



# Ceylon Government Gazette

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PART I.—General : Minutes, Proclamations, Appointments,  
and General Government Notifications.

PART II.—Legal and Judicial.

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## Part II.—Legal and Judicial.

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## DRAFT ORDINANCES.

### MINUTE.

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

An Ordinance to amend “The Ceylon Postal and Telegraph Ordinance, 1892.”

Preamble.

**W**HEREAS it is expedient to alter and amend “The Ceylon Postal and Telegraph Ordinance, 1892,” hereinafter called the principal Ordinance : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

To be read as one with Ordinance No. 13 of 1892.

1 This Ordinance may be cited as “The Ceylon Postal and Telegraph Amendment Ordinance, 1899,” and shall be read as one with the principal Ordinance.

Amendment of section 17.

Opening of postal packets from foreign countries.

When postal packets may be forfeited.

Amendment of section 44.

Postage to be deemed stamp duty.

Proviso.

Amendment of section 87.

Power to enter on lands, put up posts, &c., cut down trees, and do other acts necessary for the construction of the electric telegraph.

2 For section 17 of the principal Ordinance the following sections shall be substituted :

(a) When postal packets from a foreign country are received at any post office, and the postmaster has reason to believe that such postal packets contain articles subject to duty, he shall immediately notify the receipt of such postal packets to the principal officer of customs of the district, together with the names of the persons to whom the same are addressed. Letters, printed matter, or miscellaneous packets when seized will be opened by the addressee or his agent in the presence of an officer of the customs or of the postmaster.

(b) Any postal packet, the contents of which do not agree with the declaration of the sender, may be forfeited, and any postal packet, the true wholesale market value of which, as defined by Ordinance No. 18 of 1896, has not been declared by the sender, may be dealt with as undervalued goods under section 43 of the Customs Ordinance, No. 17 of 1869.

3 For section 44 of the principal Ordinance the following section shall be substituted :

44. The rates or duties which shall be expressed or denoted by any postage or telegraph stamp shall be denominated and deemed stamp duties, and shall be under the care and management of the Commissioner of Stamps for the time being ; and all the powers, provisions, clauses, regulations, directions, fines, forfeitures, pains, and penalties contained in or imposed by any Ordinance now in force or to be hereafter enacted shall (so far as the same may be applicable and may be consistent with the provisions of this Ordinance), in all cases not hereby expressly provided for, be of full force and effect with respect to the stamps to be provided under and by virtue of this Ordinance, and to the paper on which the same shall be impressed, or to which the same shall be affixed, and shall be observed, applied, enforced, and put in execution for the raising, levying, collecting, and securing of the rates or duties denoted thereby, and for preventing, detecting, and punishing all frauds, forgeries, or other offences relating thereto, as fully and effectually to all intents and purposes as if such powers, provisions, clauses, regulations, and directions, fines, forfeitures, pains, and penalties had been herein repeated and specially enacted with reference to the said last-mentioned stamps and rates or duties respectively. Provided, however, that it shall not be necessary to cancel or initial any postage or telegraph stamps.

4 For section 87 of the principal Ordinance the following section shall be substituted :

87. It shall be lawful for any officer in the employ of the Government in the postal department, and for the servants, workmen, and labourers employed by or under such officer, at all times, and with all necessary carriages and animals and other means, to enter upon all or any lands, and to put up thereon any posts which may be required for the support of any electric telegraph wire ; and to fasten or attach to any tree growing on such land any bracket or other support for such wire ; and to cut down any tree or branch which may in any way injure, or which is likely to injure, impede, or interfere with any line of electric telegraph ; and also severally to do and perform all other acts, matters, and things necessary for the purposes of establishing, constructing, repairing, or improving any electric telegraph, or in any way connected therewith, or for performing any act, matter, or thing under the provisions of this Ordinance.

By His Excellency's command,

W. T. TAYLOR,  
Acting Colonial Secretary.

Colonial Secretary's Office,  
Colombo, November 13, 1899.

## PASSED ORDINANCES.

Ordinance enacted by the Lieutenant-Governor of Ceylon,  
with the advice and consent of the Legislative  
Council thereof.

No. 6 of 1899.

An Ordinance to amend the Law relating to Inquiries into  
Shipping Casualties and the conduct of Ships' Officers.

E. NOEL WALKER.

Preamble.

WHEREAS by section 478 of the Act of the Imperial Parliament called "The Merchant Shipping Act, 1894," it is enacted that the Legislature of any British possession may authorize any court or tribunal to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, or engineers of ships in certain cases: And it is expedient to authorize district courts to exercise the powers set out in the said Act: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Interpretation  
clause.

1 In the construction of this Ordinance the following expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction:

- (1) The expression "the Board of Trade" shall mean the Lords of the Committee for the time being of the Privy Council appointed for the consideration of matters relating to trade and foreign plantations.
- (2) The expression "High Court" shall mean Her Majesty's High Court of Justice in England.

Repeal.

2 On and from the day on which this Ordinance comes into operation the Ordinance No. 4 of 1863, intituled "An Ordinance to authorize District Courts to institute Inquiries into Wrecks," shall be repealed, except as to all proceedings or matters which shall have taken place before this Ordinance comes into operation.

Authority to  
district courts  
to make  
inquiries into  
shipping  
casualties and  
conduct of  
officers.

3 (1) It is hereby declared that district courts shall have jurisdiction to make inquiries as to shipwrecks, or other casualties affecting ships, or as to charges of incompetency or misconduct on the part of masters, mates, or engineers of ships, in the following cases, viz.:

- (a) Where a shipwreck or casualty occurs to a British ship on or near the coasts of Ceylon or to a British ship in the course of a voyage to a port in Ceylon.
- (b) Where a shipwreck or casualty occurs in any part of the world to a British ship registered in Ceylon.
- (c) Where some of the crew of a British ship which has been wrecked, or to which a casualty has occurred, and who are competent witnesses to the facts, are found in Ceylon.
- (d) Where the incompetency or misconduct has occurred on board a British ship on or near the coasts of Ceylon, or on board a British ship in the course of a voyage to a port in Ceylon.
- (e) Where the incompetency or misconduct has occurred on board a British ship registered in Ceylon.
- (f) When the master, mate, or engineer of a British ship, who is charged with incompetency or misconduct on board that British ship, is found in Ceylon.

(2) District courts shall have the same jurisdiction over the matter in question as if it had occurred within their ordinary jurisdiction, but subject to all provisions, restrictions, and conditions which would have been applicable if it had so occurred.

*Inquiries and Investigations as to Shipping Casualties.*

Shipping  
casualties.

4 For the purpose of inquiries and investigations under this Ordinance, a shipping casualty shall be deemed to occur :

- (1) When on or near the coasts of Ceylon any ship is lost, abandoned, or materially damaged.
- (2) When on or near the coasts of Ceylon any ship has been stranded or damaged, and any witness is found in Ceylon.
- (3) When on or near the coasts of Ceylon any ship causes loss or material damage to any other ship.
- (4) When any loss of life ensues by reason of any casualty happening to or on board any ship on or near the coasts of Ceylon.
- (5) When in any place any such loss, abandonment, material damage, or casualty as above-mentioned occurs, and any witness is found in Ceylon.
- (6) When in any place any British ship is stranded or damaged, and any witness is found in Ceylon.
- (7) When any British ship is lost or is supposed to have been lost, and any evidence is obtainable in Ceylon as to the circumstances under which she proceeded to sea or was last heard of.

Preliminary  
inquiry into  
shipping  
casualties.

5 When a shipping casualty has occurred, a preliminary inquiry may be held respecting the casualty by the following persons, namely :

- (a) Where the shipping casualty occurs on or near the coasts of Ceylon, by the receiver of wrecks residing at or nearest to the place where such loss, abandonment, damage, or casualty occurred.
- (b) Where the shipping casualty occurs elsewhere, by the receiver of wrecks residing at or near any place at which the witnesses with respect to the casualty arrive or are found or can be conveniently examined ; or
- (c) By any other person appointed for that purpose by the Governor to make inquiry respecting such loss, abandonment, damage, or casualty.

Formal  
investigation of  
shipping  
casualties.

6 (1) A person authorized as aforesaid to make a preliminary inquiry shall, in any case where it appears to him requisite or expedient (whether upon a preliminary inquiry or without holding such inquiry) that a formal investigation should be held, and in any case where the Principal Collector of Customs so directs, apply to any district court to hold a formal investigation, and the district court shall thereupon hold the formal investigation.

(2) The court holding any such formal investigation shall hold the same with the assistance of one or more assessors of nautical, engineering, or other special skill or knowledge, to be appointed out of a list of persons for the time being approved for the purpose by the Governor, with the advice of the Executive Council, in such manner and according to such general rules as may be prescribed by the Governor, with the advice of the Executive Council, under section 13.

(3) Where a formal investigation involves or appears likely to involve any question as to the cancelling or suspension of the certificate of a master, mate, or engineer, the court shall hold the investigation with the assistance of not less than two assessors having experience in the merchant service.

(4) It shall be the duty of the person who has applied to a court to hold a formal investigation to superintend the management of the case, and to render such assistance to the court as in his power.

(5) Each assessor shall either sign the report or state in writing to the Board of Trade his dissent therefrom and the reasons for that dissent.

(6) The court after hearing the case shall make a report to the Board of Trade containing a full statement of the case, and of the opinion of the court thereon, accompanied by such report of, or extracts from, the evidence and such observations as the court thinks fit.

(7) The court may make such order as the court thinks fit respecting the costs of the investigation or any part thereof, and such order shall be enforced by the court as an order for costs in its ordinary jurisdiction.

(8) For the purposes of this Ordinance the court holding a formal investigation shall have all the powers it has when acting as a court in the exercise of its ordinary jurisdiction.

(9) Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

Inquiry in case of loss of life from fishing vessel's boat.

7 When any loss of life arises by reason of any casualty happening to or on board any boat belonging to a fishing vessel, the Principal Collector of Customs may, if he thinks fit, cause an inquiry to be made or a formal investigation to be held as in the case of a shipping casualty, and the provisions of this Ordinance relating thereto shall apply accordingly.

*Power as to Certificates of Officers.*

Power of court of investigation or inquiry as to certificates.

8 (1) The certificate of a master, mate, or engineer may be cancelled or suspended—

(a) By a court holding a formal investigation into a shipping casualty under this Ordinance, if the court finds that the loss or abandonment of, or serious damage to, any ship or loss of life has been caused by his wrongful act or default, provided that the court holding the formal investigation shall not cancel or suspend a certificate unless one at least of the assessors concurs in the finding of the court.

(b) By a court holding an inquiry under this Ordinance into the conduct of a master, mate, or engineer, if the court finds that he is incompetent, or has been guilty of any gross act of misconduct, drunkenness, or tyranny, or that in a case of collision he has failed to render such assistance or give such information as is required under the fifth part of "The Merchant Shipping Act, 1894."

(2) Where any case before any such court as aforesaid involves a question as to the cancelling or suspending of a certificate, that court shall, at the conclusion of the case or as soon afterwards as possible, state in open court the decision to which it has come with respect to the cancelling or suspending thereof.

(3) The court shall in all cases send a full report on the case with the evidence to the Board of Trade, and shall also, if it determines to cancel or suspend any certificate, send the certificate cancelled or suspended to the Board of Trade with its report.

(4) A certificate shall not be cancelled or suspended by a court under this section, unless a copy of the report or a statement of the case on which the investigation or inquiry has been ordered has been furnished, before the commencement of the investigation or inquiry, to the holder of the certificate.

Delivery of  
certificate  
cancelled or  
suspended.

9 (1) A master, mate, or engineer whose certificate is cancelled or suspended by any court shall deliver the certificate to that court on demand.

(2) If a master, mate, or engineer fail to comply with this section, he shall for each offence be liable to a fine not exceeding five hundred rupees.

*Re-hearing of Investigations and Inquiries.*

Re-hearing of  
inquiries and  
investigations.

10 (1) The Board of Trade may, in any case where a formal investigation as aforesaid into a shipping casualty or an inquiry into the conduct of a master, mate, or engineer has been held, order the case to be re-heard either generally or as to any part thereof, and shall do so—

(a) If new and important evidence, which could not be produced at the investigation or inquiry, has been discovered; or

(b) If for any other reason there has in their opinion been ground for suspecting that a miscarriage of justice has occurred.

(2) The Board of Trade may order the case to be re-heard by the court by whom the case was heard in the first instance, or by the High Court, and the case shall be so re-heard accordingly.

*Supplemental Provisions as to Investigations and Inquiries.*

No inquiry in  
case of previous  
injury.

11 (1) An inquiry shall not be held into any matter which has once been the subject of an investigation or inquiry and has been reported on by a competent court or tribunal in any part of Her Majesty's dominions, or in respect of which the certificate of a master, mate, or engineer has been cancelled or suspended by a naval court.

(2) Where an investigation or inquiry has been commenced in the United Kingdom with reference to any matter, an inquiry with reference to the same matter shall not be held in the island.

Appeals.

12 The Board of Trade may order a re-hearing of any inquiry under section 3, but if an application for re-hearing either is not made or is refused, an appeal shall lie from any order or finding of the court holding the inquiry to the High Court in England, provided that an appeal shall not lie—

(a) From any order or finding on an inquiry into a casualty affecting a ship registered in a British possession.

(b) From a decision affecting the certificate of a master, mate, or engineer, if that certificate has not been granted either in the United Kingdom or in a British possession under the authority of "The Merchant Shipping Act, 1894."

(c) The appeal shall be conducted in accordance with such conditions and regulations as may from time to time be prescribed by rules made in relation thereto under the powers contained in part 6 of "The Merchant Shipping Act, 1894."

Rules as to  
investigations  
and inquiries.

13 (1) The Governor may, with the advice of the Executive Council, make general rules from time to time for carrying into effect the provisions relating to formal investigations, and in particular with respect to the appointment and summoning of assessors, the procedure, the parties, the persons allowed to appear, the notice to those parties or persons or to persons affected, and the re-hearing of any investigation or inquiry by the court, or authority by whom the case was heard in the first instance.

(2) All rules made under the provisions of this section shall be laid before the Legislative Council if then in session, and if not then in session then so soon as possible after the commencement of the next session; and if within forty days after their being so laid before the Legislative Council any of such rules be objected to by the Legislative Council, the said Council may by resolution annul any such rules.

(3) Such rules as shall not be so annulled by the said Council within the usual forty days shall be proclaimed in the *Government Gazette*, and shall come into force upon the publication thereof or on such other day as may be specified in such proclamation.

Passed in Council the First day of November, One thousand Eight hundred and Ninety-nine.

J. J. THORBURN,  
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Seventh day of November, One thousand Eight hundred and Ninety-nine.

W. T. TAYLOR,  
Acting Colonial Secretary.

## NOTICES OF INSOLVENCY.

### In the District Court of Colombo.

No. 1,987. In the matter of the insolvency of Seyado Mohamado Bin Seyado Abbas, of Dam street in Colombo.

WHEREAS Seyado Mohamado Bin Seyado Abbas has filed a declaration of insolvency and a petition for the sequestration of the estate of Seyado Mohamado Bin Seyado Abbas, under the Ordinance No. 1853 : Notice is hereby given that the said court has adjudged the said Seyado Mohamado Bin Seyado Abbas insolvent accordingly, and that two public sittings of the court, to wit, on December 7 and 21, 1899, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,  
J. B. MISSO,  
Secretary.

Colombo, November 6, 1899.

### In the District Court of Kandy.

No. 1,421. In the matter of the insolvency of Mootan Adigar Sambo, of Matale, a contractor.

WHEREAS the above-named Mootan Adigar Sambo was on the 8th day of November, 1899, adjudged insolvent by the District Court of Kandy; and an order

has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal : Notice thereof is hereby given to all concerned : and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on January 19 and February 2, 1900, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,  
A. SANTIAGO,  
Secretary.  
Kandy, November 15, 1899.

### In the District Court of Galle.

No. 306. In the matter of the insolvency of Ismala Markar Casila Markar, of Talapitiya.

NOTICE is hereby given that a certificate as of the third class was on October 28, 1899, awarded to the above-named insolvent.

By order of court,  
JAMES KRAUSE,  
Secretary.  
Galle, November 13, 1899.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi declaring Will proved, &c.*

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament of Malavatantrige Telenis Perera, deceased, of Gonagaha in the Ragam pattu of the Alutkuru kōrale.

THIS matter coming on for disposal before F. R. Dias, Esq., Additional District Judge of Colombo, on the 2nd day of November, 1899, in the presence of Messrs. Alwis and Prins, Proctors, on the part of the petitioner Malavatantrige Baron Perera, of Biyanvila; and the affidavit of the said petitioner, dated 30th October, 1899, having been read :

It is ordered that the will of Malavatantrige Telenis Perera, of Gonagaha, deceased, dated 20th August, 1898, and now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 23rd day of November, 1899, 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 issued to him accordingly, unless any person shall, on or before the 23rd day of November, 1899, show cause to the satisfaction of this court to the contrary.

FELIX R. DIAS,  
Additional District Judge.

The 2nd day of November, 1899.

In the District Court of Colombo.

*Order Nisi declaring Will proved.*

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament of Magena Eliza Mirando, deceased, of Maradana.

THIS matter coming on for disposal before F. R. Dias, Esq., on the 16th day of November, 1899, in the presence of Mr. E. G. Jayawardene on the part of the petitioner Gregoris de Silva Rupasinghe, of Maradana; and the affidavit of the said petitioner, dated the 16th November, 1899, having been read : It is ordered that the will of Magena Eliza Mirando, deceased, dated the 17th June, 1881, and now deposited in court, be and the same is hereby declared proved, unless any person interested shall, on or before the 23rd day of November, 1899, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the petitioner is one of the executors named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person interested shall, on or before the 23rd day of November, 1899, show sufficient cause to the satisfaction of this court to the contrary.

FELIX R. DIAS,  
Additional District Judge.

The 16th November, 1899.

In the District Court of Kalutara.

*Order Nisi.*

Testamentary Jurisdiction. } In the Matter of the Estate of the late Dionis de Silva Abayawickrama Wijayanayaka and his wife Louisa de Fonseka Arsakularatne, both of Desastara Kalutara, deceased.

THIS matter coming on for disposal before J. D. Mason, Esq., Acting District Judge of Kalutara, on the 19th day of March, 1897, in the presence of Mr. D. de Silva, Proctor, on the part of the petitioner Arthur de Silva Abayawickrama Wijayanayaka; and the affidavit

of the said Arthur de Silva Abayawickrama Wijayanayaka, dated 18th March, 1897, having been read : It is declared that the said Arthur de Silva Abayawickrama Wijayanayaka is entitled to have letters of administration to the estate of the late Dionis de Silva Abayawickrama Wijayanayaka and his wife Louisa de Fonseka Arsakularatne, deceased, issued to him, unless the respondents—1, Engeltina de Silva Abayawickrama Wijayanayaka; 2, Cornelis de Silva Abayawickrama Wijayanayaka; 3, Dionysius de Silva Abayawickrama Wijayanayaka; 4, Martin de Silva Abayawickrama Wijayanayaka; 5, Maria de Silva Abayawickrama Wijayanayaka; 6, Francis de Silva Abayawickrama Wijayanayaka; 7, Joslin de Silva Abayawickrama Wijayanayaka; 8, Cecilia de Silva Abayawickrama Wijayanayaka; 9, Barnis de Silva Abayawickrama Wijayanayaka; 10, Isabella de Silva Abayawickrama Wijayanayaka, all of Desastara Kalutara—shall, on or before the 27th day of April, 1897, show sufficient cause to the satisfaction of this court to the contrary.

J. D. MASON,  
District Judge.

The 19th day of March, 1897.

The date for the respondents to show cause against the *Order Nisi* is hereby extended to 21st November, 1899.

G. C. ROOSMALECOOQ,  
District Judge.

October 20, 1899.

In the District Court of Negombo.

Testamentary Jurisdiction. } In the Matter of the Estate of Kurugamage Isan Perera, of Katana, deceased.

Kachchakaduge Lucia Fernando, of Dandugama..... Petitioner.

Vs.

Kurugamage Inacia Perera, of Dandugama... Respondent.

THIS matter coming on for disposal before W. R. B. Sanders, Esq., District Judge of Negombo, on the 25th day of September, 1899, in the presence of Mr. W. M. Rajapakse, Proctor, on the part of the petitioner Kachchakaduge Lucia Fernando, of Dandugama; and the affidavit, dated the 15th day of September, 1899, of the said petitioner having been read : It is ordered that the petitioner aforesaid be declared entitled to have letters of administration to the estate of the deceased Kurugamage Isan Perera, of Katana, issued to her, as widow of the said deceased, unless the respondent above-named or any other person interested shall, on or before the 30th day of November, 1899, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,  
District Judge.

Dated 25th September, 1899.

In the District Court of Negombo.

Testamentary Jurisdiction. } In the Matter of the Estate and Effects of Mina Chena Maiappa Chetty, of Negombo, and late of Panangudi of Southern India, deceased.

Pena Rina Ena Maiappa Chetty, of Negombo..... Petitioner.

THIS matter coming on for disposal before W. R. B. Sanders, Esq., District Judge of Negombo, on the 25th day of September, 1899, in the presence of Mr. W. M. Rajapakse, Proctor, on the part of the petitioner Pena Rina Ena Maiappa Chetty, of Negombo; and the affidavit, dated the 6th day of September, 1899, of the said petitioner having been read, and there being no respondents



named: It is declared that the petitioner aforesaid is the attorney of Mina China Minachi, the widow of the deceased; and it is further declared that the said Pena Rina Ena Meiappa Chetty, as the attorney of the said Minachi, is entitled to have letters of administration to the estate of Mina Chena Meiappa Chetty, of Negombo, who died at Panangudi in Southern India, issued to the petitioner, as attorney of the said Mina Chena Minachi, widow of the deceased, unless any person interested shall, on or before the 30th day of November, 1899, show sufficient cause to the satisfaction of this court to the contrary.

September 25, 1899. W. R. B. SANDERS, District Judge.

In the District Court of Negombo.

Testamentary Jurisdiction } In the Matter of the Intestate Estate of Eliyadurage Sophia Fernando, of Dalupota, deceased.

Martino Fernando Weeramunda, of Dalupota...Petitioner. Vs.

- 1, Clara Sophia Weeramunda, of Dalupota;
- 2, Charlotte Weeramunda, both of Wellawatta in Colombo..... Respondents.

THIS matter coming on for disposal before W. R. B. Sanders, Esq., District Judge of Negombo, on the 3rd day of October, 1899, in the presence of Mr. J. Koertz, Proctor, on the part of the petitioner Martino Fernando Weeramunda, of Dalupota; and the affidavit, dated the 20th day of September, 1899, of the said petitioner having been read: It is ordered that the petitioner aforesaid be declared entitled to have letters of administration to the estate of the deceased Eliyadurage Sophia Fernando, of Dalupota, issued to him, as husband of the said deceased, unless the respondents above-named or any other person interested shall, on or before the 28th day of November, 1899, show sufficient cause to the satisfaction of this court to the contrary.

Dated 3rd October, 1899. W. R. B. SANDERS, District Judge.

In the District Court of Puttalam.

Testamentary Jurisdiction } In the Matter of the Intestate Estate of Mohamadu Aysia Ummah, late of Puttalam, deceased.

Between

S. I. Mohamadu Casim Marakar, of Puttalam...Petitioner. And Thani Mudali Sekka Marakar, of Puttalam, guardian *ad litem* over the minors Seyambu Nachchia and Mohamadu Segu Ismail Marakar, children of Segu Ismail Mohamadu Casim Marakar and his wife Mohamadu Aysia Ummah, now deceased...Respondent.

THIS matter coming on for order before Edward Thomas Noyes, Esq., District Judge of Puttalam, on the 18th day of October, 1899, in the presence of the petitioner; and his affidavit and petition, dated the 1st day of September, 1899, and 25th day of October, 1899, respectively having been read: It is ordered that the petitioner Segu Ismail Mohamadu Casim Marakar, of Puttalam, be and he is hereby declared entitled to have letters of administration to the intestate estate of the Mohamadu Aysia Ummah, late of Puttalam, deceased,

issued to him, unless the respondent Thani Mudali Sekka Marakar, of Puttalam, shall, on or before the 22nd day of November, 1899, show sufficient cause to the satisfaction of this court to the contrary.

SAMUEL HAUGHTON, Additional District Judge. The 6th November, 1899.

In the District Court of Puttalam.

Testamentary Jurisdiction } In the Matter of the Intestate Estate of the late Neina Pulle Marakar, of Puttalam, deceased.

Between

Sinne Mira Pulle Mira Saibu Marakar, of Puttalam.....Petitioner.

And

- 1, Assen Mira Nachchia, widow of Neina Pulle Marakar, the intestate; Tangachchy Pulle, widow of the petitioner;
- 3, Kadar Mira Nachchia; 4, Segu Mira Nachchia; 5, Seynambu Nachchia; 6, Tangachchi Ummah; 7, Pichche; and
- 8, Mohidin Ibrahim, all of Puttalam ..... Respondents.

THIS matter coming on for order before Edward Thomas Noyes, Esq., District Judge of Puttalam, on the 18th day of October, 1899, in the presence of the petitioner; and his petition and affidavit, dated the 16th day of October, 1899, having been read: It is ordered that the petitioner Sinne Mira Pulle Mira Saibu Marakar, of Puttalam, be and he is hereby declared entitled to have letters of administration to the intestate estate of the late Neina Pulle Marakar, of Puttalam, deceased, issued to him, unless the respondents shall, on or before the 22nd day of November, 1899, show sufficient cause to the satisfaction of this court to the contrary.

The 18th October, 1899. E. T. NOYES, District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction } In the Matter of the Intestate Estate of the late Dissanayaka Appuhamilage Davith Sinno *alias* Chandrasekara Mudalige Davith Sinno, of Siyambalagaswela, deceased.

THIS matter coming on for disposal before William Edward Thorpe, Esq., District Judge of Chilaw, on the 15th day of October, 1899, in the presence of Mr. N. J. Martin, Proctor for petitioner, and on reading the affidavit and application of the petitioner Dissanayaka Appuhamilage Siman Appuhamy, of Ganemulla in Hapitigam korale in Yatigaha pattu, in Negombo District, dated the 14th and 27th days of September, 1899, respectively: It is ordered that the said petitioner be and he is hereby declared entitled to administer the estate of the late Dissanayaka Appuhamilage Davith Sinno *alias* Chandrasekara Mudalige Davith Sinno, of Siyambalagaswela, deceased, and that letters of administration to the said estate issued to him, unless sufficient cause be shown to the contrary on the 14th day of December, 1899.

W. E. THORPE, District Judge.

## NOTICES OF FISCALS' SALES.

## Western Province.

In the District Court of Colombo.

K. R. M. Pallaniappa Chetty, of Sea street,  
Colombo ..... Plaintiff.  
No. C 12,085. Vs.

1, S. Nugara ; 2, M. Nugara ; and 3, A. B.  
Nugara, all of Maradana, Colombo.....Defendants.

NOTICE is hereby given that on Saturday, December 9, 1899, commencing at 12 o'clock noon, will be sold by public auction at the respective premises the right, title, and interest of the said second and third defendants in the following properties, for the recovery of the sum of Rs. 486-30, with further interest on Rs. 4.950 at 9 per cent. per annum from January 11, 1899, till payment in full, viz. :—

1. All that house and premises bearing assessment No. 27, situated at Prince street, Pettah, Colombo ; and bounded on the east by Prince street, on the north by Baptist Church premises, on the south by the house bearing assessment No. 26, and on the west by the property of Mr. Rodrigo ; containing in extent 1 rood more or less.

2. All those two houses and ground bearing assessment No. 77 towards the 5th Cross street, and No. 11 towards the 4th Cross street, situated at Pettah, Colombo ; bounded on the north by the 5th Cross street, on the east by the properties of Abdul Rahiman Marikar and Simon Andris Silva, on the south by the 4th Cross street, and on the west by the property of Savana Idroos Lebbe Marikar ; containing in extent 1 rood more or less.

The life-interest of the said first defendant in the following properties, viz. :—

3. All that house and premises bearing assessment No. 27, situated at Prince street, Pettah, Colombo ; and bounded on the east by Prince street, on the north by Baptist Church premises, on the south by the house bearing assessment No. 26, and on the west by the property of Mr. Rodrigo ; containing in extent 1 rood more or less.

4. All those two houses and ground bearing assessment No. 77 towards the 5th Cross street, and No. 11 towards the 4th Cross street, situated at Pettah, Colombo ; and bounded on the north by the 5th Cross street, on the east by the properties of Abdul Rabiman Marikar and Simon Andris Silva, on the south by 4th Cross street, and on the west by the property of Savana Idroos Lebbe Marikar ; containing in extent 1 rood more or less.

FRED. G. HEPPONSTALL,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, November 15, 1899.

In the District Court of Colombo.

Semboge Don John Fonseka, of Kollupitiya.....Plaintiff.  
No. 12,220. Vs.

Lolbaddewaduge Ilaris Hami, of Wellawatta..Defendant.

NOTICE is hereby given that on Tuesday, December 12, 1899, at 9 o'clock in the forenoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff by the defendant and decreed to be sold by the decree entered in the case, for the recovery of the sum of Rs. 978-50, with interest thereon at 9 per cent. per annum from March 24, 1899, till payment in full and costs Rs. 100-25, viz. :—

All that allotment of land No. 135, together with the buildings, plantations, trees thereon, situated at Wellawatta in the Palle pattu of Salpiti korale ; bounded on

the north by a road, on the east by a road, on the south by lot No. 136, and on the west by lot No. 134 ; containing in extent three square roods and four square perches.

W. N. S. ASERAPPA,  
Deputy Fiscal.  
Fiscal's Office,  
Colombo, November 16, 1899.

In the District Court of Colombo.

The Bank of Madras.....Plaintiff.  
No. C 12,570. Vs.

1, M. Perera ; 2, Cornelis Perera, both of No. 49,  
Keyzer street, Pettah, Colombo ; and 3, M. A.  
Perera, of Panadure.....Defendants.

NOTICE is hereby given that on Monday, December 11, 1899, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property, for the recovery of Rs. 11,138, together with further interest on Rs. 11,000 at 9 per cent. per annum from May 9, 1899, till payment in full and costs of suit, viz. :—

1. The soil and all the trees of the land called Bogahawatta, in extent 1 acre 2 roods and 39 perches, situated at Bandaragama in Adikari pattu of Rayigam korale ; and bounded on the north by the land of Esanpatabendige family, on the east by Gingahakumbura, on the south by Ambagahawatta, and on the west by Tippalekumbura.

Notice is hereby given that on Tuesday, December 12, 1899, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property, viz. :—

2. Half share of the soil of the land called Liyanagodawela, in extent 12 acres and 31 perches, situated at Pelpola in Munwattebage pattu of Rayigam korale ; and bounded on the north by Liyanagoda-ela, on the east by a footpath, on the south by Wewaudawatta and Kanattegewatta, and on the west by Bowatta and Kosgahawatta.

3. Half share of the soil of the land called Muttetuwekumbura, in extent 13 acres 2 roods and 16 perches situated at Raddegoda in Munwattebage pattu of Rayigam korale ; and bounded on the north by Minimeru deniyawatta, on the east by Kurunduwatta, the field belonging to Arnolis Rodrigo and Samadarawekumbura, on the south by the field belonging to Malhami Rodrigo and Samadarawekumbura belonging to M. Perera, and on the west by Crown jungle and a portion of Minimeru deniyawatta.

DANIEL L. JAYASURIA,  
Deputy Fiscal's Office,  
Bandaragama, November 14, 1899.

## Northern Province.

In the District Court of Jaffna.

Sittampalam Malasarayar, of Chiruppidi ..... Plaintiff  
No. 1,047. Vs.

Swaminathar Iyatampy and Muttatampy  
Sithamparanatar, both of Chunnagam.....Defendants.

NOTICE is hereby given that on Monday, December 11, 1899, at 10 o'clock in the forenoon, will be sold by public auction on the land hereinafter described the right, title, and interest of the said first defendant in the following property, for the recovery of Rs. 500, with

interest thereon at the rate of 9 per cent. per annum from April 29, 1897, until payment in full, and costs of suit being Rs. 77-15, and charges, viz. :—

1. In a piece of land called Pankiranay, situated at Chunnakam, containing or reputed to contain in extent 10 lachams varaku culture ; and bounded or reputed to be bounded on the east by the property of Elyatampy and others, north by a road, west by the property of Vallipuram and others, and south by property of Ponnupillai.

2. In a piece of land called Pankiranay, situated at Chunnakam, containing or reputed to contain in extent 5 lachams varaku culture ; and bounded or reputed to be bounded on the east by the property of Sinnattamby and others, north by a water-course and by property of Vallipuram, west by the property of Chinnappah, and south by a road.

3. In a piece of land called Tilleddi, situated at Chunnakam, containing or reputed to contain in extent 3 lachams varaku culture, with house ; and bounded or reputed to be bounded on the east by property of Elyatampy and others, north by a lane, west by a lane, and south by the property of Ilayawar and others.

JOHN RUDD,  
for Fiscal.

Fiscal's Office,  
Jaffna, November 7, 1899.

In the District Court of Jaffna.

Sittampalam Malawarayar, of Chiruppidi.....Plaintiff.  
No. 1,047. Vs.

Swaminathar Ilyatampy and Muttatampy  
Sitamparanatar, both of Chunnagam .....Defendants.

NOTICE is hereby that on Thursday, December 14, 1899, at 10 o'clock in the forenoon, will be sold by public auction on the land hereinafter described the right, title, and interest of the said second defendant in the following property, for the recovery of Rs. 500, with interest thereon at the rate of 9 per cent. per annum from April 29, 1897, until payment in full, and costs of suit being Rs. 77-15, and charges, viz. :—

1. In a piece of land situated at Chunnakam called Koddiyappulam, containing or reputed to contain in extent 1 lacham varaku culture, with its appurtenances ; bounded or reputed to be bounded on the east by property of Kunchupillai, north by property of Manikkawasagar, west by road, and south by lane.

2. In a piece of land situated at Chunnakam called Kurumpayappulam, containing or reputed to contain in extent 16 lachams varaku culture, with share of well ; bounded or reputed to be bounded on the east by property of Periyar and others and water-course, north by property of Kanagasabay, west by property of Chellamuttupillai and others, and south by road.

3. In a piece of land situated at Kanterodai called Vewilvayal, containing or reputed to contain in extent 25 lachams-paddy culture, with well ; bounded or reputed to be bounded on the east by property of Chitamparanatar and others, north by property of Sinnattampi and others, west by property of Sitamparanatar and others, and south by water-course and by property of Chuwaminatar.

JOHN RUDD,  
for Fiscal.

Fiscal's Office,  
Jaffna, November 7, 1899.

### Southern Province.

In the District Court of Matara.

Wedamulle Madinage Hendres.....Plaintiff.  
No. 1,948. Vs.

Don Tepanis de Silva Abayagunawardana.....Defendant.

NOTICE is hereby given that on Saturday, December 9, 1899, commencing at 12 o'clock noon, will be sold by public auction at the spot the right, title, and

interest of the said defendant in the following property, for the recovery of Rs. 1,792-18, viz. :—

At Mirissa.

1. The field Alutiyana-achchigedeniya.
2. The Garden Bodagewatta.
3. One-third part of the garden Mestri Sattambige Mawatawatta, except the planter's share.
4. Half part of the field Ketakumbura.
5. Two-sixths part of the garden Kasturigewatta.
6. One-fourth part of the garden Paluwatta, except the planter's share.
7. One-sixth part of the garden Malapalawatta, except the Government share.
8. One-fourth part of Kumarunnewatta.

H. J. DE LIVERA,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Matara, November 8, 1899.

In the Court of Requests of Matara.

Tiyadoris Dias Wijesiri Gunawardana.....Plaintiff.  
No. 345. Vs.

W. C. Tillekaratne, of Matara.....Defendant.

NOTICE is hereby given that on Monday, December 11, 1899, at 12 o'clock noon, will be sold by public auction at the spot the following property surrendered by the said defendant, for the recovery of Rs. 176-25 interest, and cost Rs. 53-50, viz. :—

One-third part of the field called Medatisamuna, in extent 30 amunams, situated at Marakada ; and bounded on the east by Kapugampota, on the north by Wettambuwawa, on the west by Marakada, and on the south by Lolugahamulana.

J. A. DUNUWILLE,  
Deputy Fiscal's Office, Deputy Fiscal.  
Tangalla, November 6, 1899.

In the District Court of Matara.

Kulatunga Hettiarachchige Tiyadoris.....Plaintiff.  
No. 2,192. Vs.

Don Dines *alias* Don Dimingu Abayagoone-wardana Rajapaksa, Fiscal's Arachchi, and others ..... Defendants.

NOTICE is hereby given that on Monday, December 11, 1899, commencing at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 835, with interest, viz. :—

At Kamburugamuwa.

1. The high and low land called Panagodawila *alias* Gajanaikewila, in extent 12 amunams.
2. One-fourth part of the lands Diyaheliyagahawatta and Pitakoratuwa.

H. J. DE LIVERA,  
Deputy Fiscal's Office, Deputy Fiscal.  
Matara, November 8, 1899.

### Eastern Province.

In the District Court of Batticaloa.

V. Venasi Tamby Udayar, of Kotaikalaar.....Plaintiff.  
No. 1,787. Vs.

Muhamado Avoovakker Alim Muhamado Ismail, of Puliyantivu, for himself and as administrator of the estate of the late Mohamado Aboovakker Alim Mohamado Samsodeen.....Defendant.

NOTICE is hereby given that on Friday, December 8, 1899, and on Wednesday, December 13, 1899, at about 10 o'clock in the mornings respectively, will be

sold by public auction at the spot the right, title, and interest of the said defendant in the following properties, viz. :—

On Friday, December 8, 1899, at 10 o'clock A.M.

1. The garden called Shroff Allegacone Mudaliyar's Kittangey, situate at Puliyantivu in Manmunaipattu in Batticaloa; and bounded on the north by road, south by the limit of the garden of Anthony Barthelot and others, east by the boundary of the bankshall of K. Kadiramer, and on the west by the limit of the wall of the bankshall presently belonging to M. Ismalebbe Maracair; containing in extent from north to south 49 ft. and from east to west on the northern side 16 ft. and 4 in., and on the southern side 16 ft. with the large bankshall rooms, verandahs, water-closet, kitchen room, and all other buildings standing thereon.

On Wednesday, December 13, 1899, at 10 o'clock A.M.

2. An undivided 498/608 shares of a paddy land, lot No. 2,562, called Keedamulaiveli, situated in the village of Palamunai in Akkarapattu in Batticaloa; and bounded on the north-east by land allowed for the use of Veeraidyaar, on the east by Vaddaivaikal, and all other sides by Crown land; the whole land containing in extent 84 acres and 3 roods.

Amount to be levied Rs. 2,000, with interest at 15 per cent. per annum from November 25, 1894, till June 17, 1899, and further interest at 9 per cent. per annum from June 17, 1899, on the amount of principal, and interest accrued up to July 13, 1899, and costs Rs. 187-62½.

T. SINNATAMBY, Deputy Fiscal, Fiscal's Office, Batticaloa, November 8, 1899.

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 District of Kandy will be holden at the Audience Hall at Kandy on Monday, the 11th day of December, 1899, at 12 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, Kandy, November 13, 1899. H. HAY CAMERON, Acting 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 District of Kurunegala will be holden at the Court-house at Kandy on Monday, the 4th day of December, 1899, at 12 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, Kurunegala, November 13, 1899. F. C. FISHER, Fiscal.

ලංකාවේ රජයේ සේවයේ යෙදී සිටින සුප්‍රසිද්ධ ජ්‍යෙෂ්ඨ නිලධාරීන් වහන්සේලාගේ ප්‍රකාශයට අනුව 1899 වසරේ දෙසැම්බර් මස 11 වෙනි දින පෙරවරු 12 පැය පවත්වන මහනුවර නිවෙහි නඩුසාලාවේ පවත්වන යෙදෙනවා ඇත. එහි යම් කාරණයක් ඇතුළත් වී සිටින සැමදෙනාම සටකි ස්ථානයට යොමුවීමට අවශ්‍ය වන ප්‍රවේශනා ලබාදීමට ඔබවත් අයුරු අවසර දුල්ලා ලබාගෙන මිස එයින් පිටතට යනව තුළුවත් බවත් මෙයින් සැමදෙනාටම දන්වන්නෙමි.

එම්. ජේ. කැමරන්, වැඩබලන පිස්කල් වමිහ. 1899 වසරේ නොවැම්බර් මස 13 වෙනි දින මහනුවර පිස්කල් කන්තෝරුවේදී.

இலங்கைத்தீவின் சங்கைபோந்த சுப்பிரீங்கோட்டா ரது கட்டளையின்படி நாம் பிரசித்தப்படுத்துவதாவது: கண்டி நியாயஸ்தலத்திலே மேற்சொல்லிய சுப்பிரீங்கோட்டாரால் கண்டி டிஸ்திரிக்டைச்சேர்ந்த கிரிமினல் வழக்கு விசாரணை, 1899 ம் ஆண்டு மார்ச்சுமாதம் 11 ந்திசுதியாகிய திங்கட்கிழமை முன்பகல் 12 மணி தொடங்கி அன்றும் அதற்கடுத்த நாட்களிலும் நடத்தப்படும்.

ஆதலால் அவ்விசாரணையின் காரியகருமமுள்ளவர்க ளெல்லோரும் சொல்லப்பட்ட நேரத்திலே சொல்லப் பட்ட இடத்திலே வெளிப்பட்டு அவ்விடத்தினின்றும் உத்தரவின் றீங்காதிருக்கக்கடவர்கள்.

இங்ஙனம், எச். ஹே கமரன், பிஸ்காலின் வேலைபார்ப்பவர். கண்டி பிஸ்கால் கந்தோர், 1899 ம் (நவ) கார்த்திகைமீ 13 ந் உ.

ලංකාවේ රජයේ සේවයේ යෙදී සිටින සුප්‍රසිද්ධ ජ්‍යෙෂ්ඨ නිලධාරීන් වහන්සේලාගේ ප්‍රකාශයට අනුව 1899 වසරේ දෙසැම්බර් මස 4 වෙනි දින පෙරවරු 12 පැය පවත්වන මහනුවර නිවෙහි නඩුසාලාවේ පවත්වන යෙදෙනවා ඇත. එහි යම් කාරණයක් ඇතුළත් වී සිටින සැමදෙනාම සටකි ස්ථානයට යොමුවීමට අවශ්‍ය වන ප්‍රවේශනා ලබාදීමට ඔබවත් අයුරු අවසර දුල්ලා ලබාගෙන මිස එයින් පිටතට යනව තුළුවත් බවත් මෙයින් සැමදෙනාටම දන්වන්නෙමි.

ජේ. ජී. පිෂර්, පිස්කල් වමිහ. 1899 වසරේ නොවැම්බර් මස 13 වෙනි දින කුරුණෑගල පිස්කල් කන්තෝරුවේදී.

இலங்கைத்தீவின் சங்கைபோந்த சுப்பிரீங்கோட்டா ரது கட்டளையின்படி நாம் பிரசித்தப்படுத்துவதாவது : கண்டி நியாயஸ்தலத்திலே மேற்சொல்லிய சுப்பிரீங்கோட்டாரால் குறுகுகல் டிஸ்திரிக்டைச்சேர்ந்த கிரிமினல் வழக்குவிசாரணை, 1899 ம் ஆண்டு மார்ச்சுமீ 4 ந்திசுதியாகிய திங்கட்கிழமை முன்னேரம் 12 மணி தொடங்கி அன்றும் அதற்கடுத்த நாட்களிலும் நடத்தப்படும்.

ஆதலால் அவ்விசாரணையின் காரியகருமமுள்ளவர்க ளெல்லோரும் சொல்லப்பட்ட நேரத்திலே சொல்லப் பட்ட இடத்திலே வெளிப்பட்டு அவ்விடத்தினின்றும் உத்தரவின் றீங்காதிருக்கக்கடவர்கள்.

இங்ஙனம், எப். சி. பிஷர், குருகுகல் பிஸ்கால் கந்தோர், 1899 ம் (நவ) கார்த்திகைமீ 13 ந் உ.

