



# Ceylon Government Gazette

Published by Authority.

No. 5,595—FRIDAY, JANUARY 6, 1899.

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 ...	—	Lists of Jurors and Assessors...	—
Draft Ordinances ...	2	Notices in Testamentary Actions	1
Notices from Supreme Court Registry ...	—	Notices in Insolvency Cases ...	3
Notices from Council of Legal Education...	—	Notices of Fiscals' Sales ...	3
Notifications of Criminal Sessions of Supreme Court ...	—	Notices from District and Minor Courts...	—

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary } In the Matter of the Estate and Effects  
Jurisdiction. } of Ranawaka Arachchige Don  
No. 1,128/C. } Cornelis, of Bambalapitiya, deceased.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., Acting District Judge of Colombo, on the 15th day of December, 1898, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner Kottawattege Clara Rosaline Perera, of Bambalapitiya; and the affidavit, dated the 7th day of December, 1898, having been read: It is ordered that the petitioner aforesaid be declared entitled to have letters of administration of the estate of the deceased Ranawaka Arachchige Don Cornelis, of Bambalapitiya, issued to her, as widow of the said deceased, unless any person interested shall, on or before the 26th day of January, 1899, show sufficient cause to the satisfaction of this court to the contrary.

FELIX R. DIAS,  
Acting District Judge.

The 19th December, 1898.

1

In the District Court of Jaffna.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the late  
Jurisdiction. } Elizabeth, wife of Joseph Saviri-  
No. 939. } muttu Sethupathy, of Jaffna,  
Class III. } deceased.  
Joseph Savirimuttu Sethupathy, of Jaffna.....Petitioner.

Vs.

Bastiampillai Theopillai, of Jaffna.....Respondent.  
THIS matter of the petition of Joseph Savirimuttu Sethupathy, of Jaffna, praying for letters of administration to the estate of the above-named deceased Elizabeth, wife of Joseph Savirimuttu Sethupathy, of Jaffna, coming on for disposal before C. Eardley-Wilmot, Esq., District Judge, on the 8th day of December, 1898, in the presence of Messrs. Casippillai & Cathiravelu, Proctors, on the part of the petitioner; and affidavit of the petitioner, dated the 8th day of December, 1898, having been read, it is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before the 30th day of January, 1899, show sufficient cause to the satisfaction of this court to the contrary.

C. EARDLEY-WILMOT,  
District Judge.

Signed this 8th day of December, 1898.

B 1

## DRAFT ORDINANCES.

### MINUTE.

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

#### An Ordinance to protect Public Servants from Legal Proceedings in respect of certain Liabilities.

- Preamble.**      **W**HEREAS it is expedient to protect public servants from legal proceedings in respect of certain liabilities : 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 This Ordinance may be cited as “The Public Servants’ (Liabilities) Ordinance, 1899.”
- Interpretation.**      2 “Public servant” means a person employed in the service of the Government of the colony or of any municipal council or local board or of any provincial or district committee.
- “Action” includes legal proceedings and process of every description other than criminal, and includes proceedings in insolvency.
- Actions not to lie against public servants in certain cases.**      3 (1) No action shall be maintained against a public servant :
- (a) Upon any promise, express or implied, to repay money paid or advanced to him or to another person at his request ;
- (b) Upon any promise, express or implied, to be answerable for the debt or default of another person ; or
- (c) Upon any bond, bill of exchange, promissory note, or other security made, drawn, accepted, endorsed, or given by him.
- (2) This section does not apply to the case of a public servant who at the date when the liability sought to be enforced is contracted is in receipt of a salary in regard to his fixed appointment of more than three hundred rupees a month.
- (3) This section does not apply to a liability contracted by a person prior to the date when he became a public servant.
- (4) This section does not apply to any liability contracted before the commencement of this Ordinance.
- (5) Nothing in this section contained shall affect the right of the holder of any security to bring an action to realize the same.
- Proceedings in contravention of this Ordinance to be void.**      4 All proceedings and documents in or incidental to an action in contravention of this Ordinance shall be void, and where complaint is made by a public servant or by the head of his department that such public servant is dealt with in contravention of this Ordinance by any process, execution, or order issued out of any court, and is made to that court or any court superior to it, the court or some judge thereof shall examine into the complaint and shall, if necessary, discharge such public servant without fee, and may award reasonable costs to the complainant, which may be recovered as if costs had been awarded in his favour in an action in such court.

By His Excellency’s command,

E. NOEL WALKER,  
Colonial Secretary.

Colonial Secretary’s Office,  
Colombo, December 29, 1898.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,808. In the matter of the insolvency of Benjamin Peter de Silva, of Colombo.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at the sitting of the court on January 26, 1899, for the purpose of approving the conditions of sale of the two policies of insurance in the Standard Life Assurance Company under mortgage to Mr. E. O. Felsing.

By order of court,

J. B. Misso,  
Secretary.  
Colombo, January 5, 1899.

No. 1,915. In the matter of the insolvency of William Charles Pieris, of Colombo.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at the sitting of the court on February 2 next, for the purpose of granting a certificate of conformity to the said insolvent.

By order of court,

J. B. Misso,  
Secretary.  
Colombo, January 5, 1899.

No. 1,941. In the matter of the insolvency of Bartholomew Simon Jude Gomes, of Slave Island, Colombo.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at the sitting of the court on February 2 next, for the purpose of granting a certificate of conformity to the said insolvent.

By order of court,

J. B. Misso,  
Secretary.  
Colombo, January 5, 1899.

No. 1,961. In the matter of the insolvency of K. Don Alfred Senewiratne, of Dematagoda.

WHEREAS the above-named K. Don Alfred Senewiratne was on December 20, 1898, adjudged insolvent by the District Court of Colombo, 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 February 2 and 16, 1899, 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,

J. B. Misso,  
Secretary.  
Colombo, January 5, 1899.

## NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Ana Runa Seena Thana Sethamperam  
Chetty, of Sea street in Colombo ..... Plaintiff.  
No. 11,181/C. Vs.

1, Mary Muttiah; 2, Christian Muttiah, both  
of Bishop's Gate, Alutmawata, Colombo ... Defendants.

NOTICE is hereby given that on Friday, January 27, 1899, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said second defendant in the following property, viz. :—

All that land called Nedungolla estate, situated at Anuragoda in the Gangaboda pattu of Siyane korale east; bounded on the north by land claimed by Alexander Appu, Hendrick Perera, Esan Appu, Baba Appu, Baronchi Appu and others; on the north-east by land claimed by Baronchi Appu and others; on the east by lands claimed by Baronchi Appu and others, Obis Appu, Dingihamy, Baba Appu and others; on the south by lands claimed by Baronchi Appu and others, Siman Appu, Dingihamy, Baba Appu and others, and Avenchihamy; and on the west by lands claimed by Avenchihamy, David Appu, and Alexander Appu; containing in extent 106 acres.

Deputy Fiscal's Office,  
Veyangoda, December 23, 1898.

L. DE LIVERA,  
Deputy Fiscal.

In the District Court of Negombo.

Suna Pana Theyanna Una Ana Suppremanian  
Chetty, of Kochchikada ..... Plaintiff.  
No. 2,842. Vs.

1, Christogo Silva Juan Pulle, of Etgala; 2,  
Nicholas Silva Christogo Pulle; and 3,  
Philippu Silva Christogo Pulle, both of  
Tambarawila..... Defendants.

NOTICE is hereby given that on January 28, 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 defendants in the following property, viz. :—

1. An undivided half share of the five contiguous portions of lands called Ambagahawatta, Etambagahawatta, Gorakagahawatta *alias* Etambagahawatta, Ambagahawatta *alias* Kongahawatta, situate at Etgala in the Dunagaha pattu of the Alutkuru korale; the entire property being bounded on the north by the land of Suse Fernando Philippu Pulle, on the east by a dewata road and by the land formerly in the name of Nicholas Fernando Antho Pulle, and now of Suse Peries Peduru Pulle, on the south by the land of Domingo Costa and others and by the land of Nicholas Silva, Juan Pulle, and others, and on the west by the land belonging to the heirs of Juan Fernando Peduru Pulle through him; containing in extent 13 acres 3 roods and 22.62 perches more or less.

2. An undivided half of the land wherein the defendants reside and of the tiled buildings standing thereon, at do.; the entire land is bounded on the north

and east by the lands of Philippu Annavirala and others, on the south by the high road, and on the west by the land of Suse Appu Vedarala and others; in extent 3 acres more or less.

Amount to be levied Rs. 650-50, and interest on Rs. 500 at 18 per cent. per annum from February 18, 1897.

SWAMPILLE JOSEPH,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Negombo, January 4, 1899.

In the District Court of Negombo.

Kana Nana Nawenna Kannappa Chetty, by  
his attorney Kana Nana Nawenna  
Pillappa Chetty.....Plaintiff.

No. 3,059. Vs.

Jayawardanage Don Nicholas Appuhamy,  
of Palagatura.....Defendant.

NOTICE is hereby given that on February 4, 1899, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property, specially hypothecated by bond No. 2,894, dated December 28, 1894, viz. :—

The several portions into one annexed land called Kadurugahawatta, Kadurugahakumbura, and Widiyaboda Dawatagahakumbura, situate at Palagatura in the Dunagaha pattu of the Alutkuru korale; and bounded on the north by the lands of Warnakulasuriya Thomis Fernando and others, on the east by the high road, on the south by the lands of Anthoni Fernando and others, and on the west by a part of this land belonging to the heirs of Tuppahige Anthony Fernando; containing in extent one acre more or less.

And on February 7, 1899, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property, viz. :—

The garden called Nagahawatta, situate at Katunaik in the Dasiyapattu of the Alutkuru korale; bounded on the north by the field of Siman Perera and others, on the east by the field of Francisco Perera and others, on the south by the garden of Galkandage Isaac Perera and others, and on the west by the garden belonging to the heirs of Siman Perera; containing in extent two acres more or less, and declared liable to be sold in satisfaction of the decree entered in the above case.

Amount to be levied Rs. 532-75, and interest on Rs. 300 at 18 per cent. per annum from December 21, 1897.

SWAMPILLE JOSEPH,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Negombo, January 4, 1899.

In the District Court of Kalutara.

Retiyalage Subaneris Perera, of Kahatapitiya  
in Rayigam korale.....Plaintiff.

No. 1,723. Vs.

Wettege Andris Silva, of Pinwatta.....Defendant.

NOTICE is hereby given that on Tuesday, January 31, 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 defendant in the following property, for the recovery of Rs. 439-87½, with further interest on Rs. 200 at 9 per cent. per annum from October 19, 1896, till payment in full, and poundage, viz. :—

1. The tiled boutique constructed with cabook stones and plastered with chunam, standing on the land called Welimuttawa, situated at Horana in Kumbuke pattu of Rayigam korale; and bounded on the north by Ambalamahena, on the east by the boutique belonging to Petihereachchige Don Abraham Vedarala, on the south by the high road, and on the west by the boutique belonging to Kumbukage Don Sanis Appu.

2. The soil and trees of the land called Welimuttawa, in extent about 1 acre, and the tiled house constructed with cabook stones and plastered with chunam standing thereon, situated at Horana in Kumbuke pattu of Rayigam korale; and bounded on the north by Ambalamahena, on the east by a portion of Welimuttawa, on the south by the high road, and on the west by Radagewatta *alias* water-course.

3. An undivided half share of the soil of the cinnamon growing thereon and of all the other trees of the land called Ralahaminnekurunduwatta, in extent about 8 acres, situated at Horana in Kumbuke pattu, of Rayigam korale; and bounded on the north by cinnamon land belonging to Sini Lebbe and another, on the east by a portion of Ralahaminnewatta, on the south by a portion of the same land, and on the west by the road leading to and from Anguruwatota.

4. One-fourth share of the soil and of the trees of the land called Kahatagahawatta, in extent about 6 acres, situated at Horana in Kumbuke pattu of Rayigam korale; and bounded on the north by the high road, on the east by cinnamon land, and on the south and west by fields.

DANL. F. JAYESURIA,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Bandaragama, December 22, 1898.

### Southern Province.

In the District Court of Galle.

R. M. A. N. Suppramanian Pulle of Galle ..... Plaintiff.  
No. 4,833. Vs.

Balapitiyege Bastian de Silva and another,  
of Galupitadda ..... Defendants.

NOTICE is hereby given that on Monday, January 30, 1899, at 3.30 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property, viz. :—

All that garden called Sekaratarisgewatta *alias* Nawasigahawatta, together with the two tiled houses of 15 cubits each and all the other buildings standing thereon, situate at Ettligoda.

This writ is issued to levy a sum of Rs. 1,882-15, with interest on Rs. 1,800 at 9 per cent. per annum from August 15, 1897.

C. T. LEMBRUGGEN,  
Fiscal's Office,  
Galle, January 4, 1899.

### North-Western Province

In the District Court of Puttalam.

N. L. M. N. Mohamado Ibrahim Naina.....Plaintiff.  
No. 993, A, B, C, and D. Vs.

Naina Pulle Marikar Mohamado Sidile Cader  
Saibo Markar and others.....Claimants.

NOTICE is hereby given that on Saturday, January 28, 1899, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said plaintiff in the following property, viz. :—

A tiled house and premises used as a boutique, situate at Colombo-Jaffna road in Puttalam; and bounded on the north by boutique of Neyna Mohamado Mohideen Kando, east by Colombo-Jaffna road, south by tiled boutique of Wapu Naina, and on west by a portion of land belonging to Ena Chena Moona Mohamado Casim Markar.

Amount involved Rs. 132-20.

E. T. NOYES,  
Deputy Fiscal.  
Deputy Fiscal's Office,  
Puttalam, December 29, 1898.