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and General Government Notifications.

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Part II.—Legal and Judicial.

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NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction { In the Matter of the Estate of the late Mathalanappillai, wife of Paramanthu Chusaippillai, of Karayur, deceased. No. 764.

Paramanthu Chusaippillai, of Karayur Petitioner.

Vs.

Philip Bastiampillai, of Karayur..... Respondent.

THIS matter of the petition of Paramanthu Chusaippillai, of Karayur, praying for letters of administration to the estate of the above-named deceased Mathalanappillai, wife of Paramanthu Chusaippillai, coming on for disposal before H. H. Cameron, Esq., District Judge, on the 9th day of May, 1896, in the presence of Mr. B. M. Sathrukalsinhe, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 4th day of May, 1896, having been read: It is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before the 3rd day of June, 1896, show sufficient cause to the satisfaction of this court to the contrary.

Signed this 9th day of May, 1896. H. HAY CAMERON, District Judge.

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In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction { In the Matter of the Estate of the late Vyravanatar Naganatar, of Mankumpan, deceased. No. 765.

Nagamuttu Kanapathippillai, of Mankumpan...Petitioner.

Vs.

1, Nagamuttu, widow of Naganatar; and 2, Ponnachy, wife of Muttukumar, both of Mankumpan.....Respondents.

THIS matter of the petition of Nagamuttu Kanapathippillai, of Mankumpan, praying for letters of administration to the estate of the above-named deceased, Vyravanatar Naganatar, coming on for disposal before H. H. Cameron, Esq., District Judge, on the 11th day of May, 1896, in the presence of Mr. V. Tampoo, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 8th day of May, 1896, having been read: It is declared that the petitioner is a creditor of the said intestate; and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 2nd day of June, 1896, show sufficient cause to the satisfaction of this court to the contrary.

Signed this 21st day of May, 1896. H. H. CAMERON, District Judge.

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In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction } In the Matter of proving the Last Will and Testament of Paragoda Acharige Juwan, deceased, of Ahangama.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 25th day of March, 1896, in the presence of Mr. G. C. A. Jayasekara, Proctor, on the part of the petitioner Paragoda Acharige Don Siman and Paragoda Acharige Tupanishamy, of Ahangama; and the affidavit of Paragoda Acharige Tupanishamy, of Ahangama, dated 17th day of March, 1896, having been read: It is ordered that the will of Paragoda Acharige Juwan, deceased, dated 2nd day of May, 1896, and now deposited in this court, be and the same is hereby declared proved.

It is ordered and declared that the said Paragoda Acharige Don Siman and Paragoda Acharige Tupanishamy, both of Ahangama, are the executors named in the said will, and that they are as such entitled to have probate of the same issued to them accordingly, unless any person or persons shall, on or before the 8th day of June, 1896, show sufficient cause to the satisfaction of this court to the contrary.

F. J. DE LIVERA,
District Judge.

The 25th day of March, 1896.

In the District Court of Kegalla.

Order Nisi.

Testamentary Jurisdiction } In the Matter of the Intestate Estate of Marthenis Henry Gunesakera, of Rambukkana, deceased.
No. 41. }
Madawalaleanage Don Baron Perera, of Colombo.....Petitioner.

And

1, Mithohamy Gunesakera, wife of Upasakara; 2, Abusuhamy Gunesakera, both of Dodanduwa in Galle District; 3, Lotchyhamy *alias* L. Gunesakera, schoolmistress of Weligama in Galle District..... Respondents.

THIS matter coming on for disposal before J. S. Driberg, Esq., Acting District Judge of Kegalla, on the 7th day of May, 1896, in the presence of Mr. J. P. Herat, Proctor, on the part of the petitioner Madawalaleanage Don Baron Perera, of Colombo; and the affidavit of the said petitioner, dated the 12th day of November, 1895, having been read: It is ordered that Madawalaleanage Don Baron Perera, of Colombo, petitioner aforesaid, be and he is hereby declared entitled to have letters of administration issued to him as creditor of the deceased Marthenis Henry Gunesakera of Rambukkana, unless the respondents—1 Mithohamy Gunesakera, wife of Upasakara; 2, Abusuhamy Gunesakera, both of Dodanduwa in Galle District; and 3, Lotchyhamy *alias* L. Gunesakera, schoolmistress of Weligama in Galle District—shall, on or before the 6th day of June, 1896, show sufficient cause to the satisfaction of this court to the contrary.

J. S. DRIEBERG,
District Judge.

This 11th day of May, 1896.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Avisawella by the labourers of Hemmingford estate, against the proprietors of the said estate, to recover the sum of Rs. 195 due to them as wages.

Court of Requests,
Avisawella, May 27, 1896.

J. W. DIAS,
Chief Clerk.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Warusabhedige John Franciscoe Soysa, of Moratuwella in Moratuwa.....Plaintiff.
No. C/6,369. Vs.

1, Wannekuwattawaduge James Abraham Fernando, of Koralewella in Moratuwa; and 2, Joseph Salvadore Victoria, of Colombo..... Defendants.

NOTICE is hereby given that on Monday, June 22, 1896, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following mortgaged property, viz. :—

An undivided one-half share of a defined one-third share of the land called Telwatta, situated at Galkissa in the Palle pattu of Salpiti korale; and bounded on the north by the one-third share of this land belonging to Wannekuwattawaduge Samuel Fernando, on the east by the land of Joseph Fernando, on the south by the one-third share of this land, and on the west by the sea-shore; containing in extent 2 acres 3 roods and 12 square perches.

SOLOMON SENEVIRATNE,
Deputy Fiscal.

Fiscal's Office,
Colombo, May 27, 1896.

Eastern Province.

In the District Court of Batticaloa.

Kadirgamer Kasinader, of Kallady Plaintiff.
No. 1,423. Vs.

Kalender Levvai Marakair Mohammado Ismail Lebbe, of Kattankudiyiruppu.....Defendant.

NOTICE is hereby given that on Saturday, June 20, 1896, at 2 o'clock in the afternoon, will be sold by public auction at the spot the following property of the defendant, specially mortgaged and hypothecated in and by bond No. 60, dated March 21, 1892, and declared by judgment in the above case specially bound and executable for that judgment, for the recovery of Rs. 1,200-37 and interest on Rs. 1,000 at 16½ per cent. per annum from March 21, 1892.

Two shares of land called Kulavayel and Kulavayel Vellangkeetu at Eraoor in Palavenvelly pattu forming into one land; the boundary of the share of the land called Kulavayel is on the north by the limit of the land called Mavilangadivayel, south by the limit of the land called Tanganeevayel, east by salt water lake, and on the west by water-course; and the boundary of the share of the land called Kulavayel Vellangkeetu is on the north by the water-course, south by the limit of Kalavayel, and on the west by the limit of Patten Karenvayel. The two shares containing in extent 44 acres 1 rood and 9 perches.

Fiscal's Office, K. C. KADIRGAMER,
Batticaloa, May 16, 1896. Deputy Fiscal.

DRAFT ORDINANCES.

M I N U T E.

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

An Ordinance to amend "The Branch Roads Ordinance, 1874."

Preamble.

WHEREAS it is expedient to amend "The Branch Roads Ordinance, 1874," and to repeal the Ordinance No. 28 of 1892, intituled "An Ordinance to amend 'The Branch Roads Ordinance, 1874'": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

To be read with Ordinance No. 6 of 1874.

1 This Ordinance may be cited as "The Branch Roads Amendment Ordinance, 189," and shall be construed and read as one with "The Branch Roads Ordinance, 1874," hereinafter called "the principal Ordinance."

Repeal.

2 The Ordinance No. 28 of 1892 is hereby repealed.

Amendment of section 5 of Ordinance No. 6 of 1874.

3 In section 5 of the principal Ordinance, for the words "three or more" shall be substituted the words "two or more."

Section 11 of Ordinance No. 6 of 1874 amended.

4 For section 11 of the principal Ordinance the following section shall be substituted, namely :—

Chairman to convene meeting for election of local committees.

Upon a vote being passed by the Legislative Council for a moiety of the cost of constructing the said road or on account of such moiety, and the same communicated to the provincial road committee, the chairman thereof shall, by notice in three consecutive numbers of the *Government Gazette*, and such other means of publication as he may think necessary, convene at some place within the said district a general meeting of the proprietors or resident managers of the estates within the said district to elect a local committee, which shall consist of not less than three or more than five members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so required for the election of the said committee shall consist of such number of proprietors or resident managers as shall represent not less than one-third of the acreage within the district.

Section 19 of Ordinance No. 6 of 1874 amended.

5 For section 19 of the principal Ordinance the following section shall be substituted, namely :

Provincial committee to determine objections to assessment proposed by local committee and to determine proportion due by each estate.

On receipt of such report the provincial road committee shall cause a notice to be published in three consecutive numbers of the *Government Gazette*, and made public by such other means as they may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the said committee shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing the sum of money equal to a moiety of the total cost of constructing each section of the proposed road by the total number of acres of the estates which, in their opinion, are interested in and will use such section (subject to the exception in section 20 specified), and thus apportioning the amount due upon and for each acre, and the rate so assessed by the said committee shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of such committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the colony, to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in this colony, of the proprietor) a requisition calling upon him to pay into the Colonial Treasury within, such time not exceeding years, in such instalments and upon such dates as shall be therein specified, the amount of the contribution due by him to make up the

moiety payable by the proprietors. Such requisition shall be in the form C of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause such requisition to be affixed in some conspicuous part of the estate. The chairman shall also cause a notice to be published in three consecutive numbers of the *Government Gazette*, and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which, the instalments by which, and the dates upon which, the several contributions are to be paid into the Colonial Treasury.

Amendment of section 23 of Ordinance No. 6 of 1874.

6 To section 23 of the principal Ordinance the following proviso shall be added :

Provided also that a moiety of the costs of erecting cooly lines for the coolies engaged in repairing or improving any road as aforesaid shall be borne by the estates in the district (including any which may have been opened since the original assessment), and the proportion due by such estates for the cost thereof shall be assessed by the provincial road committee as aforesaid.

Section 24 of Ordinance No. 6 of 1874 amended. Order in which property is to be seized for the payment of assessment money.

7 For section 24 of the principal Ordinance the following section shall be substituted, namely :

If any proprietor or resident manager shall be in default in the payment of any money payable by him under this Ordinance, it shall be lawful for the provincial committee to order proceedings to be taken for the recovery of the same. When the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, or any instalment thereof, it shall be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, live stock, and implements found on such estate, or any other immovable property whatsoever belonging to the proprietor, until the full amount due by such estate (including all interest, costs, and charges payable under sections 26, 27, and 28 of this Ordinance) shall be recovered. If there be no crop, live stock, and implements on such estate, or other movable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such chairman, or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for such chairman or any person as aforesaid to sell the property so seized by public auction at any time after thirty days from date of seizure.

Insertion of section 39 (a).

8 After section 39 of the principal Ordinance the following section shall be inserted and numbered 39 (a), namely :

Certain roads may be brought under the provisions of the Ordinance.

In any case in which a road or portion of a road has been constructed, or shall hereafter be constructed, by the proprietors of any estates, it shall be lawful for the proprietors for the time being of such estates to apply to the Governor that such road may be treated as a branch road constructed under this Ordinance, and on receipt of such application the Governor may, if he thinks fit, with the advice of the Executive Council, issue a Proclamation declaring that such road shall be treated as a road made under this Ordinance, and on the publication of such Proclamation in the *Government Gazette* the provisions of this Ordinance shall apply to such road, and provision shall be made for its upkeep and repairs as if it had been originally constructed under the provisions of this Ordinance.

By His Excellency the Governor's command,

Colonial Secretary's Office,
Colombo, May 21, 1896.

W. T. TAYLOR,
Acting Colonial Secretary.