



Ceylon Government Gazette

Published by Authority.

No. 5,724—FRIDAY, OCTOBER 5, 1900.

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

PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Marine and Mercantile.

PART V.—Municipal and Local

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

Part II.—Legal and Judicial.

| | PAGE | | PAGE |
|---|------|---|------|
| Passed Ordinances ... | — | Notices in Testamentary Actions ... | 558 |
| Draft Ordinances ... | 551 | Notices in Insolvency Cases ... | 561 |
| Notices from Supreme Court Registry ... | — | Notices of Fiscals' Sales ... | 561 |
| Notices from Council of Legal Education ... | — | Notices from District and Minor Courts... | — |
| Notifications of Criminal Sessions of Supreme Court ... | — | List of Articled Clerks ... | — |
| Lists of Jurors and Assessors ... | — | | |

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance further to amend the Law relating to Notaries.

Preamble.

WHEREAS it is expedient to further amend the Ordinance No. 2 of 1877, intituled "An Ordinance to amend and consolidate the Law relating to Notaries," and hereinafter referred to as "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:

Short title.

1 The principal Ordinance, the Ordinance No. 10 of 1890, and this Ordinance may be cited collectively as "The Notaries' Ordinances, 1877, 1890, and 1900."

Amendment of section 18.

2 For section 18 of the principal Ordinance the following section shall be substituted:

18 (1) On information received by the Registrar-General, or by the government agent, assistant government agent, district judge, or commissioner of requests, within whose local jurisdiction any notary resides, that an offence has been committed by the notary, it shall be lawful for such Registrar-General, government agent, assistant government agent, district judge, or commissioner of requests to inquire into the matter of the alleged offence, and upon proof to his satisfaction of gross misconduct in the discharge of the

duties of his office by such notary, or of such notary having proved himself to be incapable of discharging them with advantage to the public, or of his having so conducted himself by repeated breaches of any of the rules contained in or made under this Ordinance, or otherwise, that he ought not to be any longer entrusted with the performance of the said duties, to report the same in writing, together with the evidence taken by such Registrar-General, government agent, assistant government agent, district judge, or commissioner of requests, to the Governor; and thereupon it shall be lawful for the Governor, with the advice of the Executive Council, to cancel the warrant granted to such notary, or to suspend him from his office for such period as the Governor, with the like advice, may think fit.

(2) For the purposes of such inquiry the Registrar-General, government agent, assistant government agent, district judge, or commissioner of requests shall have power to require the attendance before himself of the notary and of any witness, and the production of any document that such inquiring officer may deem material, and to examine such witness on oath or affirmation, and to examine such notary without oath or affirmation; and any person required to attend or to produce a document as aforesaid, who shall without reasonable cause fail to comply with such requirement, shall be guilty of an offence, and liable on conviction to a fine not exceeding two hundred rupees.

Amendment of section 26.

Rules to be observed by notaries.

3 For section 26 of the principal Ordinance the following shall be substituted, namely:

26. It is and shall be the duty of every notary strictly to observe and act in conformity with the following rules and regulations; that is to say:

- (1) He shall not divulge the secrets confided to him or of which he becomes possessed in the execution of his office, unless with the express permission of his employer, or when required to do so by law.
- (2 i.) On receiving instructions for the drawing of a deed, he shall, (a) if such instructions be in writing, carefully file the same, and immediately enter or cause to be entered in a bound book kept for the purpose the fact of the receipt of such instructions, with a reference to the file; or (b) if the instructions are given orally, immediately enter them or cause them to be entered in the said book in the presence of the person giving the instructions, and after satisfying himself of the correctness of such entry cause the same to be signed by such person and sign it also himself.
- (2 ii.) All such entries shall be made in consecutive order according to the time of the receipt of the instructions.
- (3) He shall not authenticate or attest a deed drawn by another notary except upon the written request of such notary, in which case he shall file and enter such request in the same manner as the written instructions in this section before mentioned, and shall also mention such request in the attestation clause of such deed.
- (4) He shall not authenticate or attest any deed or instrument whatever unless the person executing the same be known to him or to at least two of the attesting witnesses to the said deed or instrument.
- (5) He shall not authenticate or attest any deed or instrument whatever in any case in which both the person executing the same and the attesting witnesses thereto are unknown to him.
- (6) He shall not attest any instrument in any district other than that in which he is authorized to act, nor in any language other than that in which he is authorized to practise, nor attest any instrument drawn in any language other than that in which he is authorized to practise.

- (7) He shall not attest any deed or instrument whatever in any case in which the person executing or acknowledging the same shall be or profess to be unable to read the same, or in which such person shall require him to read over the same, unless and until he shall have read over and explained the same, or caused the same to be explained in the presence and hearing of such person and of the attesting witnesses thereto.
- (8) He shall not attest any deed or instrument which is insufficiently stamped.
- (9) He shall cancel as directed by law the stamp on every deed executed or acknowledged before him, and shall write upon each stamp in ink the number and date of the deed to which such stamp is affixed.
- (10) He shall not attest any deed or instrument written on paper which is not of a reasonably durable description and suitable for the purpose of such documents, nor shall he attest any deed or instrument written on ola.
- (11) He shall not attest any deed, will, or other instrument which is written on more than one entire or undivided sheet or piece of paper, parchment, or other material, unless each of the sheets or pieces used has been previously produced before the registrar of lands for the district in which the notary resides, and has been marked, or signed, or initialled by such registrar in such manner as such registrar shall determine, in order to prevent the sheets being used for any other purpose than the instrument intended to be executed, or unless the parties executing the same and the notary shall sign every sheet or piece in which any part of the instrument is written.
- (12) He shall not require, permit, or suffer any party or any witness to any deed or instrument executed or to be executed before him to sign his name or make his mark to or acknowledge any such deed or instrument or any duplicate or other part thereof or any draft or minute thereof intended to be preserved in his protocol, or to sign his name or make his mark upon any paper or other material intended to be afterwards used for any such purpose, until the whole of such deed or instrument shall have been written or engrossed thereon.
- (13) He shall not attest any deed or instrument containing erasures, alterations, or interpolations which have not been authenticated with his own signature or initials and with the signature or initials of the person or persons executing or acknowledging the said deed or instrument.
- (14) He shall not authenticate or attest any deed or instrument whatever to which two witnesses at least have not subscribed their signatures in letters.
- (15) He shall not authenticate or attest any deed or instrument whatever unless the person executing the same and the witnesses shall have signed the same in his presence and in the presence of one another.
- (16) He shall before any party or witness signs any deed or instrument ascertain the name of such party or witness, and if the signature of such party or witness differs from the name given by such party or witness, the notary shall, in his attestation to such deed or instrument, describe such party or witness by such name and by the name written in the signature.

- (17) He shall not attest any deed or instrument signed by any of the parties thereto with a mark unless and until he shall have written over such mark the words "This is the mark of A. B." (*here insert the name of the person making the mark*).
- (18) He shall not authenticate or attest any deed or instrument affecting land or other immovable property unless the deed or instrument embodies therein or in a schedule annexed thereto a description of the said land or other property showing its boundaries, probable extent, and situation (with respect to the town or village, pattu, korale, district, and province). Provided, however, that this sub-section shall not apply to any agreement to transfer, to mortgage, or to lease.
- (19) Before drawing or attesting a deed disposing of any specific property he shall satisfy himself as far as possible by questioning the grantor and examining any documents in the grantor's possession that he has a *prima facie* right so to dispose of such property.
- (20) Before attesting any deed affecting any interest in land he shall endeavour to ascertain whether any prior deed affecting any interest in such land has been registered. And if any such prior deed has been to his knowledge registered, he shall insert at the head of the deed attested by him the number of the registration volume and the page of the folio in which the registration of such prior deed has been entered.
- (21) He shall correctly insert in every deed or instrument whatever executed before him the day, month, and year on which and the place where the same is executed, and the names of the attesting witnesses and their residences on the day on which it is so executed.
- (22) He shall duly attest every deed or instrument whatever which shall be executed or acknowledged before him, and shall sign and seal such attestation.
- (23) In such attestation he shall state (a) that the said deed or instrument was signed by the party and the witnesses thereto in his presence and in the presence of one another; (b) whether the person executing or acknowledging the said deed or instrument or the attesting witnesses thereto (and in the latter case he shall specify which of the said witnesses) were known to him; (c) the day, month, and year on which and the place where the said deed was executed or acknowledged, and the names of the attesting witnesses and their residences on the day on which the same was executed or acknowledged; (d) whether the same was read over by the person executing the same, or by him, the said notary, to the said person in the presence of the attesting witnesses; (e) whether any money was paid in his presence as consideration or part of consideration of the deed, and if paid, the amount of such payment; (f) the amount of the stamp affixed to such deed or instrument and to the duplicate thereof, and the name of the person by whom such stamp was supplied.
- (24) Every such attestation shall be substantially in the following form of words, and shall be legibly signed by him in the language in which the deed or instrument is written, and also with his usual signature if the language or form of that signature be different from that in which such deed or instrument is written :

- and he shall at the same time forward a copy of such list so signed by him to the Registrar-General. Provided, however, that in the case of last wills and codicils only the number and date of the document shall be inserted in such list.
- (27 *b*) Where any deed shall be executed or acknowledged by two or more parties residing in different districts and before different notaries, the duplicates of such deed shall be delivered or transmitted by the notary by whom the same was drawn up to the registrar of lands of the district in which he resides; and it shall not be necessary for the other notary or notaries employed in the execution of such deed to deliver or transmit any duplicate thereof to such registrar.
- (27 *c*) If the land referred to in any deed or instrument, which by the Ordinance No. 7 of 1840, intituled "To provide more effectually for the Prevention of Frauds and Perjuries," is required to be executed before a notary, be situated in any district other than that in which the notary before whom the same is signed, and by whom the same is attested, shall reside, such notary, or in case such deed or instrument is attested by two or more notaries, then the notary upon whom is cast the duty of transmitting to the registrar of lands the duplicate of such deed or instrument, shall on or before the fifteenth day of the month next following that in which the same was executed (besides transmitting the duplicate in manner aforesaid) deliver or transmit to the registrar of the district in which such land shall be situated a copy thereof certified by him as correct, together with a list in duplicate in the form prescribed in sub-section (*a*) of this rule signed by him of all such deeds or instruments as relate to lands in such last-mentioned district.
- (27 *d*) If no deed or instrument has been executed before any notary in any month, such notary shall deliver or transmit a nil list to the registrar of lands of the district within which such notary resides.
- (28) He shall carefully preserve in his protocol a draft, minute, or copy of every deed or instrument, executed or acknowledged before him, to which shall be attached his signature and those of the party and witnesses to the original deed or instrument, and he shall keep a register thereof with a convenient index for the purpose of easy reference; and every such register shall be substantially in the form prescribed in the preceding sub-section.
- (29) If he attest any deed executed before him by means of an attorney, he shall preserve a true copy of the power of attorney with his protocol, and shall forward a like copy thereof with the duplicate deed to the registrar of lands.
- (30) He shall give one month's notice to the district judge of the district in which he is authorized to act, and also to the Registrar-General, of his intention to change his residence or office or to discontinue his practice, and shall affix a written notice to that effect, signed by him, on the outside door or wall of the district court of every such district.
- (31) Whenever he shall change his residence or office, he shall without delay give notice of such change to the registrar of lands of the district and the government agent of the province in which his new residence or office is situated.

- (32) He shall give notice to the district judge with as little delay as possible of the death, departure from the island, or insolvency of any person bound as a surety for the due and faithful discharge by such notary of his office.
- (33) He shall, in regard to any irregularity, error, or omission discovered or alleged to have been discovered in the discharge of his duties as notary, and which appears to the Registrar-General to be a violation of the law, give such explanation in writing as may be required by the Registrar-General.
- (34) It shall be the duty of every notary, not being an advocate or proctor, strictly to observe and act in conformity with the following additional rules and regulations; that is to say:

First.—He shall live and hold office at such places as may be approved by the Registrar-General or by the government agent of the province within which such notary practices.

Second.—He shall, unless incapacitated by illness, in which case such illness shall be at once reported by him to the registrar of lands, make in his own hand-writing the protocol or at least the rough draft of every deed attested by him, except of deeds attested by him at the request of another notary as provided in rule No. 3 of this section, and shall preserve the same.

Third.—He shall keep his records at his office, or if he has more than one office at such office as may be appointed by the Registrar-General, and shall at all reasonable times permit the Registrar-General, the government agent, assistant government agent, district judge, or commissioner of requests of the the province or district within which such notary resides to inspect such records at such office.

Penalty for non-observance of rules.

And if any notary shall act in violation of or shall disregard or neglect to observe any of the foregoing rules and regulations binding upon him, he shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding two hundred rupees, in addition to any civil liability he may incur thereby.

Proviso.

Provided that no instrument shall be deemed to be invalid in consequence of the non-observance by the notary of the foregoing rules and regulations or any of them, in any matter of form. But nothing in this proviso contained shall give any validity to any instrument which may be invalid by reason of the provisions of any other law not having been complied with.

Governor to make rules.

4 Immediately after section 26 of the principal Ordinance the following section shall be inserted and numbered 26 A:

26 A (1) The Governor may, with the advice of the Executive Council, from time to time make rules for the direction and guidance of notaries, not being advocates or proctors, in the discharge of their notarial duties, and such rules he may, with the like advice, revoke, amend, or alter.

(2) All rules when so made, revoked, amended, or altered 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 ensuing 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. Such rules as shall not be so annulled by the said Council shall be proclaimed in two successive issues of the *Government Gazette* in the English, Sinhalese, and Tamil languages, and shall be posted by the Registrar-General to the address of each

such notary, and shall come into force upon such publication thereof in the *Government Gazette*, and shall thereupon be as legal, valid, effectual, and binding, and the violation of, or the disregard or neglect to observe, any of the said rules shall be an offence, and punishable in the same manner as if the same had been enacted in section 26 of this Ordinance.

By His Excellency's command,

W. T. TAYLOR,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, September 27, 1900.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. }
No. 1,374 C. } In the Matter of the Last Will and Testament of Edward Coulter, late of 173, Mortimer road, Kensal Rise, London, deceased.

THIS matter coming on for disposal before F. R. Dias, Esq., Additional District Judge of Colombo, on the 20th day of September, 1900, in the presence of Messrs. Julius & Creasy and F. Liesching, Proctors, on the part of the petitioner Harry Creasy, of Colombo; and the affidavit of the said petitioner, dated 13th September, 1900, having been read: It is ordered that the will of Edward Coulter, deceased, dated 24th June, 1898, an exemplification of the probate whereof is now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 18th October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is one of the attorneys of Louisa Anne Coulter, the executrix named in the said will, and that he is entitled to have letters of administration with copy of the will annexed issued to him accordingly, unless any person interested shall, on or before the 18th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

F. R. DIAS,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. }
No. 1,375 C. } In the Matter of the Last Will and Testament of James Cleverly Mandy, late of Calcutta, deceased.

THIS matter coming on for disposal before F. R. Dias, Esq., Additional District Judge of Colombo, on the 20th day of September, 1900, in the presence of Messrs. Julius & Creasy and F.

Liesching, Proctors, on the part of the petitioner Harry Creasy, of Colombo; and the affidavit of the said petitioner, dated 13th September, 1900, having been read: It is ordered that the will of James Cleverly Mandy, deceased, dated 13th January, 1900, and now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 18th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the attorney of William Hill, one of the executors named in the said will, and that he is entitled to have letters of administration with copy of the will annexed issued to him accordingly, unless any person interested shall, on or before the 18th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

F. R. DIAS,
Additional District Judge.

The 20th September, 1900.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. }
No. 1,380 C. } In the Matter of the Last Will and Testament of Weerehennedigey Anthony Fernando, deceased, of Moratuwa.

THIS matter coming on for disposal before N. E. Cooke, Esq., District Judge of Colombo, on the 27th day of September, 1900, in the presence of Mr. J. A. Perera, Proctor, on the part of the petitioner Kariakarawana Patabendi Mahavidanalagey Dona Barbara Ferdinando, of Moratuwa; and the affidavit of the said petitioner, dated 26th September, 1900, having been read: It is ordered that the will of Weerehennedigey Anthony Fernando, deceased, dated 19th July, 1900, and now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 25th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is one of the executors named in the said will, and that she

is entitled to have probate of the same issued to her accordingly, unless any person interested shall, on or before the 25th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

N. E. COOKE,
District Judge.

This 27th day of September, 1900.

In the District Court of Colombo.

Order Nisi declaring Will proved, &c.

| | | |
|---|---|---|
| Testamentary Jurisdiction. No. C 1,383. | } | In the Matter of the Last Will and Testament of Hugh Fraser, of Bandarapola estate, Matale, in the Central Province of the Island of Ceylon, but late of Colombo, deceased. |
|---|---|---|

THIS matter coming on for disposal before F. R. Dias, Esq., Additional District Judge of Colombo, on the 4th day of October, 1900, in the presence of Mr. G. de Saram, Proctor, on the part of the petitioners (1) Thomas Shuckforth Grigson and (2) Fredrick John de Saram, both of Colombo; and the affidavit of the said Frederick John de Saram, of Colombo, dated 30th September, 1900, having been read:

It is ordered that the will of Hugh Fraser, deceased, dated the 17th day of October, 1891, and now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 11th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioners are two of the executors named in the said will, and that they are entitled to have probate of the same issued to them accordingly, unless any person interested shall, on or before the 11th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

F. R. DIAS,
Additional District Judge.

The 4th day of October, 1900.

In the District Court of Negombo.

| | | |
|---|---|---|
| Testamentary Jurisdiction. No. 481. | } | In the Matter of the Estate of Ranasinghe Aratchigey Don Bastian Perera Appuhamy, of Uggalboda, deceased. |
|---|---|---|

Jayasekerahettiaratchigey Dona Leisa Tissera Hamine, of Uggalboda.....Petitioner.

Vs.

1, Ranasinghe Aratchigey Bemy Perera Appuhamy; 2, Ranasinghe Aratchigey Engo Perera Hamine; 3, Ranasinghe Aratchigey Mango Perera Hamine; 4, Ranasinghe Aratchigey Pablis Perera Appuhamy; 5, Ranasinghe Aratchigey Elisa Perera Hamine..... Respondents.

THE matter of the petition of Jayasekerahettiaratchigey Dona Leisa Tissera Hamine, praying for letters of administration to the estate of the above-named deceased Ranasinghe Aratchigey Don Bastian Perera Appuhamy coming on for disposal before E. F. Hopkins, Esq., District Judge, on the 8th day of September, 1900, in the presence of Mr. W. M. Rajapakse, Proctor, on the part of the petitioner; and

the affidavit of the petitioner, dated 30th day of May, 1900, having been read: It is declared that the petitioner, as the widow of the said deceased, is entitled to have letters of administration issued to her to the estate of the said Ranasinghe Aratchigey Don Bastian Perera Appuhamy, deceased, unless the respondents aforesaid or any other person interested shall, on or before the 9th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

E. F. HOPKINS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

| | | |
|---|---|---|
| Testamentary Jurisdiction. No. 1,089. | } | In the Matter of the Estate and Property of the late Kasinather Murugar, of Inuville. |
|---|---|---|

Chinnattankam, widow of Kachinathar Murukar, of Inuville.....Petitioner.

And

Kachinather Velanthar, of Inuville.....Respondent.

THIS matter of the petition of the petitioner Chinnattankam, widow of Kasinather Murukar, of Inuville, praying for letters of administration to the estate of the above-named deceased Kasinather Murukar, of Inuville, coming on for disposal before C. Eardley-Wilmot, Esq., District Judge, on the 9th day of July, 1900, in the presence of Mr. S. F. G. Carpenter, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 6th day of July, 1900 having been read: It is declared that the petitioner is the lawful widow of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondent or any other person shall, on or before the 15th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

C. EARDLEY-WILMOT,
District Judge.

This 11th day of September, 1900.

In the District Court of Mannar.

Order Nisi.

| | | |
|--|---|---|
| Testamentary Jurisdiction. No. 98. | } | In the Matter of the Estate and Effects of C. G. Blechinberg, late of Puliadyirakkam in the District of Mannar, deceased. |
|--|---|---|

THIS matter coming on for disposal before B. Constantine, Esq., District Judge of Mannar, on the 20th day of September, 1900, in the presence of Mr. S. Mudliar Anantham, Proctor, on the part of the petitioner Alfred Johnson Sawyer, of Colombo; and the affidavit of the said petitioner, Alfred Johnson Sawyer, of Colombo, dated 11th day of September, 1900, having been read: It is ordered that the said Alfred Johnson Sawyer be, and he is hereby declared entitled to have letters of administration to the estate of the deceased C. G. Blechinberg issued to him, as Consul for Denmark, unless any person shall, on or before the 25th day of October, 1900, show sufficient cause to the contrary.

B. CONSTANTINE,
District Judge.

This 20th day of September, 1900.

In the District Court of Galle.

Order Nisi.

Testamentary } In the Matter of the Estate of the
Jurisdiction. } late Narigama Gamage Abey
No. 3,320. } Hamy, deceased, of Meepawala.

THIS matter coming on for disposal before F. J. de Livera, Esq., District Judge of Galle, on the 17th day of September, 1900, in the presence of Mr. David George Goonawardena, Proctor, on the part of the petitioner Kombappu Kankanage Sinno Baba, of Galle; and the affidavit of Kombappu Kankanage Sinno Baba, of Galle, dated 11th May, 1900, having been read: It is ordered that letters of administration of the estate of the above-named deceased be issued to Ukwatteleanage Bala Hamy, of Meepawala, widow of the above-named deceased, the 1st, or to the 7th respondent J Krause, Secretary of the D. C., Galle, unless the said respondents—(1) Ukwatteleanage Bala Hamy, (2) Narigamage Tevis, (3) Narigamage Hinni Hamy, (4) Narigamage Punchi Hamy, (5) Narigamage Kathirina, (6) Narigamage Porolis Hamy, and J. Krause, Secretary, District Court, Galle—shall, on or before the 9th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

F. J. DE LIVERA,
District Judge.

The 17th day of September, 1900.

In the District Court of Batticaloa.

Order Nisi.

Testamentary } In the Matter of the Last Will
Jurisdiction. } and Testament of Kadiramalai
No. 327. } Tamodarampullai, late of Puli-
yantivu, deceased.

Kanepatipullai Aromogampullai Upatiar,
of Puliyantivu.....Petitioner.

And

1, Suppramanar Muttuppullai; 2, Suppramanar Saravanamuttu; 3, Suppramanar Nallatamby; 4, Suppramanar Sidambarapullai; 5, Sinnekkuddiapullai Mootatamby; 6, Sinnekkuddiapullai Eliyatampi; 7, Sinnekkuddiapullai Sinnatamby, all of Puliyantivu..... Respondents.

THIS matter coming on for disposal before C. S. Vaughan, Esq., District Judge of Batticaloa, on 28th July, 1900, in the presence of Mr. A. B. Canagasabey, Proctor, on the part of the petitioner; and the affidavit of the petitioner Kanepatipullai Aromogampullai Upatiar, dated 13th July, 1900, having been read; and the evidence of Notary Sidamparapullai, Notary Velupillai, Appuralai Sinnekkuddiapillai on affirmation, and that of Nathaniel George Alegecone on oath having been recorded: It is ordered that the will of Kadiramalai Tamodarampullai, deceased, dated 26th June, 1900, and now deposited in this court, be and the same is hereby declared proved, unless the respondents or any person interested shall, on or before the 28th August, 1900, show sufficient cause to the satisfaction of this court.

It is further ordered that letters of administration with copy of the will annexed be granted to the petitioner Kanepatipullai Aromogampullai Upatiar, sole legatee, unless the respondents or any person interested shall, on or before the 28th August, 1900, show sufficient cause to the satisfaction of this court to the contrary.

C. S. VAUGHAN,
District Judge.

July 28, 1900.

The above *Order Nisi* has been extended till the 9th October, 1900, and unless the respondents shall on that day show sufficient cause to the contrary, letters of administration with the will annexed will be issued to the applicant K. Aromogampullai Upatiar, as sole legatee.

C. S. VAUGHAN,
District Judge.

Dated September 25, 1900.

In the District Court of Puttalam.

Order Nisi.

Testamentary } In the Matter of the Estate of
Jurisdiction. } Santiago Pulle Marthino, hus-
No. 150. } band of Cicilia Pulle, of Arachchi
Villu.

Between

Cicilia Pulle, of Arachchi Villu Petitioner.

Vs.

Santiago Pulle Anthoni Pulle, of Manativu, guardian *ad litem* over the minors of 1, Mariamma and 2, Paulu Pulle, aged 9 and 4 years Respondent.

THIS matter coming on for order before Henry William Brodhurst, Esq., District Judge of Puttalam, on the 28th day of August, 1900, in the presence of the petitioner; and on reading the affidavit and the petition, dated the 28th day of August, 1900: It is ordered that the said petitioner Cicilia Pulle be and she is hereby declared entitled to have letters of administration to the estate of the said Santiago Pulle Marthino, deceased, issued to her, unless the respondent Santiago Pulle Anthoni Pulle or any other person interested shall, on or before the 10th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

H. W. BRODHURST,
District Judge.

September 26, 1900.

In the District Court of Badulla.

Testamentary } In the Matter of the Estate and
Jurisdiction. } Effects of the late Kristombu-
B 178. } baduge Siyadoris Appu, of
Muppene, deceased.

Hewatanrige Karolis Appu, of Muppene...Petitioner.

And

1, Kristombubaduge Abaran de Silva;
2, Kristombubaduge Sanchi Appu, both
of Muppene Respondents.

THIS matter coming on for disposal before F. Bartlett, Esq., District Judge of Badulla, on the 6th day of September, 1900, in the presence of Hewatanrige Karolis Appu; and the affidavit of Hewatanrige Karolis Appu, dated 1st March, 1899, having been read: It is ordered that Hewatanrige Karolis Appu, the petitioner, as father-in-law of the late Kristombubaduge Siyadoris Appu, is entitled to letters of administration of the estate of the said deceased issued to him accordingly, unless the above-named respondents shall, on or before the 13th day of October, 1900, show sufficient cause to the satisfaction of this court to the contrary.

F. BARTLETT,
District Judge.

The 6th September, 1900.

In the District Court of Puttalam.

Testamentary
Jurisdiction.
No. 153.

Order Nisi.

In the Matter of the Intestate
Estate of Alla Pitche Seyado
Mohammado, late of Puttalam,
deceased.

Between

Mohammado Ibrahim Assena Marikar, of
Puttalam.....Petitioner.

And

1, Mohammado Meera Nachchia, widow of
Alla Pitche Seyado Mohammado, of
Puttalam; and 2, Assena Marikar
Mohammado Ibrahim, of Puttalam,
guardian *ad litem* of the minors (1)
Pathu Muttu, (2) Seynambo Nachchia,
(3) Balkis Umma, and (4) Mohammado
Abubakkar, minor children of Alla
Pitche Seyado Mohammado.....Respondents.

THIS matter coming on for order before Henry
William Brodhurst, Esq., District Judge of

Puttalam, on the 29th day of August, 1900, in the
presence of the petitioner; and on reading the affidavit
and the petition of the petitioner, dated 29th August,
1900: It is ordered that the petitioner Mohammado
Ibrahim Assena Marikar, of Puttalam, be and he is
hereby declared entitled to have letters of administra-
tion to the estate of the said Alla Pitche Seyado
Mohammado, late of Puttalam, issued to him, unless
the respondents—1, Mohammado Meera Nachchia,
widow of Alla Pitche Seyado Mohammado; and 2,
Assena Marikar Mohammado Ibrahim, of Puttalam,
guardian *ad litem* over the above-named minors, or
any other person interested—shall, on or before the
10th day of October, 1900, show sufficient cause to
the satisfaction of this court to the contrary.

H. W. BRODHURST,
District Judge.

September 26, 1900.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,918.

In the matter of the insolvency of Holman Foster, of Colombo.

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 November 1, 1900, to consider and give directions to the assignee with
regard to an offer to purchase the insolvent's interest under a certain indenture of lease No. 26,034, dated April
28, 1896, attested by Wickremearatchilage Don Cornelis Appuhamy, of Kegalla, Notary Public, of the
plumbago mining lands called Gallenagawahena and Uppadurahena, in the Kegalla District, for the price or
sum of two hundred rupees.

By order of court,

J. B. MISSE,
Secretary.

Colombo, October 1, 1900.

NOTICES OF FISCALS' SALES.

Central Province.

In the District Court of Kandy.

S. R. M. S. P. Palaniappa Chetty, of
Gampola.....Plaintiff.

No. 12,305. Vs.

1, L. C. T. R. Sidemberam Chetty; 2,
L. C. T. R. Cadriwail Chetty, both of
Kirapone, Gampola Defendants.

NOTICE is hereby given that on October 27,
1900, commencing at 12 o'clock noon, will be
sold by public auction at the premises the right title
and interest of the defendants in the following pro-
perty, to wit:—

All that tea estate called and known as Letchime-
watta, containing in extent of 15 acres and 26 perches,
and comprising the following allotments of land,
namely:—

1. Madalossewatta of 1 acre 1 rood and 20 perche
in extent.
2. Madalossehena of 5 lahas.
3. Madalossewatta *alias* Kirigahayatehena of 2
pelas of paddy sowing.
4. The northern 1 pela out of Ambalamagawa-
hena of 12 lahas.
5. Kolambarawatta of 2 kurunies.
6. The western 8 lahas out of Gedarawatta *alias*
Eteheraliawatta of 3 pelas of paddy sowing.
7. Nilmalaygedarawatta of 1 amunam of paddy
sowing.
8. Kumburawatta of 3 seers of kurakkan sowing.
9. Thumbakotuwa of 1½ seer of kurakkan sowing
extent.
10. Embekkegedarawatta.
11. Embekkegedarawatta of 2 acres in extent.
12. The northern portion out of Neketgedara-
watta *alias* Wadikkaragedarawatta of 15 lahas.

13. Hundred feet in breadth out of Kolaborawatta *alias* Batalagewattakotuwa of 3 pelas.

14. Half share of Gedarawatta of 3 pelas.

15. The western half share out of Delgahamulawatta of 2 pelas of paddy sowing.

16. Nedanwalawatta of 15 lahas.

17. Thumbawatta of 3 nellies of kurakkah sowing.

18. One-fourth share of Wadikkarayagewatta *alias* Neketrulagewatta of 15 lahas.

19. The eastern 1 pella out of Hapugahapitiyahenawalewatta of 2 pelas.

20. The eastern half share of Henawalawatta of 12 lahas.

21. The eastern half share of Delgahakotuwa-watta of 15 lahas and half share of the buildings thereon towards the west.

22. Hapugaspitiyawatta of 15 lahas in extent.

23. One-fourth share of Kankanamalagewatta of 3 pelas.

24. One-fourth share of Kankanamalagegedarawatta of 3 pelas.

25. Hapugaspitiyawatta of 15 lahas.

26. Hapugaspitiyahena of 2 pelas in extent.

27. Hapugaspitiyahena of 3 pelas.

28. Nidanwalawatta of 15 lahas of paddy sowing extent; which said estate is bounded or reputed to be bounded on the east by the road leading to Kadugannawa, south by the limit of Manikralagedeniya, Karanduwatta, Upasekewatta, Talagahawatta, Gedarawatta, and ela, west by the limit of Arenasalam Chetty's garden, Polgollegedarawatta, Delgahakotuwa-watta and ela, and on the north by road leading to Kadugannawa, with the buildings, plantations, and everything standing thereon, situate at Kirapone of Gampola.

Amount of writ, Rs. 6,573.

Fiscal's Office, R. N. THAINE,
Kandy, September 29, 1900. Deputy Fiscal.

In the District Court of Kandy.

S. T. A. L. Alagappa Chetty.....Plaintiff.
No. 13,619. Vs.

1, Sidde Lebbe Marikkar Sinne Lebbe
Marikkar; 2, A. L. M. Mohamado
Cassim.....Defendants.

NOTICE is hereby given that on October 27, 1900, 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, viz. :—

The house and premises bearing assessment No. 70, situate at Trincomalee street of Kandy; and bounded on the north by house No. 71, east by Pavilion wall, west by Trincomalee street, and on the south by house No. 69.

Amount of writ, Rs. 342.66.

Fiscal's Office, R. N. THAINE,
Kandy, September 29, 1900. Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

Venasi Tamby Udayar Sinna Tamby
Vanniah, of Kodaikalaar Plaintiff.
No. 2,039. Vs.

1, Kalender Lebbe Marakair T. Mohamadu Isumaleevai and wife 2, Sinna Lebbe Marakair Pattommah, of Kattankuddi.....Defendants.

NOTICE is hereby given that on the following dates will be sold by public auction at the

spot the right, title, and interest of the said defendants in the following properties, viz. :—

On Friday, October 26, 1900, at 9 A.M.

1. The paddy lañl called Marutadimunmari, situated at Sambalmunaiwattai in Akkarai pattu; and bounded on the north by the boundary of the land of Manikappody, presently belonging to P. H. T. Kantaperumal, south by odai, east by the boundary of the land called Maruthadyvely, presently belonging to Sumapillay Kanapatian and others, and on the west by Crown land; containing in extent 14 acres 3 roods and 23 perches, with all water rights.

On Saturday, October 27, 1900, at 9 A.M.

2. The southern just one-half share of Paddanianveli and the southern just one-half share of Mohadduveli, both forming into one, situated at Ka-adduvelivattai in Akkarai pattu; and bounded on the north by the boundary of the northern share of the land called Paddanianveli, south by the boundary of Olagipodyvyal and boundary of Ka-adduveli and channel, on the west by the common dam of Pallaveli, and on the east by Olagipodyvayel and channel and presently by Pamkavettuka-atupumey; the extent of the southern just one-half share of the land called Modduveli is six avanams, with all water rights.

At 11 A.M.

3. Out of the land called Vilanka-atuveli, situated at Palavumai in Akkarai pattu; and bounded on the north by river, south by the boundary of land lots Nos. 141 and 142, east by the boundary of the land of Meerashubupody, and on the west by the boundary of the land of Ismankandu; in extent 71 acres 3 roods and 4 perches, an undivided 18 acres of land.

On Monday, October 29, 1900, at 9 A.M.

4. A piece of land in the centre of the eastern side of Meenooranvely called Vaguravayal in Valalavaivaddai at Addalechenai in Akkarai pattu; and bounded on the north by the boundary of Muttadukulikaren Elavisam and Kadduvarampu, on the south by the boundary of Kallady Elavisam and Kadduvarampu, on the east by the boundary of Modkareyiveli and presently by channel, and on the west by the common dam of this land and odai, of the sowing extent of three avanams of paddy.

At 11 A.M.

5. The paddy land called Mookareyenveli in Valalavaivattai at Attalechenai in Akkarai pattu; and bounded on the north-east by jungle, south-east and south by Sinnakallady pattu and Periakallady pattu, Sinnavelanvely and Tirukupodiarpallam, and presently by Vellianodai, west by Ethirkondanaar, and north-west by Munmarivelipothu and presently by Vadichelvaikal; in extent 53 acres 2 roods and $37\frac{11}{100}$ perches, out of this land the just one-half share on the western side.

On Tuesday, October 30, 1900, at 10 A.M.

6. The just one-half share on the southern side of the paddy land called Ampalavyveddukkadu or Sakkuduttarveddukkadu in Madupalaikandom at Senketpadai in Nindur; and bounded on the north by the other just one-half share belonging to M. K. Meera Saibulevvai Marakair, on the south by the river, on the east by the other share of this land, and on the west by road; in extent 26 acres and 24 perches.

On Wednesday, October 31, 1900, at 9 A.M.

7. The paddy land called Sammonaddiarpallavelly, situated at Malkomputtykandom in Sammanturai-pattu; and bounded on the north by river, south and west by the boundary of the land of Alliarpody, and on the east by the boundary of Kattadivelipothu belonging to Mohamadalaypody Vanniah; in extent 25 acres.

At 11 A.M.

8. The land called Marutaduyal and Vammi-diviyal, both forming into one, out of the land called Vannianarveli at Puttadikandom in Sammanturai pattu; and bounded on the north by the boundary of the land of N. Isalevvai, on the south by the boundary of Elavisam of Seethaleypody, on the east by the boundary of Vannaveykalavaddyvayal, and on the west by the boundary of Vannianarvelikoddankethu-pothu or vyal, of the sowing extent of 4 avaanams.

On Thursday, November 1, 1900, at 3 P.M.

9. The land called Kalimadumunmari in Porativu pattu; and bounded on the north by the land of Aliarpody and Crown land, south and east by the other share of this land, and on the west by Mungilaar; in extent nearly 105 acres, out of this just one-half share on the northern side of this land, the just one-half share on the western side.

On Saturday, November 3, 1900, at 9 A.M.

10. Two lands called Kulavayal and Velankeethu, situate at Pangodaveli in Eraur pattu; Kulavayal is bounded on the north by Mavilangavayal, on the south by the boundary of Thanichchenaipattuvayal, on the east by Upparu, and on the west by vaikal of Kulavayal; Velankeethu is bounded on the north by vaikal, on the south by the boundary of Kulavayal and Mankulivayal, and on the west by the boundary of Paathakarenvyal; in extent 44 acres 1 rood and 9 perches.

At 2 P.M.

11. The land called Vipparyenkuda, situate at Uluntanai in Eraur pattu; and bounded on the north by the boundary of Veddukaduvveli and Periakad-veli, on the south by the boundary of Periaveli, on the east by Uluntanai-aar, and on the west by the boundary of Ittiadimunmari; in extent $7\frac{3}{4}$ acres.

On Monday, November 5, 1900, at 9 A.M.

12. The garden called Keddangevalavu with two rooms, situated at Puliyantivu Main bazaar street in Manmunai pattu; and bounded on the north and south by roads, on the east by the wall of the bankshall of Sulamialevvai, and on the west by the wall of the room allotted to M. K. Muhamado Mustapha, presently belonging to K. Vytilingam; in extent from east to west 26 feet and from north to south 154 feet.

At 2 P.M.

13. The Kittanki house and garden situated at Kattankuddi; and bounded on the north by lane, on the south by the boundary of the dowry garden of Esa-levvai, on the east by the dowry garden of Adam-pillay, and on the west by lake shore; in extent from north to south 12 fathoms and from east to west 21 fathoms, excluding the produce, and out of the bank-shall built therein, the large room on the northern side and a small room on the southern side of the eastern side verandah.

At 4 P.M.

14. The garden called Pattummavalavu, situated at Kattankuddi; and bounded on the north by the boundary of the dowry garden of Meera Lebbe, on the

south by lane, on the east by the boundary of the dowry garden of Ahamado Lebbe, and on the west by the residing garden of the defendant; in extent from north to south 12 fathoms and from east to west 13 fathoms.

On Tuesday, November 6, 1900, at 2 P.M.

15. The paddy land called Oddarkulam in Oorasari in Manmunai pattu; and bounded on the north by the dam of tank of Oorasari and Crown land, on the south by the common dam of Odavivelly, on the east by Crown land, and on the west by the land of Paler; in extent 59 acres, out of the just one-half share on the northern side of this land, the just one-half share on the western side of it.

Amount to be levied Rs. 16,759.26, with interest on Rs. 16,000 at $12\frac{1}{2}$ per cent. per annum from March 10, 1897, to February 15, 1900, with further interest on the aggregate sum of principal and interest at 9 per cent. per annum from February 15, 1900, up to May 30, 1900.

THOS. R. E. LOFTUS,
Fiscal.

Fiscal's Office,
Batticaloa, September 29, 1900.

North-Western Provinces.

In the District Court of Chilaw.

Peduru Manuel Fernando and another.....Plaintiff.
No. 1,534. Vs.

Mihindukulasuriya Juan Jose Fernando,
Pitipane street, Chilaw.....Defendant.

NOTICE is hereby given that on Saturday, October 27, 1900, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

Half share of the house and premises called Padinchiwainnaidama, situate at Pitipane street, Chilaw; bounded on the north by the eaves of the house of the children of Manuel Fernando and by a small path, east by the limit of the land of the defendant and his brother and by the fence of the land of Alensu Peries, south by a small path, west by the limit of the land of the children of Manuel Fernando Annavirala.

2. Undivided $\frac{1}{2}$ share of the land situate at Pitipane street, bounded on the north by the lands of Manuel Jose Fernando and Savary Peries Vidane, east and south by the lands of Alensu Peries Appuhamy, west by the land belonging to the defendant and his brother.

3. The $\frac{3}{4}$ share of the gala land called Suse Arachchigegala, situate at Alutwatta in Chilaw; bounded on the north by the fence of gala of Abilino Anthony Perera, east by the land belonging to the heirs of Santiago Fernando and others, south by the gala land of Mananchy, west by the gala land belonging to the heirs of Philippu Juan Fernando and others.

Amount recoverable Rs. 767.50, with interest on Rs. 670.50 at 9 per cent. per annum from September 17, 1896, and poundage.

Deputy Fiscal's J. G. FRASER,
Chilaw, October 1, 1900. Deputy Fiscal.

In the District Court of Negombo.

Mama Chena Kadiravelan Chetty Plaintiff.
No. 2,800. Vs.

Warnakulasuriya Nicholan Dabarera, late
Police Headman of Kammala, and
others Defendants.

NOTICE is hereby given that on Friday, November 3, 1900, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

1. One-tenth share of Kirikongahawatta, situate at Ihala Katuneriya in Medapalata, Chilaw District; the said share, which is about 200 cocoanut plants plantable soil, is bounded on the north by live fence which separates the portion of this land belonging to Susey Thawarera Muppurala and the garden of others, east by live fence which separates the portion of this land belonging to Christina Dabarera and others, south by the portion of this land belonging to Issabella Thawarera, west by live fence which separates the portion of this land belonging to Kamel Thawarera.

2. One-tenth share of the land called Millagahahena, situate at Ihala Katuneriya aforesaid; bounded on the north by the land of Simon Coste, east by the portion of this land belonging to Kamel Thawarera and others, south by the bo-tree which stands in the land belonging to Savary Fernando and others, west by the portion of this land belonging to Anthony Perera and others; containing 100 cocoanut plants plantable extent.

On Monday, November 5, 1900, at 1 P.M.

3. The land called Kosgahawatta, situate at Kammala in Kammal pattu; bounded on the north by canal (ela), east by garden of Anthony Dabarera, south by the garden of Manuel Dabarera, west by the garden of Susey Dabarera; containing in extent

about 2 acres and 2 roods, with the tiled house standing thereon.

Amount recoverable Rs. 910.12, with interest on Rs. 800 at 9 per cent. per annum from February 8, 1897, and poundage.

J. G. FRASER,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, October 2, 1900.

In the District Court of Negombo.

A. T. U. L. Muttu Karuppen Chetty,
of Negombo Plaintiff.
No. 3,597. Vs.

L. Davith Fernando Annavi and another,
of Bolawalana Defendants.

NOTICE is hereby given that on Saturday, November 3, 1900, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

Undivided two-sixth shares of the portion of two contiguous land called Ketakelagahawatta and Kunenele Kosgahawatta, situate at Galwatta in Otara-palata of the Pitigal korale south, Chilaw District; bounded on the north by the fence of Sakrawartige Gordiano Fernando, east by dewata road, south by the garden of Mr. Siman Fernando and others, and west by Ma-oya; containing in extent about 6 acres.

Amount to be levied Rs. 1,097.87, with interest on Rs. 964.75 at the rate of 18 per cent. per annum from November 18, 1899, and poundage.

J. G. FRASER,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, October 1, 1900.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that a suit No. 1,784 has been instituted in the Court of Requests of Avisawella by two labourers of Penrith estate against the proprietor thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 15 and costs of suit.

Police Court,
Avisawella, September 26, 1900.

ALFRED PRONK,
Chief Clerk.

NOTICE is hereby given that a suit No. 1,802 has been instituted in the Court of Requests of Avisawella by two labourers of Farnham estate against the proprietor thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages Rs. 15 and costs of suit.

Police Court,
Avisawella, September 26, 1900.

ALFRED PRONK,
Chief Clerk.