



# Ceylon Government Gazette

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## Part II.—Legal.

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

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### PASSED ORDINANCES.

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

No. 7 of 1920.

An Ordinance to make provision for giving effect to certain provisions of the Treaty of Peace lately signed at Versailles.

GRAEME THOMSON.

Preamble.

WHEREAS a Treaty of Peace (hereinafter referred to as "The Treaty") was signed at Versailles on the Twenty-eighth day of June, 1919, on behalf of His Majesty :

And whereas His Majesty has been pleased, under and by virtue of the powers conferred on him by the Treaty of Peace Act, 1919, to make the Order in Council set out in the schedule hereto, dealing with the enforcement of certain provisions of the said Treaty in certain parts of His Dominions, including Ceylon :

And whereas provision is made in the said Order in Council for the Legislature of any such part of His Majesty's Dominions making such modifications in the said Order as are necessary to adapt it to the circumstances thereof :

And whereas it is expedient to make certain modifications in the said Order in Council for the purpose of adapting certain of its provisions to the circumstances of this Colony :

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 Treaty of Peace (Enforcement) Ordinance, No. 7 of 1920."

Establishment of local Clearing Office.

2 There shall be established in Ceylon a Clearing Office under the control and management of the Custodian of Enemy Property appointed under the provisions of "The Enemy Firms Liquidation Ordinance, No. 20 of 1916," and there shall be attached thereto such officers and servants as the Governor may determine.

Application of  
Order in Council  
to the Colony.

3 In applying the said Order in Council to the Colony the following modifications shall be made :—

- (1) In article 1 (ii.) the reference to section 1 of the Trading with the Enemy Act, 1914, shall be taken to be to section 2 of "The Trading with the Enemy Ordinance, No. 20 of 1914";
- (2) In article 1 (iv.) the reference to the Supreme Court shall be taken to be to the District Court of Colombo;
- (3) Offences which under article 1 (vii., viii., xvii.) are directed to be prosecuted summarily may be so prosecuted before a Police Magistrate, and the provisions of section 8 A of "The Interpretation Ordinance, 1901," shall apply to such offences as if the same had been contained in an Ordinance;
- (4) In article 1 (xv.) the reference to a court shall be taken to be to a District Court;
- (5) In article 1 (xvii.) (b) the furnishing, before the said Order in Council comes into operation, of particulars to the Custodian of Enemy Property appointed under the provisions of "The Enemy Firms Liquidation Ordinance, No. 20 of 1916," in accordance with "The Enemy Property Ordinance, No. 23 of 1916," "The Enemy Property (Amendment) Ordinance, No. 5 of 1917," and "The Enemy Property (Amendment) Ordinance, No. 41 of 1917," shall be deemed to have been a compliance with the obligation to furnish the particulars in the said article set forth;
- (6) In article 1 (xvii.) (d) the reference to the Board of Trade shall be taken to be to the Governor in Executive Council, and the reference to section 4 of The Trading with the Enemy (Amendment) Act, 1916, shall be taken to be to section 8 A of "The Enemy Property Ordinance, No. 23 of 1916," as the same is set out in section 3 of Ordinance No. 5 of 1917;
- (7) In article 1 (xxi.) there shall be substituted for the reference to the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914, and the Patents, Designs, and Trade Marks (Temporary Rules) (Amendment) Act, 1914, a reference to "The Patents, Designs, and Trade Marks (Temporary Rules) Ordinance, No. 10 of 1915," other than sub-section (3) of section 2 thereof;
- (8) In article 1 (xxii.) the reference to the Comptroller-General of Patents and Trade Marks shall, in respect of proceedings relating to Patents, be taken to be to the Registrar as defined in "The Patents Ordinance, 1906," and in respect of proceedings relating to other matters referred to in article 310 of the Treaty be taken to be to the Registrar-General;
- (9) Wherever in article 1 reference is made to the amount of any fine which may be imposed in terms of pounds, it shall be deemed for the purposes of any proceedings taken in the Colony that fifteen rupees are the equivalent of one pound.
- (10) Wherever in the said Order in Council reference is made to the Custodian, such reference shall be taken to be to the Custodian of Enemy Property appointed under "The Enemy Firms Liquidation Ordinance, No. 20 of 1916."

Notification of  
commencement  
of Order in  
Council.

4 The Governor shall, by Proclamation in the *Government Gazette*, proclaim the date on which the notification mentioned in article 4 of the said Order in Council is given by His Majesty to Germany, and such date, as and when so proclaimed, shall for all purposes and in all courts be taken to be the date on which such notification as aforesaid was given to Germany.

#### SCHEDULE.

At the Court at Buckingham Palace, the 18th day of August, 1919.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas at Versailles, on the Twenty-eighth day of June, Nineteen hundred and Nineteen, a Treaty of Peace (hereinafter referred to as "The Treaty") was signed on behalf of His Majesty :

And whereas by the Treaty of Peace Act, 1919, it was provided that His Majesty might make such appointments, establish such offices, make such Orders in Council, and do such things as appeared to him to be necessary for carrying out the Treaty, and for giving effect to any of the provisions of the Treaty, and that any Order in Council made under that Act might provide for the imposition by summary process or otherwise of penalties in respect of breaches of the provisions thereof :

And whereas the Treaty contained the sections set out in the schedule to this Order, and it is expedient that for giving effect to those sections the provisions hereinafter contained should have effect :

And whereas by Treaty grant usage sufferance or other lawful means His Majesty has power and jurisdiction in British Protectorates, and is pleased by virtue and in exercise of the powers vested in Him by the Foreign Jurisdiction Act, 1890, or otherwise to extend the provisions of this Order to such Protectorates :

Now, therefore, His Majesty, by and with the advice of His Privy Council, is pleased to order, and it is hereby ordered, as follows :

1. The sections of the Treaty set out in the schedule to this Act shall have full force and effect as law, and for the purpose of carrying out the said sections the following provisions shall have effect :

(i.) There shall be established in the United Kingdom a Clearing Office under the control and management of such person (hereinafter referred to as the Controller) as the Board of Trade may appoint for the purpose, and there shall be attached thereto such officers and servants as the Board of Trade, subject to the consent of the Treasury as to number, may determine, and there shall be paid to the Controller and to such officers and servants such salaries or other remuneration as the Treasury may determine.

In the event of a local office being established in any part of His Majesty's dominions outside the United Kingdom or in any Protectorate, the provisions relating to the Clearing Office hereinafter contained shall apply thereto for the purpose of the functions authorized to be performed by a local Clearing Office under paragraph 1 of the annex to Section III. of Part X. of the Treaty.

(ii.) It shall not be lawful for any person to pay or accept payment of any enemy debt, except in cases where recovery thereof in a court of law is allowed as hereinafter provided, otherwise than through the Clearing Office, and no person interested in any such debt as debtor or creditor shall have any communications with any other person interested therein as creditor or debtor except through or by leave of the Clearing Office, and if any person contravenes this provision, he shall be guilty of an offence, and liable to be proceeded against and punished as if he had been guilty of the offence of trading with the enemy, and section 1 of the Trading with the Enemy Act, 1914, shall apply accordingly.

(iii.) It shall not be lawful for any person to take proceedings in any court for the recovery of any enemy debt except in the circumstances provided under paragraphs 16, 23, and 25 of the annex to the said Section III.

(iv.) The Clearing Office shall have power to enforce the payment of any enemy debt against the person by whom the debt is due, together with such interest as is payable under paragraph 22 of the annex to the said Section III., and for that purpose shall have all such rights and powers as if they were the creditor; and if the debt has been admitted by the debtor, or the debt or amount thereof has been found by arbitration or by the Mixed Arbitral Tribunal or by a court of law in manner provided by paragraph 16 of the annex to the said Section III., the Clearing Office may certify the amount so admitted or found due, and on production to the proper officer of the Supreme Court of the part of His Majesty's Dominions or the Protectorate in which the debtor resides of such certificate, the certificate shall be registered by that officer, and shall from the date of such registration be of the same force and effect, and all proceedings may be taken thereon, as if the certificate were a judgment obtained in that court for the recovery of a debt of the amount specified in the certificate and entered upon the date of such registration, and all reasonable costs and charges attendant upon the registration of such certificate shall be recoverable in like manner as if they were part of such judgment.

(v.) It shall be lawful for the Clearing Office to recover from any person by whom a fine is payable under paragraph 10 of the annex to the said Section III. the amount of such fine.

(vi.) It shall be lawful for the Clearing Office to deduct from any sum payable by the Clearing Office to a creditor such commission, not exceeding two and a half per cent. of the amount payable, as may be fixed by the Clearing Office.

(vii.) If any creditor refuses or fails to give such notice or to furnish such documents or information as are mentioned in paragraph 5 of the annex to the said Section III., he shall, on summary conviction, be liable to a fine not exceeding ten pounds.

(viii.) If any person collusively gives notice of or admits any debt which is not due, or furnishes any false information with respect to any debt, he shall, on summary conviction, be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine.

(ix.) If His Majesty so agrees with any of the other Allied or Associated Powers, the provisions of this Order, so far as they relate to enemy debts, shall apply to debts due to or from the nationals of that Power resident in any part of His Majesty's Dominions or Protectorates in like manner as they apply to debts due to or from British nationals so resident.

(x.) Proceedings by and on behalf of the Clearing Office may be taken by and in the name of the Controller of the Clearing Office, who may by that name sue and be sued, and costs may be awarded to or against the Controller.

(xi.) Every document purporting to be an order or other instrument issued by the Clearing Office and to be signed by the Controller or by the Secretary or other person authorized by the Controller shall be received in evidence, and shall be deemed to be such order or instrument without further proof, unless the contrary is shown.

(xii.) A certificate signed by the Controller that an order or other instrument purporting to be made or issued by the Clearing Office is so made or issued shall be conclusive evidence of the facts so certified.

(xiii.) The Documentary Evidence Act, 1868, as amended by any subsequent enactment, shall apply to the Clearing Office in like manner as if the Clearing Office were mentioned in the first column of the First Schedule to that Act, and as if the Controller or Secretary of the Clearing Office or any person authorized by the Controller to act on his behalf were mentioned in the second column of that schedule, and as if the regulations referred to in that Act included any documents issued by or on behalf of the Clearing Office.

(xiv.) All decisions of the Mixed Arbitral Tribunal constituted under Section VI. of Part X. of the Treaty, if within the jurisdiction of that tribunal, shall be final and conclusive and binding on all courts.

(xv.) For the purpose of enforcing the attendance of witnesses before the Mixed Arbitral Tribunal wherever sitting, whether within or without His Majesty's Dominions, and compelling the production before the tribunal of documents, a Secretary of State shall have power to issue orders which shall have the like effect as if the proceedings before the tribunal were an action in a court and the order were a formal process issued by that court in the due exercise of its jurisdiction, and shall be enforceable by that court accordingly, and disobedience to any such order shall be punishable as contempt of court.

(xvi.) All property, rights, and interests within His Majesty's Dominions or Protectorates belonging to German nationals at the date when the Treaty comes into force (not being property rights or interests acquired under any general license issued by or on behalf of His Majesty), and the nett proceeds of their sale, liquidation, or other dealings therewith are hereby charged—

(a) In the first place, with payment of the amounts due in respect of claims by British nationals with regard to their property, rights, and interests, including companies and associations in which they are interested in German territory, or debts owing to them by German nationals, and with payment of any compensation awarded by the Mixed Arbitral Tribunal, or by an Arbitrator appointed by that Tribunal in pursuance of paragraph (e) of Article 297, and with payment of claims growing out of acts committed by the German Government or by German authorities since the Thirty-first day of July, and before the Fourth day of August, Nineteen hundred and Fourteen; and

(b) Secondly, with payment of the amounts due in respect of claims by British nationals with regard to their property, rights, and interests in the territories of Austria-Hungary, Bulgaria, and Turkey, in so far as those claims are not otherwise satisfied.

Provided that any particular property, rights, or interests so charged may at any time, if His Majesty thinks fit, be released from the charge so created.

(xvii.) With a view to making effective and enforcing such charge as aforesaid—

- (a) No person shall, without the consent of the Custodian, transfer, part with, or otherwise deal in any property, right, or interest subject to the charge, and if he does so, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months, or to both such imprisonment and fine ;
- (b) Every person owning or having the control or management of any property, right, or interest subject to the charge (including where the property, right, or interest consists of shares, stocks, or other securities issued by a company, municipal authority, or other body, or any right or interest therein such company, authority, or body), shall, unless particulars thereof have already been furnished to the Custodian in accordance with the Trading with the Enemy Acts, 1914 to 1918, within one month from the date when this Order comes into operation, by notice in writing, communicate the fact to the Custodian, and shall furnish the Custodian with such particulars in relation thereto as the Custodian may require, and if any person fails to do so, he shall on summary conviction be liable to a fine not exceeding one hundred pounds ;
- (c) Where the property charged consists of inscribed or registered stock, shares, or other securities, any company, municipal authority, or other body by whom the securities were issued or are managed shall, on application being made by the Custodian, enter the Custodian in the books in which the securities are inscribed or registered as the proprietor of the securities subject to the charge, and the Custodian shall, subject to the consent of the Board of Trade, have power to sell or otherwise deal with the securities as proprietor of which he is so registered or inscribed ;
- (d) The Board of Trade may by order vest in the Custodian any property, rights, and interests subject to the charge, or the right to transfer the same, and for that purpose section 4 of the Trading with the Enemy (Amendment) Act, 1916, shall apply as if such property, rights, and interests were property belonging to an enemy or enemy subject ;
- (e) If any person called upon to pay any money or to transfer or otherwise to deal with any property, rights, or interests has reason to suspect that the same are subject to such charge as aforesaid, he shall, before paying, transferring, or dealing with the same, report the matter to the Custodian, and shall comply with any directions that the Custodian may give with respect thereto.

(xviii.) The time at which the period of prescription or limitation of right of action referred to in Article 300 shall begin again to run shall be at the expiration of six months after the coming into force of the Treaty, and the period to be allowed within which presentation of negotiable instruments for acceptance or payment and notice of non-acceptance or non-payment or protest may be made under Article 300 shall be six months from the coming into force of the Treaty.

(xix.) Rules made during the war by any recognized Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy and any action taken thereunder are hereby confirmed, subject to the provisos contained in paragraph 4 (a) of the annex to Section V. of Part X. of the Treaty.

(xx.) There shall be imposed on rights of industrial, literary, or artistic property (with the exception of trade marks) acquired before or during the war, or which may be acquired hereafter, by German nationals, such limitations, conditions, or restrictions as the Board of Trade may prescribe, for the purpose, in the manner, in the circumstances, and subject to the limitations contained in Article 306 of the Treaty, and any transfer in whole or in part or other dealing with any rights so acquired as aforesaid effected since the First day of August, Nineteen hundred and Fourteen, shall if and so far as it is inconsistent with any limitations, conditions, or restrictions so imposed be void and of no effect.

(xxi.) So far as may be necessary for the purpose of Article 307 the Patents, Designs, and Trade Marks (Temporary Rules) Act, 1914 (except paragraph (b) of section 1 of the Patents, Designs, and Trade Marks (Temporary Rules) (Amendment) Act, 1914), shall in relation to German nationals continue in force after the Treaty comes into force as if references therein to subjects of a state of war with His Majesty included references to German nationals.

(xxii.) The duly qualified tribunal for the purposes of Article 310 of the Treaty shall be the Comptroller-General of Patents, Designs, and Trade Marks.

2. For the purposes of this Order—

The expression "enemy debt" has the meaning assigned to it by paragraph 2 of the annex to Section III. of Part X. of the Treaty, and includes any sum which under the Treaty is to be treated or dealt with in like manner as an enemy debt :

The expression "nationals" in relation to any State includes the subjects or citizens of that State and any company or corporation incorporated therein according to the law of that State, and in the case of a Protectorate the natives thereof :

The expression "Custodian" means the Custodian of Enemy Property appointed under the Trading with the Enemy (Amendment) Act, 1914.

The Interpretation Act, 1889, applies for the interpretation of this Order in like manner as it applies for the interpretation of an Act of Parliament, and as if this Order were an Act of Parliament.

3. This Order shall apply to the whole of His Majesty's Dominions and Protectorates, except the Dominion of Canada, the Commonwealth of Australia (which for this purpose shall be deemed to include Papua and Norfolk Island), the Union of South Africa, the Dominion of New Zealand, Newfoundland, and India, but in its application to the parts of His Majesty's Dominions outside the United Kingdom and to British Protectorates shall be subject to such modifications as may be made by the Legislatures of those parts or those Protectorates for adapting to the circumstances thereof the provisions of this Order.

Provided that such of the provisions of this Order as give effect to Section III. of Part X. of the Treaty shall not apply to Egypt.

4. This Order shall come into operation on the date when the Treaty of Peace comes into force, but so much of this Order as relates to Section III. of Part X. of the Treaty and the annex to that section shall cease to be in operation after the expiration of one month from the deposit of the ratifications of the Treaty by His Majesty, unless in the meantime the notification referred to in paragraph (e) of Article 296 has been given to Germany by His Majesty.

5. This Order may be cited as the Treaty of Peace Order, 1919.

ALMERIC FITZROY.

### SCHEDULE.

#### Sections III. to VII. of Part X. of the Treaty.

#### SECTION III.—DEBTS.

##### ARTICLE 296.

There shall be settled through the intervention of clearing offices to be established by each of the High Contracting Parties within three months of the notification referred to in paragraph (e) hereafter the following classes of pecuniary obligations :

1. Debts payable before the war and due by a national of one of the Contracting Powers, residing within its territory, to a national of an Opposing Power, residing within its territory.

2. Debts which became payable during the war to nationals of one Contracting Power residing within its territory and arose out of transactions or contracts with the nationals of an Opposing Power, resident within its territory, of which the total or partial execution was suspended on account of the declaration of war.

3. Interest which has accrued due before and during the war to a national of one of the Contracting Powers in respect of securities issued by an Opposing Power, provided that the payment of interest on such securities to the nationals of that Power or to neutrals has not been suspended during the war.

4. Capital sums which have become payable before and during the war to nationals of one of the Contracting Powers in respect of securities issued by one of the Opposing Powers, provided that the payment of such capital sums to nationals of that Power or to neutrals has not been suspended during the war.

The proceeds of liquidation of enemy property, rights, and interests mentioned in Section IV. and in the annex thereto will be accounted for through the clearing offices, in the currency and at the rate of exchange hereinafter provided in paragraph (d) and disposed of by them under the conditions provided by the said section and annex.

The settlements provided for in this Article shall be effected according to the following principles and in accordance with the annex to this section :

(a) Each of the High Contracting Parties shall prohibit, as from the coming into force of the present Treaty, both the payment and the acceptance of payment of such debts, and also all communications between the interested parties with regard to the settlement of the said debts otherwise than through the clearing offices.

(b) Each of the High Contracting Parties shall be respectively responsible for the payment of such debts due by its nationals, except in the cases where before the war the debtor was in a state of bankruptcy or failure, or had given formal indication of insolvency, or where the debt was due by a company whose business has been liquidated under emergency legislation during the war. Nevertheless, debts due by the inhabitants of territory invaded or occupied by the enemy before the Armistice will not be guaranteed by the States of which those territories form part.

(c) The sums due to the nationals of one of the High Contracting Parties by the nationals of an Opposing State will be debited to the clearing office of the country of the debtor, and paid to the creditor by the clearing office of the country of the creditor.

(d) Debts shall be paid or credited in the currency of such one of the Allied and Associated Powers, their colonies or protectorates, or the British Dominions or India, as may be concerned. If the debts are payable in some other currency, they shall be paid or credited, in the currency of the country concerned, whether an Allied or Associated Power, Colony, Protectorate, British Dominion, or India, at the pre-war rate of exchange.

For the purpose of this provision the pre-war rate of exchange shall be defined as the average cable transfer rate prevailing in the Allied or Associated country concerned during the month immediately preceding the outbreak of war between the said country concerned and Germany.

If a contract provides for a fixed rate of exchange governing the conversion of the currency in which the debt is stated into the currency of the Allied or Associated country concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of new States the currency in which, and the rate of exchange at which, debts shall be paid or credited shall be determined by the Reparation Commission provided for in Part VIII. (Reparation).

(e) The provisions of this Article and of the annex hereto shall not apply as between Germany on the one hand and any one of the Allied and Associated Powers, their colonies or protectorates, or any one of the British Dominions or India on the other hand, unless within a period of one month from the deposit of the ratifications of the present Treaty by the Power in question, or of the ratification on behalf of such Dominion or of India, notice to that effect is given to Germany by the Government of such Allied or Associated Power or of such Dominion or of India, as the case may be.

(f) The Allied and Associated Powers who have adopted this Article and the annex hereto may agree between themselves to apply them to their respective nationals established in their territory so far as regards matters between their nationals and German nationals. In this case the payments made by application of this provision will be subject to arrangements between the allied and associated clearing offices concerned.

#### ANNEX.

1. Each of the High Contracting Parties will, within three months from the notification provided for in Article 296, paragraph (e), establish a clearing office for the collection and payment of enemy debts.

Local clearing offices may be established for any particular portion of the territories of the High Contracting Parties. Such local clearing offices may perform all the functions of a central clearing office in their respective districts, except that all transactions with the clearing office in the Opposing State must be effected through the central clearing office.

2. In this annex the pecuniary obligations referred to in the first paragraph of Article 296 are described as "enemy debts," the persons from whom the same are due as "enemy debtors," the persons to whom they are due as "enemy creditors," the clearing office in the country of the creditor is called the "Creditor Clearing Office," and the clearing office in the country of the debtor is called the "Debtor Clearing Office."

3. The High Contracting Parties will subject contraventions of paragraph (a) of Article 296 to the same penalties as are at present provided by their legislation for trading with the enemy.

They will similarly prohibit within their territory all legal process relating to payment of enemy debts, except in accordance with the provisions of this annex.

4. The Government guarantee specified in paragraph (b) of Article 296 shall take effect whenever, for any reason, a debt shall not be recoverable, except in a case where at the date of the outbreak of war the debt was barred by the laws of prescription in force in the country of the debtor, or where the debtor was at that time in a state of bankruptcy or failure or had given formal indication of insolvency, or where the debt was due by a company whose business had been liquidated under emergency legislation during the war. In such case the procedure specified by this annex shall apply to payment of the dividends.

The terms "bankruptcy" and "failure" refer to the application of legislation providing for such juridical conditions. The expression "formal indication of insolvency" bears the same meaning as it has in English law.

5. Creditors shall give notice to the creditor clearing office within six months of its establishment of debts due to them, and shall furnish the clearing office with any documents and information required of them.

The High Contracting Parties will take all suitable measures to trace and punish collusion between enemy creditors and debtors. The clearing offices will communicate to one another any evidence and information which might help the discovery and punishment of such collusion.

The High Contracting Parties will facilitate as much as possible postal and telegraphic communication at the expense of the parties concerned and through the intervention of the clearing offices between debtors and creditors desirous of coming to an agreement as to the amount of their debt.

The creditor clearing office will notify the debtor clearing office of all debts declared to it. The debtor clearing office will, in due course, inform the creditor clearing office which debts are admitted and which debts are contested. In the latter case, the debtor clearing office will give the grounds for the non-admission of debt.

6. When a debt has been admitted, in whole or in part, the debtor clearing office will at once credit the creditor clearing office with the amount admitted, and at the same time notify it of such credit.

7. The debt shall be deemed to be admitted in full and shall be credited forthwith to the creditor clearing office, unless within three months from the receipt of the notification or such longer time as may be agreed to by the creditor clearing office, notice has been given by the debtor clearing office that it is not admitted.

8. When the whole or part of a debt is not admitted, the two clearing offices will examine into the matter jointly and will endeavour to bring the parties to an agreement.

9. The creditor clearing office will pay to the individual creditor the sums credited to it out of the funds placed at its disposal by the Government of its country and in accordance with the conditions fixed by the said Government, retaining any sums considered necessary to cover risks, expenses, or commissions.

10. Any person having claimed payment of an enemy debt which is not admitted in whole or in part shall pay to the clearing office, by way of fine, interest at five per cent. on the part not admitted. Any person having unduly refused to admit the whole or part of a debt claimed from him shall pay, by way of fine, interest at five per cent. on the amount with regard to which his refusal shall be disallowed.

Such interest shall run from the date of expiration of the period provided for in paragraph 7 until the date on which the claim shall have been disallowed or the debt paid.

Each clearing office shall, in so far as it is concerned, take steps to collect the fines above provided for, and will be responsible if such fines cannot be collected.

The fines will be credited to the other clearing office, which shall retain them as a contribution towards the cost of carrying out the present provisions.

11. The balance between the clearing offices shall be struck monthly, and the credit balance paid in cash by the debtor State within a week.

Nevertheless, any credit balances which may be due by one or more of the Allied and Associated Powers shall be retained until complete payment shall have been effected of the sums due to the Allied or Associated Powers or their nationals on account of the war.



12. To facilitate discussion between the clearing offices, each of them shall have a representative at the place where the other is established.

13. Except for special reasons, all discussions in regard to claims will, so far as possible, take place at the debtor clearing office.

14. In conformity with Article 296, paragraph (b), the High Contracting Parties are responsible for the payment of the enemy debts owing by their nationals.

The debtor clearing office will therefore credit the creditor clearing office which all debts admitted, even in case of inability to collect them from the individual debtor. The Governments concerned will, nevertheless, invest their respective clearing offices with all necessary powers for the recovery of debts which have been admitted.

As an exception, the admitted debts owing by persons having suffered injury from acts of war shall only be credited to the creditor clearing office when the compensation due to the person concerned in respect of such injury shall have been paid.

15. Each Government will defray the expenses of the clearing office set up in its territory, including the salaries of the staff.

16. Where the two clearing offices are unable to agree whether a debt claimed is due, or in case of a difference between an enemy debtor and an enemy creditor or between the clearing offices, the dispute shall either be referred to arbitration, if the parties so agree under conditions fixed by agreement between them, or referred to the Mixed Arbitral Tribunal provided for in Section VI. hereafter.

At the request of the creditor clearing office the dispute may, however, be submitted to the jurisdiction of the courts of the place of domicile of the debtor.

17. Recovery of sums found by the Mixed Arbitral Tribunal, the court, or the Arbitration Tribunal to be due shall be effected through the clearing offices as if these sums were debts admitted by the debtor clearing office.

18. Each of the Governments concerned shall appoint an agent who will be responsible for the presentation to the Mixed Arbitral Tribunal of the cases conducted on behalf of its clearing office. This agent will exercise a general control over the representatives or counsel employed by its nationals.

Decisions will be arrived at on documentary evidence, but it will be open to the Tribunal to hear the parties in person, or according to their preference by their representatives approved by the two Governments, or by the agent referred to above, who shall be competent to intervene along with the party or to re-open and maintain a claim abandoned by the same.

19. The clearing offices concerned will lay before the Mixed Arbitral Tribunal all the information and documents in their possession, so as to enable the tribunal to decide rapidly on the cases which are brought before it.

20. Where one of the parties concerned appeals against the joint decision of the two clearing offices, he shall make a deposit against the costs, which deposit shall only be refunded when the first judgment is modified in favour of the appellant and in proportion to the success he may attain, his opponent in case of such a refund being required to pay an equivalent proportion of the costs and expenses. Security accepted by the tribunal may be substituted for a deposit.

A fee of five per cent. of the amount in dispute shall be charged in respect of all cases brought before the tribunal. This fee shall, unless the tribunal directs otherwise, be borne by the unsuccessful party. Such fee shall be added to the deposit referred to. It is also independent of the security.

The tribunal may award to one of the parties a sum in respect of the expenses of the proceedings.

Any sum payable under this paragraph shall be credited to the clearing office of the successful party as a separate item.

21. With a view to the rapid settlement of claims, due regard shall be paid in the appointment of all persons connected with the clearing offices or with the Mixed Arbitral Tribunal to their knowledge of the language of the other country concerned. Each of the clearing offices will be at liberty to correspond with the other and to forward documents in its own language.

22. Subject to any special agreement to the contrary between the Governments concerned, debts shall carry interest in accordance with the following provisions :

Interest shall not be payable on sums of money due by way of dividend, interest, or other periodical payments, which themselves represent interest on capital.

The rate of interest shall be five per cent. per annum, except in cases where, by contract, law, or custom, the creditor is entitled to payment of interest at a different rate. In such cases the rate to which he is entitled shall prevail.

Interest shall run from the date of commencement of hostilities (or, if the sum of money to be recovered fell due during the war, from the date at which it fell due) until the sum is credited to the clearing office of the creditor.

Sums due by way of interest shall be treated as debts admitted by the clearing offices, and shall be credited to the creditor clearing office in the same way as such debts.

23. Where by decision of the clearing offices or the Mixed Arbitral Tribunal a claim is held not to fall within Article 296, the creditor shall be at liberty to prosecute the claim before the courts, or to take such other proceedings as may be open to him.

The presentation of a claim to the clearing office suspends the operation of any period of prescription.

24. The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

25. In any case where a creditor clearing office declines to notify a claim to the debtor clearing office, or to take any step provided for in this annex, intended to make effective in whole or in part a request of which it has received due notice, the enemy creditor shall be entitled to receive from the clearing office a certificate setting out the amount of the claim, and shall then be entitled to prosecute the claim before the courts or to take such other proceedings as may be open to him.

#### SECTION IV.—PROPERTY, RIGHTS, AND INTERESTS.

##### ARTICLE 297.

The question of private property, rights, and interests in an enemy country shall be settled according to the principles laid down in this section, and to the provisions of the annex hereto.

(a) The exceptional war measures and measures of transfer (defined in paragraph 3 of the annex hereto) taken by Germany with respect to the property, rights, and interests of nationals of Allied or Associated Powers, including companies and associations in which they are interested, when liquidation has not been completed, shall be immediately discontinued or stayed, and the property, rights, and interests concerned restored to their owners, who shall enjoy full rights therein in accordance with the provisions of Article 298.

(b) Subject to any contrary stipulations which may be provided for in the present Treaty, the Allied and Associated Powers reserve the right to retain and liquidate all property, rights, and interests belonging at the date of the coming into force of the present Treaty to German nationals, or companies controlled by them, within their territories, colonies, possessions, and protectorates, including territories ceded to them by the present Treaty.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the German owner shall not be able to dispose of such property, rights, or interests, nor to subject them to any charge, without the consent of that State.

German nationals who acquire, *ipso facto*, the nationality of an Allied or Associated Power in accordance with the provisions of the present Treaty will not be considered as German nationals within the meaning of this paragraph.

(c) The price or the amount of compensation in respect of the exercise of the right referred to in the preceding paragraph (b) will be fixed in accordance with the methods of sale or valuation adopted by the laws of the country in which the property has been retained or liquidated.

(d) As between the Allied and Associated Powers or their nationals on the one hand and Germany or her nationals on the other hand, all the exceptional war measures, or measures of transfer, or acts done or to be done in execution of such measures as defined in paragraphs 1 and 3 of the annex hereto shall be considered as final and binding upon all persons except as regards the reservations laid down in the present Treaty.

(e) The nationals of Allied and Associated Powers shall be entitled to compensation in respect of damage or injury inflicted upon their property, rights, or interests, including any company or association in which they are interested, in German territory as it existed on August, 1, 1914, by the application either of the exceptional war measures or measures of transfer mentioned in paragraphs 1 and 3 of the annex hereto. The claims made in this respect by such nationals shall be investigated, and the total of the compensation shall be determined by the Mixed Arbitral

Tribunal provided for in Section VI. or by an arbitrator appointed by that tribunal. This compensation shall be borne by Germany, and may be charged upon the property of German nationals within the territory or under the control of the claimant's State. This property may be constituted as a pledge for enemy liabilities under the conditions fixed by paragraph 4 of the annex hereto. The payment of this compensation may be made by the Allied or Associated State, and the amount will be debited to Germany.

(f) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in German territory and expresses a desire for its restitution, his claim for compensation in accordance with paragraph (e) shall be satisfied by the restitution of the said property if it still exists in specie.

In such case Germany shall take all necessary steps to restore the evicted owner to the possession of his property, free from all encumbrances or burdens with which it may have been charged after the liquidation, and to indemnify all third parties injured by the restitution.

If the restitution provided for in this paragraph cannot be effected, private agreements arranged by the intermediation of the Powers concerned or the clearing offices provided for in the annex to Section III. may be made, in order to secure that the national of the Allied or Associated Power may secure compensation for the injury referred to in paragraph (e) by the grant of advantages or equivalents which he agrees to accept in place of the property, rights, or interests of which he was deprived.

Through restitution in accordance with this Article, the price or the amount of compensation fixed by the application of paragraph (e) will be reduced by the actual value of the property restored, account being taken of compensation in respect of loss of use or deterioration.

(g) The rights conferred by paragraph (f) are reserved to owners who are nationals of Allied or Associated Powers within whose territory legislative measures prescribing the general liquidation of enemy property, rights, or interests were not applied before the signature of the Armistice.

(h) Except in cases where, by application of paragraph (f), restitutions in specie have been made, the nett proceeds of sales of enemy property, rights, or interests, wherever situated, carried out either by virtue of war legislation, or by application of this Article, and in general all cash assets of enemies, shall be dealt with as follows :

(1) As regards Powers adopting Section III. and the annex thereto, the said proceeds and cash assets shall be credited to the Power of which the owner is a national through the clearing office established thereunder ; any credit balance in favour of Germany resulting therefrom shall be dealt with as provided in Article 243.

(2) As regards Powers not adopting Section III. and the annex thereto, the proceeds of the property, rights, and interests, and the cash assets of the nationals of Allied or Associated Powers held by Germany shall be paid immediately to the person entitled thereto or to his Government ; the proceeds of the property, rights, and interests, and the cash assets of German nationals received by an Allied or Associated Power shall be subject to disposal by such Power in accordance with its laws and regulations, and may be applied in payment of the claims and debts defined by this Article or paragraph 4 of the annex hereto. Any property, rights, and interests or proceeds thereof or cash assets not used as above provided may be retained by the said Allied or Associated Power, and if retained, the cash value thereof shall be dealt with as provided in Article 243.

In the case of liquidations effected in new States which are signatories of the present Treaty as Allied and Associated Powers, or in States which are not entitled to share in the reparation payments to be made by Germany, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Articles 235 and 260, be paid direct to the owner. If on the application of that owner the Mixed Arbitral Tribunal provided for by Section VI. of this part or an arbitrator appointed by that tribunal is satisfied that the conditions of the sale or measures taken by the Government of the State in question outside its general legislation were unfairly prejudicial to the price obtained, they shall have discretion to award to the owner equitable compensation to be paid by that State.

(i) Germany undertakes to compensate its nationals in respect of the sale or retention of their property, rights, or interests in Allied or Associated States.

(j) The amount of all taxes and imposts upon capital levied or to be levied by Germany on the property, rights, and interests of the nationals of the Allied or Associated Powers from November

11, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights, or interests which have been subjected to exceptional measures of war, until restitution, in accordance with the present Treaty, shall be restored to the owners.

#### ARTICLE 298.

Germany undertakes, with regard to the property, rights, and interests, including companies and associations in which they were interested, restored to nationals of Allied and Associated Powers in accordance with the provisions of Article 297, paragraph (a) or (f)—

- (a) To restore and maintain, except as expressly provided in the present Treaty, the property, rights, and interests of the nationals of Allied or Associated Powers in the legal position obtaining in respect of the property, rights, and interests of German nationals under the laws in force before the war;
- (b) Not to subject the property, rights, or interests of the nationals of the Allied or Associated Powers to any measures in derogation of property rights, which are not applied equally to the property, rights, and interests of German nationals, and to pay adequate compensation in the event of the application of these measures.

#### ANNEX.

1. In accordance with the provisions of Article 297, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of any other orders, directions, decisions, or instructions of any court or any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, and interests is confirmed. The interests of all persons shall be regarded as having been effectively dealt with by any order, direction, decision, or instruction dealing with property in which they may be interested, whether or not such interests are specifically mentioned in the order, direction, decision, or instruction. No question shall be raised as to the regularity of a transfer of any property, rights, or interests dealt with in pursuance of any such order, direction, decision, or instruction. Every action taken with regard to any property, business, or company, whether as regards its investigation, sequestration, compulsory administration, use, requisition, supervision, or winding up, the sale or management of property, rights, or interests, the collection or discharge of debts, the payment of costs, charges, or expenses, or any other matter whatsoever, in pursuance of orders, directions, decisions, or instructions of any court or of any department of the Government of any of the High Contracting Parties made or given, or purporting to be made or given, in pursuance of war legislation with regard to enemy property, rights, or interests, is confirmed. Provided that the provisions of this paragraph shall not be held to prejudice the titles to property heretofore acquired in good faith and for value and in accordance with the laws of the country in which the property is situated by nationals of the Allied and Associated Powers.

The provisions of this paragraph do not apply to such of the above-mentioned measures as have been taken by the German authorities in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Germany or the German authorities since November 11, 1918, all of which shall be void.

2. No claim or action shall be made or brought against any Allied or Associated Power or against any person acting on behalf of or under the direction of any legal authority or department of the Government of such a Power by Germany or by any German national wherever resident in respect of any act or omission with regard to his property, rights, or interests during the war, or in preparation for the war. Similarly, no claim or action shall be made or brought against any person in respect of any act or omission under or in accordance with the exceptional war measures, laws, or regulations of any Allied or Associated Power.

3. In Article 297 and this annex the expression "exceptional war measures" includes measures of all kinds, legislative, administrative, judicial, or others, that have been taken or will be taken hereafter with regard to enemy property, and which have had or will have the effect of removing from the proprietors the power of disposition over their property, though without affecting the ownership, such as measures of supervision, of compulsory administration, and of sequestration; or measures which have had or will have as an object the seizure of, the use of, or the interference with enemy assets for whatsoever motive under

whatsoever form, or in whatsoever place. Acts in the execution of these measures include all detentions, instructions, orders, or decrees of Government departments or courts applying these measures to enemy property, as well as acts performed by any person connected with the administration or the supervision of enemy property, such as the payment of debts, the collecting of credits, the payment of any costs, charges, or expenses, or the collecting of fees.

Measures of transfer are those which have affected or will affect the ownership of enemy property by transferring it in whole or in part to a person other than the enemy owner, and without his consent, such as measures directing sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

4. All property, rights, and interests of German nationals within the territory of any Allied or Associated Power, and the nett proceeds of their sale, liquidation, or other dealing therewith may be charged by that Allied or Associated Power, in the first place, with payment of amounts due in respect of claims by the nationals of that Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested, in German territory, or debts owing to them by German nationals, and with payment of claims growing out of acts committed by the German Government or by any German authorities since July 31, 1914, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by Mr. Gustave Ador, if he is willing, or, if no such appointment is made by him, by an arbitrator appointed by the Mixed Arbitral Tribunal provided for in Section VI. They may be charged, in the second place, with payment of the amounts due in respect of claims by the nationals of such Allied or Associated Power with regard to their property, rights, and interests in the territory of other enemy Powers, in so far as those claims are otherwise unsatisfied.

5. Notwithstanding the provisions of Article 297, where immediately before the outbreak of war a company incorporated in an Allied or Associated State had rights in common with a company controlled by it and incorporated in Germany to the use of trade marks in third countries, or enjoyed the use in common with such company of unique means of reproduction of goods or articles for sale in third countries, the former company shall alone have the right to use these trade marks in third countries to the exclusion of the German company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action under German war legislation with regard to the latter company or its business, industrial property, or shares. Nevertheless, the former company, if requested, shall deliver to the latter company derivative copies permitting the continuation of reproduction of articles for use within German territory.

6. Up to the time when restitution is carried out in accordance with Article 297, Germany is responsible for the conservation of property, rights, and interests of the nationals of Allied or Associated Powers, including companies and associations in which they are interested, that have been subjected by her to exceptional war measures.

7. Within one year from the coming into force of the present Treaty the Allied or Associated Powers will specify the property, rights, and interests over which they intend to exercise the right provided in Article 297, paragraph (f).

8. The restitution provided in Article 297 will be carried out by order of the German Government or of the authorities which have been substituted for it. Detailed accounts of the action of administrators shall be furnished to the interested persons by the German authorities upon request, which may be made at any time after the coming into force of the present Treaty.

9. Until completion of the liquidation provided for by Article 297, paragraph (b), the property, rights, and interests of German nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10. Germany will, within six months from the coming into force of the present Treaty, deliver to each Allied or Associated Power all securities, certificates, deeds, or other documents of title held by its nationals, and relating to property, rights, or interests situated in the territory of that Allied or Associated Power, including any shares, stock, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Germany will at any time on demand of any Allied or Associated Power furnish such information as may be required with regard to the property, rights, and interests of German nationals

within the territory of such Allied or Associated Power, or with regard to any transaction concerning such property, rights or interests effected since July 1, 1914.

11. The expression "cash assets" includes all deposits or funds established before or after the declaration of war, as well as all assets coming from deposits, revenues, or profits collected by administrators, sequestrators, or others from funds placed on deposit or otherwise, but does not include sums belonging to the Allied or Associated Powers or to their component States, Provinces, or Municipalities.

12. All investments wheresoever effected with the cash assets of nationals of the High Contracting Parties, including companies and associations in which such nationals were interested, by persons responsible for the administration of enemy properties or having control over such administration, or by order of such persons or of any authority whatsoever, shall be annulled. These cash assets shall be accounted for irrespective of any such investment.

13. Within one month from the coming into force of the present Treaty, or on demand at any time, Germany will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents, and information of any kind which may be within German territory, and which concern the property, rights, and interests of the nationals of those Powers, including companies and associations in which they are interested, that have been subjected to an exceptional war measure, or to a measure of transfer either in German territory or in territory occupied by Germany or her allies.

The controllers, supervisors, managers, administrators, sequestrators, liquidators, and receivers shall be personally responsible under guarantee of the German Government for the immediate delivery in full of these accounts and documents, and for their accuracy.

14. The provisions of Article 297 and this annex relating to property, rights, and interests in an enemy country, and the proceeds of the liquidation thereof, apply to debts, credits, and accounts, Section III. regulating only the method of payment.

In the settlement of matters provided for in Article 297 between Germany and the Allied or Associated States, their colonies or protectorates, or any one of the British Dominions or India, in respect of any of which a declaration shall not have been made that they adopt Section III., and between their respective nationals the provisions of Section III. respecting the currency in which payment is to be made and the rate of exchange and of interest shall apply, unless the Government of the Allied or Associated Power concerned shall, within six months of the coming into force of the present Treaty, notify Germany that the said provisions are not to be applied.

15. The provisions of Article 297 and this annex apply to industrial, literary, and artistic property which has been or will be dealt with in the liquidation of property, rights, interests, companies or businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 297, paragraph (b).

## SECTION V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

### ARTICLE 299.

(a) Any contract concluded between enemies shall be regarded as having been dissolved as from the time when any two of the parties became enemies, except in respect of any debt or other pecuniary obligation arising out of any act done or money paid thereunder, and subject to the exceptions and special rules with regard to particular contracts or classes of contracts contained herein or in the annex hereto.

(b) Any contract, of which the execution shall be required in the general interest within six months from the date of the coming into force of the present Treaty, by the Allied or Associated Governments of which one of the parties is a national, shall be excepted from dissolution under this Article.

When the execution of the contract thus kept alive would, owing to the alteration of trade conditions, cause one of the parties substantial prejudice, the Mixed Arbitral Tribunal provided for by Section VI. shall be empowered to grant to the prejudiced party equitable compensation.

(c) Having regard to the provisions of the constitution and law of the United States of America, of Brazil, and of Japan, neither the present Article, nor Article 300, nor the annex hereto shall apply to contracts made between nationals of these States and German nationals; nor shall Article 305 apply to the United States of America or its nationals.

(d) The present article and the annex hereto shall not apply to contracts the parties to which became enemies by reason of one or them being an inhabitant of territory of which the sovereignty has been transferred, if such party shall acquire under the present Treaty the nationality of an Allied or Associated Power, nor shall they apply to contracts between nationals of the Allied and Associated Powers between whom trading has been prohibited by reason of one of the parties being in Allied or Associated territory in the occupation of the enemy.

(e) Nothing in the present article or the annex hereto shall be deemed to invalidate a transaction lawfully carried out in accordance with a contract between enemies if it has been carried out with authority of one of the belligerent Powers.

#### ARTICLE 300.

(a) All periods of prescription, or limitation of right of action, whether they began to run before or after the outbreak of war, shall be treated in the territory of the High Contracting Parties, so far as regards relations between enemies as having been suspended for the duration of the war. They shall begin to run again at earliest three months after the coming into force of the present Treaty. This provision shall apply to the period prescribed for the presentation of interest or dividend coupons or for the presentation for repayment of securities drawn for repayment or repayable on any other ground.

(b) Where, on account of failure to perform any act or comply with any formality during the war, measures of execution have been taken in German territory to the prejudice of a national of an Allied or Associated Power, the claim of such national shall, if the matter does not fall within the competence of the courts of an Allied or Associated Power, be heard by the Mixed Arbitral Tribunal provided for by Section VI.

(c) Upon the application of any interested person who is a national of an Allied or Associated Power, the Mixed Arbitral Tribunal shall order the restoration of the rights which have been prejudiced by the measures of execution referred to in paragraph (b), wherever, having regard to the particular circumstances of the case, such restoration is equitable and possible.

If such restoration is inequitable or impossible, the Mixed Arbitral Tribunal may grant compensation to the prejudiced party to be paid by the German Government.

(d) Where a contract between enemies has been dissolved by reason either of failure on the part of either party to carry out its provisions or of the exercise of a right stipulated in the contract itself, the party prejudiced may apply to the Mixed Arbitral Tribunal for relief. The tribunal will have the powers provided for in paragraph (c).

(e) The provisions of the preceding paragraphs of this article shall apply to the nationals of Allied and Associated Powers who have been prejudiced by reason of measures referred to above taken by Germany in invaded or occupied territory, if they have not been otherwise compensated.

(f) Germany shall compensate any third party who may be prejudiced by any restitution or restoration ordered by the Mixed Arbitral Tribunal under the provisions of the preceding paragraphs of this article.

(g) As regards negotiable instruments, the period of three months provided under paragraph (a) shall commence as from the date on which any exceptional regulations applied in the territories of the interested Power with regard to negotiable instruments shall have definitely ceased to have force.

#### ARTICLE 301.

As between enemies no negotiable instrument made before the war shall be deemed to have become invalid by reason only of failure within the required time to present the instrument for acceptance or payment or to give notice of non-acceptance or non-payment of drawers or indorsers or to protest the instrument, nor by reason of failure to complete any formality during the war.

Where the period within which a negotiable instrument should have been presented for acceptance or for payment, or within which notice of non-acceptance or non-payment should have been given to the drawer or indorser, or within which the instrument should have been protested has elapsed during the war, and the party who should have presented or protested the instrument or have given notice of non-acceptance or non-payment has failed to do so during the war, a period of not less than three months from the coming into force of the present Treaty shall be allowed within which presentation, notice of non-acceptance, or non-payment or protest may be made.

## ARTICLE 302.

Judgments given by the courts of an Allied or Associated Power in all cases which, under the present Treaty, they are competent to decide, shall be recognized in Germany as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment in respect of any dispute which may have arisen has been given during the war by a German court against a national of an Allied or Associated State in a case in which he was not able to make his defence, the Allied and Associated national who has suffered prejudice thereby shall be entitled to recover compensation, to be fixed by the Mixed Arbitral Tribunal provided for in Section VI.

At the instance of the national of the Allied or Associated Power the compensation above mentioned may, upon order to that effect of the Mixed Arbitral Tribunal, be effected where it is possible by replacing the parties in the situation which they occupied before the judgment was given by the German court.

The above compensation may likewise be obtained before the Mixed Arbitral Tribunal by the nationals of Allied or Associated Powers who have suffered prejudice by judicial measures taken in invaded or occupied territories, if they have not been otherwise compensated.

## ARTICLE 303.

For the purpose of Sections III., IV., V., and VII., the expression "during the war" means for each Allied or Associated Power the period between the commencement of the state of war between that Power and Germany and the coming into force of the present Treaty.

## ANNEX.

## I.—GENERAL PROVISIONS.

1. Within the meaning of Articles 299, 300, and 301 the parties to a contract shall be regarded as enemies when trading between them shall have been prohibited by or otherwise became unlawful under laws, orders, or regulations to which one of those parties was subject. They shall be deemed to have become enemies from the date when such trading was prohibited or otherwise became unlawful.

2. The following classes of contracts are excepted from dissolution by Article 299 and, without prejudice to the rights contained in Article 297 (b) of Section IV., remain in force subject to the application of domestic laws, orders, or regulations made during the war by the Allied and Associated Powers, and subject to the terms of the contracts :—

- (a) Contracts having for their object the transfer of estates or of real or personal property where the property therein had passed or the object had been delivered before the parties became enemies ;
- (b) Leases and agreements for leases of land and houses ;
- (c) Contracts of mortgage, pledge, or lien ;
- (d) Concessions concerning mines, quarries, or deposits ;
- (e) Contracts between individuals or companies and States, provinces, municipalities, or other similar juridical persons charged with administrative functions and concessions granted by States, provinces, municipalities, or other similar juridical persons charged with administrative functions.

3. If the provisions of a contract are in part dissolved under Article 299, the remaining provisions of that contract shall, subject to the same application of domestic laws as is provided for in paragraph 2, continue in force if they are severable, but where they are not severable the contract shall be deemed to have been dissolved in its entirety.

## II.—PROVISIONS RELATING TO CERTAIN CLASSES OF CONTRACTS.

*Stock Exchange and Commercial Exchange Contracts.*

4. (a) Rules made during the war by any recognized Exchange or Commercial Association providing for the closure of contracts entered into before the war by an enemy are confirmed by the High Contracting Parties, as also any action taken thereunder, provided—

- (i.) That the contract was expressed to be made subject to the rules of the Exchange or Association in question.
- (ii.) That the rules applied to all persons concerned.
- (iii.) That the conditions attaching to the closure were fair and reasonable.



(b) The preceding paragraph shall not apply to rules made during the occupation by Exchanges or Commercial Associations in the districts occupied by the enemy.

(c) The closure of contracts relating to cotton "futures," which were closed as on July 31, 1914, under the decision of the Liverpool Cotton Association is also confirmed.

*Security.*

5. The sale of a security held for an unpaid debt owing by an enemy shall be deemed to have been valid irrespective of notice to the owner if the creditor acted in good faith and with reasonable care and prudence, and no claim by the debtor on the ground of such sale shall be admitted.

This stipulation shall not apply to any sale of securities effected by an enemy during the occupation in regions invaded or occupied by the enemy.

*Negotiable Instruments.*

6. As regards Powers which adopt Section III. and the annex thereto the pecuniary obligations existing between enemies and resulting from the issue of negotiable instruments shall be adjusted in conformity with the said annex by the instrumentality of the clearing offices, which shall assume the rights of the holder as regards the various remedies open to him.

7. If a person has either before or during the war become liable upon a negotiable instrument in accordance with an undertaking given to him by a person who has subsequently become an enemy, the latter shall remain liable to indemnify the former in respect of his liability notwithstanding the outbreak of war.

III.—CONTRACTS OF INSURANCE.

8. Contracts of insurance entered into by any person with another person who subsequently became an enemy will be dealt with in accordance with the following paragraphs :—

*Fire Insurance.*

9. Contracts for the insurance of property against fire entered into by a person interested in such property with another person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy, or on account of the failure during the war and for a period of three months thereafter to perform his obligations under the contract, but they shall be dissolved at the date when the annual premium becomes payable for the first time after the expiration of a period of three months after the coming into force of the present Treaty.

A settlement shall be effected of unpaid premiums which became due during the war, or of claims for losses which occurred during the war.

10. Where by administrative or legislative action an insurance against fire effected before the war has been transferred during the war from the original to another insurer, the transfer will be recognized and the liability of the original insurer will be deemed to have ceased as from the date of the transfer. The original insurer will, however, be entitled to receive on demand full information as to the terms of the transfer, and if it should appear that these terms were not equitable, they shall be amended so far as may be necessary to render them equitable.

Furthermore, the insured shall, subject to the concurrence of the original insurer, be entitled to re-transfer the contract to the original insurer as from the date of the demand.

*Life Insurance.*

11. Contracts of life insurance entered into between an insurer and a person who subsequently became an enemy shall not be deemed to have been dissolved by the outbreak of war, or by the fact of the person becoming an enemy.

Any sum which during the war became due upon a contract deemed not to have been dissolved under the preceding provision shall be recoverable after the war, with the addition of interest at five per cent. per annum from the date of its becoming due up to the day of payment.

Where the contract has lapsed during the war owing to non-payment of premiums, or has become void from breach of the conditions of the contract, the assured or his representatives or the persons entitled shall have the right at any time within twelve months of the coming into force of the present Treaty to claim from the insurer the surrender value of the policy at the date of its lapse or avoidance.

Where the contract has lapsed during the war owing to non-payment of premiums, the payment of which has been prevented by the enforcement of measures of war, the assured or his representative or the persons entitled shall have the right to restore the contract on payment of the premiums with interest at five per cent. per annum within three months from the coming into force of the present Treaty.

12. Any Allied or Associated Power may within three months of the coming into force of the present Treaty cancel all the contracts of insurance running between a German insurance company and its nationals under conditions which shall protect its nationals from any prejudice.

To this end the German insurance company will hand over to the Allied or Associated Government concerned the proportion of its assets attributable to the policies so cancelled, and will be relieved from all liability in respect of such policies. The assets to be handed over shall be determined by an actuary appointed by the Mixed Arbitral Tribunal.

13. Where contracts of life insurance have been entered into by a local branch of an insurance company established in a country which subsequently became an enemy country, the contract shall, in the absence of any stipulation to the contrary in the contract itself, be governed by the local law, but the insurer shall be entitled to demand from the insured or his representatives the refund of sums paid on claims made or enforced under measures taken during the war, if the making or enforcement of such claims was not in accordance with the terms of the contract itself, or was not consistent with the laws or treaties existing at the time when it was entered into.

14. In any case whereby the law applicable to the contract the insurer remains bound by the contract, notwithstanding the non-payment of premiums, until notice is given to the insured of the termination of the contract, he shall be entitled, where the giving of such notice was prevented by the war, to recover the unpaid premiums with interest at five per cent. per annum from the insured.

15. Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 14 when they depend on the probabilities of human life combined with the rate of interest for the calculation of the reciprocal engagements between the two parties.

#### *Marine Insurance.*

16. Contracts of marine insurance, including time policies and voyage policies entered into between an insurer and a person who subsequently became an enemy, shall be deemed to have been dissolved on his becoming an enemy, except in cases where the risk undertaken in the contract had attached before he became an enemy.

Where the risk had not attached, money paid by way of premium or otherwise shall be recoverable from the insurer.

Where the risk had attached, effect shall be given to the contract, notwithstanding the party becoming an enemy, and sums due under the contract either by way of premiums or in respect of losses shall be recoverable after the coming into force of the present Treaty.

In the event of any agreement being come to for the payment of interest on sums due before the war to or by the nationals of States which have been at war and recovered after the war, such interest shall, in the case of losses recoverable under contracts of marine insurance, run from the expiration of a period of one year from the date of the loss.

17. No contract of marine insurance with an insured person who subsequently became an enemy shall be deemed to cover losses due to belligerent action by the Power of which the insurer was a national or by the allies or associates of such Power.

18. Where it is shown that a person who had before the war entered into a contract of marine insurance with an insurer who subsequently became an enemy entered after the outbreak of war into a new contract covering the same risk with an insurer who was not an enemy, the new contract shall be deemed to be substituted for the original contract as from the date when it was entered into, and the premiums payable shall be adjusted on the basis of the original insurer having remained liable on the contract only up till the time when the new contract was entered into.

#### *Other Insurances.*

19. Contracts of insurance entered into before the war between an insurer and a person who subsequently became an enemy, other than contracts dealt with in paragraphs 9 to 18,

shall be treated in all respects on the same footing as contracts of fire insurance between the same persons would be dealt with under the said paragraphs.

*Re-insurance.*

20. All treaties of re-insurance with a person who became an enemy shall be regarded as having been abrogated by the person becoming an enemy, but without prejudice in the case of life or marine risks which had attached before the war to the right to recover payment after the war for sums due in respect of such risks.

Nevertheless if, owing to invasion, it has been impossible for the re-insured to find another re-insurer, the treaty shall remain in force until three months after the coming into force of the present treaty.

Where a re-insurance treaty becomes void under this paragraph, there shall be an adjustment of accounts between the parties in respect both of premiums paid and payable and of liabilities for losses in respect of life or marine risk which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 18, the adjustment of accounts shall be made as at the date of the parties becoming enemies without regard to claims for losses which may have occurred since that date.

21. The provisions of the preceding paragraph will extend equally to re-insurances existing at the date of the parties becoming enemies of particular risks undertaken by the insurer in a contract of insurance against any risks other than life or marine risks.

22. Re-insurance of life risks effected by particular contracts and not under any general treaty remain in force.

The provisions of paragraph 12 apply to treaties of re-insurance of life insurance contracts in which enemy companies are the re-insurers.

23. In case of a re-insurance effected before the war of a contract of marine insurance, the cession of a risk which had been ceded to the re-insurer shall, if it had attached before the outbreak of war, remain valid and effect be given to the contract, notwithstanding the outbreak of war; sums due under the contract or re-insurance in respect either of premiums or of losses shall be recoverable after the war.

24. The provisions of paragraphs 17 and 18 and the last part of paragraph 16 shall apply to contracts for the re-insurance of marine risks.

SECTION VI.—MIXED ARBITRAL TRIBUNAL.

ARTICLE 304.

(a) Within three months from the date of the coming into force of the present Treaty a Mixed Arbitral Tribunal shall be established between each of the Allied and Associated Powers on the one hand and Germany on the other hand. Each such tribunal shall consist of three members. Each of the Governments concerned shall appoint one of these members. The President shall be chosen by agreement between the two Governments concerned.

In case of failure to reach agreement, the President of the tribunal and two other persons, either of whom may in case of need take his place, shall be chosen by the Council of the League of Nations, or, until this is set up, by M. Gustave Ador if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If any Government does not proceed within a period of one month in case there is a vacancy to appoint a member of the tribunal, such member shall be chosen by the other Government from the two persons mentioned above other than the President.

The decision of the majority of the members of the tribunal shall be the decision of the tribunal.

(b) The Mixed Arbitral Tribunals established pursuant to paragraph (a) shall decide all questions within their competence under Sections III, IV., V. and VII.

In addition, all questions, whatsoever their nature, relating to contracts concluded before the coming into force of the present Treaty between nationals of the Allied and Associated Powers and German nationals shall be decided by the Mixed Arbitral Tribunal, always excepting questions which, under the laws of the Allied, Associated, or Neutral Powers, are within the jurisdiction of the national courts of those Powers. Such questions shall be decided by the national courts in question to the exclusion of the Mixed Arbitral Tribunal. The party who is a national of an Allied or Associated Power may, nevertheless, bring the case before the Mixed Arbitral Tribunal, if this is not prohibited by the laws of his country.

(c) If the number of cases justifies it, additional members shall be appointed, and each Mixed Arbitral Tribunal shall sit in divisions. Each of these divisions will be constituted as above.

(d) Each Mixed Arbitral Tribunal will settle its own procedure, except in so far as it is provided in the following annex, and is empowered to award the sums to be paid by the loser in respect of the costs and expenses of the proceedings.

(e) Each Government will pay the remuneration of the member of the Mixed Arbitral Tribunal appointed by it and of any agent whom it may appoint to represent it before the tribunal. The remuneration of the President will be determined by special agreement between the Governments concerned; and this remuneration and the joint expenses of each tribunal will be paid by the two Governments in equal moieties.

(f) The High Contracting Parties agree that their courts and authorities shall render to the Mixed Arbitral Tribunal direct all the assistance in their power, particularly as regards transmitting notices and collecting evidence.

(g) The High Contracting Parties agree to regard the decisions of the Mixed Arbitral Tribunal as final and conclusive, and to render them binding upon their nationals.

#### ANNEX.

1. Should one of the members of the tribunal either die, retire, or be unable for any reason whatever to discharge his functions, the same procedure will be followed for filling the vacancy as was followed for appointing him.

2. The tribunal may adopt such rules of procedure as shall be in accordance with justice and equity, and decide the order and time at which each party must conclude its arguments, and may arrange all formalities required for dealing with the evidence.

3. The agent and counsel of the parties on each side are authorized to present orally and in writing to the tribunal arguments in support or in defence of each case.

4. The tribunal shall keep record of the questions and cases submitted and the proceedings thereon, with the dates of such proceedings.

5. Each of the Powers concerned may appoint a secretary. These secretaries shall act together as joint secretaries of the tribunal, and shall be subject to its direction. The tribunal may appoint and employ any other necessary officer or officers to assist in the performance of its duties.

6. The tribunal shall decide all questions and matters submitted upon such evidence and information as may be furnished by the parties concerned.

7. Germany agrees to give the tribunal all facilities and information required by it for carrying out its investigations.

8. The language in which the proceedings shall be conducted shall, unless otherwise agreed, be English, French, Italian, or Japanese, as may be determined by the Allied or Associated Power concerned.

9. The place and time for the meetings of each tribunal shall be determined by the President of the tribunal.

#### ARTICLE 305.

Whenever a competent court has given or gives a decision in a case covered by Sections III., IV., V., or VII., and such decision is inconsistent with the provisions of such sections, the party who is prejudiced by the decision shall be entitled to obtain redress which shall be fixed by the Mixed Arbitral Tribunal. At the request of the national of an Allied or Associated Power, the redress may, whenever possible, be effected by the Mixed Arbitral Tribunal directing the replacement of the parties in the position occupied by them before the judgment was given by the German court.

#### SECTION VII.—INDUSTRIAL PROPERTY.

##### ARTICLE 306.

Subject to the stipulations of the present Treaty, rights of industrial, literary, and artistic property, as such property is defined by the International Conventions of Paris and of Berne, mentioned in Article 286, shall be re-established or restored, as from the coming into force of the present Treaty, in the territories of the High Contracting Parties, in favour of the persons entitled to the benefit of them at the moment when the state of war commenced or their legal representatives. Equally, rights which, except for the war, would have been acquired during the war in consequence of an application made for the protection of industria

property, or the publication of a literary or artistic work, shall be recognized and established in favour of those persons who would have been entitled thereto, from the coming into force of the present Treaty.

Nevertheless, all acts done by virtue of the special measures taken during the war under legislative, executive, or administrative authority of any Allied or Associated Power in regard to the rights of German nationals in industrial, literary, or artistic property shall remain in force, and shall continue to maintain their full effect.

No claim shall be made or action brought by Germany or German nationals in respect of the use during the war by the Government of any Allied or Associated Power, or by any persons acting on behalf or with the assent of such Government, of any rights in industrial, literary, or artistic property, nor in respect of the sale, offering for sale, or use of any products, articles, or apparatus whatsoever to which such rights applied.

Unless the legislation of any one of the Allied or Associated Powers in force at the moment of the signature of the present Treaty otherwise directs, sums due or paid in virtue of any act or operation resulting from the execution of the special measures mentioned in paragraph 1 of this article shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the German Government in respect of rights in industrial, literary, or artistic property belonging to the nationals of the Allied or Associated Powers shall be considered and treated in the same way as other debts due from German nationals.

Each of the Allied and Associated Powers reserves to itself the right to impose such limitations, conditions, or restrictions on rights of industrial, literary, or artistic property (with the exception of trade marks) acquired before or during the war, or which may be subsequently acquired in accordance with its legislation by German nationals, whether by granting licenses, or by the working, or by preserving control over their exploitation, or in any other way, as may be considered necessary, for national defence, or in the public interest, or for assuring the fair treatment by Germany of the rights of industrial, literary, and artistic property held in German territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Germany in the present Treaty. As regards rights of industrial, literary, and artistic property acquired after the coming into force of the present Treaty, the right so reserved by the Allied and Associated Powers shall only be exercised in cases where these limitations, conditions, or restrictions may be considered necessary for national defence or in the public interest.

In the event of the application of the provisions of the preceding paragraph by any Allied or Associated Power, there shall be paid reasonable indemnities or royalties which shall be dealt with in the same way as other sums due to German nationals are directed to be dealt with by the present Treaty.

Each of the Allied or Associated Powers reserves the right to treat as void and of no effect any transfer in whole or in part of or other dealing with rights of or in respect of industrial, literary, or artistic property effected after August 1, 1914, or in the future, which would have the result of defeating the objects of the provisions of this article.

The provisions of this article shall not apply to rights in industrial, literary, or artistic property which have been dealt with in the liquidation of businesses or companies under war legislation by the Allied or Associated Powers, or which may be so dealt with by virtue of Article 297, paragraph (b).

#### ARTICLE 307.

A minimum of one year after the coming into force of the present Treaty shall be accorded to the nationals of the High Contracting Parties, without extension fees or other penalty, in order to enable such persons to accomplish any act, fulfil any formality, pay any fees, and generally satisfy any obligation prescribed by the laws or regulations of the respective States relating to the obtaining, preserving, or opposing rights to, or in respect of, industrial property, either acquired before August 1, 1914, or which, except for the war, might have been acquired since that date as a result of an application made before the war or during its continuance, but nothing in this article shall give any right to re-open interference proceedings in the United States of America, where a final hearing has taken place.

All rights in, or in respect of, such property, which may have lapsed by reason of any failure to accomplish any act, fulfil any formality, or make any payment, shall revive, but subject in the case of patents and designs to the imposition of such conditions

as each Allied or Associated Power may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such property while the rights had lapsed. Further, where rights to patents or designs belonging to German nationals are revived under this article, they shall be subject in respect of the grant of licenses to the same provisions as would have been applicable to them during the war, as well as to all the provisions of the present Treaty.

The period from August 1, 1914, until the coming into force of the present Treaty shall be excluded in considering the time within which a patent should be worked or a trade mark or design used, and it is further agreed that no patent, registered trade mark, or design in force on August 1, 1914, shall be subject to revocation or cancellation by reason only of the failure to work such patent or use such trade mark or design for two years after the coming into force of the present Treaty.

#### ARTICLE 308.

The rights of priority, provided by Article IV. of the International Convention for the Protection of Industrial Property of Paris, of March 20, 1883, revised at Washington in 1911 or by any other Convention or Statute, for the filing or registration of applications for patents or models of utility, and for the registration of trade marks, designs, and models which had not expired on August 1, 1914, and those which have arisen during the war, or would have arisen but for the war, shall be extended by each of the High Contracting Parties in favour of all nationals of the other High Contracting Parties for a period of six months after the coming into force of the present Treaty.

Nevertheless, such extension shall in no way affect the right of any of the High Contracting Parties or of any person who before the coming into force of the present Treaty was *bona fide* in possession of any rights of industrial property conflicting with rights applied for by another who claims rights of priority in respect of them, to exercise such rights by itself or himself, personally, or by such agents or licensees as derived their rights from it or him before the coming into force of the present Treaty; and such persons shall not be amenable to any action or other process of law in respect of infringement.

#### ARTICLE 309.

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Germany on the one part and of the Allied or Associated Powers on the other, or persons who are nationals of such Powers respectively, or by any one deriving title during the war from such persons, by reason of any action which has taken place within the territory of the other party between the date of the declaration of war and that of the coming into force of the present Treaty, which might constitute an infringement of the rights of industrial property or rights of literary and artistic property, either existing at any time during the war or revived under the provisions of Articles 307 and 308.

Equally, no action for infringement of industrial, literary, or artistic property rights by such persons shall at any time be permissible in respect of the sale or offering for sale for a period of one year after the signature of the present Treaty in the territories of the Allied or Associated Powers on the one hand or Germany on the other, of products or articles manufactured, or of literary or artistic works published during the period between the declaration of war and the signature of the present Treaty, or against those who have acquired and continue to use them. It is understood, nevertheless, that this provision shall not apply when the possessor of the rights was domiciled or had an industrial or commercial establishment in the districts occupied by Germany during the war.

This article shall not apply as between the United States of America on the one hand and Germany on the other.

#### ARTICLE 310.

Licenses in respect of industrial, literary, or artistic property concluded before the war between nationals of the Allied or Associated Powers or persons residing in their territory or carrying on business therein on the one part and German nationals on the other part shall be considered as cancelled as from the date of the declaration of war between Germany and the Allied or Associated Power. But in any case the former beneficiary of a contract of this kind shall have the right, within a period of six months after the coming into force of the present Treaty, to demand from the proprietor of the rights the grant of a new license, the conditions of which, in default of agreement between the parties, shall be

fixed by the duly qualified tribunal in the country under whose legislation the rights have been acquired, except in the case of licenses held in respect of rights acquired under German law. In such cases the conditions shall be fixed by the Mixed Arbitral Tribunal referred to in Section VI. of this Part. The tribunal may, if necessary, fix also the amount which it may deem just should be paid by reason of the use of the rights during the war.

No license in respect of industrial, literary, or artistic property, granted under the special war legislation of any Allied or Associated Power, shall be affected by the continued existence of any license entered into before the war, but shall remain valid and of full effect, and a license so granted to the former beneficiary of a license entered into before the war shall be considered as substituted for such license.

Where sums have been paid during the war by virtue of a license or agreement concluded before the war in respect of rights of industrial property or for the reproduction or the representation of literary, dramatic, or artistic works, these sums shall be dealt with in the same manner as other debts or credits of German nationals as provided by the present Treaty.

This Article shall not apply as between the United States of America on the one hand and Germany on the other.

#### ARTICLE 311.

The inhabitants of territories separated from Germany by virtue of the present Treaty shall, notwithstanding this separation and the change of nationality consequent thereon, continue to enjoy in Germany all the rights in industrial, literary, and artistic property to which they were entitled under German legislation at the time of the separation.

Rights of industrial, literary, and artistic property which are in force in the territories separated from Germany under the present Treaty at the moment of the separation of these territories from Germany, or which will be re-established or restored in accordance with the provisions of Article 306 of the present Treaty, shall be recognized by the State to which the said territory is transferred and shall remain in force in that territory for the same period of time given them under the German law.

Passed in Council the Twenty-fifth day of February, One thousand Nine hundred and Twenty.

W. T. SOUTHORN,  
Clerk to the Council.

Assented to by His Excellency the Officer Administering the Government the Sixteenth day of March, One thousand Nine hundred and Twenty.

B. HORSBURGH,  
Acting Colonial Secretary.

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

### No. 8 of 1920.

An Ordinance further to amend "The Defence Force Ordinance, 1910."

GRAEME THOMSON.

Preamble.

WHEREAS it is expedient further to amend "The Defence Force Ordinance, 1910": 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 and commencement.

1 This Ordinance may be cited as "The Defence Force (Amendment) Ordinance, No. 8 of 1920," and shall come into operation on such date as the Governor shall by Proclamation appoint.

Amendment of section 34 of the principal Ordinance.

2 Section 34 (1) of the principal Ordinance, as the same is set out in section 3 of "The Defence Force (Amendment) Ordinance, No. 42 of 1916," shall be amended by striking out the words "or of their reserves" in line 3 thereof.

Addition to section 35 of the principal Ordinance.

3 Section 35 of the principal Ordinance (as the same is set out in section 3 of "The Defence Force (Amendment) Ordinance, No. 42 of 1916") shall be amended by inserting therein the following sub-section :

(4) (a) Notwithstanding anything in this section contained, the Governor may direct that any person to whom this part of the Ordinance applies who has served outside the Colony, in any of His Majesty's Naval or Military Forces, or in the Royal Air Force, during the present war, shall, instead of enrolling himself in any Defence Force Corps or reserve thereof, or in any Town Guard, be placed on the general reserve, or on the reserve of any Defence Force Corps. Provided that the Governor may, if and when he thinks fit, cancel such appointment to such general reserve or reserve of a Defence Force Corps and direct any such person to enrol himself in a Defence Force Corps, and thereupon the provisions of this part of the Ordinance as to the liability to enrol himself shall become applicable to such person.

(b) The Governor may, if and when he thinks fit, direct any such person to be again placed on such general reserve or reserve of a Defence Force Corps, but without prejudice to the power of the Governor to direct any such person again to enrol himself in a Defence Corps as and when the Governor thinks fit to give any such direction.

Passed in Council the Twenty-fifth day of February, One thousand Nine hundred and Twenty.

W. T. SOUTHOBN,  
Clerk to the Council.

Assented to by His Excellency the Officer Administering the Government the Sixteenth day of March, One thousand Nine hundred and Twenty.

B. HORSBURGH,  
Acting Colonial Secretary.

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

No. 9 of 1920.

An Ordinance further to amend "The Petroleum Ordinance, 1887."

GRAEME THOMSON.

Preamble.

WHEREAS it is expedient further to amend "The Petroleum Ordinance, 1887" : 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 Petroleum (Amendment) Ordinance, No. 9 of 1920."

Amendment of section 14 of the principal Ordinance.

2 Section 14 of the principal Ordinance is amended by adding the following proviso at the end thereof :

Provided that nothing in this section contained shall extend to the possession or transportation of oil ordinarily used as liquid fuel, and having its flashing point at or above one hundred and seventy-five degrees of Fahrenheit's thermometer.

Passed in Council the Twenty-fifth day of February, One thousand Nine hundred and Twenty.

W. T. SOUTHOBN,  
Clerk to the Council.

Assented to by His Excellency the Officer Administering the Government the Sixteenth day of March, One thousand Nine hundred and Twenty.

B. HORSBURGH,  
Acting Colonial Secretary.



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

No. 10 of 1920.

An Ordinance to amend "The Former Enemy Aliens Ordinance, No. 19 of 1919."

GRAEME THOMSON.

Preamble.

WHEREAS it is expedient to amend "The Former Enemy Aliens Ordinance, No. 19 of 1919": 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 Former Enemy Aliens (Amendment) Ordinance, No. 10 of 1920."

Amendment of section 2 of the principal Ordinance.

2 The definition of "visiting officer" of section 2 of the principal Ordinance is amended by striking out the words "Assistant Superintendent" at the end thereof and inserting in lieu thereof the word "sergeant."

Addition of new sub-section to section 4 of the principal Ordinance.

3 The following sub-section shall be added to section 4 of the principal Ordinance at the end thereof and numbered (3):

(3) An offence within this section shall be deemed to be a cognizable offence within the meaning of "The Criminal Procedure Code, 1898."

Repeal of section 6 of principal Ordinance.

4 Section 6 of the principal Ordinance is hereby struck out and the following section shall be inserted in lieu thereof:

6. (1) Any former enemy alien who lands or attempts to land in the Colony in contravention of the provisions of this Ordinance, or whose permission to land is cancelled, may, without prejudice to any other liability imposed by this Ordinance, be ordered by the Governor, in his absolute discretion, to quit the Colony within a time to be named in such order, and if such former enemy alien refuses or neglects to obey such order, the Governor may cause him to be arrested with a view to his removal from the Colony, and for that purpose to be detained in custody and to be placed on board any ship or boat.

(2) No court of law shall have any jurisdiction to question the exercise of any such discretion on any grounds whatsoever.

Passed in Council the Twenty-fifth day of February, One thousand Nine hundred and Twenty.

W. T. SOUTHORN,  
Clerk to the Council.

Assented to by His Excellency the Officer Administering the Government the Sixteenth day of March, One thousand Nine hundred and Twenty.

B. HORSBURGH,  
Acting Colonial Secretary.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,978. In the matter of the insolvency of Don Simon Wijeyesinghe of No. 445, Welikatte, Colombo.

WHEREAS the above-named Don Simon Wijeyesinghe has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by C. A. Munalu, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Don Simon Wijeyesinghe insolvent accordingly, and that two public sittings of the court, to wit, on May 4, 1920, and on May 18, 1920, 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, V. R. MOLDRICH,  
Colombo, March 23, 1920. Secretary.

In the District Court of Colombo.

No. 2,979. In the matter of the insolvency of C. Nadarajah of Kotahena, Colombo.

WHEREAS the above-named C. Nadarajah has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by N. S. Naina, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said C. Nadarajah insolvent accordingly, and that two public sittings of the court, to wit, on May 18, 1920, and on June 1, 1920, 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, V. R. MOLDRICH,  
Colombo, March 23, 1920. Secretary.

In the District Court of Colombo.

No. 2,930. In the matter of the insolvency of Walimunidewage Peter Bastian of Borella, Colombo.

WHEREAS the above-named Walimunidewage Peter Bastian has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by G. C. Pereira, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Walimunidewage Peter Bastian insolvent accordingly, and that two public sittings of the court, to wit, on May 18, 1920, and on June 1, 1920, 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, V. R. MOLDRICH,  
Colombo, March 23, 1920. Secretary.

In the District Court of Galle.

No. 453. In the matter of the insolvency of Gannewage John de Silva of Galle.

NOTICE is hereby given that the second sitting of this court in the above matter has been adjourned to March 29, 1920.

By order of court, RICHARD L. PERERA,  
Galle, March 24, 1920. Secretary.

In the District Court of Galle.

No. 454. In the matter of the insolvency of Weerasuriya Mahavidanage William of Katukurunda.

WHEREAS the above-named Weerasuriya Mahavidanage William has filed a declaration of insolvency, and

a petition for the sequestration of his estate has also been filed by Telikada Pallege Girigoris Appuhamy of Meepe, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Weerasuriya Mahavidanage William insolvent accordingly, and that two public sittings of the court, to wit, on April 19, 1920, and on May 17, 1920, 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, RICHARD L. PERERA,  
Galle, March 20, 1920. Secretary.

In the District Court of Galle.

No. 455. In the matter of the insolvency of Weerasuriya Mahavidanage Andiris of Katukurunda.

WHEREAS the aforesaid Weerasuriya Mahavidanage Andiris has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Telikada Pallege Girigoris Appuhamy of Meepe, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Weerasuriya Mahavidanage Andiris insolvent accordingly, and that two public sittings of the court, to wit, on April 19, 1920, and on May 17, 1920, 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, RICHARD L. PERERA,  
Galle, March 20, 1920. Secretary.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Colombo.

P. R. S. A. R. Arunasalam Pillai of Sea street in Colombo ..... Plaintiff.

No. 53,037. Vs.

Usliyanage Philip Perera of Narahenpitiya, in the Palle pattu of Salpiti korale ..... Defendant.

NOTICE is hereby given that on Monday, April 19, 1920, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 855 dated July 10, 1918, and decreed to be sold by the decree entered in the above action for the recovery of the sum of Rs. 5,000, with legal interest thereon from June 16, 1919, till payment in full, and costs of suit Rs. 313.23, viz. :—

At 3.30 P.M.

(1) All that  $\frac{1}{2}$  of  $\frac{1}{2}$  of the soil and plantations of Delgahawatta, situated at Narahenpita, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; bounded on the north by a portion of this land, on the east by the property of Don William Justinus Appuhamy, on the south by the property of Lokurallage Don Carolis Appuhamy, and on the west by the other portion of this land; containing or reputed to contain in extent 1 acre 2 roods 11 $\frac{1}{2}$  square perches more or less.

At 4 P.M.

(2) All that portion 8 ft. broad and 60 ft. long for a tract from and out of all that allotment of land called Borellekele, situated in the village Narahenpita aforesaid; bounded on the north by a road, on the east and south by the remaining portion of the same allotment of land called Borellekele, and on the west by Delgahawatta, now the property of Wannakuwattewaduge Janis Fernando (exclusive, however, therefrom of the portion in extent 2 roods and 11  $\frac{75}{100}$

perches sold to Don Cornelius de Silva Abeyewickrema Wijenayake under deed No. 1,238 dated September 1, 1910, and attested by Frederick de Soysa of Colombo, Notary Public, which said premises, after excluding the portion sold as aforesaid, are in plan No. 3,710 dated November 29, 1915, made by G. W. P. Weeraratna of Colombo, Licensed Surveyor, more correctly described as follows, to wit :—

A portion of an allotment of land called Delgahawatta, with the buildings standing thereon, now bearing assessment No. 650/27, with the approach road situated at Timbirigasyaya road, Narahenpita, within the Municipality and District of Colombo, Western Province; bounded on the north by an approach road 8 ft. wide, another portion of the same land and Timbirigasyaya road, on the east by the property of D. W. Justiaus Appu, a portion of which now belongs to Roman Catholic Mission, on the south by the property of L. D. Cornelis Appu, and on the west by two portions of the same land, one of which is sold to C. D. S. A. Wijenayake; containing in extent 3 roods and 32 perches.

Fiscal's Office,  
Colombo, March 22, 1920.

W. DE LIVERA,  
Deputy Fiscal, W. P.

In the District Court of Colombo.

Mathiaparanam Mootutamby of Cinnamon Gardens, Colombo ..... Plaintiff.

No. 53,647. Vs.

Peyna Reena Seyna Moona Muttiah Chetty of Sea street, Colombo ..... Defendant.

NOTICE is hereby given that on Wednesday, April 21, 1920, at 9.30 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 mortgaged by bond No. 107 dated October 5, 1917, and decreed to be sold by the decree entered in the above action for the recovery of the sum of Rs. 13,720, with interest on Rs. 12,000 at the rate of 12 per cent. per annum from August 20, 1919, to

August 26, 1919, and thereafter further interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full, and costs, viz. :—

All those two contiguous parts of the garden called Mandappekenagahawatta with the buildings standing thereon (exclusive of a portion from the southern side containing in extent 7·73 square perches), situated at Idama, in Moratuwa, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; bounded on the north by the 1/5 part of the same garden belonging to Merinnage Manuel Fernando, on the east by the high road leading from Colombo to Galle, on the south by a part of the same garden belonging to Muttutantrige Bastian Coorav, and on the west by the stream called Lunawa; containing in extent 2 roods and 28 perches.

Fiscal's Office,  
Colombo, March 22, 1920.

W. DE LIVERA,  
Deputy Fiscal, W. P.

*No 41* In the District Court of Colombo.  
Madar Lebbe Abdul Jabbar of 2nd Division, Maradana,  
Colombo ..... Plaintiff.

No. 54,441. Vs.

I. L. Marikar Thai Marikar, (2) I. L. Marikar Nuhu  
Lebbe, (3) I. L. Marikar Omerdeen, all of Maradana,  
Cinnamon Gardens, Colombo. .... Defendants.

NOTICE is hereby given that on Thursday, April 22, 1920, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 916·50, with interest thereon at 9 per cent. per annum from December 10, 1919, till payment in full, and costs of suit, viz. :—

At 3.30 P.M.

(1) All that row of three boutiques bearing assessment Nos. 65/4, 65/5, 65/6, situated at Dean's road, Maradana, in Colombo; bounded on the north by premises bearing assessment No. 66 belonging to P. S. Gunawardana, on the east by Dean's road, south by premises bearing assessment No. 65/3, belonging to Suleka Umma, and on the west by Norris canal; containing in extent about 12 perches more or less.

At 4 P.M.

(2) All that row of twelve boutiques bearing assessment Nos. 63/8, 63/9, 63/10, 63/11, 63/12, 63/13, 63/14, 63/15, 63/16, 63/17, 63/18, 63/19, situated at Dean's road, Maradana, in Colombo; bounded on the north by premises No. 64/20 belonging to Anandappa, on the east, and south by Dean's road, on the west by Municipal drain; containing in extent about ¼ of an acre more or less.

Fiscal's Office,  
Colombo, March 22, 1920.

W. DE LIVERA,  
Deputy Fiscal, W. P.

*No 41* In the Court of Requests of Panadura.  
Vidanelage Carolis de Mel of Pattiya South in  
Panadura ..... Plaintiff.

No. 14,802. Vs.

(1) Angage Punchi Nona, widow of Anhettige Thepanis  
Perera, (2) Anhettige Babahamy, (3) ditto Lewis  
Perera, all of Maha Aruggoda. .... Defendants.

NOTICE is hereby given that on Tuesday, April 20, 1920, 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 (mortgaged by the defendant with plaintiff and declared bound and executable for the decree entered in the said case) for the recovery of Rs. 329·95, viz. :—

The undivided 5/12 part of the soil and trees of the portion of Rukgahatowatta *alias* Gangabodawatta, situated at Maha Aruggoda; and bounded on the north by the field, east by the portion of this land belonging to Ranasinghe's people, south by the field, and west by Mahawatta belonging to Anhettige and Meddakandage people and the field; and containing in extent about 3 acres.

Deputy Fiscal's Office,  
Kalutara, March 23, 1920.

H. SAMERESINGHE,  
Deputy Fiscal.

*No 41* In the Court of Requests of Negombo.  
Muna Mutthi Caruppen Palle of Negombo ..... Plaintiff.

No. 26,412. Vs.

(1) Manikuge Dinohami and husband (2) Dinayadura  
Mendis Silva, both of Katiyala, (3) Manikuge  
Asaneris Silva Kankanama of Unnaruwa. .... Defendants.

NOTICE is hereby given that on April 21, 1920, commencing at 9 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. :—

The land called Kahatagahawatta, situate at Katiyala, in Dunagaha pattu of Alutkuru korale; and bounded on the north by land of Alalahandi Francisco Silva, east by Katiyalagodella, south also by land of Francisco Silva, and on the west by daniya adjoining dewata; containing in extent about 2 acres 1 rood and 20 perches.

Amount to be levied Rs. 132·85, with interest on Rs. 107 at 25 per cent. per annum from April 27, 1918, to May 10, 1918, and thereafter at 9 per cent. per annum till payment, less Rs. 4·15.

Deputy Fiscal's Office,  
Negombo, March 23, 1920.

FRED. G. HEPPONSTALL,  
Deputy Fiscal.

*No 41* In the Court of Requests of Negombo.

(1) Kondagamage Peter Grero, (2) ditto Allis Grero,  
both of Kurana Katunayaka ..... Plaintiff.

No. 28,397. Vs.

(1) Alagappage Santiago Fernando and wife (2) Warnakulasuriya Simona Tissera, both of 2nd Division,  
Bolawalana ..... Defendants.

NOTICE is hereby given that on April 19, 1920, commencing at 10 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. :—

The lands called Bakmeegahakumbura and Madangahawatta and the buildings standing thereon, situate at 2nd Division, Kurana, within the gravets of Negombo; and bounded on the north by land belonging to Pemiano Fernando and others, east by the high road, south by the portion of this land, and on the west by the lagoon; containing in extent about 1 acre and 3 roods.

Amount to be levied Rs. 147·50, and poundage.

Deputy Fiscal's Office,  
Negombo, March 23, 1920.

FRED. G. HEPPONSTALL,  
Deputy Fiscal.

### Central Province.

In the District Court of Kandy.

Akbar Ali Mulla Ibramjee of Nawalapitiya ..... Plaintiff.  
No. 26,583. Vs.

Nena Kader Meera's son Segu Mahamado of Kehelgamuwa ..... Defendant.

NOTICE is hereby given that on Saturday, April 17, 1920, at 12 noon, 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 the sum of Rs. 650·50, with interest thereon at the rate of 9 per cent. per annum from November 13, 1918, until payment in full, and poundage due on the same, less Rs. 65·66 realized by sale of mortgaged lands, viz. :—

All that land called and known as Kurundugala estate, situate at Ginigathena, in Ambegamuwa korale of Uda Bulatgama, in the District of Kandy, Central Province, in extent 30 acres 2 roods; and bounded on the east by the property of M. G. Fernando, north-east by high road, north by Gonawela high road, formerly by Dambagollewatta, north-west by the property of M. G. Fernando and Kamal-ela, on the west and south-west by land belonging to villagers and land described in plans 54,092, 100,536, 97,984, on the south and south-east by Rada-ela.

Fiscal's Office,  
Kandy, March 23, 1920.

A. RANESINGHE,  
Deputy Fiscal.

In the District Court of Kandy.

Francis Ernest Schokman, Jailer, Welikada Prison,  
Colombo ..... Plaintiff.

No. 26,757.

Vs.

Sego Ali's son Sena Ena Cader Saibo of Menikheena  
in Hurikaduwa Madige in Udagampaha korale of  
Lower Dumbara ..... Defendant.

NOTICE is hereby given that on Monday, April 19, 1920, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property mortgaged upon bond No. 5,860 dated May 23, 1917, and attested by J. W. Wickremesinghe of Kandy, Notary Public, for the recovery of the sum of Rs. 2,175.17, with interest on Rs. 1,893 at the rate of 9 per cent. per annum from May 7, 1919, until payment in full, viz. :—

All that allotment of land called Nugagahawatta, of 1 rood and 23 perches according to the plan dated August 9, 1910, made by P. Spencer of Kandy, Licensed Surveyor, situate at Hurikaduwa, in Udagampaha of Lower Dumbara, in the District of Kandy; and bounded on the north-east by ditch, path, and Mahalindewatta, south by live fence, cotton, budediya, and suriya trees, south-west by live fence and rooster fence, west and north-west by live fence and Government high road, together with everything thereon comprising of the following allotments of lands, to wit :—

(a) All that portion of land towards the south of the high road, in extent 5 lahas paddy sowing from and out of all that land called Nugagahawatta of 1 pela paddy sowing extent in the whole, situate at Hurikaduwa aforesaid; and which said southern portion below the high road is bounded on the east by the bo-tree, south by the nuga-tree, west by ditch, and north by Government high road; together with the tiled boutiques and everything thereon (save and except the middle boutique together with the ground on which it stands).

(b) All that middle boutique with the land thereon standing on all the southern portion above the high road, in extent 5 lahas paddy sowing from and out of all that land called Nugagahawatta of 1 pela paddy sowing extent in the whole, situate at Hurikaduwa aforesaid; and which said middle boutique with the land thereon is bounded on the east and west by the wall of the houses of Mohamadu Abubakker Lebbe, south by the coconut tree on the land of Abubakker Lebbe, and on the north by road.

Fiscal's Office,  
Kandy, March 23, 1920.

A. RANESINGHE,  
Deputy Fiscal.

In the District Court of Kandy.

T. Abdul Hameed of Yatawatta estate, Matale .. Plaintiff.

No. 27,331.

Vs.

A. J. Victoria of Matale, executrix of the estate of the last will and testament of J. L. Victoria of Matale, deceased ..... Defendant.

NOTICE is hereby given that on Wednesday, April 21, 1920, at 11.30 A.M. will be sold by public auction at the premises the right, title, and interest of the said defendant, as executrix of the last will and testament of J. L. Victoria, deceased, in the following property, viz. :—

1. All those six upstairs houses called Victoria Building, assessment No. 7, together with the land appertaining thereto, of about 1 nelli of Kurakkan sowing extent, situate at Mawataakumbura, in Kohonsiya pattuwa of Matale South, Central Province; and bounded on the east and south by the land belonging to the Catholic church, Matale, on the west by the land belonging to N. Mohideenpulle, and on the north by Gansabhawa road.

2. Materials of the building called Victoria Garage, standing on premises bearing assessment No. 3, King street, Matale town; and which premises bounded on the east by Ana Vettivelpulle's property, on the south by market property of Local Board, Matale, on the west by the King street, and on the north by the property of Peries Costa of Matale.

Amount of the writ Rs. 593.97, with legal interest on Rs. 467.

Deputy Fiscal's Office,  
Matale, March 18, 1920.

E. T. MILLINGTON,  
Deputy Fiscal.

Southern Province.

In the District Court of Matara.

Hewa Visenti Don Charles de Silva de Deneputiya. Plaintiff.

No. 8,097.

Vs.

(1) Abilian Mendis Wickramasinghe Appuhami of Mapalana, presently of Dondra, and (2) Thepanis Peeris Wickramasinghe of ditto ..... Defendants.

NOTICE is hereby given that on Wednesday, April 28, 1920, commencing at 9 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said 2nd defendant in the following property for the recovery of a sum of Rs. 1,596.41, with legal interest on Rs. 1,365.50 from September 13, 1918, till payment in full, less Rs. 318.16, and Fiscal's charges, viz. :—

An undivided  $\frac{1}{2}$  part of the land called Mudiyansegawatta and all the buildings standing thereon, situated at Wauwa, in Dondra; and bounded on the north by road and Kande-watta, east by Mudugalboda and Kudawauwewatta, south by Mudugalboda, and on the west by Kankanangehena; containing in extent about 8 acres.

Deputy Fiscal's Office,  
Matara, March 22, 1920.

E. T. GOONEWARDENE,  
Deputy Fiscal.

In the Additional Court of Requests of Matara.

Lokugamage Don Charlis Appuhami of Pottewela .. Plaintiff.

No. 10,205.

Vs.

Hettige Babun ..... Claimant.

NOTICE is hereby given that on Saturday, April 24, 1920, at 10 o'clock in the forenoon will be sold by public auction at the spot the right, title, and interest of the said plaintiff in the following property for the recovery of Rs. 71 and Fiscal's charges, viz. :—

The tiled house of 11 cubits standing on the land Kongahawatta alias Godellegeruppa, situated at Pottewela; and bounded on the north by Malimbodageruppa and Wedagewatta, east by Uswatta, south by Godellegedeniya, and west by Kitulgahadeniya.

Deputy Fiscal's Office,  
Matara, March 18, 1920.

E. T. GOONEWARDENE,  
Deputy Fiscal.

North-Western Province.

In the District Court of Puttalam.

P. L. S. Letchumanan Chetty, by his attorney P. L. S. Chelliahpillai, of Puttalam ..... Plaintiff.

No. 3,263.

Vs.

Mohallam Sego Meera Saibo Lebbe Asan Mohideen  
Wawa Saibo Lebbe and 4 others, all of Tely .. Defendants.

NOTICE is hereby given that on Saturday, April 17, 1920, at the time mentioned below, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

At 9 A.M.

1. The entire residing house and premises, in extent about  $1\frac{1}{2}$  acre, and the garden known as Veetadytotam, in extent  $\frac{1}{2}$  acre, both forming one property, and containing the aggregate extent  $2\frac{1}{2}$  acres, together with the land, tiled house, thatched house, coconut trees, well, and other things thereon, situate at Tely, at Akkarai pattu, in the Puttalam District; and bounded on the north by the fence of the house and premises belonging to Thana Muna Thana Tamby

Marikar, on the east by land belonging to the heirs of Seyna Neina Mohammado Marikar, and the land belonging to Seyna Moona Sellatamby Marikar and others, on the south by the ridge wall of the boutique belonging to Seyna Moona Sellatamby Marikar and others and land belonging to Mohallan Asan Mohiedeen Wawa Saibo Lebbe Mohiedeen Ibrahim Neina Lebbe Marikar, the 2nd defendant above named, and on the west by land belonging to the heirs of Seyna Neina Naina Mohamado Lebbe Marikar and the land with the house and premises on which Wappo Marikar resides.

At 3 P.M.

2. Undivided 5/7 shares of the garden planted by Muttu Wappu, situate at Muttiyanchenai, in Erumbukkudal, in Akkarai pattu aforesaid, containing in extent about 20 acres, together with the coconut trees and other trees, jungle, and all things thereon; and bounded on the north by garden belonging to Seyna Noona Sellatamby Marikar and others, on the east and west by sandy hills, and on the south by land belonging to Mohallan Meera Lebbe Asan Mohiedeen Wawa Saibo Lebbe the 1st defendant.

At 3.15 P.M.

3. Undivided 5/7 shares out of undivided 1/2 share, excluding the 27 coconut trees belonging to the planters, that is to say, undivided 5/14 shares out of the entire garden called Picheundupanninapagudy and two gardens known as Picheveetadytotam, all forming one property, and the entire plantation containing 200 coconut trees on the northern side of the said land, situate at Erumbukkudal, in the Akkarai pattu aforesaid, containing in extent about 10 acres; and bounded on the north by the garden belonging to the heirs of Muttu Marikar and the defendants above named, on the east by land belonging to Seyna Moona Sellatamby Marikar and others, on the south by lands

belonging to Seyna Moona Tamby Marikar and others, on the west by sandy hills.

Amount of writ, Rs. 6,214.62.

Deputy Fiscal's Office,  
Puttalam, March 18, 1920.

S. M. P. VANDERKOEEN,  
Deputy Fiscal.

In the District Court of Chilaw.

K. R. M. I. T. A. Chetty of Colombo..... Plaintiff

No. 6,365.

Vs.

Elawa Tamby Kader Tamby of Pudukudirippu.. Defendant.

NOTICE is hereby given that on Friday, April 23, 1920, 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:—

The land called Akkaravelikadu marked lot No. 27 in title plan No. 221,080, situate at Tarakudivillu in Anavilundan pattu of Pitigal korale north, in the District of Chilaw; and bounded on the north by land bearing lot No. 24 in preliminary plan No. 81, east and south by land bearing lot No. 30 in the said plan No. 81, and west by the said land bearing lot No. 30 in the said plan No. 81, and reservation for the road; containing in extent 3 acres 1 rood and 33 perches.

Amount to be levied Rs. 1,629, with further interest on Rs. 900 at 24 per cent. per annum from October 29, 1919, up to January 23, 1920, and thereafter on the aggregate sum at 9 per cent. per annum till payment in full, and poundage. Valuation Rs. 1,750.

Deputy Fiscal's Office,  
Chilaw, March 23, 1920.

CHARLES DE SILVA,  
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Boralugodage Cornelis Perera of No. 73. Erawwala, in the Palle pattu of Salpiti korale, deceased.

Elwitigalage Babay Nona of Erawwala aforesaid-Petitioner.

And

- (1) Boralugodage William Perera, (2) Boralugodage John Perera, (3) Boralugodage Mary Perera, wife of (4) Galhenagey William Perera, and (5) Boralugodage Joseph Perera, all of Erawwala ..... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on February 18, 1920, in the presence of Mr. A. C. Abeyearwdena, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 10, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

February 18, 1920.

W. WADSWORTH,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Bastian Korallage Isabela Rodrigo No. 74. Hamine of Bopitiya, deceased.

Francis Perera Weerasinghe of Pettygoda, in the Adikari pattu of Siyane korale ..... Petitioner.

And

- (1) Pulukkuti Aratchige Don Jusay Appuhamy, (2) Pulukkuti Aratchige Don Christopher, both of Bopitiya, (3) Pulukkuti Aratchige Dona Mary, wife of (4) Hetti Aratchige Don Marthenu of Sapugas-kande, (5) Pulukkuti Aratchige Dona Jattruda, (6) Pulukkuti Aratchige Don Dominic, (7) Pulukkuti Aratchige Don Lazaru, (8) Pulukkuti Aratchige Dona Nicholina Josephina, (9) Pulukkuti Aratchige Dona Winiprida, all of Bopitiya ..... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on February 19, 1920, in the presence of Mr. W. H. W. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 6, 1920, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a creditor of the estate of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

February 19, 1920.

W. WADSWORTH,  
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Kirindage Annie Catherine Dias of Mattacooly, in Colombo, deceased. No. 75.

Kirindage Stephen Dias of No. 32, St. Mary's lane, Mattacooly, Colombo ..... Petitioner.

And

Dehiwalage Dona Eliza Perera of No. 32, St. Mary's lane, Mattacooly, in Colombo ..... Respondent.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on February 20, 1920, in the presence of Messrs. M. R. & M. S. J. Akbar, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 19, 1920, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the father of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

February 20, 1920.

W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late James Arthur Malleappah, Revenue Inspector of the Kandy Municipality, late of Kandy, deceased. No. 83.

Thomas Edward Malleappah of Colombo .....Petitioner.

And

(1) John Alexander Malleappah and (2) Julia Malleappah, both of Colombo ..... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on March 15, 1920, in the presence of Mr. J. M. Pereira, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 30, 1920, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a brother of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 15, 1920.

W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late William de Silva Siriwardane of Pansala road, Kotahena, Colombo, deceased. No. 86.

Elizabeth de Silva Siriwardane of Wall street, Kotahena, Colombo ..... Petitioner.

And

(1) Clarence Elizabeth de Silva Siriwardane of Wall street, Kotahena, Colombo ..... Respondent.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on March 10, 1920, in the presence of Mr. D.A.J. Gunawardhana, Proctor,

on the part of the petitioner above named; and the affidavit of the said petitioner dated February 10, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 10, 1920.

W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Wickremeatchi Appuhamillage Brumpy No. 85/1920. Appuhamillage Ambegaspitiya in the Meda pattu of Siyane korale deceased.

Kankaniatchi Kankanamalage Apilin Nona of Ambegaspitiya aforesaid ..... Petitioner.

And

(1) Wickremeatchi Appuhamillage Jane Nona, wife of (2) Nissanga Aratchi Appuhamillage James Appuhamy, both of Alutgama, in the Meda pattu of Siyane korale, (3) Wickremeatchi Appuhamillage Peter Singho, (4) Wickremeatchi Appuhamillage Punci Singho, (5) Wickremeatchi Appuhamillage Bartin Nona, wife of (6) Ranasinghe Hettiaratchige Sulanchy Appu, and (7) Wickremeatchi Appuhamillage William Singho, all of Ambegaspitiya aforesaid ..... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on March 10, 1920, in the presence of Mr. J. A. V. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 10, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 10, 1920.

W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Hettiachchige Hendrick Singho, No. 87. late of Wajaliyadda, deceased.

Kotte Muhandrange Lucia Rona of Wajaliyadda, in the Udugaha pattu of Siyane korale ..... Petitioner.

And

(1) Hettiachchige Edwin Sinno, (2) Hettiachchige Baylin Nona, (3) Hettiachchige Sestlin Nona, (4) Hettiachchige Wimalawathi, (5) Hettiachchige Wimalasiri, all of Wajaliyadda ..... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on March 10, 1920, in the presence of Mr. D. A. J. Gunawardhana, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 3, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 10, 1920.

W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late M. L. T. Luther *alias* Thomas Thangavelu Luther of No. 52, Ward place, Colombo, deceased.

Nesammal Luther, presently of St. Thomas's Vicarage, Chekku street, in Colombo..... Petitioner.

And

(1) Edwin Thomas Luther of St. Thomas's Vicarage aforesaid, (2) Reverend Charles Henry of St. Thomas's Vicarage aforesaid ..... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on March 23, 1920, in the presence of Mr. C. Vethecan, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 23, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 23, 1920. W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Mutukumaru Aratchige Thelenis Alwis of Alutnawata in Mutwal, Colombo, deceased.

Nugegodage Emalia de Silva of Alutnawata ... Petitioner.

And

Mutukumaru Aratchige Thomas *alias* Harmanis de Alwis of Elie House road, Mutwal, Colombo... Respondent.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on March 4, 1920, in the presence of Messrs. van Cuylenburg & de Witt, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 4, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondent above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1920. W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Karanachchare Nekatige Korlia Fernando of Panagoda, deceased.

Silpadipathinekatige Sandoris Fernando of Panagoda ..... Petitioner.

And

(1) Silpadipathinekatige Moisa Fernando of Koratota and (2) Karanachchare Nekatige Sadriss Fernando of Koratota, in the Palle pattu of Hewagam korale ..... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on February

19, 1920, in the presence of Mr. C. V. Wickremasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 6, 1920, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

February 19, 1920. W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Jayakodi Aratchige Wilegedera, in the Kurunegala District, deceased.

K. Maria Jane Perera of Dandagama ..... Petitioner.

And

(1) Gustinahamy, and her husband (2) Winesenthi Appuhamy, both of Gonawila, (3) Rosa Maria and her husband (4) Kuruppu Achchi Appuhamillage Don Agostinu Appuhamy, both of Wilegedera, (5) Euginahamy and her husband (6) James Appuhamy, both of Palangathura. .... Respondents.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on February 25, 1920, in the presence of Mr. P. L. Jayewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 19, 1919, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

February 25, 1920. W. WADSWORTH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Tillakamuni James Silva of Mutwal, No. 6, 982, in Colombo, deceased.

Nissange Elizabeth Silva of Mount Lavinia ..... Petitioner.

And

Tillakamuni Francis Silva of Mutwal ..... Respondent.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on March 1, 1920, in the presence of Mr. D. A. Dissanayake, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 10, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 1, 1920. W. WADSWORTH, District Judge.

In the District Court of Matara.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Don Simon Wickremasekera, deceased,  
No. 2,592. of Cadeweediya.

THIS matter coming on for disposal before G. P. Keuneman, Esq., District Judge of Matara, on November 8, 1919, in the presence of his own person, the petitioner, Gamage Sophy Hami of Cadeweedia; and the affidavit of the said petitioner dated September 27, 1919, having been read: It is ordered that the said petitioner, as widow of the deceased above named, is entitled to have letters of administration issued to her accordingly, unless the respondents—(1) Don Hemachandra Wickremasekera, (2) Dona Piyaseli, (3) Dona Dayaweti, (4) Gamage Thegis Appu, all of Cadeweedia—shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 4th respondent be appointed guardian *ad litem* over the minors 1st to 3rd respondents, unless the said respondents shall, on or before April 1, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 20, 1920.

G. P. KEUNEMAN,  
District Judge.

In the District Court of Tangalla.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Seiyadu Yahiya Mawlana, deceased, of  
No. 740. Hambantota.

THIS matter coming on for disposal before C. Harrison-Jones, Esq., District Judge, Tangalla, on January 28, 1920, in the presence of Seiyadu Ali Ibunu Seiyadu Abdul Rahiman Mawlana, the petitioner; and the affidavit of the said petitioner dated January 6, 1920, having been read:

It is ordered that the letters of administration to the estate of the late Seiyadu Yahiya Mawlana, deceased, be granted to the petitioner aforesaid, unless the respondents—(1) Seiyadu Aiyini Ibunu Seiyadu Abdul Rahiman Mawlana; (2) Seiyadu Asma Ibunu Seiyadu Yahiya Mawlana, (3) Seiyadu Isema Seiyadu Yahiya Mawlana, (4) Seiyadu Akie Seiyadu Yahiya Mawlana, (5) Seiyadu Sittie Seiyadu Yahiya Mawlana, minors, all of Hambantota—and any person or persons interested shall, on or before April 7, 1920, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 1st respondent be appointed guardian *ad litem* over the minors 2nd, 3rd, 4th, and 5th respondents, unless any person or persons interested shall, for the purpose of this case, on or before April 7, 1920, show sufficient cause to the satisfaction of this court to the contrary.

January 28, 1920.

C. HARRISON-JONES,  
District Judge.

In the District Court of Tangalla.

*Order Nisi decl ring Will proved, &c.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Balamanage Sinno Appu, late of Tissa-  
No. 742. maharama.

THIS matter coming on for disposal before C. Harrison-Jones, Esq., District Judge of Tangalla, on January 28, 1920, in the presence of Balamanage Arnolis de Silva, the petitioner; and the affidavit of the said petitioner dated January 28, 1920, having been read:

It is ordered that letters of administration to the estate of the late Balamanage Sinno Appu, deceased, granted to the petitioner aforesaid, unless the respondents—(1) Balamanage Silinduhamy, (2) Sitinamaluweguruge Pediris, (3) Balamanage Mentis, (4) ditto Sawuhamy, (5) ditto Heenhamy, (6) ditto Cartinahamy, (7) ditto Carolis, (8) ditto Emarihamy, (9) Ratubaduge Arnolis, (10) Balamanage Karnelhamy, wife of (11) Ratubaduge Punchiappu, all of Babarenda, (12) Balamanage Samicheho, wife of (13)

Thondilige Appu, both of Sitinamaluwa, (14) Balamanage Arnelhamy of Babarenda, (15) ditto Mendis, (16) ditto Sarnelis, (17) ditto Emarihamy, wife of (18) Kamburugamuwe Vidanagegamage Karonchi Appu, (19) Balamanage Sawneris, (20) ditto Karlinahamy wife of (21) Thondilige Peneris, (22) Balamanage Gimarahamy, (23) ditto Hamina, (24) ditto Josihamy, (25) ditto Mendias (minors), all of Dikwella, (26) Balamanage Nonnohamy, (27) Ahangama Vidanage Carolis, (28) Balamanage Davith Appu, (29) Don Dionis Senanayake, Vidane Arachchi of Tissa, (30) Balamanage Bachchohamy, (31) Mallika Vidane Arachchige Luwishamy, (32) Balamanage Don Dionis of Tissa—or any person or persons interested shall, on or before April 7, 1920, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 7th respondent be appointed guardian *ad litem* over the minors 3rd, 4th, 5th, and 6th respondents, and that the 19th respondent be appointed guardian *ad litem* over the minors 22nd, 23rd, 24th, and 25th respondents for the purpose of this case, unless any person or persons interested shall, on or before April 7, 1920, show sufficient cause to the satisfaction of this court to the contrary.

January 28, 1920.

C. HARRISON-JONES,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Thuraey Appar Nagalingam of Kokkuvil,  
No. 3,792. deceased.

Sittampalam Sinnappar of Kokkuvil... Petitioner.

Vs.

(1) Valipuram Kandiar of Kokkuvil and (2) Manikkam, daughter of Sellachchi of ditto, minors, by their guardian *ad litem* the 3rd respondent, (3) Chinnattamby Thambiah of Vannarponnai East... Respondents.

THIS matter of the petition of Sittampalam Sinnappar of Kokkuvil, praying for letters of administration to the estate of the above-named deceased Thuraey Appar Nagalingam of Kokkuvil, coming on for disposal before Hon. Sir A. Kanagasabai, Kt., District Judge, on February 18, 1920, in the presence of Mr. V. Manikkavasakan, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated January 13, 1919, having been read: It is declared that the petitioner is an heir of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before March 12, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1920.

A. KANAGASABAI,  
District Judge.

*Order Nisi* extended for April 1, 1920.

March 9, 1920.

A. KANAGASABAI,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate and Effects of  
Jurisdiction. Valliammai, wife of Thampu, late of  
No. 3,978. Periyilan, deceased.

Sanmugam Vannittampy of Periyilan... Petitioner.

Vs.

(1) Thampu Sanmugam of Kuala Lumpur, (2) Manappuli Thampu of Periyilan, (3) Manappuli Sinnaturai of Kuala Lumpur, the 1st respondent is a minor and appears by his guardian *ad litem* the 3rd respondent... Respondents.

THIS matter of the petition of the above-named petitioner, praying for grant of letters of administration to the



estate of the above-named deceased, coming on for disposal before the Hon. Sir Ambalavanar Kanagasabai, Kt., Acting District Judge, on March 2, 1920, in the presence of Messrs. Casippillai & Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated June 11, 1919, having been read: It is ordered that the petitioner is one of the paternal uncles of the above-named deceased, and is entitled to have letters of administration to the estate of the deceased issued to him, unless the respondents or any other person or persons shall, on or before April 27, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1920.

A. KANAGASABAI,  
District Judge.

In the District Court of Jaffna.

Order Nisi. 390

Testamentary In the Matter of the Estate and Effects of  
Jurisdiction. Thakkasnam, wife of Sathasivam, late  
No. 4,131. of Inuvil, deceased.

Visuvalingam Sathasivam of Araly North, presently of  
Homagama ..... Petitioner.

Vs.

(1) Thanmavarathar Visuvalingam of Araly North and his wife (2) Manikkam of ditto, (3) Paramesupari, daughter of Sathasivam of ditto, (4) Kanthar Suppiramaniam of Chavakachcheri, the 3rd respondent is a minor and appears by her guardian *ad litem* the 1st and 2nd respondents ..... Respondents.

THIS matter of the petition of the above-named petitioner praying for grant of letters of administration to the estate of the above-named deceased, coming on for disposal before the Hon. Sir Ambalavanar Kanagasabai, Kt., Acting District Judge, on March 3, 1919, in the presence of Messrs. Casippillai & Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated January 17, 1920, having been read: It is ordered that the petitioner is the husband of the above-named deceased, and is entitled to have letters of administration to the estate of the said deceased issued to him, unless the above-named respondents or any other person or persons shall, on or before April 20, 1920, show sufficient cause to the satisfaction of this court to the contrary.

March 24, 1920.

A. KANAGASABAI,  
District Judge.

In the District Court of Badulla.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Prayanna Mawanna Subramaniapillai of  
No. B 619. Kilapaliyur, in Trichinopoly District, in  
South India, deceased.

Ramachandiram Alaghoopillai of Koslande ..... Petitioner.

And

(1) Mookai Ammal, (2) Sittoopillai *alias* Alagammah, (3) Sita Lachmy, (4) Krishnasamy, (5) Ahamel, (6) Narayanasamy, (7) Ramaie, the 3rd to 7th, minors by their guardian *ad litem* the 2nd respondent above named, all of Kilapaliyur, in Trichinopoly District, in India, (8) Pachai Ammal, and (9) Appavupillai, son of Alaghoopillai, both of Nahaketiya estate, in Koslande ..... Respondents.

THIS matter coming on for disposal before T. W. Roberts, Esq., District Judge of Badulla, on February 25, 1920, in the presence of Mr. S. Suppramaniam, Proctor, on the part of the petitioner above named; and the petition

and the affidavit of the said petitioner bearing even date having been read:

It is hereby ordered that the above-named 2nd respondent be and she is hereby appointed guardian *ad litem* of the above-named 3rd, 4th, 5th, 6th, and 7th minor respondents for all the purposes of this action:

And it is hereby further ordered that the above-named petitioner be and he is hereby declared entitled, as the lawful attorney of the widows of the deceased above named, to have letters of administration to his estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 31, 1920, show sufficient cause to the satisfaction of this court to the contrary.

February, 25, 1920.

T. W. ROBERTS,  
District Judge.

In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the  
Jurisdiction. late Mahadurage Gunasiriya of Halpe,  
No. 729. deceased.

Between

Illandarapedige Giramalee of Meneripitiya ..... Petitioner

And

(1) Mahadurage Kirimenika, (2) ditto Kiribindu, minors, by their guardian *ad litem* (3) Illandarapedige Siriya, all of Meneripitiya ..... Respondents.

THIS matter coming on for disposal before H. J. V. Ekanayake, Esq., District Judge, Ratnapura, on March 19, 1920, in the presence of Mr. A. Wijetilaka on the part of the petitioner above named; and the affidavit of the said petitioner dated February 4, 1920, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased, to administer the estate of the deceased, and that letters of administration do issue to her accordingly, unless sufficient cause be shown to the contrary on April 14, 1920, by the respondents or any other person or persons interested.

March 19, 1920.

H. J. V. EKANAYAKE,  
District Judge.

In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Kaluappulaye Huratalhamy of Galukaga-  
No. 730. gama, deceased.

Kaluappulaye Chandanahamy of Galukagama ..... Petitioner.

And

(1) Kaluappulaye Posathamay, (2) ditto Ran Etana, (3) ditto Puchi Etana, (4) ditto Maddumahamy, (5) ditto Podihamy, (6) ditto Siribohamy, all of Galukagama, (7) ditto Wijehamy of Galukagama, minor, by his guardian *ad litem* the above-named 1st respondent ..... Respondents.

THIS matter coming on for disposal before H. J. V. Ekanayake, Esq., District Judge, Ratnapura, on March 12, 1920, in the presence of Mr. A. Wijetilaka, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 16, 1920, having been read:

It is ordered that the petitioner, as one of the children of the deceased, be and he is hereby declared entitled to have letters of administration to the estate of the said deceased, and letters do issue to him accordingly, unless sufficient cause be shown to the contrary on April 7, 1920.

March 12, 1920.

H. J. V. EKANAYAKE,  
District Judge.

In the District Court of Ratnapura.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Estate of the late Gamage Punchimahatmaya of Karangoda, deceased.

No. 731.

Between

Ganagama Etige Punchimenike of Karangoda.. Petitioner.

And

(1) Karangoda Ratanapala Unnanse, (2) Karangoda Gamage Dhanusekera, and (3) ditto Podimenike, minor, by her guardian *ad litem* the 2nd respondent ..... Respondents.

THIS matter coming on for disposal before H. J. V. Ekanayake, Esq., District Judge, Ratnapura, on March 9,

1920, in the presence of Mr. R. N. Asirwatham, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 16, 1920, having been read:

It is ordered that the petitioner, as widow of the deceased above named, be and she is hereby declared entitled to have letters of administration to the estate of the deceased, and that letters of administration do issue to her accordingly, unless the respondents above named or any person or persons interested show sufficient cause to the contrary on April 1, 1920.

March 9, 1920.

H. J. V. EKANAYAKE,  
District Judge.