affidavit of the above-mentioned petitioner dated June 24, 1946,
having been read:

It is ordered that the will of Dewapurage Juwanis Fernando of
451/5, Galle road, Wellawatta, deceased dated September 1, 1945,
and numbered 6153 be and the same is hereby declared proved,
unless any person or persons interested shall, on or before September
5, 1946, show sufficient cause to the satisfaction of this court to the
contrary.

It is further declared that the said petitioner is the executor
named in the said will and that he is entitled to have probate of the
same be issued to him accordingly, unless any person or persons
interested shall, on or before September 5, 1946, show sufficient
cause to the satisfaction of this court to the contrary.

July 20, 1946. V. L. ST. CLAIR SWAN,
Additional District Judge.

The date of showing cause against the foregoing *Order Nisi*
extended to September 26, 1946.

September 6, 1946. N. SINNETAMBY
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 Edith Maud Logan-Smith of Colombo,
No. 12,027. deceased.

Ruth Reimers of Greenlands road, Colombo Petitioner.
Vs.

(1) William Charles Logan-Smith of 25, Merchant street, Bilston,
Streffordshire, England. (2) Edwin Arthur Logan-Smith of
Glasgow, Scotland. (3) Edith Ellen Inman of 43rd lane,
Wellawatta. (4) Henry Neville Logan-Smith of George street,
Trincomalee. (5) Eric Stephen Logan-Smith of George street,
Trincomalee. (6) Vernon George Logan-Smith of Richmond
Hotel, Ratnapura. (7) Sybil Chamberlain of Baltham,
London. (8) Audrey Pauline Logan-Smith of Brixton,
London Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan,
Esq., Additional District Judge of Colombo, on July 19, 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 June 28, 1946; and the affidavit of the attesting notary and
one of the witnesses dated July 3, 1946 and July 19, 1946, having
been read.

It is ordered that the last will and testament of Edith Maud
Logan-Smith, 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 the respondents above named or any person
or persons interested shall, on or before September 26, 1946, show
sufficient cause to the satisfaction of this court to the contrary.

July 24, 1946. V. L. ST. CLAIR SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Halahapperumage Francis Fonseka of 21,
No. 12,028. Market street, Colombo, deceased.

Usliyangage Elizebeth Perera of 21, Market street,
Colombo Petitioner.

And

Halahapperumage Ana Fonseka of 21, Market street,
Colombo Respondent.

THIS matter coming on for disposal before V. L. St. Clair Swan,
Esq., Additional District Judge of Colombo, on July 22, 1946, in the
presence of Mr. D. F. J. Perera, Proctor, on the part of the petitioner
above named; and the affidavit of the said petitioner dated July 16,
1946, having been read:

It is ordered that 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 respondent above named or any person or
persons interested shall, on or before September 26, 1946, show
sufficient cause to the satisfaction of this court to the contrary.

July 24, 1946. S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Wickremesuriye Mahamalimage Gilbert Moses
No. 12,029. Aponsu of Ratmalana in the Palle pattu of
Salpiti korale, deceased.

Attidiya Vidanelage Arthur Emmanuel Perera of Jayasumana-
rama road, Ratmalana Petitioner.

And

(1) Mrs. Gilbert Moses Aponsu, widow of the late Gilbert Moses
Aponsu of Kandana. (2) C. W. Aponsu of Bliccky, Moratuwa,
(3) H. J. Aponsu of Alawwa estate, Alawwa Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan,
Esq., Additional District Judge of Colombo, on July 19, 1946, in
the presence of Mr. D. F. J. Perera, Proctor, on the part of the
petitioner above named; and the affidavit of the said petitioner
dated June 25, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby
declared entitled, as a creditor 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 September 26, 1946, show
sufficient cause to the satisfaction of this court to the contrary.

July 24, 1946. S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

No. 12,033. In the Matter of the Intestate Estate of the late
Lokuheeraluge Carlina Perera of 264, Cotta road,
Borella, Colombo, deceased.

Mallawa-aratchige Don Albert Gunaratne of 264, Cotta road,
Borella, Colombo Petitioner.

And

(1) Lokuheeraluge Alide Perera of Kehelbaddara, Udiyampola
and (2) Lokuheeraluge William Perera of Grandpass road,
Colombo Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan,
Esq., Additional District Judge of Colombo, on July 24, 1946, in the
presence of Mr. W. H. V. Perera, Proctor, on the part of the petitioner
above-named; and the affidavit of the said petitioner dated July 5,
1946, having been read: It is ordered that the petitioner above
named be and he is hereby declared entitled, as 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
September 26, 1946, show sufficient cause to the satisfaction of this
court to the contrary.

August 1, 1946. S. C. SWAN,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Hettiaratchige Don Simon of 895, Alutmawatte road, Mutwal in Colombo, deceased.

No. 12,036
Thelkadapallege Dona Amarawathie of 895, Alutmawatte road, Mutwal, in Colombo Petitioner.

And

(1) Hettiaratchige Don Karunaratne, (2) Hettiaratchige Dona Ramyawathie, (3) Hettiaratchige Dona Somawathie, (4) Hettiaratchige Don Upali appearing by their guardian *ad litem*. (5) Don Abraham Perusinghe of 200, Temple road, Maradana Respondents.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on July 26, 1946, in the presence of Mr. S. M. C. de Soysa, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 24, 1946, having been read

It is ordered that the 5th respondent above named be and he is hereby appointed guardian *ad litem* over the minors, 1st, 2nd, 3rd, 4th 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 September 26, 1946, show sufficient cause to the satisfaction of this court to the contrary.

August 19, 1946.

W. SANSONI,
District Judge

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. the late Asseyed Alavi Ibunu Abdul Cassim Sakrif Ba-Alavi Mowlana of 27, Zaleski place, Temple road, Maradana, Colombo, deceased.

No. 12,037.
Ummu Zubaida of 27, Zaleski place, Temple road, Maradana, Colombo Petitioner.

THIS matter coming on for disposal before N. Sinnnetamby, Esq., Additional District Judge of Colombo, on August 30, 1946, in the presence of Mr. M. R. Akbar, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 23, 1946, and the affidavit of the notary and one of the attesting witnesses dated June 25, 1946, having been read:

It is ordered that the last will and testament of Asseyed Alavi Ibunu Abdul Cassim Sakrif Ba-Alavi Mowlana, 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, as the executrix named, to have probate of the said will issued to her accordingly, unless any person or persons interested shall, on or before September 26, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 14, 1946.

N. SINNETAMBY,
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 Alfred George Bowen of 49, Gampola No. 12,039 N. T. road, Kadugannawa, deceased.

Mercy Edith Bowen of Edward lane, Colpetty, Colombo. Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on July 30, 1946, in the presence of Mr. Clement A. S. Mather, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 25, 1946, and the affidavit of the attesting notary and one of the witnesses dated July 18, 1946, having been read:

It is ordered that the last will and testament of Alfred George Bowen of 49, Gampola road, Kadugannawa, 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, as the executrix named, to have probate of the said will issued to her accordingly, unless any person or persons interested shall, on or before September 26, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 5, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Vithanage Pesona Perera of Grandpass road, No. 12,047. in Colombo, deceased

Adussuriyage Agnes Matilda Perera of Grandpass road in Colombo Petitioner.

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge of Colombo, on August 5, 1946, in the presence of Mr. S. R. Ameresekere, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 10, 1946, having been read:

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

have letters of administration to the estate of the said deceased issued to her accordingly, unless any person or persons interested shall, on or before October 3, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 4, 1946

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Balasuriyago Don Ems of Malagala, deceased. No. 12,058.

Hiripitiyago *alias* Kapugo Ehsa Nona of Malagala in Medapattu of Hewagam koralo Petitioner.

Vs.

(1) Balasuriyago Dona Isabella Edirisingho of Malagala, (2) Balasuriyago Don Luvigno Nona Seneviratne of Panmipitiya, (3) Balasuriyago Dona Sopi Nona Pathakkara of Malagala, (4) Balasuriyago Dona Soelawathuo of Malagala Respondents.

THIS matter coming on for disposal before Waldo Sansoni, Esq., District Judge of Colombo, on August 9, 1946, in the presence of Mr. N. V. T. Cooray, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 16, 1946, having been read:

It is ordered that 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 October 10, 1946, show sufficient cause to the satisfaction of this court to the contrary.

August 19, 1946.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction. Bertha Marion Campbell Bawa of Chapman House, Darley road, Colombo, in the Island of Ceylon, widow, deceased. No. 12,060.

THIS matter coming on for final determination before N. Sinnnetamby, Esq., Additional District Judge of Colombo, on August 14, 1946, in the presence of Beram Kaikushroo Billmorria of Colombo, Proctor, on the part of the petitioner, Frederick Claude Rowan of Colombo; and the affidavit of the said petitioner dated August 1, 1946; and 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 October 10, 1944, 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 one of the executors named in the said will and that he is entitled to have probate of the said will issued to him on his paying estate duty, and taking oath of office.

September 5, 1946.

N. SINNETAMBY,
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 Abdul Jabar Abdul Cader of 53, Railway avenue, Nugegoda, deceased. No. 12,062 T.

Abdul Ranik Abdul Cader of 53, Railway avenue, Nugegoda Petitioner.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on August 14, 1946, in the presence of Messrs. D. L. & F. de Saram, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 8, 1946, and the affidavit of the attesting notary dated August 8, 1946, having been read:

It is ordered that the last will and testament of the late Abdul Jabar Abdul Cader, the deceased aforesaid 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 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 October 10, 1946, show sufficient cause to the satisfaction of this court to the contrary

September 3, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament and Jurisdiction. Codicil of Francis Oswald Mackwood of Colombo in the Island of Ceylon and of the Glebe House, Assington, Colchester, in the County of Essex, deceased. No. 12,077.

THIS matter coming on for final determination before N. Sinnnetamby, Esq., Additional District Judge of Colombo, on September 10, 1946, in the presence of Messrs. Jubus & Creasy, Proctors, on the part of the petitioner, Charles Francis Mackwood of Colombo; and the affidavit of the said petitioner dated August 20, 1946, affidavits as to the due execution of the will, original will, an affidavit

as to the due execution of the codicil, original codicil, certificate of death of the above-named deceased, and Supreme Court's order dated August 19, 1946, having been read: It is ordered that the will of the said deceased dated August 18, 1932, and a codicil thereto dated June 25, 1942, of which the originals have been produced and is now deposited in this court, be and the same are hereby declared proved, and it is further declared that the said petitioner is one of the 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.

September 10, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction Pahlhavadana Aratchige Francis Perera of No. 12,073. Heiyantuduwa in the Adikari pattu of Siyane korale, deceased.

Ranasinghe Aratchige Isabella Perera of Heiyantuduwa aforesaid Petitioner.

Vs.

(1) Pahlhavadana Aratchige Alice Eugene Perera of Warakanatta in Dalugama, (2) Pahlhavadana Aratchige Theresa Winifida Perera of Wellampitiya, (3) Pahlhavadana Aratchige Margaret Perera, (4) Pahlhavadana Aratchige Isabella Agnes Perera, (5) Pahlhavadana Aratchige Mary Francisca Perera, all of Heiyantuduwa aforesaid Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on August 20, 1946, in the presence of Mr. Q. M. R. Jayamanna, Proctor, on the part of the petitioner above named: and the affidavit of the said petitioner dated August 19, 1946, having been read:

It is ordered that 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 October 17, 1946, show sufficient cause to the satisfaction of this court to the contrary.

August 27, 1946

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Notice of Application.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction Reginald Charles Dickinson formerly of Picts No. 12,085. House, Hönsham, Sussex, but late of the Laurels, Brecon, Brecknock, 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 an exemplification of probate of the last will and testament of Reginald Charles Dickinson formerly of Picts House, Horsham, Sussex, but late of the Laurels, Brecon Brecknock deceased, granted by the Principal Probate Registry of His Majesty's High Court of Justice on February 11, 1946.

F. C. ROWAN,

Attorney for Joan Dickinson and John Freeman Dunn the executors of the Last Will and Testament of Reginald Charles Dickinson, deceased.

Colombo, August 26, 1946.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction Annie Brown, late of 12, Skelton road, Havelock No. 12,096. Town, Colombo, deceased.

James Alfred Brown of 12, Skelton road, Havelock Town, Colombo Petitioner.

(1) Flora Doris Frewin, (2) Thomas Alfred Frewin, (3) Marion Estelle Frewin, all of 12, Skelton road, Havelock Town, Colombo Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 5, 1946, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above named: and the affidavit of the said petitioner dated September 5, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the husband 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 other person or persons interested shall, on or before October 24, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 10, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction Murugesar Sivahamy of Villula, Torrington No. 12,097. place, Colombo, deceased.

S. Somanathan of Villula, Torrington place, Colombo. Petitioner.

Vs.

(1) Mahadevi Muttusamy, wife of R. Muttusamy, (2) Mangalesvari Somanathan, wife of S. Somanathan, both of Villula, Torrington place, Colombo, (3) Tambyah Nadarajah of Ponklar, Horton place, Colombo, (4) Tambyah Murugesu of Villula, Torrington place, Colombo Respondents.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 5, 1946, in the presence of Mr. John Wilson, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated July 23, 1946, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as the nephew 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 October 24, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 10, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Colombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction Don Simon Alahendra, late of Chapel street, No. 12,098. Kalutara South, deceased.

Ahangama-acharge Velo Nona, presently of 63/5, Stace road, Colombo Petitioner.

THIS matter coming on for disposal before N. Sinnetamby, Esq., Additional District Judge of Colombo, on September 11, 1946, in the presence of Messrs. de Silva & de Rooy, Proctors, on the part of the above-named petitioner, and the affidavits of (1) the petitioner dated August 27, 1946, and (2) the attesting Notary Public and the witnesses dated August 29, 1946, having been read:

It is ordered that the joint last will and testament No. 1 made by Don Simon Alahendra and Ahangama-acharge Velo Nona and attested by T. R. de Alwis, Notary Public, 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 security.

September 13, 1946.

N. SINNETAMBY,
Additional District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Warnakula- Jurisdiction suriya Joseph Vincent Perera, deceased. No. 3,384.

Warnakulasuriya Mary Thamel of Kepungoda Petitioner.

Vs.

(1) Warnakulasuriya Nicholas Anthony Perera, (2) ditto Juliet Mary Perera of Kepungoda, minors; (3) Warnakulasuriya Anthony Perera of ditto Respondents.

THIS matter coming on for disposal before Leonard B. de Silva, Esq., District Judge of Negombo, on September 5, 1946, in the presence of Mr. S. M. A. Raheeman, Proctor, on the part of the petitioner above named: and the affidavit of the petitioner dated June 18, 1946, having been read:

It is ordered that the 3rd respondent above named be appointed guardian *ad litem* over the 1st and 2nd 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 to the above estate issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 26, 1946, show sufficient cause to the satisfaction of this court to the contrary.

September 5, 1946.

LEONARD B. DE SILVA,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament of Jurisdiction Leonora Wijesekera of Kurana, Katunayake, No. 3,385. deceased.

Roland Reginald Wijesekera of Kurana, Katunayake, Negombo Petitioner.

Vs.

(1) Lillian Cecilia Margaret Wijeratne nee Wijesekera of Negombo, (2) Gladstone Henry Edward Wijesekera, Assistant Superintendent of Police, Gampaha, (3) Winifred Mary Beatrice Wijeratne nee Wijesekera of Ambalangoda Respondents.

THIS matter coming on for disposal before Leonard B. de Silva, Esq., District Judge of Negombo, on August 30, 1946, in the presence of Mr. F. W. Gooneratne, Proctor, on the part of the petitioner

above named; and the affidavit of (1) the petitioner dated August 27, 1946, (2) the affidavit of the attesting notary dated August 30, 1946, and (3) the affidavit of attesting witness dated August 30, 1946, having been read:

It is ordered that the last will and testament No. 1,578 of Leonora Wijesekera, deceased the original of which has been produced and is now deposited in this court be and the same is hereby declared proved and that the petitioner, as a son of the deceased, is hereby declared entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before September 26, 1946, show sufficient cause to the satisfaction of this court to the contrary.

August 30, 1946.

L. B. DE SILVA,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Gamage Jurisdiction. Hendrick Perera, deceased, of Gowinna.
No. 3,280.

(1) Hapuaratchige Don Leon Karunaratne of the Government Mixed Sinhalese School, Thalathitiya, Tebuwana Petitioner.
Vs.

(1) Hettiaratchige Baby Nona of Gowinna (widow), (2) Gamage Punchi Nona of Labugama, Horana, (3) ditto, Soida Perera of Wagawitta Poruwedanda, (4) ditto Saro Nona of Welimilla, Gonapola Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on July 24, 1946, in the presence of Messrs. Wijemanna & Cooray, Proctors, on the part of the petitioner; and the affidavit of the above-named petitioner dated July 8, 1946, having been read:

It is ordered that the petitioner, as husband of the 4th respondent one of the heirs of the above-named deceased, be appointed administrator of the estate of the above-named deceased, and that letters of administration be issued to the said petitioner, unless the respondents or any person or persons interested in the said estate shall, on or before September 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

July 24, 1946.

V. S. JAYAWICKRAMA,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Sehu Abdul Jurisdiction. Cader Lebbe Mohamed Sirajudeen, deceased, of Hettiwatta.
No. 3,281

Sehu Abdul Cader Lebbe Abdul Samadu of Hettiwatta Petitioner.

Vs.

(1) Thamby Lebbe Amina Umma *alias* Hamid Umma of Kurunduwatta, Hettiwatta, (2) Sehu Abdul Cader Lebbe Mohamed Mukthar of 239, Ingram road, Big Malgawatta, Colombo, (3) Sehu Abdul Cader Lebbe Mohamed Ismail of 37, Court street, Hulftsdorp, Colombo, (4) Sehu Abdul Cader Lebbe Seenath Umma of Kurunduwatta, Hettiwatta, (5) Sehu Abdul Cader Lebbe Umma Naema of ditto Respondents.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge of Kalutara, on August 1, 1946, in the presence of Mr. A. M. Thaha, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated July 24, 1946, having been read:

It is ordered that the petitioner, as eldest brother, be appointed administrator of the estate of the above-named deceased, and that letters of administration be issued to the said petitioner, unless the respondents or any person or persons interested in the said estate shall, on or before September 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

August 1, 1946.

V. S. JAYAWICKRAMA,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Jayanettykorallage Don Charles Appuhamy, deceased, of Pannula.
No. 3,283.

Jayanettykorallage Don Thomas Appuhamy of Pannula Petitioner.

Vs.

Jayanettykorallage Don Albert Appuhamy of Pannula. Respondent.

THIS matter coming on for disposal before J. H. V. S. Jayawickrama, Esq., District Judge, Kalutara, on August 21, 1946, in the presence of Mr. N. H. de S. Wijesekera, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated August 20, 1946, having been read:

It is ordered that the petitioner be declared, as son of the deceased, to have letters of administration issued to him, unless the respondent or person or persons interested in the estate shall, on or before October 11, 1946, show sufficient cause to the satisfaction of this court to the contrary.

August 21, 1946.

J. H. 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 of Jurisdiction. John Clifford Pike of Alluta estate, Galagedera, in the Island of Ceylon, planter, deceased.
No. T 617.

THIS matter coming on for disposal before W. Richard de Silva, Esq., District Judge of Kandy, on August 30, 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 August 28, 1946, (2) the affidavit of the attesting notary of the will dated August 30, 1946, and (3) the power of attorney dated February 19, 1946, having been read: It is ordered that the will of the said John Clifford Pike deceased No. 2,933 dated May 28, 1945, and attested by Nigel Inglesant Leo 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 September 30, 1946, show sufficient cause to the satisfaction of this court to the contrary.

August 30, 1946.

W. RICHARD DE SILVA,
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. Vidana Gamatchige Don Davith Appuhamy of Kamburugamuwa, deceased.
No. 4,308.

Vidana Gamatchige Jams Appuhamy of Kamburugamuwa Petitioner.

Vs.

(1) Rasaputram Johanna Hamine, (2) Vidano Gamatchige Francis Appuhamy, (3) ditto Carolis Appuhamy, (4) ditto Pencis Appuhamy, (5) ditto Wilson, (6) ditto Nancina Hamine, all of Kamburugamuwa, (7) ditto Pemawathio of Abhangama Respondents.

THIS matter coming on for disposal before K. D. de Silva, Esq., District Judge of Matara, on June 21, 1946, in the presence of Mr. D. Weeratunga, Proctor, on the part of the petitioner; and the affidavit of the above-named petitioner dated May 24, 1946, having been read:

It is ordered that the petitioner be declared entitled, as eldest son of the deceased, to claim letters of administration and that the same be issued to him, unless the respondents above named or any other person or persons interested in the estate shall, on or before August 12, 1946, show sufficient cause to the satisfaction of this court to the contrary.

June 21, 1946.

K. D. DE SILVA,
District Judge.

Extended for September 30, 1946.

August 12, 1946.

K. D. DE SILVA,
District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Kimbiye Jurisdiction. Liyanage Anulawathie late of Hambantota, deceased.
No. 1,407.

Gilbert de Silva Karunatilaka of Waraketiya Petitioner.

(1) Hemasiri Karunatilaka, (2) Manvan Karunatilaka, (3) Chinta Karunatilaka, (4) Maalin Karunatilaka, all of Denepitiya, (5) D. H. E. Mohotti, of Sirira Nivasa, Denepitiya Respondents.

THIS matter coming on for disposal before Roland de Zoysa, Esq., District Judge of Tangalla, on August 1, 1946, in the presence of Mr. H. D. Ratnatunga, Proctor, on the part of the petitioner above named; and the affidavit dated July 21, 1946, of the petitioner having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled, as widower of the deceased above named, to have letters of administration to the estate of the said deceased issued to him, unless the respondents above named or any person or persons interested in the said estate shall, on or before September 4, 1946, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the 5th respondent above named be and he is hereby appointed guardian *ad litem* over the 1st to 4th minor respondents, unless any person or persons interested in the said estate shall, on or before September 4, 1946, show sufficient cause to the satisfaction of the court to the contrary.

August 1, 1946.

R. DE ZOYSA,
District Judge.

The above *Order Nisi* is extended for September 20, 1946.

September 4, 1946.

R. DE ZOYSA,
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 A. Arumugam Vaitilingapillai of Pululy No. 320 P.T. West, deceased.

Vaitilingapillai Arumugapillai of Pululy West Petitioner.

Vs.

(1) Apiramippillai widow of Vaitilingapillai of Pululy West, (2) Paruvathapaththinipillai widow of S. K. K. Muttiah of ditto, (3) Kanagasabai Thiagarajah and, (4) wife Karnadchippillai of ditto, (5) Vaitilingapillai Karthugasapillai of Alvai North, (6) Rajeswary daughter of Thuraisamippillai of ditto, (7) Thuraisamippillai Rajasegaram of ditto, (8) K. S. K. Vaitilingapillai of ditto Respondents.

THIS matter coming on for disposal before M. K. Sangarapillai, Esq., Additional District Judge of Jaffna, on August 27, 1946, in the presence of Mr. V. Paramsothy, Proctor, on the part of the petitioner;

and the affidavit of the petitioner and of Mr. M. S. Kandaiya, Notary Public, and of one of the attesting witnesses to the last will referred to herein below having been read :

It is ordered that the 8th respondent above named be and he is hereby appointed guardian *ad litem* over the minors, the 6th and 7th respondents above named, unless the respondents above named or any other person or persons interested shall, on or before September 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the last will of Arumugam Vaitilingapillai, deceased dated June 23, 1946, and attested by Mr. M. S. Kandaiya, Notary Public, under No. 11,488 and now deposited in this court be and the same is hereby declared proved, unless the respondents or any other person or persons shall, on or before September 27, 1946, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioner, as a son of the deceased, is entitled, to letters of administration with copy of the will annexed, unless the respondents or any other person or persons interested shall, on or before September 27, 1946, show sufficient cause to the contrary.

August 27, 1946.

M. M. I. KARTAPPER,
Additional District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Effects of
Jurisdiction. the late Kavuriamma wife of Kanthar Karthi-
No. 564. kesu Cholliah of Inuvil, deceased.

Kanthar Karthikesu Chelliah of Kandarmadam, Jaffna . Petitioner.
Vs.

(1) Chelliah Karthikesu, (2) Chelliah Kaneshanathan appear-
ing by their guardian *ad litem*, (3) Kanthar Sivasambo, all of
Inuvil, Jaffna Respondents.

THIS matter of the petition of the petitioner praying that the
3rd respondent be appointed guardian *ad litem* over the 1st and
2nd respondents and that letters of administration to the estate of
the above-named deceased be granted to the petitioner, coming on for
disposal before R. R. Selvadurai, Esq., District Judge, Jaffna, on
June 20, 1946, in the presence of Mr. S. C. Cathiravelu, Proctor, on
the part of the petitioner; and the affidavit and petition having
been read: It is declared that the 3rd respondent be appointed
guardian *ad litem* over the 1st and 2nd respondents and that the
petitioner be, as widow of the deceased, declared entitled to have
letters of administration to the estate of the said intestate, unless
the respondents or any other person or persons interested shall, on
or before July 31, 1946, at 10 A.M. show sufficient cause to the
satisfaction of this court to the contrary.

Extended for September 25, 1946.

July 20, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Alvappillai Maniam of Sandilipay, deceased.
No. 593T.

Pooranam, widow of Alvappillai Maniam of Sandilipay . . Petitioner.

Vs.

(1) Nagamuttu, widow of Velappur Alvappillai, (2) Kandar
Ponniah and wife, (3) Velupillai, (4) Kanapathippillai
Thiagarajah and wife, (5) Ratnam, (6) Velar Sivapragasam
and wife, (7) Thangamma, (8) Kumarasamy Sadasivam,
(9) Kumbarasamy Velauthar, all of Vannantharai, Puloly,
Point Pedro Respondents.

THIS matter coming on for disposal before R. R. Selvadurai,
Esq., District Judge, Jaffna, on August 13, 1946, in the presence of
Mr. R. Kannudurai, Proctor, on the part of the petitioner; and the
affidavit and petition of the petitioner dated July 24, 1946, and
August 8, 1946, respectively, having been read:

It is ordered that letters of administration to the estate of the
above-named deceased be granted to the petitioner, unless the
above-named respondents or any other person shall, on or before
September 26, 1946, appear before this court and show sufficient
cause to the satisfaction of this court to the contrary.

August 13, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late
Jurisdiction. Saraswathi Ammah wife of Kanthar Sittam-
No. 595. palam of Kockuvil West, Jaffna, deceased.

Appachipillai Kailasapillai of Kockuvil West, Jaffna Petitioner.

And

(1) Seethalekshmy daughter of K. Sittampalam of Kockuvil
West, Jaffna, and (2) Kanthar Sittampalam of Kondavil
North, Jaffna; the 1st respondent is a minor appearing by
her guardian *ad litem*, the 2nd respondent Respondents.

THIS matter coming on for disposal before R. R. Selvadurai,
Esq., District Judge, Jaffna, on August 24, 1946, in the presence of
Mr. S. Kumarasurier, Proctor, on the part of the petitioner; and
the affidavit of the petitioner dated August 8, 1946, having been
read: It is ordered that the 2nd respondent be appointed guardian
ad litem over the 1st minor respondent for all purposes of this action
and that the petitioner, as father, is entitled to have letters of
administration over the estate of the said deceased issued to him,
unless the respondents or any other person shall, on or before
September 26, 1946, show sufficient cause to the satisfaction of this
court to the contrary.

August 24, 1946.

R. R. SELVADURAI,
District Judge.

In the District Court of Chilaw.

Order Nisi.

No. 2,372T. In the Matter of the Last Will and Testament of
Kalubowilege Dona Dorthma Gunasekera
Hamme late of Mill House, Dankotuwa in Chilaw
District, deceased.

Don Joseph Vincent Emmanuel Jayakody of Field View, Dan-
kotuwa aforesaid Petitioner.

And

(1) Don Francis Assisi Jayakody of Gonawila in Chilaw
District, (2) Don Aloysius Jayakody of Mill House,
Dankotuwa aforesaid Respondents.

THIS matter coming on for disposal before Earle Wijayawardene
Esq., District Judge of Chilaw, on August 28, 1946, in the presence
of Mr. A. S. Goonesekere, Proctor, on the part of the petitioner
above named; and (1) the affidavit of the said petitioner dated
August 28, 1946, and (2) the affidavit dated August 28, 1946, of the
notary and the surviving attesting witnesses to the said last will and
testament having been read:

It is ordered that the last will and testament of the said Kalu-
bowilege Dona Dorthma Gunasekera Hamme, deceased bearing
No. 864 dated March 22, 1936, and attested by A. S. Goonesekere of
Chilaw, Notary Public, the original of which is produced in Testa-
mentary Case No. 2,171 of this court and deposited and a certified
copy of which is filed in this case, be and the same is hereby declared
proved, unless the respondents above named or any other person or
persons shall, on or before September 25, 1946, show sufficient
cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner being the eldest
child of the said deceased is the executor named in the said last
will and he is entitled to have probate thereof issued to him accord-
ingly.

EARLE WIJAYAWARDENE,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Ramanatha
Jurisdiction. Mudiyanse Mudiyanse of Udanwita, Walgam
No. 1,718. pattu, Kingoda korale, deceased.

Ramanatha Mudiyanse Siriwardana of Udanwita, afore-
said Petitioner.

And

(1) Ramanatha Mudiyanse Gunatilaka, (2) ditto Piyasena,
(3) ditto Podimenike, the 2nd and 3rd respondents; being
minors by their guardian *ad litem*, (4) Hindapotheni Muhan-
diramalage Mudalihamy of Dombenada, Walgam
pattu Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq.,
District Judge, Kegalla, on August 10, 1946, in the presence of
Mr. A. I. Abeyawickrama, Proctor, on the part of the petitioner above
named; and the affidavit of the said petitioner, dated June 26,
1946, having been read:

It is ordered that the 4th respondent above named be and he is
hereby declared appointed guardian *ad litem* over 2nd and 3rd
respondents above named; and the petitioner above named be and
he is hereby declared, as 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 other
person or persons interested shall, on or before October 3, 1946,
show sufficient cause to the satisfaction of this court to the
contrary.

August 9, 1946.

M. C. SANSONI,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Sudu-
Jurisdiction. hakuruge Jothiya of Makura, deceased.
No. 1,719.

Hewayalage Ukku of Makura Petitioner.

Vs.

(1) Suduhakuruge Saranelisa, (2) ditto Jema, (3) ditto Ensa,
aged 18 years, (4) ditto Githona aged 16 years, all of
Makura Respondents.

THIS matter coming on for disposal before M. C. Sansoni, Esq.,
District Judge of Kegalla, on August 16, 1946, in the presence of
Mr. J. H. Fernando, Proctor, on the part of the petitioner above
named; and the affidavit of the said petitioner dated August 6,
1946, having been read:

It is ordered that the 1st respondent above named be and he is
hereby declared appointed guardian *ad litem* over the minors, 3rd
and 4th respondents above named, and the petitioner above named
be and she is hereby declared entitled, as 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 other person or persons interested shall, on or before October
1, 1946, show sufficient cause to the satisfaction of this court to the
contrary.

August 6, 1946.

M. C. SANSONI,
District Judge.