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Part II.—Legal.

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PASSED ORDINANCES.

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

No. 2 of 1921.

An Ordinance to amend "The Treaty of Peace (Enforcement) Ordinance, No. 7 of 1920."

W. H. MANNING.

Preamble.

WHEREAS His Majesty was pleased, under and by virtue of the powers conferred on him by the Treaty of Peace Act, 1919, to make the Treaty of Peace Order, 1919, which is set forth in the schedule to "The Treaty of Peace (Enforcement) Ordinance, No. 7 of 1920":

And whereas His Majesty has in pursuance of the said powers been pleased to amend the said Treaty of Peace Order, 1919, by the Treaty of Peace (Amendment) Order, 1920 (hereinafter referred to as the Amending Order), which is set forth in the schedule to this Ordinance:

And whereas it is expedient to make certain modifications in the Amending Order for the purpose of adapting 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) (Amendment) Ordinance, No. 2 of 1921."

Application of Amending Order to the Colony.

2 In applying the Amending Order to the Colony the following modifications shall be made:

(1) In article 1 (x.) of the Treaty of Peace Order, 1919, as amended by the Amending Order, the reference to the President of the Board of Trade shall be taken to be to the Governor in Executive Council;

- (2) In article 1 (xvi.) of the Treaty of Peace Order, 1919, as amended by the Amending Order, the reference to the Board of Trade shall be taken to be to the Governor in Executive Council ;
- (3) In article 1 (xvii.), sub-paragraph (a), of the Treaty of Peace Order, 1919, as amended by the Amending Order, the reference to the Board of Trade shall be taken to be to the Governor in Executive Council ;
- (4) In article 1 (xvii.), sub-paragraph (aa), of the Treaty of Peace Order, 1919, as inserted therein by the Amending Order, the reference to the court, shall be taken to be to the District Court having jurisdiction in the place where the person summoned to attend resides ;
- (5) In article 1 (xvii.), sub-paragraph (cc), of the Treaty of Peace Order, 1919, as inserted therein by the Amending Order, the reference to the Board of Trade shall be taken to be to the Governor in Executive Council.

SCHEDULE.

At the Court at Buckingham Palace, the 28th day of June, 1920.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas in pursuance of the powers conferred on him by the Treaty of Peace Act, 1919, His Majesty in Council has pleased to make the Treaty of Peace Order, 1919, and it is expedient that the said Order should be amended in manner hereinafter appearing:

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 provisions of the Treaty of Peace Order, 1919, set out in the first column of the schedule to this Order shall be amended in the manner shown in the second column of that schedule.

2. Paragraph (xvi.) of article 1 of the Treaty of Peace Order, 1919, shall have effect, and shall be deemed always to have had effect, as if for the proviso to that paragraph the following proviso were contained therein :

Provided that any particular property, rights, or interests so charged may at any time be released by the Custodian acting under the general direction of the Board of Trade from the charge so created.

3. This Order may be cited as the Treaty of Peace (Amendment) Order, 1920.

ALMERIC FITZROY.

SCHEDULE.

Article.	Nature of Amendment.
1	For the words "this Act" there shall be substituted "this Order."
1 (x.)	At the end the following words shall be inserted : "The Clearing Office may make rules, subject to the approval of the President of the Board of Trade, for prescribing the manner in which the powers and duties conferred upon the Clearing Office by this Order shall be exercised."
1 (xi.)	At the end the following words shall be inserted : "In any proceeding by the Clearing Office to enforce payment of a debt or fine, a report purporting to be signed by the Controller or by the Secretary shall be evidence of the facts therein stated."
1 (xiv.)	The following paragraph shall be inserted after paragraph (xiv.) : " (xiv. A) The Board of Trade may undertake on behalf of a British national the presentation to and conduct before the Mixed Arbitral Tribunal of any claim, difference, or dispute referable to the Tribunal under the provisions of Sections IV., V., and VII., of Part X. of the Treaty, and may make regulations with the consent of the Treasury in respect of the fees to be charged in respect of such services."

- | Article. | Nature of Amendment. |
|------------|--|
| 1 (xvi.) | .. The following words shall be inserted after the words "the Fourth day of August, Nineteen hundred and Fourteen": "but so, nevertheless, that the claims of British nationals for the proceeds of the liquidation of their property, rights, and interests mentioned in Section IV. of Part X. of the Treaty and in the Annex thereto, and for the enemy debts owing to them referred to in Article 296 of the Treaty, shall rank in priority to any of the other claims above mentioned." |
| 1 (xvii.) | .. In sub-paragraph (a), after the words "the Custodian," the following words shall be inserted: "acting under the general direction of the Board of Trade." |
| | After sub-paragraph (a) the following paragraph shall be inserted: "(aa) The court may, on the application of the Clearing Office or the Custodian, require any person known or suspected to have in his possession or under his control or management any property, right, or interest subject to charge, including any person known or suspected to owe a debt to a German national, or any person whom the court may consider capable of giving information respecting the same, subject to payment or tender of reasonable expenses of his attendance, to attend as a witness and to give evidence or produce documents before the court or before such officer as the court may appoint for the purpose of examining into the matter, who shall have power to take evidence and administer oaths, and if any person fails without reasonable excuse to comply with any of the provisions of the order, or wilfully gives false evidence, 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." |
| | "For the purposes of this paragraph 'the court' means the High Court or a Judge thereof, or the County Court, or in Scotland the Court of Session or the Sheriff Court." |
| | In sub-paragraph (c), after the words "by the Custodian," the following words shall be inserted: "notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Custodian is not in possession of the certificate, scrip, or other document of title relating to the shares, stock, or securities to which the application relates." |
| | After sub-paragraph (c) the following paragraph shall be inserted: "(cc) Where the property charged consists of property transferable on delivery, any person having the possession, control, or management of the property shall, on being so required by the Custodian, deliver the property to him, and the Custodian shall, subject to the consent of the Board of Trade, have power to sell or otherwise deal with the property so delivered to him." |
| | In sub-paragraph (d) for the words "section 4" there shall be substituted the words "sub-sections (1) to (4) of section 4." |
| 1 (xviii.) | .. For the words "Article 300" where those words secondly occur there shall be substituted the words "Article 301," and for the words "six months" where those words secondly occur there shall be substituted the words "ten months." |
| 3 | .. For the words "except the Dominion of Canada" to "and India" inclusive there shall be substituted the words: "except India and the self-governing Dominions, that is to say, 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, and Newfoundland." |

Article.

Nature of Amendment.

At the end of the same article the following proviso shall be added: "Provided also that if a Local Clearing Office is established in India or in any self-governing Dominion, the provisions of this Order relating to the Clearing Office shall apply with respect to the relations between the Central Clearing Office and the Local Clearing Office and to transactions on behalf of the Local Clearing Office which must be effected through the Central Clearing Office, or which may be effected by the Central Clearing Office at the request of the Local Clearing Office."

Passed in Council the Twenty-sixth day of January, One thousand Nine hundred and Twenty-one.

M. A. YOUNG,
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of February, One thousand Nine hundred and Twenty-one.

GRAEME THOMSON,
Colonial Secretary.

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

No. 3 of 1921.

An Ordinance to make provision for giving effect to certain provisions of the Treaty of Peace lately signed at St. Germain-en-Laye.

W. H. MANNING.

Preamble.

WHEREAS a Treaty of Peace (hereinafter referred to as "The Treaty") was signed at St. Germain-en-Laye on the Tenth day of September, 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 Treaties of Peace (Austria and Bulgaria) Act, 1920, 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 (Austria) Enforcement Ordinance, No. 3 of 1921."

Clearing office for Austrian debts.

2 The clearing office established under the provisions of section 2 of "The Treaty of Peace (Enforcement) Ordinance, No. 7 of 1920," shall be the clearing office for the purposes of this Ordinance and of the Order in Council set forth in the schedule thereto, and shall be 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" (hereinafter referred to as "the Custodian").

Application of Order in Council to 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 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) Wherever reference is made to the amount of any fine which may be imposed in terms of pounds, it shall be deemed, for the purpose of any proceedings taken in the Colony, that fifteen rupees are the equivalent of one pound ;
- (5) References to the administrator, except in article 1 (xxii.), shall be taken to be to the Custodian ;
- (6) In article 1 (ix., x., xiv., xv., xvi.), references to the Board of Trade, the President of the Board of Trade, or the Treasury shall be taken to be to the Governor in Executive Council ;
- (7) In paragraph (c) of article 1 (x.) the furnishing, before this Ordinance comes into operation, of particulars to the Custodian 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 particulars in the said article set forth ;
- (8) In article 1 (x.) (c) the reference to the making of the said Order shall be taken to be to the coming into operation of this Ordinance ;
- (9) In article 1 (x.) (f) the reference to sub-sections (1) to (4) of section 4 of the Trading with the Enemy (Amendment) Act, 1916, shall be taken to be to sub-sections (1) to (4) of 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 ;
- (10) In article 1 (x.) (g) references to the court shall be taken to be to the District Court of Colombo ;
- (11) In article 1 (xii.) the reference to a trustee in bankruptcy shall be taken to be to a trustee in bankruptcy appointed under the Bankruptcy Act, 1914, of the Imperial Parliament, and of any Act amending the same ;
- (12) In article 1 (xxiii.) the reference to a court shall be taken to be to a District Court ;
- (13) In article 1 (xxiv.) the references to the coming into force of the Treaty shall be taken to be to the coming into operation of this Ordinance ;
- (14) In article 1 (xxvii.) 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 ;
- 5) In article 1 (xxviii.) 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 proceedings relating to other matters referred to in article 262 of the Treaty be taken to be to the Registrar-General.

SCHEDULE.

At the Court at Buckingham Palace, the 13th day of August, 1920.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas at Saint Germain-en-Laye, on the Tenth day of September, 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 Treaties of Peace (Austria and Bulgaria) Act, 1920, 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 thereto 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 Order 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 Administrator) as the Board of Trade may appoint for the purpose.

In the event of a local office being established in any part of His Majesty's Dominions 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 or by leave of the Clearing Office (which leave may be granted subject to such conditions, including conditions as to the payment of fees, as the Clearing Office may think fit to impose), 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 one 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, together with such interest as aforesaid, 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.) 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.

(vii.) 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.

(viii.) 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.

(ix.) All property, rights, and interests within His Majesty's Dominions or Protectorates belonging to nationals of the former Austrian Empire at the date when the Treaty came 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 (other than British nationals ordinarily resident in the self-governing Dominions, India, and Egypt) with regard to their property, rights, and interests (including companies and associations in which they are interested) in the territories of the former Austrian Empire, or debts owing to them by Austrian 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 249 of the Treaty, and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by any Austrian authorities since the Twenty-eighth day of July, and before the Twelfth day of August, Nineteen hundred and Fourteen; and

(b) Secondly, with payment of the amounts due in respect of claims by British nationals (other than British nationals ordinarily resident in the self-governing Dominions, India, and Egypt) with regard to their property, rights, and interests in the territories of Germany, 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 be released by the Administrator, acting under the general direction of the Board of Trade, from the charge so created.

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

(a) The Administrator shall have such powers and duties as are hereinafter provided;

(b) No person shall, without the consent of the Administrator acting under the general direction of the Board of Trade, 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.

(c) 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 of the making of this Order, by notice in writing communicate the fact to the Administrator, and shall furnish the Administrator with such particulars in relation thereto as the Administrator may require, and if any person fails to do so or furnishes any false information, he shall on summary conviction be liable to a fine not exceeding one hundred pounds;

(d) 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 Administrator, notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Administrator is not in possession of the certificate, scrip, or other document of title relating to the shares, stock, or securities to which the application relates, enter the Administrator in the books in which the securities are inscribed or registered, as the proprietor of the securities subject to the charge, and the Administrator shall have power to sell or otherwise deal with the securities as proprietor of which he is so registered or inscribed.

(e) Where the property charged consists of property transferable on delivery, any person having the possession, control, or management of the property shall, on being so required

by the Administrator, deliver the property to him, and the Administrator shall have power to sell or otherwise deal with the property so delivered to him.

(f) The Board of Trade may by order vest in the Administrator any property, right, or interest subject to the charge, or the right to transfer the same, and for that purpose sub-sections (1) to (4) of section 4 of the Trading with the Enemy (Amendment) Act, 1918, shall apply as if property, rights, and interests subject to the charge were property belonging to an enemy or enemy subject, and as if for references to the Custodian therein there were substituted references to the Administrator;

(g) The court may on the application of the Administrator require any person known or suspected to have in his possession or under his control any property, right, or interest subject to the charge, including any person known or suspected to owe a debt to a national of the former Austrian Empire or any person whom the court may consider capable of giving information with respect to the same, subject to payment or tender of reasonable expenses of his attendance, to attend as a witness and to give evidence, or produce documents before the court or before such officer as the court may appoint for the purpose of examining into the matter, who shall have power to take evidence and administer oaths, and if any person fails without reasonable excuse to comply with any of the provisions of the order, or wilfully gives false evidence, 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. For the purposes of this paragraph "the court" means the High Court or a Judge thereof or a County Court, or in Scotland the Court of Session or a Sheriff Court.

(h) 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 Administrator, and shall comply with any directions that the Administrator may give with respect thereto.

(xi.) There shall be paid to the Administrator such surplus proceeds of property, rights, and interests charged under Section 1 (xvi.) of the Treaty of Peace Order, 1919, as may be allocated in accordance with Article 1 (xvi.) (b) of that Order to the payment of amounts due in respect of claims by British nationals with regard to their property, rights, and interests in the territories of the former Austrian Empire.

(xii.) The Administrator shall, as respects property vested in or transferred to him under this Order, have all the rights and powers conferred upon or exercisable, as respects property vested in him, by a trustee in bankruptcy, whether with or without the permission of a committee of inspection or the leave of the court.

(xiii.) The Administrator shall apply the sums received by him in satisfaction of the claims, debts, and compensation mentioned in sub-section (ix.) of this article.

(xiv.) The Clearing Office and the Administrator may, subject to the approval of the President of the Board of Trade, from time to time make, revoke, or vary general rules, and may by such rules prescribe forms for carrying into effect the provisions of this Order, and prescribe the time (not being less than six months after the coming into force of the Treaty) within which proof of claims in order to rank must be made and the manner of making and proving the same.

(xv.) There shall be attached to the Clearing Office, and the Administrator shall be assisted by, such officers and servants as the Board of Trade, subject to the consent of the Treasury, may determine, and there shall be paid to the Administrator and to such officers and servants such salaries or other remuneration as the Treasury may determine.

(xvi.) The Clearing Office, out of the money collected by them, and the Administrator, out of the property, rights, and interests or proceeds thereof vested in or collected or received by him under this Order, shall retain such sums as, subject to the consent of the Treasury, the Clearing Office, or Administrator, may consider necessary to cover risks, expenses, and commissions.

(xvii.) Proceedings by and on behalf of the Clearing Office and proceedings by the Administrator may be taken by and in the name of the Administrator, who may by the name of the Administrator of Austrian property sue and be sued, and costs may be awarded to or against the Administrator.

(xviii.) Every document purporting to be an order or other instrument issued by the Clearing Office and to be signed by the Administrator or by the Secretary of the Clearing Office or by any other person authorized by the Administrator, and every document

purporting to be an order or other instrument issued by the Administrator and to be signed by him or by any other person authorized by him shall be received in evidence, and shall be deemed to be such order or instrument without further proof unless the contrary is shown, and in any proceeding by the Clearing Office or by the Administrator to recover a debt or fine, a report purporting to be signed by the Administrator or any other person authorized by him shall be evidence of the facts therein stated.

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

(xx.) The Documentary Evidence Act, 1868, as amended by any subsequent enactment, shall apply to the Clearing Office and to the Administrator in like manner as if they were respectively mentioned in the first column of the First Schedule to that Act, and as if the Administrator or any person authorized by him to act on his behalf were in relation both to the Clearing Office and the Administrator 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 or the Administrator.

(xxi.) 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.

(xxii.) The Administrator may undertake on behalf of a British national the presentation to and conduct before the Mixed Arbitral Tribunal of any claim, difference, or dispute referable to the tribunal under the provisions of Sections IV., V., and VII. of Part X. of the Treaty, and may make regulations with the consent of the Treasury in respect of the fees to be charged in respect of such services.

(xxiii.) 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 in 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.

(xxiv.) The time at which the period of prescription or limitation of right of action referred to in Article 252 of the Treaty 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 253 shall be ten months from the coming into force of the Treaty.

(xxv.) 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.

(xxvi.) 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 or on behalf of Austrian 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 258 of the Treaty, and any transfer in whole or in part or other dealing with any rights so acquired as aforesaid effected since the Twenty-eighth day of July, 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.

(xxvii.) So far as may be necessary for the purpose of Article 259 of the Treaty, 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 Austrian nationals continue in force, and shall be deemed as from the date when the Treaty came into force to have continued in force, as if references therein to subjects of a State at war with His Majesty included references to Austrian nationals.

(xxviii.) The duly qualified tribunal for the purposes of Article 262 of the Treaty shall be the Comptroller-General of Patents, Designs, and Trade Marks.

2. For the purposes of the foregoing provisions 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 Sovereign or former Sovereign and 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 "nationals of the former Austrian Empire" does not include persons who, within six months of the coming into force of the Treaty, show to the satisfaction of the Administrator that they have acquired *ipso facto*, in accordance with its provisions, nationality of an Allied or Associated Power, including those who under Articles 72 or 76 of the Treaty obtained such nationality with the consent of the competent authorities, or who under Articles 74 or 77 thereof acquired such nationality by virtue of previous rights of citizenship.

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 India and Egypt and the self-governing Dominions, that is to say, 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, and Newfoundland, 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 if a local clearing office is established in India or in any self-governing Dominion, the provisions of this Order relating to the Clearing Office shall apply with respect to the relations between the Central Clearing Office and the local clearing office, and to transactions on behalf of the local clearing office which must be effected through the Central Clearing Office or which may be effected by the Central Clearing Office at the request of the local clearing office.

4. This Order shall be deemed to have come into operation as from the date when the Treaty of Peace came into force, that is to say, the Sixteenth day of July, Nineteen hundred and Twenty.

5. This Order may be cited as the Treaty of Peace (Austria) Order, 1920.

ALMERIC FITZROY.

SCHEDULE.

SECTION III.—DEBTS.

ARTICLE 248.

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 existence of a state 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 or taken over 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.

In the case of interest or capital sums payable in respect of securities issued or taken over by the former Austro-Hungarian Government, the amount to be credited and paid by Austria will

be the interest or capital in respect only of the debt for which Austria is liable in accordance with Part IX. (Financial Clauses) of the present Treaty, and the principles laid down by the Reparation Commission.

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 for 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.

(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 Austria-Hungary.

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 the new States of Poland and the Czecho-Slovak State, 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., unless they shall have been previously settled by agreement between the States interested ;

(e) The provisions of this Article and of the Annex hereto shall not apply as between Austria 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 ratification 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 Austria 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 which 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 Austrian 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 248, 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 248 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 248 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 248 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 has 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 telegraph 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 248, 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 with 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.

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 reopen and maintain a claim abandoned by the same.

19. The Clearing Offices concerned will lay before the Mixed Arbitral Tribunal all 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 248, 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 249.

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 in the territory of the former Austrian Empire with respect to the property, rights, and interest 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.

(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 which belong at the date of the coming into force of the present Treaty to nationals of the former Austrian Empire, or companies controlled by them, and are within the territories, colonies, possessions, and protectorates of such Powers (including territories ceded to them by the present Treaty), or are under the control of those Powers.

The liquidation shall be carried out in accordance with the laws of the Allied or Associated State concerned, and the 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.

Persons who within six months of the coming into force of the present Treaty show that they have acquired *ipso facto* in accordance with its provisions the nationality of an Allied or Associated Power, including those who under Articles 72 or 76 obtain such nationality with the consent of the competent authorities, or who under Articles 74 or 77 acquire such nationality in virtue of previous rights of citizenship (*pertinenza*) will not be considered as nationals of the former Austrian Empire 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 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 and their nationals on the one hand and nationals of the former Austrian Empire on the other hand, as also between Austria on the one hand and the Allied and Associated Powers and their 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 the territory of the

former Austrian Empire, 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 Austria, and may be charged upon the property of nationals in the former Austrian Empire, or companies controlled by them, as defined in paragraph (b), 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 Austria.

(f) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in the territory of the former Austrian Empire 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 Austria 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, other than proceeds of sales of property or cash assets in Allied or Associated countries belonging to persons covered by the last sentence of paragraph (b) above 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 Austria resulting therefrom shall be dealt with as provided in Article 189, Part VIII. (Reparation), of the present Treaty.

(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 Austria 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 nationals of the former Austrian Empire, or companies controlled by them, as defined in paragraph (b), 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 such 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 189, Part VIII. (Reparation), of the present Treaty.

(i) Subject to the provisions of Article 267, 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 Austria, the proceeds of liquidations effected by such States shall, subject to the Rights of the Reparation Commission under the present Treaty, particularly under Articles 181, Part VIII. (Reparation), and 211, Part IX. (Financial Clauses), 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.

(j) Austria undertakes to compensate her nationals in respect of the sale or retention of their property, rights, or interests in Allied or capital levied or to be levied by Austria on the Associated States.

(k) The amount of all taxes or imposts on property, rights, and interests of the nationals of the Allied or Associated Powers from November 3, 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 250.

Austria 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 249, 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 of obtaining in respect of the property, rights, and interests of nationals of the former Austrian Empire 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 Austrian nationals, and to pay adequate compensation in the event of the application of these measures.

ANNEX.

1. In accordance with the provisions of Article 249, paragraph (d), the validity of vesting orders and of orders for winding up of business or companies, and of any other orders, directions, 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 specially 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 former Austro-Hungarian Government in invaded or occupied territory, nor to such of the above-mentioned measures as have been taken by Austria or the Austrian authorities since November 3, 1918, all of which measures 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 Austria or by any Austrian national or by or on behalf of any national of the former Austrian Empire 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, law, or regulations of any Allied or Associated Power.

3. In Article 249 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 measures directing the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

4. All property, rights, and interests of nationals of the former Austrian Empire 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 the Allied or Associated Power with regard to their property, rights, and interests, including companies and associations in which they are interested, in territory of the former Austrian Empire, or debts owing to them by Austrian nationals, and with payment of claims growing out of acts committed by the former Austro-Hungarian Government or by any Austrian authorities since July 28, 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 M. 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 249, 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 Austria to the use of trade marks in third countries, or enjoy 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 Austrian company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under war legislation in force in the Austro-Hungarian Monarchy 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 Austrian territory.

6. Up to the time when restitution is carried out in accordance with Article 249, Austria 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 249, paragraph (f).

8. The restitution provided in Article 249 will be carried out by order of the Austrian 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 Austrian 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 249, paragraph (b), the property, rights, and interests of the persons referred to in that paragraph will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10. Austria 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, stocks, debentures, debenture stock, or other obligations of any company incorporated in accordance with the laws of that Power.

Austria 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 Austrian nationals within the territory of such Allied or Associated Power, or with regard to any transactions 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 existence of a state 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, Austria will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents, and information of any kind which may be within Austrian 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 the territory of the former Austrian Empire or in territory occupied by that Empire or its allies.

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

14. The provisions of Article 249 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 249 between Austria and the Allied or Associated Powers, 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 Austria that one or more of the said provisions are not to be applied.

15. The provisions of Article 249 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 of businesses under war legislation by the Allied or Associated Powers, or in accordance with the stipulations of Article 249, paragraph (b).

SECTION V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

ARTICLE 251.

(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 Government of the Allied or Associated Power 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 252, nor the Annex hereto shall apply to contracts made between nationals of these States and nationals of the former Austrian Empire; nor shall Article 257 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 of 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 the authority of one of the belligerent Powers.

ARTICLE 252.

(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 the territory of the former Austrian Empire 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 Austrian 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 the authorities of the former Austrian Government in invaded or occupied territory, if they have not been otherwise compensated.

(f) Austria 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 253.

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 to 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 254.

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 Austria as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment or measure of execution in respect of any dispute which may have arisen has been given during the war by a judicial authority of the former Austrian Empire against a national of an Allied or Associated Power, or a company or association in which one of such nationals was interested, in a case in which either such national or such company or association was not able to make their 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 Austrian 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 255.

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 the former Austro-Hungarian Monarchy and the coming into force of the present Treaty.

ANNEX.

I.—GENERAL PROVISIONS.

1. Within the meaning of Articles 251, 252, and 253, 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 251, and, without prejudice to the rights contained in Article 249 (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 251, 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—

- (1) That the contract was expressed to be made subject to the rules of the Exchange or Association in question;
- (2) That the rules applied to all persons concerned;
- (3) 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. 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.

13. In any case where by 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.

14. Insurance contracts shall be considered as contracts of life assurance for the purpose of paragraphs 11 to 13 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.

15. 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.

16. 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.

17. 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.

18. 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 17, 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.

19. 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 risks which had attached before the war. In the case of risks other than those mentioned in paragraphs 11 to 17 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.

20. 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.

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

22. 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 of re-insurance in respect either of premiums or of losses shall be recoverable after the war.

23. The provisions of paragraphs 16 and 17 and the last part of paragraph 15 shall apply to contracts for the re-insurance of marine risks.

SECTION VI.—MIXED ARBITRAL TRIBUNAL.

ARTICLE 256.

(a) Within three months from 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 Austria 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, M. Gustave Ador, if he is willing. These persons shall be nationals of Powers that have remained neutral during the war.

If in case there is a vacancy a Government does not proceed within a period of one month to appoint as provided above 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 Austrian 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 Tribunals 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. The High Contracting Parties agree to give the Tribunal all facilities and information required by it for the 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 257.

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 court of the former Austrian Empire.

SECTION VII.—INDUSTRIAL PROPERTY.

ARTICLE 258.

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 Articles 237 and 239, 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 industrial 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 nationals of the former Austrian Empire 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 Austria or Austrian nationals or by or on behalf of nationals of the former Austrian Empire 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 respect of the property of persons referred to in Article 249 (b) and in virtue of any act or operation resulting from the execution of the special measures mentioned in the second paragraph of this Article shall be dealt with in the same way as other sums due to such persons are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the Government of the former Austrian Empire 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 Austrian 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 Austrian 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 Austria of the rights of industrial, literary, and artistic property held in Austrian territory by its nationals, or for securing the due fulfilment of all obligations undertaken by Austria 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 the 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 an 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 Austrian 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 July 28, 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 249, paragraph (b).

ARTICLE 250.

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 July 28, 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 reopen 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 Austrian 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 July 28, 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 July 28, 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 260.

The rights of priority provided by Article 4 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 July 28, 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 nations 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 licencees 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 261.

No action shall be brought and no claim made by nationals of the former Austrian Empire, or by persons residing or carrying on business within the territory of that Empire on the one part, and on the other part by persons residing or carrying on business in the territory of the Allied or Associated Powers, 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 existence of a state 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 259 and 260.

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 Austria on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the existence of a state 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 the Austro-Hungarian armies during the war.

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

ARTICLE 262.

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 nationals of the former Austrian Empire on the other part, shall be considered as cancelled as from the date of the existence of a state of war between the former Austro-Hungarian Monarchy 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 had been acquired, except in the case of licenses held in respect of rights acquired under the law of the former Austrian Empire. 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 in respect of the rights of persons referred to in Article 249 (b) 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 such persons as provided by the present Treaty.

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

Passed in Council the Twenty-sixth day of January, One thousand Nine hundred and Twenty-one.

M. A. YOUNG,
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of February, One thousand Nine hundred and Twenty-one

GRAEME THOMSON,
Colonial Secretary.

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

No. 4 of 1921.

An Ordinance to make provision for giving effect to certain provisions of the Treaty of Peace lately signed at Neuilly-sur-Seine.

W. H. MANNING.

Ensemble.

WHEREAS a Treaty of Peace (hereinafter referred to as "The Treaty") was signed at Neuilly-sur-Seine on the Twenty-seventh day of November, 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 Treaties of Peace (Austria and Bulgaria) Act, 1920, 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 (Bulgaria) Enforcement Ordinance, No. 4 of 1921."

Custodian of Enemy Property to be substituted for the Administrator in Treaty of Peace (Bulgaria) Order, 1920.

2 Notwithstanding anything to the contrary contained in paragraph (a) of Article 1 (ii.) of the Treaty of Peace (Bulgaria) Order, 1920, set forth in the schedule to this Ordinance, but subject to the exception hereinafter expressly made, the Custodian of Enemy Property appointed under the provisions of "The Enemy Firms Liquidation Ordinance, No. 20 of 1916," shall be substituted for the Administrator mentioned in the said paragraph, and all references, save that in Article 1 (xv.) in the said Order, to the Administrator shall be taken to be to the said Custodian.

Application of
Order in
Council to
Colony.

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

- (1) In Article 1 (i., ii. (b), (f), iv., vii., viii.) references to the Board of Trade, the President of the Board of Trade, or the Treasury shall be taken to be to the Governor in Executive Council ;
- (2) Offences which 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 ;
- (3) Wherever reference is made to the amount of any fine which may be imposed in terms of pounds, it shall be deemed, for the purpose of any proceedings taken in the Colony, that fifteen rupees are the equivalent of one pound ;
- (4) In Article 1 (ii.) (c) the furnishing before this Ordinance comes into operation of particulars to the Custodian in accordance with "The Enemy Property Ordinance, No. 23 of 1916" ; "The Enemy Property Ordinance (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 particulars in the said Article set forth ;
- (5) In Article 1 (ii.) (c) the reference to the making of the said Order shall be taken to be to the coming into operation of this Ordinance ;
- (6) In Article 1 (ii.) (f) the reference to sub-sections (1) to (4) of section 4 of the Trading with the Enemy (Amendment) Act, 1916, shall be taken to be to sub-sections (1) to (4) of 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 (ii.) (g), the reference to the Supreme Court shall be taken to be to the District Court of Colombo ;
- (8) In Article 1 (ii.) (h) references to the court shall be taken to be to the District Court within whose jurisdiction the person requested to attend resides ;
- (9) In Article 1 (v.) the reference to a trustee in bankruptcy shall be taken to be to a trustee in bankruptcy appointed under the Bankruptcy Act, 1914, of the Imperial Parliament, and of any Act amending the same ;
- (10) In Article 1 (xvi.) the reference to a court shall be taken to be to a District Court ;
- (11) In Article 1 (xvii.) the references to the coming into force of the Treaty shall be taken to be to the coming into operation of this Ordinance ;
- (12) In Article 1 (xx.) 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 ;
- (13) In Article 1 (xxi.) 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 proceedings relating to other matters referred to in Article 262 of the Treaty, be taken to be to the Registrar-General.

SCHEDULE

At the Court at Buckingham Palace, the 13th day of August, 1920.

Present :

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL.

Whereas at Neuilly-sur-Seine, on the Twenty-seventh day of November, 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 Treaties of Peace (Austria and Bulgaria) Act, 1920, 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 provisions set out in the schedule to this Order, and it is expedient that for giving effect thereto 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 provisions of the Treaty set out in the schedule to this Order shall have full force and effect as law, and for the purpose of carrying out those provisions the following provisions shall have effect :

(i.) All property, rights, and interests within His Majesty's Dominions or Protectorates belonging to Bulgarian nationals at the date when the Treaty came into force (not being property, rights, or interest 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 (other than British nationals ordinarily resident in the self-governing Dominions, India, and Egypt) with regard to their property, rights, and interests (including companies and associations in which they are interested) in Bulgarian territory, or debts owing to them by Bulgarian 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 177 of the Treaty, and with payment of claims growing out of acts committed by the Bulgarian Government or by any Bulgarian authorities since the Eleventh and before the Fifteenth day of October, Nineteen hundred and Fifteen ; and

(b) Secondly, with payment of the amounts due in respect of claims by British nationals (other than British nationals ordinarily resident in the self-governing Dominions, India, and Egypt) with regard to their property, rights, and interests in the territories of Germany, Austria, Hungary, 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 be released by the Administrator hereinafter mentioned, acting under the general direction of the Board of Trade, from the charge so created.

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

(a) The Board of Trade may appoint an Administrator who shall have such powers and duties as are hereinafter provided ;

(b) No person shall, without the consent of the Administrator acting under the general direction of the Board of Trade, transfer, part with, or otherwise deal in any property, right, or interest subject to the charge, or pay any debt subject thereto, 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 ;

(c) Every person owning or having the control or management of any property, right, or interest, or owing any debt, 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 of the making of this Order by notice in writing communicate the fact to the Administrator and shall furnish the Administrator with such particulars in relation thereto as the Administrator may require, and if any person fails to do so or furnishes any false information, he shall on summary conviction be liable to a fine not exceeding one hundred pounds ;

(d) 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 Administrator, notwithstanding any regulation or stipulation of the company or other body, and notwithstanding that the Administrator is not in possession of the certificate, scrip, or other document or title relating to the shares, stock, or securities to which the application relates, enter the Administrator in the books in which the securities are inscribed or registered as the proprietor of the securities subject to the charge, and the Administrator shall have power to sell or otherwise deal with the securities as proprietor of which he is so registered or inscribed ;
- (e) Where the property charged consists of property transferable on delivery, any person having the possession, control, or management of the property shall, on being so required by the Administrator, deliver the property to him, and the Administrator shall have power to sell or otherwise deal with the property so delivered to him ;
- (f) The Board of Trade may by order vest in the Administrator any property, right, or interest subject to the charge, or the right to transfer the same, and for that purpose subsections (1) to (4) of section 4 of the Trading with the Enemy (Amendment) Act, 1916, shall apply as if property, rights, and interests subject to the charge were property belonging to an enemy or enemy subject, and as if for references to the Custodian therein there were substituted references to the Administrator ;
- (g) The Administrator shall have power to enforce the payment of any debt subject to the charge against the debtor, together with the interest prescribed by sub-section (ix.) of this article, and for that purpose shall have all such rights and powers as if he were the creditor, and if the debt has been admitted by the debtor, or the debt or the amount thereof has been found by arbitration or by the Mixed Arbitral Tribunal or by a court of law, the Administrator may certify the amount so admitted or found due, together with such interest as aforesaid, 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 a 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 a certificate shall be recoverable in like manner as if they were part of such judgment.
- (h) The court may on the application of the Administrator require any person known or suspected to have in his possession or under his control any property, right, or interest subject to the charge, including any person known or suspected to owe a debt to a Bulgarian national or any person whom the court may consider capable of giving information with respect to the same, subject to payment or tender of reasonable expenses of his attendance, to attend as a witness and to give evidence or produce documents before the court or before such officer as the court may appoint for the purpose of examining into the matter, who shall have power to take evidence and administer oaths, and if any person fails without reasonable excuse to comply with any of the provisions of the order, or wilfully gives false evidence, 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. For the purposes of this paragraph "the court" means the High Court or a Judge thereof or a County Court, or in Scotland the Court of Session or a Sheriff Court.
- (i) 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 Administrator, and shall comply with any directions that the Administrator may give with respect thereto.
- (iii.) There shall be paid to the Administrator such surplus proceeds of property, rights, and interest charged under Section 1 (xvi.) of the Treaty of Peace Order, 1919, as may be allocated in accordance with Article 1 (xvi.) (b) of that Order to the payment of amounts due in respect of claims by British nationals with regard to their property, rights, and interests in Bulgarian territory.
- (iv.) The Administrator may, subject to the approval of the President of the Board of Trade, from time to time make, revoke, or vary general rules, and may prescribe forms for carrying into

effect the provisions of this Order, and prescribe the time (not being less than six months after the coming into force of the Treaty) within which proof of debts and other claims in order to rank must be made, and the manner of making and proving the same.

(v.) The Administrator shall, as respects property vested in or transferred to him under this Order, have all the rights and powers conferred upon or exercisable, as respects property vested in him, by a trustee in bankruptcy, whether with or without the permission of a committee of inspection or the leave of the court.

(vi.) The Administrator shall apply the sums received by him in satisfaction of the claims, debts, and compensation mentioned in sub-section (i.) of this article, but no payment shall be made by the Administrator in respect of any such debt unless he is satisfied that such efforts as the Administrator thinks reasonable and proper in the circumstances of the case have been made without success to recover directly from the person liable to satisfy the debt.

(vii.) The Administrator shall be assisted by such officers and servants as the Board of Trade, subject to the consent of the Treasury, may determine, and there shall be paid to the Administrator and to such officers and servants such salaries or other remuneration as the Treasury may determine.

(viii.) The Administrator shall retain out of the property, rights, interests, or the proceeds thereof vested in or collected or received by him under this Order such sums as, subject to the consent of the Treasury, he may consider necessary to cover risks, expenses, and commissions.

(ix.) (a) Debts shall carry interest at the rate of five per centum per annum, but in cases where by law, custom, or contract the creditor is entitled to the payment of interest at some other rate that rate shall be the rate of interest.

Provided that 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.

(b) Interest shall commence to run from the date of the commencement of hostilities (or, if the debt became due at a later date during the war, from such later date), and shall, in the case of debts payable to the Administrator, continue to run until payment is made to him.

(x.) The Administrator may sue and be sued by the name of the Administrator of Bulgarian property.

(xi.) Every document purporting to be an order or other instrument issued by the Administrator or to be signed by him or by any other person authorized by him shall be received in evidence, and shall be deemed to be such order or instrument without further proof unless the contrary is shown, and in any proceeding by the Administrator to recover a debt or fine, a report purporting to be signed by the Administrator or any other person authorized by him shall be evidence of the facts therein stated.

(xii.) A certificate signed by the Administrator that an order or other instrument purporting to be made or issued by him 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 Administrator in like manner as if he were mentioned in the first column of the First Schedule to that Act, and as if the Administrator or any person authorized by him 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 Administrator.

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

(xv.) The Administrator may undertake on behalf of a British national the presentation to and conduct before the Mixed Arbitral Tribunal of any claim, difference, or dispute referable to the Tribunal under the provisions of Sections IV., V., and VII. of Part IX. of the Treaty, and may make regulations with the consent of the Treasury in respect of the fees to be charged in respect of such services.

(xvi.) 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.

(xvii.) The time at which the period of prescription or limitation of right of action referred to in Article 183 of the Treaty 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 184 shall be ten months from the coming into force of the Treaty.

(xviii.) 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 IX. of the Treaty.

(xix.) 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 or on behalf of Bulgarian 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 190 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.

(xx.) So far as may be necessary for the purpose of Article 191 of the Treaty, 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 Bulgarian nationals continue in force, and shall be deemed as from the date when the Treaty came into force to have continued in force, as if references therein to subjects of a State at war with His Majesty included references to Bulgarian nationals.

(xxi.) The duly qualified tribunal for the purposes of Article 193 of the Treaty shall be the Comptroller-General of Patents, Designs, and Trade Marks.

2. For the purposes of the foregoing provisions of this Order—

The expression "nationals" in relation to any State includes the Sovereign or former Sovereign and 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 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 made an Act of Parliament.

3. This Order shall apply to the whole of His Majesty's Dominions and Protectorates, except India and Egypt and the self-governing Dominions, that is to say, 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, and Newfoundland, 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.

4. This Order shall be deemed to have come into operation as from the date when the Treaty of Peace came into force, that is to say, the Ninth day of August, Nineteen hundred and Twenty.

5. This Order may be cited as the Treaty of Peace (Bulgaria) Order, 1920.

ALMERIC FITZROY.

SCHEDULE.

SECTION III.—DEBTS.

ARTICLE 176.

(4) (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 Power concerned and Bulgaria.

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 Power concerned, then the above provisions concerning the rate of exchange shall not apply.

In the case of the new States of Poland and Czecho-Slovakia, 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 VII. (Reparation), unless they shall have been previously settled by agreement between the States interested.

ANNEX.

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.

SECTION IV.—PROPERTY, RIGHTS, AND INTERESTS.

ARTICLE 177.

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 Bulgaria 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 178. The Bulgarian Government will revoke all legislative or administrative provisions which it may have made during the war forbidding companies of Allied and Associated nationality or companies in which Allied or Associated nationals are interested to enjoy the benefit of concessions or contracts in Bulgaria.

(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 Bulgarian 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 Bulgarian owner shall not be able to dispose of such property, rights, and interests, nor to subject them to any charge without the consent of that State.

Bulgarian 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 Bulgarian 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 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 Bulgaria or her nationals on the other hand, all the exceptional war measures or measures of transfer, put into operation by the Allied and Associated Powers, 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. If, however, in the States referred to in paragraph (i) of this Article measures prejudicial to the property, rights, and interests of Bulgarian nationals and not in accordance with the local law have been taken, the Bulgarian proprietor shall be entitled to compensation for the damage caused to him. This compensation shall be fixed by the Mixed Arbitral Tribunal provided for by Section VI. The same

measures and all others affecting the property, rights, and interests of nationals of the Allied and Associated Powers—notably, acts of requisition or seizure, wheresoever effected, by the civil or military authorities, the troops or the population of Bulgaria, or effected in Bulgaria by the civil or military authorities or the troops of the Powers allied with Bulgaria—are declared void, and the Bulgarian Government will take all measures necessary for the restoration of such property, rights, and interests.

(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 Bulgarian territory as it existed on September 20, 1915, 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 Bulgaria, and may be charged upon the property of Bulgarian 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 Bulgaria.

(f) Whenever a national of an Allied or Associated Power is entitled to property which has been subjected to a measure of transfer in Bulgarian 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 Bulgaria 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 Bulgaria resulting therefrom shall be dealt with as provided in Article 129, Part VII. (Reparation), of the present Treaty.

(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 Bulgaria 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 Bulgarian 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 and Associated Power, and if retained the cash value thereof shall be dealt with as provided in Article 129, Part VII. (Reparation), of the present Treaty.

(i) In the case of liquidations effected in new States which are signatories of the present Treaty as Allied and Associated Powers, or in States to which Bulgarian territory is transferred by the present Treaty, or in States which are not entitled to share in the reparation payments to be made by Bulgaria, the proceeds of liquidations effected by such States shall, subject to the rights of the Reparation Commission under the present Treaty, particularly under Article 121, Part VII. (Reparation), of the present Treaty, 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, the tribunal or arbitrator shall have discretion to award to the owner equitable compensation to be paid by that State.

(j) Bulgaria undertakes to compensate her nationals in respect of the sale or retention of their property, rights, or interests in Allied or Associated States.

(k) The amount of all taxes and imposts upon capital levied or to be levied by Bulgaria on the property, rights, and interests of the nationals of the Allied or Associated Powers from September 29, 1918, until three months from the coming into force of the present Treaty, or, in the case of property, rights, and interests which have been subjected to exceptional measures of war, until restitution in accordance with present Treaty, shall be restored to the owners.

ARTICLE 178.

Bulgaria 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 177 :

(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 Bulgarian 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 Bulgarian nationals, and to pay adequate compensation in the event of the application of these measures.

ARTICLE 179.

Diplomatic or consular claims made before the war by the Representatives or Agents of the Allied and Associated Powers with regard to the private property, rights, or interests of nationals of those Powers shall, on the application of the Power concerned, be submitted to the Mixed Arbitral Tribunal provided for in Section VI.

ANNEX.

1. In accordance with the provisions of Article 177, paragraph (d), the validity of vesting orders and of orders for the winding up of businesses or companies, and of other orders, directions, decisions, or instructions of any court or any department of the Government of any of the Allied and Associated Powers 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 Allied and Associated Powers, 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.

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 Bulgaria or by any Bulgarian 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 177 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 the sale, liquidation, or devolution of ownership in enemy property, or the cancelling of titles or securities.

4. All property, rights, and interests of Bulgarian nationals within the territory of any Allied or Associated Power and the net 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 Bulgarian territory, or debts owing to them by Bulgarian nationals, and with payment of claims growing out of acts committed by the Bulgarian Government or by any Bulgarian authorities since October 11, 1915, and before that Allied or Associated Power entered into the war. The amount of such claims may be assessed by an arbitrator appointed by M. 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 177, 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 Bulgaria 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 Bulgarian company, and these unique means of reproduction shall be handed over to the former company, notwithstanding any action taken under Bulgarian 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 Bulgarian territory.

6. Up to the time when restitution is carried out in accordance with Article 177, Bulgaria 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 177, paragraph (f).

8. The restitution provided in Article 177 will be carried out by order of the Bulgarian 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 Bulgarian 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 by Article 177, paragraph (b), the property, rights, and interests of Bulgarian nationals will continue to be subject to exceptional war measures that have been or will be taken with regard to them.

10. Bulgaria will, within six months of 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.

Bulgaria 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 Bulgarian nationals within the territory of such Allied or Associated Power, or with regard to any transactions concerning such property, rights, or interests effected since September 1, 1915.

11. The expression "cash assets" includes all deposits or funds established before or after the existence of a state 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, Bulgaria will deliver to the Allied and Associated Powers all accounts, vouchers, records, documents, and information of any kind which may be within Bulgarian territory, and which concerns 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 Bulgarian territory or in territory occupied by Bulgaria or her allies.

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

14. The provisions of Article 177 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 177 between Bulgaria 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 Bulgaria that one or more of the said provisions are not to be applied.

15. The provisions of Article 177 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 177, paragraph (b).

SECTION V.—CONTRACTS, PRESCRIPTIONS, JUDGMENTS.

ARTICLE 180.

(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 Government of the Allied or Associated Power 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 183, nor the Annex hereto shall apply to contracts made between nationals of these States and Bulgarian nationals; nor shall Article 189 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 become enemies by reason of one of 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 the authority of one of the belligerent Powers.

ARTICLE 181.

Transfers of territory under the present Treaty shall not prejudice the private rights referred to in the Treaties of Constantinople, 1913, of Athens, 1913, and of Stamboul, 1914.

Transfers of territory by or to Bulgaria under the present Treaty shall similarly and to the same extent ensure the protection of these private rights.

In case of disagreement as to the application of this Article, the difference shall be submitted to an arbitrator appointed by the Council of the League of Nations.

ARTICLE 182.

Concessions, guarantees of receipts, and rights of exploitation in Bulgarian territory as fixed by the present Treaty in which nationals of the Allied and Associated Powers, or companies or associations controlled by such nationals are interested may in case either of abnormal conditions of working or of dispossession resulting from conditions or measures of war be extended on the application of the interested party, which must be presented within three months from the coming into force of the present Treaty, for a period to be determined by the Mixed Arbitral Tribunal, which shall take account of the period of dispossession or of abnormal conditions of working.

All arrangements approved or agreements come to before the entry of Bulgaria into the war between the Bulgarian authorities and companies or associations controlled by Allied financial groups are confirmed. Nevertheless, periods of time, prices, and conditions therein laid down may be revised having regard to the new economic conditions. In case of disagreement, the decision shall rest with the Mixed Arbitral Tribunal.

ARTICLE 183.

(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 Bulgarian territory to the prejudice of a national or 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 Bulgarian 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 reasons of measures referred to above taken by Bulgaria in invaded or occupied territory, if they have not been otherwise compensated.

(f) Bulgaria 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 184.

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 to 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 185.

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 Bulgaria as final, and shall be enforced without it being necessary to have them declared executory.

If a judgment or measure of execution in respect of any dispute which may have arisen has been given during the war by a Bulgarian judicial authority against a national of an Allied or Associated Power or a company or association in which one of such nationals was interested, in a case in which either such national or such company or association was not able to make their defence, the Allied or 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 Bulgarian 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 186.

Any company incorporated in accordance with some law other than that of Bulgaria owning property, rights, or interests in Bulgaria, which is now or shall hereafter be controlled by nationals of the Allied and Associated Powers, shall have the right, within five years from the coming into force of the present Treaty, to transfer its property, rights, and interest to another company

incorporated in accordance with Bulgarian law or the law of one of the Allied and Associated Powers whose nationals control it; and the company to which the property is transferred shall continue to enjoy the same rights and privileges which the other company enjoyed under the laws of Bulgaria and the terms of the present Treaty. This company shall not be subjected to any special tax on account of this transfer.

ARTICLE 187.

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 Bulgaria and the coming into force of the present Treaty.

ANNEX.

I.—GENERAL PROVISIONS.

1. Within the meaning of Articles 180, 183, and 184, 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 180, and, without prejudice to the rights contained in Article 177 (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, including contracts and concessions concluded or accorded by the Turkish Government in the territories ceded by the Turkish Empire to Bulgaria before the coming into force of the present Treaty.

3. If the provisions of a contract are in part dissolved under Article 180, the remaining provisions of that contract shall, subject to the same application of domestic law 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—

- (1) That the contract was expressed to be made subject to the rules of the Exchange or Association in question;
- (2) That the rules applied to all persons concerned;
- (3) 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.

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 any 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 persons 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.

12. Any sum which during the war became due upon a contract deemed not to have been dissolved under paragraph 11 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 elapsed 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 elapsed 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.

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 where by 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 risks 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 to 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 paragraphs 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.

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 of 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 188.

(a) Within three months from 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 Bulgaria 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, in case there is a vacancy, a Government does not proceed within a period of one month to appoint as provided above 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., VII., and VIII.

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 Bulgarian 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 Tribunals 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. Bulgaria 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, or Italian, 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 189.

Whenever a competent court has given or gives a decision in a case covered by Sections III., IV., V., VII., or VIII., 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 Bulgarian court.

SECTION VII.—INDUSTRIAL PROPERTY.

ARTICLE 190.

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 166, 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 industrial 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 Bulgarian 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 Bulgaria or Bulgarian 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 the second paragraph of this Article shall be dealt with in the same way as other sums due to Bulgarian nationals are directed to be dealt with by the present Treaty; and sums produced by any special measures taken by the Bulgarian 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 Bulgarian 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 Bulgarian 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 Bulgaria of the rights of industrial, literary, and artistic property held in Bulgarian territory by its nationals, or for securing the due fulfilment of all the obligations undertaken by Bulgaria in the present Treaty. As regards rights of industrial, literary, and artistic property acquired after the coming into force of the present Treaty, the rights 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 Bulgarian 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 177, paragraph (b).

ARTICLE 191.

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 have lapsed. Further, where rights to patents or designs belonging to Bulgarian 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 192.

No action shall be brought and no claim made by persons residing or carrying on business within the territories of Bulgaria 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 existence of a state 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 Article 191.

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 Bulgaria

on the other, of products or articles manufactured, or of literary or artistic works published, during the period between the existence of a state 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 Bulgaria during the war.

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

ARTICLE 193.

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 Bulgarian nationals on the other part, shall be considered as cancelled as from the date of the existence of a state of war between Bulgaria 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 had been acquired, except in the case of licenses held in respect of rights acquired under Bulgarian 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 full 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 Bulgarian nationals as provided by the present Treaty.

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

ARTICLE 194.

The inhabitants of territories transferred under the present Treaty shall, notwithstanding this transfer and the change of nationality consequent thereon, continue to enjoy in Bulgaria all the rights in industrial, literary, and artistic property to which they were entitled under Bulgarian legislation at the time of the transfer.

Rights of industrial, literary, and artistic property which are in force in the territories transferred under the present Treaty at the moment of their transfer from Bulgaria, or which will be re-established or restored in accordance with the provisions of Article 190, 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 Bulgarian law.

ARTICLE 195.

A special convention shall determine all questions relative to the records, registers, and copies in connection with the protection of industrial, literary, or artistic property, and fix their eventual transmission or communication by the Bulgarian Offices to the Offices of the States to which Bulgarian territory is transferred.

Passed in Council the Twenty-sixth day of January, One thousand Nine hundred and Twenty-one.

M. A. YOUNG,
Clerk to the Council

Assented to by His Excellency the Governor the Sixteenth day of February, One thousand Nine hundred and Twenty-one.

GRAEME THOMSON,
Colonial Secretary.

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

No. 5 of 1921.

An Ordinance to declare the terms and conditions applicable to Loans authorized to be raised by the Government of Ceylon and to provide for the creation of Ceylon Incribed Stock.

W. H. MANNING.

Preamble.	<p>WHEREAS it is expedient to define in one Ordinance the terms and conditions applicable to loans hereafter authorized to be raised by the Legislature of the Colony of Ceylon :</p> <p>And whereas it is expedient to provide for the creation of inscribed stock, and to enable the Colony to take advantage of the provisions of an Act of the Imperial Parliament entitled "The Colonial Stock Act, 1877," and the subsequent Acts on the same subject :</p>
Enacting clause.	<p>Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :</p>
Interpretation.	<p>1 In this Ordinance, unless the context otherwise requires--</p> <p>The expression "Governor" means the person for the time being administering the Government of Ceylon ;</p> <p>The expression "Crown Agents" means the person or persons for the time being acting as Crown Agents for the Colonies in England.</p>
Loans to be raised by debentures or inscribed stock.	<p>2 Whenever by any Ordinance authority shall have been given, or shall hereafter be given, to raise any sum of money for the purposes mentioned in such Ordinance, the Governor, or the Crown Agents acting on his behalf, may from time to time, as he or they may deem expedient, raise such sum either by debentures or by Ceylon inscribed stock, or partly by debentures and partly by inscribed stock.</p>
Loans to be a charge upon general revenue.	<p>3 The principal moneys and interest represented by the debentures or inscribed stock issued under the provisions of this Ordinance are hereby charged upon and shall be payable out of the general revenues and assets of the Colony of Ceylon.</p>
Borrowing upon debentures.	<p>4 When the Governor, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by debentures, such debentures shall be issued in London, on behalf of the Government of Ceylon by the Crown Agents, upon the best and most favourable terms that can be obtained, and shall be signed by any one of them on that behalf.</p>
Amount of each debenture.	<p>5 Every debenture issued under the provisions of this Ordinance shall be for the sum of not less than one hundred pounds sterling.</p>
Debentures may be redeemed by annual drawings or by purchase in the market or on a fixed date.	<p>6 The debentures shall be redeemable at par at the option of the Government by purchase in the market, or by annual drawings or on a date to be named in that behalf by the Governor, or by the Crown Agents acting on his behalf, as determined when issuing the debentures, such date not being later than sixty years from the date of issue, from and after which date all interest on the principal money represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.</p>
Interest coupons.	<p>7 There shall be attached to every debenture coupons for the payment of the interest to become due in each half-year upon the principal represented by the debenture. The coupon shall be sufficient in number to provide for the payment of the interest, either during the whole period for which the debenture has to run, or for such limited period as the Crown Agents, acting on behalf of the Government of Ceylon, may determine.</p>

Form of debentures and coupons.	8 The debentures, and the coupons thereto, shall be in such form as the Governor, or the Crown Agents acting on his behalf, may direct or approve.
Debentures and coupons transferable by delivery.	9 Every debenture and coupon, and the right to receive the principal and interest represented thereby, shall be transferable by delivery.
Registry of debentures.	10 Every debenture shall, before being issued, be registered in a register book to be kept for that purpose at the office in London of the Crown Agents.
Payment of interest.	11 The interest upon the principal represented by each debenture shall run from the day named in that behalf in the debenture, and shall be paid half-yearly on the days named in that behalf in the debenture at the office in London of the Crown Agents.
Mode of providing for payment of interest on debentures.	<p>12 (1) So long as any of the debentures remain outstanding, the Governor shall, in each half-year ending with the day on which the interest on the debentures falls due, appropriate out of the general revenues and assets of the Colony of Ceylon a sum equal to one half-year's interest on the whole of the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day on which it falls due.</p> <p>(2) Debentures shall not be deemed to be outstanding for the purposes of this Ordinance by reason only that one or more of the debentures have not been presented for payment on the day appointed for payment, and have, in consequence, not been paid.</p>
Further sums to be remitted for the redemption* of the debentures.	13 After the date specified in the Ordinance authorizing the loan as that on which the contributions to the sinking fund shall commence, the Governor shall, in each half-year ending as aforesaid, appropriate out of the said revenues and assets of the Colony of Ceylon for the formation of a sinking fund an additional sum equal to one-half of the annual contribution specified in the prospectus, or in the case of a loan not issued publicly, in the terms of issue, relating to the loan, and the said contribution shall be in respect of the total nominal amount of all the debentures issued, including any which may have been redeemed, but exclusive of any which may have been at any time exchanged for inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.
Application of sinking fund.	14 The sinking fund shall be applied in the first place in payment of all expenses of, or incidental to, the redemption of the debentures, and the cost and expenses of all notices required by this Ordinance to be given, and in the next place, and subject to the aforesaid payments, in repayment of the principal moneys for the time being represented by the debentures.
Creation of sinking fund for redemption of debentures payable on a fixed date.	15 In the case of debentures redeemable on a date to be named when issuing the debentures, the Crown Agents shall invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may be approved by His Majesty's Principal Secretary of State for the Colonies as a sinking fund for the final extinction of the debt, and the Crown Agents shall also invest the dividends, interest, or produce of such investments in the purchase of like securities, and may from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for the repayment of the principal moneys for the time being represented by the debentures.
Disposal of sinking fund when debentures are redeemed by purchase or by annual drawings.	16 In the case of debentures redeemable by annual drawings, the Crown Agents shall place and keep the moneys so remitted to them, or so much thereof as may not be required for immediate payments, at interest, and shall hold all such moneys and the accumulations thereon in trust, to apply them in the first place to the purchase of the debentures when they

can be obtained at a price not exceeding par, and secondly, to the redemption of the debentures by means of annual drawings.

- Appointment of day for drawing of debentures.** 17 After the date specified in the Ordinance authorizing a loan as that on which the contributions to the sinking fund shall commence in respect of that loan, and so long thereafter as any of the debentures remain outstanding and unsatisfied, the Crown Agents shall in every year, unless the whole of the money applicable in that year to the redemption of debentures has been applied in the purchase thereof, appoint a day in that year for the drawing by lot of the debentures to be redeemed.
- Notice of time and place appointed for drawing.** 18 If a day is appointed for drawing, the Crown Agents shall give, by advertisement in the *London Times* newspaper, not less than fifteen days' previous notice, specifying the day on which, and the hour and place at which, the drawing will take place.
- Mode of drawing.** 19 On the day and at the hour and place so specified the Crown Agents shall hold a meeting, at which the holder of any debenture may, if he think fit, be present, and shall then in the presence of such debenture holders, if any, as may attend, and of a notary public, draw by lot out of the whole number of debentures for the time being outstanding debentures of the specified nominal amount.
- Notice of debentures drawn for redemption.** 20 The Crown Agents shall thereupon declare the distinguishing numbers of the debentures drawn for redemption, and shall as soon as may be, by advertisement in the *London Times* newspaper, specify those numbers, and appoint a day, not being later as to each debenture than the day on which the then current half-year's interest thereon is payable, on which the principal moneys represented by the debentures so distinguished will be repaid.
- Payment of drawn debentures.** 21 On the day so appointed the Crown Agents shall, at their office in London, on demand, pay to the holders of the debentures drawn for repayment the principal moneys represented by those debentures, with all interest payable thereon up to that day.
- Cesser of interest from day appointed for payment of principal.** 22 From and after the day appointed for the repayment of any debenture all interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.
- Redeemed debentures to be cancelled.** 23 Upon the repayment of the principal moneys represented by any debenture, the debenture with all the coupons thereunto belonging shall be delivered up to the Crown Agents, to be by them cancelled and forwarded to the Government of Ceylon. Any debenture redeemed by purchase shall likewise be so cancelled and forwarded.
- Borrowing upon inscribed stock.** 24 When the Governor, or the Crown Agents acting on his behalf, shall deem it expedient to raise money by the issue of Ceylon inscribed stock, then such stock shall be issued in England by the Crown Agents under the provisions of the Act of the Imperial Parliament entitled "The Colonial Stock Act, 1877," upon the best and most favourable terms that can be obtained.
- When the principal is to be repaid.** 25 All the inscribed stock which may be created under the provisions of this Ordinance shall be redeemable at par on a date to be named in that behalf by the Crown Agents when issuing the stock, such date not being later than sixty years from the date of issue, from and after which date all the interest on the principal moneys represented thereby shall cease and determine, whether payment of the principal shall have been demanded or not.
- Mode of providing for the payment of interest on inscribed stock.** 26 So long as any of the inscribed stock shall remain unredeemed, the Governor shall, in each half-year ending with the day on which the interest on such inscribed stock falls due, appropriate out of the general revenues and assets of the Colony a sum equal to one half-year's interest on the whole of such

inscribed stock, and shall remit that sum to the Crown Agents at such time as will enable them to pay thereout the then current half-year's interest on the day when it falls due.

Mode of providing for the payment of principal of inscribed stock.

27 After the date specified in the Ordinance authorizing an issue of inscribed stock as that on which the contribution to the sinking fund shall commence, the Governor shall further appropriate out of the said revenue and assets in each half-year ending as aforesaid for the formation of a sinking fund an additional sum equal to one-half of the annual contribution specified in the prospectus, or in the case of a loan not issued publicly, in the terms of issue, relating to the loan in respect of the total nominal amount of such inscribed stock, and shall remit that sum to the Crown Agents with the remittance hereinbefore mentioned.

Creation of sinking fund.

28 The Crown Agents shall, for the purpose of forming such sinking fund, from time to time invest so much of the money so remitted to them as aforesaid as shall not be required for the payment of interest for the current half-year in the purchase of such securities as may from time to time be approved by His Majesty's Principal Secretary of State for the Colonies, and shall also invest the dividends, interest, or produce of such investments in the purchase of like securities, and may from time to time, with the approval of the Secretary of State, change any such investments, and shall hold such fund in trust for repayment of the principal moneys for the time being represented by the inscribed stock.

Charge upon general revenue.

29 In case the sinking funds provided for by this Ordinance shall be insufficient for the payment of all the principal moneys borrowed under the authority of this Ordinance at the time the same shall have become due, the Governor shall make good the deficiency out of the general revenues and assets of the Colony of Ceylon.

Expenses to be paid out of sinking fund.

30 All expenses of, or incidental to, the management of the sinking fund, or to the payment of the principal moneys borrowed, shall be paid out of the sinking fund.

31 The Governor shall also have and may from time to time exercise the following powers and authorities or any of them :

Debentures convertible into inscribed stock on conditions prescribed by Crown Agents at time of issue.

(a) He may authorize the Crown Agents when issuing any loan in the form of debentures to declare that such debentures will be convertible into inscribed stock at such dates and on such terms and conditions as may be prescribed by the Crown Agents at the time of the issue of the debentures.

Conversion of loans generally.

(b) He may declare all or any of the Ceylon loans, whether existing in the form of stock or debentures, to be convertible into inscribed stock to be issued under the provisions of this Ordinance.

Creation and issue of stock in exchange for other securities. Creation and sale of inscribed stock to raise loans and for other purposes.

(c) He may authorize the creation and issue of such an amount of inscribed stock in exchange for the securities held for such loans as may be necessary.

(d) He may authorize the creation and sale of any such inscribed stock or debentures for the purpose of raising money for redeeming any outstanding loans, for paying any expense in the creation of inscribed stock, and otherwise for carrying out the provisions of this Ordinance.

Arrangements for conversion.

(e) Any conversion so authorized may be effected either by an arrangement with the holders of existing securities or by purchase thereof out of moneys raised by the sale of inscribed stock, or partly in one way and partly in the other.

Exchange of securities for inscribed stock.

32 Nothing in this Ordinance contained shall authorize an increase of the capital or of the annual charge on any loan, except—

(a) When securities exchanged for inscribed stock bear a rate of interest not less than the inscribed stock, an additional amount of inscribed stock may be created and issued to make up the difference in saleable value between the securities and the inscribed stock.

- (b) In the case of the conversion of securities into inscribed stock, the Crown Agents shall issue such an amount of inscribed stock as may be required to defray the stamp duties and all other expenses incidental to the conversion.
- (c) In accordance with such terms and conditions as may be prescribed under section 31 (a) of this Ordinance.
- 33** The securities exchanged or otherwise converted into inscribed stock under the provisions of this Ordinance shall be forthwith cancelled by the Crown Agents, and the debentures surrendered shall be cancelled and transmitted to the Governor of Ceylon.
- 34** The trustees of the sinking fund appointed under this Ordinance, and acting under any Ordinance authorizing the issue of any securities which may be exchanged into inscribed stock or cancelled or purchased under the provisions of this Ordinance, shall determine what amount of the sinking fund held by them and created for repayment of such securities shall be released, and in the determination of such question the trustees shall take into consideration the value of the whole investments held by them on account of such sinking funds, the amount of the debt remaining a charge on such sinking funds, and such matters as the trustees may think fit to take into account.
- 35** So much of the sinking funds as may be released shall either be transferred unto the trustees of the inscribed stock sinking fund, or be disposed of in such a manner as the Governor, with the advice and consent of the Legislative Council, may direct.
- 36** The Crown Agents may from time to time, at the request of the Governor, make arrangements for all or any of the following things :
- (1) For inscribing stock in their books.
 - (2) For managing the creation, inscription, and issue of inscribed stocks.
 - (3) For effecting the conversion of loans into inscribed stock.
 - (4) For paying interest on inscribed stock and managing the transfers thereof.
 - (5) For issuing inscribed stock certificates to bearer, and as often as occasion shall require re-inscribing them.
- 37** This Ordinance shall be applicable only to the raising of loans in England, and nothing in this Ordinance contained shall prevent the raising of loans in the Colony upon such terms and conditions as shall be specified in any Ordinance authorizing the raising of such loans.
- 38** "The General Loan and Inscribed Stock Ordinance, 1907," is hereby repealed.
- 39** Nothing in this Ordinance, or in the repeal of Ordinance No. 19 of 1884, or of "The General Loan and Inscribed Stock Ordinance, 1907," shall affect the rights of any person who holds stock or bonds under the authority of Ordinance No. 19 of 1884, or of "The General Loan and Inscribed Stock Ordinance, 1907."
- 40** This Ordinance may be cited as "The General Loan and Inscribed Stock Ordinance, No. 5 of 1921."

Converted securities to be cancelled.

Trustees to apportion amount of sinking fund released by conversion.

Sinking fund released how to be disposed of.

Creation, inscription, issue, conversion, and transfer of inscribed stock.

Raising of loans in Ceylon.

Repeal.

Saving clause.

Short title.

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

M. A. YOUNG,
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of February, One thousand Nine hundred and Twenty-one.

GRAEME THOMSON,
Colonial Secretary.

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

No. 6 of 1921.

An Ordinance to make provision for a Loan of Six Million Pounds Sterling for the Construction of certain Public Works and other purposes.

W. H. MANNING.

Preamble.

WHEREAS it is expedient to raise a loan of six million pounds sterling for the purposes specified in the schedule hereto: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Public Works Loan Ordinance, No. 6 of 1921."

Authority
Governor to
borrow by sale
of debentures
or inscribed
stock.

2 (1) The Governor is hereby authorized to issue stock or debentures, or both, under the provisions of "The General Loan and Inscribed Stock Ordinance, No. 5 of 1921," to an amount sufficient to produce, as nearly as may be, the sum of six million pounds sterling, to be appropriated and applied to the purposes specified in the schedule hereto, and such further sum as may be necessary to defray the expenses of issue, provided that no expenditure shall be incurred in respect of the tenth item in the schedule hereto, until such expenditure shall have been approved by a resolution of the Legislative Council and by the Secretary of State.

(2) It shall be lawful for the Governor to direct that any sums which may not be required for a purpose specified in the schedule may be appropriated and applied to any other purpose therein specified:

Provided that no such transfer of money from one item of the schedule to any other item thereof shall be made, unless such transfer shall first have been approved by a resolution of the Legislative Council and by the Secretary of State.

Commencement
of contribution
to sinking fund.

3 The contributions to sinking fund, as contemplated by sections 13 and 27 of "The General Loan and Inscribed Stock Ordinance, No. 5 of 1921," shall commence after the expiration of three years from the date on which the interest on the first debentures or inscribed stock to be issued under this Ordinance shall begin to run.

Repeal

4 The borrowing powers created by Ordinance No. 6 of 1909, except to the extent to which they have been already exercised at the date of the commencement of this Ordinance, shall as from such date cease to be operative.

SCHEDULE.

Purposes to which the Loan is applicable.

1. Repayment to the general balance of the Colony of sums advanced therefrom to the Municipal Council of Colombo for construction of the Colombo Drainage Works and the extension of the Colombo Waterworks ..	£	1,420,000
2. Colombo Lake Development ..		172,000
3. Kolonnawa Oil Depot ..		260,000
4. Colombo Stations Extensions ..		241,000
5. Harbour Rail Connection ..		71,000
6. Duplication of the Main Line ..		532,000
7. Badulla Railway Extension ..		358,000
8. Puttalam Railway Extension ..		515,000
9. Batticaloa-Maho and Trincomalee Light Railway ..		950,000
10. Other Works of Development ..		1,481,000
Total ..		<u>6,000,000</u>

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

M. A. YOUNG,
Clerk to the Council.

Assented to by His Excellency the Governor the Sixteenth day of February, One thousand Nine hundred and Twenty-one.

GRAEME THOMSON,
Colonial Secretary.

DRAFT ORDINANCES.**MINUTE.**

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

An Ordinance to amend "The Young Men's Christian Association of Colombo Ordinance, No. 22 of 1920."

Preamble. WHEREAS it is expedient to amend "The Young Men's Christian Association of Colombo Ordinance, No. 22 of 1920": 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 Young Men's Christian Association of Colombo (Amendment) Ordinance, No. of 1921."

Addition of new section 12. 2 The following section shall be inserted in the principal Ordinance immediately after section 11 thereof and numbered 12:

Saving as to rights of His Majesty and others. 12. Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, his heirs and successors, or of any body politic or corporate, or of any other persons, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

By His Excellency's command,
Colonial Secretary's Office, GRAEME THOMSON,
Colombo, February 17, 1921. Colonial Secretary.

Statement of Objects and Reasons.

THE object of this Bill is to insert in the principal Ordinance a saving clause as to the rights of His Majesty and others, which on the instructions of the King is inserted in all private Bills, and has been inadvertently omitted in this case.

Attorney-General's Chambers, H. C. GOLLAN,
Colombo, February 7, 1921. Attorney-General.

MINUTE.

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

An Ordinance to amend "The Young Women's Christian Association of Colombo Ordinance, No. 23 of 1920."

Preamble. WHEREAS it is expedient to amend "The Young Women's Christian Association of Colombo Ordinance, No. 23 of 1920": 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 Young Women's Christian Association of Colombo (Amendment) Ordinance, No. of 1921."

Addition of new section 12. 2 The following section shall be inserted in the principal Ordinance immediately after section 11 thereof and numbered 12:

Saving as to rights of His Majesty and others. 12. Nothing in this Ordinance contained shall prejudice or affect the rights of His Majesty the King, his heirs and successors, or of any body politic or corporate, or of any other persons, except such as are mentioned in this Ordinance, and those claiming by, from, or under them.

By His Excellency's command,
Colonial Secretary's Office, GRAEME THOMSON,
Colombo, February 17, 1921. Colonial Secretary.

Statement of Objects and Reasons.

THE object of this Bill is to insert in the principal Ordinance a saving clause as to the rights of His Majesty and others, which on the instructions of the King is inserted in all private Bills, and has been inadvertently omitted in this case.

Attorney-General's Chambers, H. C. GOLLAN,
Colombo, February 7, 1921. Attorney-General.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Western Circuit will be holden at the Court-house at Hulftsdorp, Colombo, on Monday, March 21, 1921, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Colombo, February 21, 1921.

W. DE LIVERA,
for Fiscal, W. P.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Kurunegala will be holden at the Court-house at the Audience Hall, Kandy, on Thursday, March 10, 1921, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Kurunegala, February 18, 1921.

S. D. SAMARASINHA,
for Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Badulla will be holden at the Court-house at Kandy on Thursday, March 10, 1921, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Badulla, February 21, 1921.

H. C. WIJESINGHE,
for Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Matale by 24 labourers of Koladatchy estate, Ratotta, against the proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages, amounting to Rs. 200 approximately.

February 10, 1921.

D. W. WICKREMASINGHE,
Chief Clerk.

NOTICES OF INSOLVENCY.

In the District Court of Kandy.

No. 1,611. In the matter of the insolvency of Thevar Appavoo Subramaniam Pillai of No. C, Castle Hill street, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 11, 1921, for proof of claims.

By order of court, P. MORTIMER,
Kandy, February 21, 1921. Secretary.

In the District Court of Galle.

No. 465. In the matter of the insolvency of K. P. de Silva of Hennantota in Dodanduwa.

NOTICE is hereby given that the second sitting of this court in the above matter has been adjourned for March 22, 1921.

By order of court, RICHARD L. PERERA,
Galle, February 22, 1921. Secretary.

In the District Court of Galle.

No. 468. In the matter of the insolvency of Diunuge Simon Fernando of Kalegana in Galle

WHEREAS Diunuge Simon Fernando of Kalegana in Galle, has filed a declaration of insolvency, and a petition for the sequestration of his estate under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Diunuge Simon Fernando insolvent accordingly, and that two public sittings of the court, to wit, on March 9, 1921, and on April 11, 1921, 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, February 16, 1921. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Oduma Lebbe Marikkar Mohamado Hamid of No. 44, Grandpass, Colombo. Plaintiff.

No. 1,249 of 1920. Vs.

Cassie Lebbe Marikkar Abdul Majeed of No. 112, Hulftsdorp, in Colombo. Defendant.

NOTICE is hereby given that on Thursday, March 31, 1921, at 3.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the

said plaintiff in the following property for the recovery of the sum of Rs. 654.97½, for costs of suit, viz. :—

The lot marked A in the plan with the buildings standing thereon bearing assessment No. 10, situated along Kuruwe street in St. Paul's Ward, within the Municipality and District of Colombo, Western Province; and bounded on the north by the property of the late Dr. Saravanamuttu and premises No. 11 belonging to the heirs of late Mr. Albert de Alwis, on the east by Kuruwe street, on the south by lot B, and on the west by premises No. 61 belonging to Abdul Jaboor Mohamado; and containing in extent 9 55/100 perches according to the survey plan No. 654A made by James W. Amarasekera and A. Daniel, Registered Licensed Surveyors.

Fiscal's Office,
Colombo, February 21, 1921.

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

In the District Court of Colombo.

K. M. R. M. Ramanathan Chetty of Galle. Plaintiff.
No. 2,173 of 1920. Vs.G. Robert de Zoysa of Colinda, De Saram place,
Colombo. Defendant.

NOTICE is hereby given that on Wednesday, March 23, 1921, at 2 p.m., will be sold by public auction at Colinda, De Saram place, Colombo, the following movable property of the defendant for the recovery of the sum of Rs. 3,475.51, with interest thereon at 9 per cent. per annum from October 12, 1920, till payment in full, and costs, viz. :—

Two ebony couches, 2 lounges, 1 cheffonier, 5 low chairs, 1 writing table, 1 small table with carvings of ebony, 1 dining table, 1 rattan settee, 4 rattan chairs, 1 cushioned settee, 1 electric fan, 7 ebony chairs, 2 folding chairs, 3 armchairs, 1 toilet table, 1 carved round table, 2 whatnots, 1 ebony sofa, 1 table lamp, 6 pictures, 1 hat stand, 1 table, 1 wash-handstand with basin, 1 almirah, 1 bookcase, 6 chairs, 2 chairs with high back, 4 armchairs, 4 rattan mats, 1 coir matting, 1 iron camp bed, 2 Chinese screens, 1 bentwood chair, 20 flower pots with plants.

Fiscal's Office, W. DE LIVERA,
Colombo, February 21, 1921. Deputy Fiscal, W. P.

In the District Court of Colombo.

M. Maruthappah of Bambalapitiya, Colombo. Plaintiff.
No. 2,210 of 1920. Vs.J. B. M. Perera, Proctor, Beruwala, and also of the
Grange, Kanatta road, Colombo. Defendant.

NOTICE is hereby given that on Thursday, March 24, 1921, at 2 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 for the recovery of the sum of Rs. 5,055.62, with legal interest thereon from October 14, 1920, till payment in full, and costs, viz. :—

The property called and known as Walagama estate, situated in the village Rukmale in Palle pattu of Hewagama korale, in the District of Colombo, Western Province; bounded on the north by land claimed by E. Don Gabriel, paddy fields claimed by H. Podiappu and others, and Pothuwilakumbura claimed by A. Jornis, on the east by well and Crown land, on the south-east by the village boundary, paddy field claimed by Hendappu and others, garden of R. Don Alwis, land claimed by R. Alwis Appu, on the south by Hikgahawatta claimed by G. Addo Appu, paddy fields claimed by E. Davith Perera and others, land claimed by P. Amaris, land claimed by P. Amaris Appu, on the south-west by land claimed by H. Agoris, land claimed by P. Samuel and others, lands claimed by P. Nendishamy, and lands claimed by H. Don Simon, and on the west by paddy field claimed by P. Magiris Appu, property of P. Magiris Appu and others and claimed by E. Davith Perera and another; containing in extent 95 acres 2 roods and 1 perch according to the figure of survey dated October, 1894, made by A. E. van Rooyan, Licensed Surveyor, being the lands described in title plans Nos. 127,720, 127,845, 127,846, 112,515, 127,848, 112,814, 127,719, 127,847, 112,516, 127,830, and 51,263, registered G 55/326 in the Colombo District Land-Registry Office.

Fiscal's Office, W. DE LIVERA,
Colombo, February 21, 1921. Deputy Fiscal, W. P.

In the District Court of Colombo.

K. N. M. N. Periyacaruppen Chetty of Sea street,
Colombo. Plaintiff.
No. 2,830 of 1920. Vs.(1) P. C. de Silva and (2) C. J. R. de Silva, both of
Rockmore, Gregory's road, Colombo. Defendants.

NOTICE is hereby given that on Thursday, March 17, 1921, at 3 p.m., will be sold by public auction at No. 3 Stores, Kitulwatta road, Colombo, the following movable property of the defendants for the recovery of the sum of Rs. 7,704.45, with interest thereon at 9 per cent. per annum from December 15, 1920, till payment in full, and costs, viz. :—332 barrels of plumbago.

Fiscal's Office, W. DE LIVERA,
Colombo, February 23, 1921. Deputy Fiscal, W. P.

In the District Court of Colombo.

K. N. M. N. Periyacaruppen Chetty of Sea street,
Colombo. Plaintiff.
No. 2,830 of 1920. Vs.(1) P. C. de Silva and (2) C. J. R. de Silva, both of
Rockmore, Gregory's road, Colombo. Defendants.

NOTICE is hereby given that on Monday, March 21, 1921, 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. 7,704.45, with interest thereon at 9 per cent. per annum from December 15, 1920, till payment in full, and costs, viz. :—

At 2 P.M.

(1) All that allotment of land called Kewstoke, bearing assessment No. 1778/6A, situated at Gregory's road, Cinnamon Gardens, Colombo, within the Municipality and District of Colombo, Western Province; bounded on the north by land described in Government title plan No. 92,065 property of Mrs. Fonseka, on the east by land described in Government title plan No. 92,049 belonging to the estate of the late F. de Livera, on the south by Gregory's road formerly known as a reservation, and on the west by western portion of the land of T. P. No. 271,404, now known as Rockmore, the property of John Clovis de Silva; containing in extent 2 roods and 37 perches.

At 2.45 P.M.

(2) All that allotment of land called Rockmore, bearing assessment No. 6A1, situated at Gregory's road, Cinnamon Gardens, Colombo, together with the building thereon; and bounded on the north by land described in Government title plan No. 92,065 the property of Mrs. Fonseka, on the east by the other portion of the same land belonging to Mrs. John Clovis de Silva, and on the south by Gregory's road, formerly known as a reservation, and west by land described in Government title plan No. 4,416 belonging to Mrs. John Clovis de Silva; containing in extent 2 roods and 37 perches.

Fiscal's Office, W. DE LIVERA,
Colombo, February 23, 1921. Deputy Fiscal, W. P.

In the Police Court of Batticaloa.

The King. Plaintiff.
No. 7,902. Vs.Kodikarage Don Richard Samaranyaka of Kotu-
wila. Surety.

NOTICE is hereby given that on Thursday, March 31, 1921, will be sold by public auction at the respective premises the right, title, and interest of the said surety in the following property for the recovery of the sum of Rs. 3,000, viz. :—

At 2 P.M.

(1) An undivided $\frac{1}{2}$ of the soil and of the trees and plantations thereon of the land called Ambagahawatta, held and possessed by Kodikarage Don Richard Samaranyaka of Kotuwila by virtue of the deed of gift No. 3,284 attested by Wanigasuriyage Don Jacobus, Notary Public, dated November 5, 1907, situated at Kotuwila in Ambatalenpahala of Alutkuru korale south; and bounded on the east by land belonging to Pettiyagodagama Davith Perera and others, on the south by land belonging to Seerasinghe Davith Silva and others, on the west by land belonging to Gamalathage Singhobaba, on the north by Fiscalwatta; and containing in extent 2 acres more or less.

At 3 P.M.

(2) An undivided $\frac{1}{2}$ part of the soil and of the buildings standing thereon of the land called Hikgahawatta, situated at Kotuwila as aforesaid, and held and possessed by K. Don Richard Samaranyaka by right of paternal and maternal inheritance; and bounded on the north by high road, on the east by land belonging to Don Dionis Wijewardana Ralahamy, on the south by land belonging to Helena Wijewardana Lamaetana, and on the west by land belonging to Ceylon Government Railway; and containing in extent within these boundaries 1 acre more or less.

Fiscal's Office, W. DE LIVERA,
Colombo, February 21, 1921. Deputy Fiscal, W. P.

In the District Court of Negombo.
Kuna Pana Kana Runa Karuppan Chetty of
Negombo Plaintiff.
No. 13,867. Vs.

Don Aron de Alwis Kannangara Appuhamy of Hiriwala, Yatigaha pattu, Hapitigam korale Defendant.

NOTICE is hereby given that on Tuesday, April 5, 1921, 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. 336, with interest on Rs. 300 at the rate of 18 per cent. per annum from October 5, 1919, till February 3, 1920, and thereafter at 9 per cent. per annum on the aggregate amount of the decree till payment in full, and costs of this action, viz. :—

At 1 P.M.

(1) An undivided 1/10 share of the land called Kahatagahawattā, situated at Hiriwala, in Yatigaha pattu of Hapitigam korale; bounded on the north by the land of Sardiel Vidanarala, east by the field, south by wela, and west by the land of Sardiel Vidanarala; in extent about 6 acres.

At 1.30 P.M.

(2) An undivided 2/5 share of the land called Pelapolwatta, situated at Hiriwala aforesaid; bounded on the north by the land of Singhappu and others, east by the land of K. Singhappu, south by the land of Sardiel Vidanarala, and west by the land of Jonna; in extent about 2 acres.

At 2 P.M.

(3) The land called Meddawatta, situated at Hiriwala aforesaid; bounded on the north by the land of Singhappu, east by the land of Amaris Appu and others, south by the field of Amaris Appu and others, and west by the land of Selenchi Appu and others; in extent about 2 roods.

The above three lands are subject to mortgage bond No. 2,413 dated July 8, 1912, for Rs. 300 and interest.

At 2.30 P.M.

(4) An undivided 7/48 shares of the land called Beligahawatta *alias* Meegahawatta, situated at Hiriwala aforesaid; bounded on the north by ela and land of Brumpy, east by the road, south by land belonging to Batadolewalauwa, and west by land of Jayasinha Appuhamilage Thelenis Appu and others; containing in extent about 8 acres. The above land is subject to mortgage bond No. 3,437 dated May 25, 1913, for Rs. 300 and interest.

Fiscal's Office, W. DE LIVERA,
Colombo, February 22, 1921. Deputy Fiscal, W. P.

In the District Court of Colombo.
Weragala Kankanamalage Thomis Appoo of Uruwala
in the Meda pattu of Siyane korale Plaintiff.
No. 47,269. Vs.

Kanāngama Atechige Podiappoo of Mandawala in the
Gangaboda pattu of Siyane korale Defendant.

NOTICE is hereby given that on Wednesday, April 6, 1921, at 2 p.m., will be sold by public auction at the premises the following property, mortgaged with the plaintiff by bond No. 225 dated October 29, 1898 and decreed to be sold by the decree entered in the above action and ordered to be sold by the order of court dated September 2, 1920, for the recovery of the sum of Rs. 600, with interest thereon at 9 per cent. per annum from April 24, 1917, till payment in full, and costs of suit, viz. :—

An undivided $\frac{3}{4}$ share and an undivided $\frac{1}{4}$ share from and out of the land called Pelengahalanda, with the trees thereon, situated at Mandawala, in the Gangaboda pattu of Siyane korale, exclusive of the 2 acres in the northern side separated by live fences; bounded on the north by Millagahawatta of Mapolage Cornis Appoo, on the east by the kumbura of Marasinatchige Don Davith Appoo, on the south by the land of Loku Wijesinhale Kiri Sonda and another, and on the west by Horagahakumbura of Pelutuwege Amaris Appoo and others; containing in extent 20 acres and 1 rood.

Fiscal's Office, W. DE LIVERA,
Colombo, February 23, 1921. Deputy Fiscal, W. P.

In the District Court of Colombo.
Mathiappararam 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 Saturday, April 2, 1921, at 10 A.M., 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 Mandappekeenagahawatta, 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 $\frac{1}{2}$ 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 Cooray, and on the west by the stream called Lunawa; containing in extent 2 roods and 28 perches.

Fiscal's Office, W. DE LIVERA,
Colombo, February 23, 1921. Deputy Fiscal, W. P.

In the District Court of Negombo.
T. M. R. M. Muttu Ramen Chetty, by his attorney Vella-
yan Chetty of Negombo Plaintiff.
No. 14,180. Vs.

(2) Lucia *alias* Marthina Ludrigo Kandappa and three
others Defendants.

(9) Nicholas Ludrigo Siman Pulle, (10) Christian Ludrigo
Kandappa, (11) Siman Ludrigo Kandappa, (12) Juan
Ludrigo Kandappa, (13) Caithan Ludrigo Kandappa,
and (14) Philippu Ludrigo Kandappa, all of
Udangawa Added Defendants.

NOTICE is hereby given that on March 19, 1921, 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 added defendants in the following property, viz. :—

The land called Kadurugahalanda *alias* Paragahalanda, situate at Udangawa in Dunagaha pattu of Alutkuru korale; and bounded on the north by land belonging to the heirs of Christogu Fernando Nicholas Pulle, Police Headman, east by land of Marthino Ludrigo Kandappa Pulle, south by lands of the heirs of Christogu Silva and others, and west by the lands of Joseph Rodrigo Kandappa Pulle and others; containing in extent about 4 acres.

Amount to be levied Rs. 144.22, and poundage.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, February 21, 1921. Deputy Fiscal.

Central Province.

In the District Court of Kandy.
Gangodagera Kira of Tumpelawake Uda-
palata Plaintiff.
No. 25,011. Vs.

(1) Talawaturegedere Ukkuwa, Horanekara-
gedere Kiri Biyah, both of Mulgama in Uda-
palata Defendants.

NOTICE is hereby given that on Saturday, March 19, 1921, commencing at 12 noon, 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. 924.65 and poundage, viz. :—

(1) An undivided $\frac{3}{4}$ shares of Talawaturekumbura of 16 lahas in paddy sowing extent, situate at Mulgama in

Kandukara Ihala korale of Udapalata, in the District of Kandy of the Central Province; and bounded on the north by Kalinguwa's field, on the east by Sella's field, on the south by kandura, and on the west by Talawaturegederewatta.

(2) An undivided $\frac{1}{2}$ shares of Lookadagederewatta *alias* Kekulawatta of 1 amunam in paddy sowing extent, situate at Mulagama aforesaid; and bounded on the east by Kekulewatta, on the south by itta fence, on the west by Yarrow estate, and on the north by ela of wela.

(3) Kandagederewatta of about $\frac{1}{4}$ of an acre in extent, situate at Mulagama aforesaid; and bounded on the north by ditch of Kekulewatta, on the east by Baba's portion, on the south by kandura, and on the west by wela.

(4) An undivided $\frac{1}{2}$ shares of Talawaturegederewatta of 2 pelas in paddy sowing extent, situate at Mulagama aforesaid; and bounded on the east by stone fence of Talawaturegederewatta, on the west by Patanagederewatta and Siriweddia's garden, and on the north by Hitapuduregederawatta, and south by Hitapuduregederawatta.

Fiscal, Office,
Kandy, February 22, 1921.

A. RANESINGHE,
Deputy Fiscal.

In the District Court of Kandy.

Rawanawati Ponnasamy Pulle of Wategama Plaintiff.
No. 28,419. Vs.

(1) Kalutantiri Liyanage Dona Pesonona Gunsekera Hamine, (2) Jaygodage Don Simon Appuhamy, both of Panwila in Pallegampaha of Lower Dumbara, in the District of Kandy Defendants.

NOTICE is hereby given that on Saturday, March 19, 1921, commencing at 12 noon, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 2,734 dated December 9, 1919, and attested by Mr. R. A. F. Jayasingha of Udispattuwa, Notary Public, and decreed to be sold under the decree entered in the above case for the recovery of the sum of Rs. 1,739.59, with interest thereon at 9 per cent. per annum from November 2, 1920, till payment in full, and costs Rs. 178.65, together making the sum of Rs. 1,918.24, and poundage, viz. :-

(1) The portion of land bearing No. 5 of 6 perches in extent, together with the buildings and everything thereon, from and out of the allotment of land called Wewagawahena, situated at Panwila in Pallegampaha of Lower Dumbara, in the District of Kandy of the Central Province; and which said portion is bounded on the north by the fence or ridge of the land owned by Palaniappa Chetty and now belonging to Suppaiya Kangany, east by the wall of the house standing on the portion of the land bearing No. 6 belonging to Casim, butcher, south by the high road, west by the wall of the house standing on the portion of land bearing No. 4 belonging to Ganhwage David Silva.

(2) The portion of the land bearing No. 18 of 7 $\frac{1}{2}$ perches in extent and the portion of land bearing No. 19 of 4 perches in extent, adjoining each other and now forming one property, of 11 $\frac{1}{2}$ perches in extent, together with the trees and plantations, buildings, and everything thereon, from and out of the allotment of land called Wewagawahena, situate at Panwila aforesaid; which said portion of 11 $\frac{1}{2}$ perches is bounded on the north by the high road, east by the fence of the land owned by Mr. Weerakon now belonging to Casim, butcher, south by the fence of Lebbe Kandu Marika's land, west by fence of the land belonging to D. J. C. Goonetilleke, Notary Public.

(3) An undivided $\frac{1}{2}$ share of the land called Gurukwatta of 1 pela paddy sowing extent, and of the trees of the plantation and of everything thereon, situate at Naranpanawa in Palispattu korale of Lower Dumbara aforesaid; and bounded on the north, east, south, and west by ditch.

(4) An undivided $\frac{1}{2}$ share of the land called Dalukgetewatta of 3 lahas paddy sowing extent, and of everything thereon, situate at Naranpanawa aforesaid; and bounded on the north by the fence of Udupitiyekumbura, east by the ela, south and west by the ditch.

(5) Hiritalaghamulawatta, including the asweddumized portion within the same, of 2 pelas paddy sowing extent in the entirety and everything thereto belonging, situate at

Udugoda in Pallegampaha korale aforesaid; and bounded on the north by ditch, east by the stream of Ratnekkumbura south by Ma'oya, west by the ditch of Diyakanakandullewatta and Halgahawelakumbura.

Fiscal's Office,
Kandy, February 22, 1921.

A. RANESINGHE,
Deputy Fiscal.

Southern Province.

In the District Court of Colombo.

S. D. S. Wickramasuriya of Dean's road, Colombo. Plaintiff.
No. 2,691. Vs.

W. E. de Silva of Welawatta, Colombo, presently of Ambalangoda Defendant.

NOTICE is hereby given that on Monday, March 21, 1921, at 12 noon, will be sold by public auction the right, title, and interest of the said defendant in the following property, viz. :-

$\frac{1}{2}$ part or share of the land called Kudalugoda, situate at Kataluwa; bounded on the north by lot T. 581 in T. P. No. 7,928 and T. P. Nos. 252,037, 139,269, 252,036, and 256,378, on the east by lot No. 28,948 in P. P. No. 7,928 and T. P. Nos. 151,299 and 252,040, on the south by lots 22,944 and V. 583 in P. P. 7,928 and T. P. Nos. 252,039 and 252,038, and on the west by lot V. 583 in P. P. No. 7,928 in T. P. No. 7,928 in P. P. Nos. 144,174, 259,245, 145,115, 252,799, and 253,357 and a road; extent 80 acres and 20 perches.

Amount of writ Rs. 2,547.50, with legal interest on Rs. 2,500 from November 29, 1920, till payment in full, and costs of suit.

Fiscal's Office,
Galle, February 18, 1921.

J. A. LOURENSZ,
Deputy Fiscal.

In the Court of Requests of Balapitiya.

Geemuni Seslin de Silva and another, both of Wellkanda in Kosgoda Plaintiffs.
No. 12,164. Vs.

Geemuni Adris de Silva of Galwehera in Kosgoda Defendant.

NOTICE is hereby given that on Friday, March 18, 1921, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :-

An undivided $\frac{9}{10}$ part of soil and soil share trees of the land called Kospelaketiyeewatta, in extent about 1 acre, together with the house wherein the defendant resides standing thereon, situated at Galwehera; and bounded on the north by land belonging to Hendadura Seneris Silva and Badaturugederawatta, east by land whereon Porogoda Sedoris Silva resided, south by land whereon Geemuni Wattuhami resided, and on the west by Mahavidane Walawewatta.

Writ amount Rs. 341.79, with interest on Rs. 300 at 9 per cent. per annum from February 19, 1918, less Rs. 111.70 already recovered.

Fiscal's Office,
Galle, February 21, 1921.

J. A. LOURENSZ,
Deputy Fiscal.

Northern Province.

In the District Court of Colombo.

S. N. Sellappa Chetty of Sea street in Colombo. Plaintiff.
No. 1,898. Vs.

(1) R. Doresamy, (2) M. Cathiravelu, both of Pallal in Jaffna, (3) Michael de Jong of the Fort in Colombo Defendants.

NOTICE is hereby given that on Tuesday, March 22, 1921, at 10 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 Rs. 1,533, with interest thereon at 9 per cent. per annum from September 15, 1920, till payment in full, and poundage, and charges, viz. :—

(1) A piece of land situated at Tanmakeny in Puloppalai parish, Pachchilaippali division, of the Jaffna District, Northern Province, called Tanmakeny coconut estate, containing or reputed to contain in extent 329 acres and 24 perches; bounded or reputed to be bounded on the north-east by road leading from Jaffna to Kandy, south-east by and road, south-west by Crown jungle, Iraddalaikkulam, property of K. Kanthar and others, and reservation for Ceylon Government Railway, and on the north-west by Crown jungle, and property of Neekilappillai Anthanappillai.

(2) A piece of land situated at Tanmakeny in Puloppalai parish, Pachchilaippali division, of the Jaffna District, Northern Province, called Kudiyirunthavalavu, containing or reputed to contain in extent 60 lachams varagu culture, according to survey 58 lachams varagu culture and 4½ kulies; bounded or reputed to be bounded on the east, west, and south by the property of Kathiravelu, and north by road.

Fiscal's Office, J. B. ARIYANAYAGAM,
Jaffna, February 21, 1921. Deputy Fiscal.

In the Court of Requests of Jaffna.

Vilayampalam Coomarasamy of Tirunelvely . . . Plaintiff.
No. 14,579/A Vs.

Karthikesu Ponniah of Tirunelvely . . . Defendant.

NOTICE is hereby given that on Monday, March 21, 1921, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant, in the following property for the recovery of Rs. 261.36, with further interest on Rs. 250 at the rate of 12 per cent. per annum from October 5, 1920, till November 7, 1920, and thereafter on the aggregate amount at 9 per cent. per annum from November 8, 1920, and costs of suit being Rs. 27.78 and poundage and charges, viz. :—

(1) A piece of land situated at Tirunelvely, Nallur parish, Jaffna division of the Jaffna District, Northern Province, called Cheliyakonpulam, containing or reputed to contain in extent 5 lachams varagu culture and 7 kulies and cultivated plants; bounded or reputed to be bounded on the east by the property of Ampalavanar Sinniah and others, north by property of Kartigesu Ponniah, the defendant, west by channel, and south by the property of Velan Mailan.

(2) A piece of land situated at Tirunelvely, Nallur parish, Jaffna division of the Jaffna District, Northern Province, called Cheliyakonpulam, containing or reputed to contain in extent 33 lachams varagu culture, with wells and cultivated and spontaneous plants; bounded or reputed to be bounded on the east by channel, north by the footpath belonging to Arunasalam Pandaram and others, west by the property of Arunasalam Pandaram and his brother and others, and south by channel.

Fiscal's Office, A. VISVANADHAN,
Jaffna, February 18, 1921. Deputy Fiscal.

In the District Court of Jaffna.

Cathiresu Sunderanathan and wife Paransothi-
amma of Nallur . . . Plaintiffs.

No. 15,016. Vs.

(1) Casinathar Manicavasagam and wife Thangam of
Nallur . . . Defendants.

NOTICE is hereby given that on Monday, March 21, 1921, at 11 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 1,000, with interest thereon at the rate of 9 per cent. per annum from August 17, 1920, until payment in full, and poundage and charges, viz. :—

An undivided ½ share with its appurtenances of a piece of land situated at Nallur, Nallur parish, Jaffna division of the Jaffna District, Northern Province, called Eliyakumaranmalikai, containing or reputed to contain in extent 6 lachams varagu culture with the house, well, cultivated and spontaneous plants; bounded or reputed

to be bounded on the east by the property of Sellamuttu, wife of Kanagasabai, north by market land belonging to Crown, west by the property of Arumugam Ramuppillai and shareholders, and south by road.

Fiscal's Office, J. B. ARIYANAYAGAM,
Jaffna, February 21, 1921. Deputy Fiscal.

North-Western Province.

In the District Court of Puttalam.

K. P. S. R. M. Ramasamy Pillai of Puttalam . . . Plaintiff.
No. 3,330. Vs.

Mohamado Ali Wawa Asen Neina Marikar of
Tely . . . Defendant.

NOTICE is hereby given that on Monday and Tuesday, March 21 and 22, 1921, at the time noted below, will be sold by public auction at the premises the right, title, and interest of the defendant in the following property, viz. :—

At 8 A.M. on 21st.

1. The two contiguous portions of land: one known as Ilayandayadytotam, containing in extent 42 acres and 30 perches, and the other known as Erukalayadytotam, containing in extent 15 acres 2 roods and 28 perches, situate at the village Narakally in Akkarai pattu, in the District of Puttalam, North-Western Province, the extent of this according to plan No. 695 dated July 16, 1910, surveyed by Mr. A. M. Sundram is 57 acres 1 rood and 14 perches; of this, the southern portion marked B in the said plan, and containing in extent 26 acres and 29 perches, is bounded on the north by the portion marked A in the said plan and belonging to Juliana Mercy Mariampillai and her son, on the east by Crown lands called Erukalayadytotam and Narakallykadu, on the south by Crown land called Narakallytotam, and on west by Crown land called Narakallykadu and seashore; the entire land, coconut trees, and all other things within these boundaries. Subject to mortgage.

At 11 A.M. on 21st.

2. The coconut garden called Katpalitotam, situate at the village Kuravankudi, Akkarai pattu, in the District of Puttalam, containing in extent about 3 acres; is bounded on the north and east by the coconut garden belonging to Ali Tamby Marikar, on the south by the coconut garden belonging to Mohamado Ali Wawa Omer Kaththa Marikar, and on the west by jungle and coconut garden belonging to the defendant and to his brother; the entirety within these boundaries. Subject to mortgage.

At 2 P.M. on 21st.

3. The land called Alayaditotam, situate as aforesaid, containing in extent about 75 acres; is bounded on the north by garden and jungle belonging to Kadersaibo Marikar Lebbetamby Marikar and others, on the east by garden belonging to the defendant, his brother Omerkatha Marikar and others, on the south jungle land belonging to Mohamado Neina Marikar Sinnawapputamby Marikar and Crown, and on the west by Sembukoodalkany belonging to the defendant and others; an undivided ¼ share of the land, coconut trees, and other things within these boundaries. Subject to mortgage.

At 9 A.M. on 22nd.

4. The coconut garden called Talavillutotam, situate at Talavillu in Akkarai pattu, Puttalam District, containing in extent about 300 acres; and bounded on the north by Pulputtykany belonging to Mohamado Meera Lebbe and others, and Passala Irakkam (slope land), on the east by sand mound and well, on the south by land belonging to St. Anne's church, and on the west by sea and odai (water-course). Out of the land containing within these boundaries excluding the portion of land in extent about 14 acres and out of the remaining land and coconut trees and other things thereon an undivided ¼ share and out of the planted

coconut trees in the portion called Alayadipirivu in this land an undivided $\frac{1}{2}$ share and out of the planted coconut trees in the portion known as Kilavy Veetady an undivided $\frac{1}{2}$ share. Subject to mortgage.

Amount of writ Rs. 4,811.66, with interest.

Fiscal's Office, S. M. P. VANDERKOEN,
Puttalam, February 18, 1921. Deputy Fiscal.

In the District Court of Colombo.

J. W. Maxwell Johnstone of Pussellawa Plaintiff.
No. 2,694. Vs.

The Butter Substitutes Supplies, Limited, Marawila Defendant.

NOTICE is hereby given that on Monday, March 21, 1921, 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. :—

All that allotment of land marked A in plan No. 939 dated July 17, 1919, made by A. R. Savundaranayagam, Licensed

Surveyor, containing in extent 2 acres and 29,500 perches, being a portion of all that field called Nebodagahakumbura forming part of all that property containing in extent 21 acres and 4 perches, situated at Mattandiya in Pitigal korale south, in the District of Chilaw; which said allotment marked A is bounded on the east by a stream called Punchi-ela, south by Gansablawa road, west by land described in title plan No. 72,632, and north by another part of the same field called Nebodagahakumbura belonging to Lionel Ameresekera; together with all the buildings, factory, stores, machinery, fixtures, furniture, tools, implements, carts, cattle, and other the live and dead stocks standing thereon.

Amount to be levied Rs. 59,937.53, with interest on Rs. 59,000 at 10 per cent. per annum from November 30, 1920, to January 25, 1921, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full, costs, and poundage.

Deputy Fiscal's Office, CHARLES DE SILVA,
Chilaw, February 16, 1921. Deputy Fiscal.

I, CHARLES RUSSELL CUMBERLAND, Fiscal for the North-Western Province, do hereby appoint Mr. Kiri Mudianse Jayasundara to be Marshal for the Divisions of Dambadeni, Udukaha North and West, and Mairawati korales of Dambadeni hapattu, Giratalana, Baladora, and Angomu korales of Dewamedi hatpattu, Karandapattu, Meddeketiya, Katugampola, Medapattu East and West, Yatikaha, Yagampattu, Kiniyama, Katugampola North and South, and Pitigal korales of Katugampola hatpattu, in the Kurunegala District, under the provisions of the

Fiscals' Ordinance No. 4 of 1867, from February 12, 1921, during the illness of Mr. Ponweera Arachchige Don Elias, Fiscal's Marshal, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand, at Kurunegala, this 16th day of February, 1921.

C. R. CUMBERLAND,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Atuldura Aratchige Don Carolis Appunamy of Alut-mawata in Colombo, Class II, deceased.
Rs. 3,762.

And

In the Matter of Chapters XXXVIII. and XXXV. of the Civil Procedure Code.

Bammanne Aratchige Caroline Perera (widow) of Alut-mawata aforesaid Petitioner.

And

Atuldura Aratchige Don Charles Perera of Alut-mawata aforesaid Respondent.

THIS matter coming on for disposal before W. S. de Saram, Esq., Acting District Judge of Colombo, on February 4, 1921, in the presence of Mr. W. J. C. Fernando, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 24, 1921, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as 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 March 3, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 4, 1921.

W. S. DE SARAM,
Acting District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Dr. Oliver David Gunsekera of Ekele in the Ragam pattu of the Alut-korale, deceased.

Eliza beth Frances Emelda Gunsekera of San Sebastian Hill, Colombo Petitioner.

And

(1) Otley Aloysius Leonard Gunsekera, (2) Mervyn Frever Gunsekera, (3) Mary Frances Gunsekera, (4) Godwin Walter Gunsekera, all of San Sebastian Hill in Colombo Respondents.

THIS matter coming on for disposal before W. S. de Saram, Esq., Acting District Judge of Colombo, on February 9, 1921, in the presence of Mr. L. A. Wanigasuria, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 9, 1921, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to this estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before March 10, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 9, 1921.

W. S. DE SARAM,
Acting District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of Wickremesinghe Welahettige Martha Barbara *alias* Beatrice Rodrigo of Hendela in the Ragam pattu of the Alutkuru korale, deceased.
No. 343.
Class I.
Rs. 2,300.

Charles Henry Perera Ranasinghe of Hendela aforesaid Petitioner.

And

(1) Wickremesinghe Welahettige Peduru Rodrigo, (2) Kotigalage Isabella Perera, both of Hendela aforesaid Respondents.

THIS matter coming on for disposal before W.S. de Saram, Esq., Acting District Judge of Colombo, on February 11, 1921, in the presence of Mr. L. A. Wanigasuria, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 10, 1921, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as 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 March 17, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 11, 1921.

W. WADSWORTH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Attanayake Mary Agnes Fernando Ameresekera Jayawardana of Mutwal, Colombo, deceased.
No. 344.

Hondamuni Valentine Lawrence de Soysa of No. 193, Mutwal street, in Colombo Petitioner.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on February 14, 1921, in the presence of Mr. John Leopold Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 12, 1921, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as husband of the above-named deceased, to have letters of administration to her estate issued to him, unless any person or persons interested shall, on or before March 10, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 14, 1921.

W. WADSWORTH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Joint Last Will and Testament of Henry Isaac Perera Mantherapperuma, Siriwardene, late of Mahabutgomuwa in Ambetalenpahala of Alutkuru korale, deceased, and his wife, Jane Caroline Perera Siriwardene of Mahabutgomuwa.
No. 345.

Jane Caroline Perera Siriwardene above named of Mahabutgomuwa Petitioner.

THIS matter coming on for disposal before William Wadsworth, Esq., District Judge of Colombo, on February 17, 1921, in the presence of Messrs. Wijesinghe & Wijewardene, Proctors, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated February 4, 1921, and (2) of the attesting notary and witnesses also dated February 4, 1921, having been read:

It is ordered that the last will of the late Henry Isaac Perera Mantherapperuma Siriwardene of Mahabutgomuwa

aforesaid, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before March 10, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 17, 1921.

W. WADSWORTH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the late Estate of the late Colombage Don Bastian of Dedigomuwa in the Ragam pattu of Hewagam korale.
No. 7,078.
Class I.
Rs. 1,317-50.

(1) Colombage Don Carlina Hamy assisted by her husband (2) Wettasinghe Appuhayillage Don Pablis Appuhamy, both of Dedigomuwa Petitioners.

And

(1) Colombage Ausadahamy *alias* Agida Hamy, (2) Colombage Nono Hamy *alias* Linona Hamy, (3) Colombage Don Seemon, (4) Wickremage Don Simon, (5) Wickremage Don Charles, all of Dedigomuwa Respondents.

THIS matter coming on for disposal before W. S. de Saram, Esq., Acting District Judge of Colombo, on February 4, 1921, in the presence of Mr. C. E. A. Samarakkody, Proctor, on the part of the petitioners above named; and the affidavit of he said 2nd petitioner dated January 31, 1921, having been read:

It is ordered that the petitioners be and they are hereby declared entitled, as daughter and son-in-law, respectively, of the above-named deceased, to have letters of administration to his estate issued to them, unless the respondents above named or any other person or persons interested shall, on or before March 3, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 4, 1921.

W. S. DE SARAM,
Acting District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Sinnatamby Sanmugam of Uduwil, late of the Lunatic Asylum, Colombo, deceased.
No. 7,082.
Class I.
Rs. 594-62.

Valliamma, widow of Sinnatamby of Uduwil Petitioner.

And

(1) Sinnatamby Chelliah of Uduwil (2) Sinnatamby Tambiah of Uduwil, presently of Kampar hospital, Federated Malay States Respondents

THIS matter coming on for disposal before W. S. de Saram, Esq., Acting District Judge of Colombo, on February 15, 1921, in the presence of Mr. W. O. Herft, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 7, 1920, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as mother 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 March 10, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 15, 1921.

W. WADSWORTH,
District Judge

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate and Effects
Jurisdiction, of the late Namunuwadewage Mudina
No. 7,084. Wijsekera of Turret road, Colombo,
Class III. deceased.
Rs. 7,645.50.

S. P. S. Wijewardena of Bankshall street,
Colombo Petitioner.

And

(1) Lemege Meline Felicia Duleia Wijewardena of
Turret road, Colombo, by her guardian *ad litem* (2)
Dewunage Caroline Fernando of Turret road,
Colombo Respondents.

THIS matter coming on for disposal before William
Wadsworth, Esq., District Judge of Colombo, on February
14, 1921, in the presence of Mr. A. C. Mohamado, Proctor, on
the part of the petitioner above named; and the affidavit
of the said petitioner dated January 26, 1921, having been
read:

It is ordered that the petitioner be and he is hereby
declared entitled, as 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 March 17, 1921,
show sufficient cause to the satisfaction of this court to the
contrary.

February 14, 1921.

W. WADSWORTH,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the late
Jurisdiction, Ileneidabadalge Don Elias Jayasinghe,
No. 1,331. deceased, of Malawana in Beruwala.

THIS matter coming on for disposal before J. C. W.
Rock, Esq., District Judge of Kalutara, on December 11,
1920, in the presence of Mr. W. A. Jayasundara, Proctor,
on the part of the petitioner Ileneidabadalge Don Endoris
Jayasinghe of Malawana in Beruwala; and the affidavit
of the said petitioner dated November 22, 1920, having
been read:

It is ordered that the petitioner be and he is hereby declared
entitled, as father of the above-named deceased, to have
letters of administration to the estate of the said deceased
issued to him, unless the respondents—(1) Ileneidabadalge
Don Adrian Jayasinghe of England, (2) Ileneidabadalge Don
Biath Nona Jayasinghe of Malawana—or any other person
or persons interested shall, on or before February 25, 1921,
show sufficient cause to the satisfaction of this court to the
contrary.

December 11, 1920.

J. C. W. ROCK,
District Judge.

The time for showing cause as aforesaid has been extended
to March 18, 1921.

J. C. W. ROCK,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction, late Jayalath Kankanamalage *alias*
No. 1,884. Jayalath Abayawardana Mudiyansele
James Appuhamy of Barawawila,
deceased.

THIS matter coming on for disposal before W. T. Stace,
Esq., District Judge of Negombo, on February 1, 1921, in
the presence of Mr. C. J. Ederisinghe, Proctor, on the part
of the petitioner Muthukuda Arachchige Dona Isabella
Agnes Hamine of Barawawila; and the affidavit of the
petitioner dated July 13, 1920, having been read:

It is ordered that the petitioner be and she is hereby
declared entitled, as the lawful wife of the deceased above

named, to administer the estate of the said deceased, and
that letters of administration do issue to her accordingly,
unless the respondents—(1) Wijelathpathirannehelage
Nonohamy, (2) Jayalath Kankanamalage *alias* Jayalath
Mudiyansele Hamilton David of Barawawila, a minor by
his guardian *ad litem* the 1st respondent—or any person or
persons interested shall, on or before February 15, 1921,
show sufficient cause to the satisfaction of this court to the
contrary.

February 1, 1921.

W. T. STACE,
District Judge.

The date for showing cause against this *Order Nisi* is
extended returnable on March 1, 1921.

February 15, 1921.

W. T. STACE,
District Judge.

In the District Court of Negombo.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction, ment of Matilda Emelia Lorage of
No. 1,906. Negombo, deceased.

THIS matter coming on for disposal before W. T.
Stace, Esq., District Judge of Negombo, on February 11,
1921, in the presence of the petitioner, Mr. C. Emmanuel,
Secretary of the District Court of Negombo; and the
affidavit of the said petitioner dated January 27, 1921,
having been read:

It is ordered that the petitioner be and he is hereby
declared entitled, as the official administrator, to administer
the estate of the said deceased, and that letters of ad-
ministration do issue to him, with a copy of the will annexed,
unless the respondents—(1) Malvereen Elaine Lorage of
Negombo; (2) Gladys Beyre Lorage and (3) Winifred
Weunda Lorage, both of Negombo, minors, by their
guardian *ad litem* (4) D. C. Lorage of Negombo, presently
teacher, Matale—or any other person or persons interested
shall, on or before March 2, 1921, show sufficient cause to the
satisfaction of this court to the contrary.

February 11, 1921.

W. T. STACE,
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of Kothan-
Jurisdiction, godagedera Gunadara of Mathgomuwa
No. 3,728. deceased.

Kohalangodagedera Kiri Baba *alias* Samuel of Math-
gomuwa in Udunuwera Petitioner.

THIS matter coming on for disposal before Paulus
Edward Pieris, Doctor of Letters, Acting District Judge,
Kandy, on January 27, 1921, after reading the affidavit of
the petitioner above named dated December 1, 1920, and
his petition:

It is ordered that the said petitioner, as the eldest son of
the deceased above named, be and he is hereby declared
entitled to have letters of administration to the estate
of the deceased issued to him, unless the respondents—(1)
Kohalangodagedera Garu, (2) K. Sima, (3) ditto Gunadara,
(4) K. Poolee, by their guardian *ad litem* Kohalangodagedera
Denthie—shall, on or before February 28, 1921, show suffi-
cient cause to the satisfaction this court to the contrary.

January 27, 1921.

P. E. PIERIS,
Acting District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction, ment of Don Carolis Ranchigoda Whe-
No. 2,666. sekera, deceased, of Udukawa.

THIS matter coming on for final determination before
F. D. Peries, Esq., District Judge, Matara, on October 20,
1920, on the motion of Kotadupegamage Dona Cornelia

Jayawardana of Udukawa; and the affidavits of U. D. Samarawickrema, Notary Public, D. B. Rupasinha of Kadukanna, and M. C. P. Jayamarna, witnesses to the last will and testament, having been read: It is ordered that the last will and testament dated June 26, 1920, attested by U. D. Samarawickrema, Notary Public, be and the same is hereby declared proved.

It is further ordered that the said Kotaduppegamage Don Cornelia Jayawardana is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly.

F. D. PERIES,
District Judge.

October 20, 1920.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Don
Jurisdiction. Juanis Arampatta Appuhamy, deceased,
No. 2,681. of Asmagoda.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Matara, on November 4, 1920, in the presence of Mr. G. Weeratunga, Proctor, on the part of the petitioner David Dias Arampatta Appuhamy of Asmagoda; and the affidavit of the petitioner dated May 9, 1920, having been read: It is ordered that the said petitioner, as the eldest son of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz.—(1) Dona Catharina Arampatta Hamine of Maramba, (2) Don Tiya-doris Rupasinha Siriwardana, Deputy Coroner of ditto, (3) Don Andris Arampatta, Police Officer of Maramba, (4) Dona Ciciliana Arampatta Hamine of Maramba, (5) Don Tiya-doris Gunasekara of ditto, (6) Dona Christina Arampatta Hamine of Godagama, (7) Vidana Gamage Don Cornelis Epa of ditto, (8) Dona Francisca Arampatta Hamine of Alapaladeniya, (9) Don James Wijesekara Dassanayaka of ditto, (10) Dona Gimara Arampatta Hamine of Asmagoda—shall, on or before March 2, 1921, show sufficient cause to the satisfaction of this court to the contrary.

F. D. PERIES,
District Judge.

November 4, 1920.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Lucy
Jurisdiction. Clara Wickramaratna nee Dissanayaka,
No. 2,693. late of Weligama, deceased.

Harry Edward Wickramaratna of Weligama . . . Petitioner.
Vs.

Lucy Beatrice of Galle, minor, by her guardian *ad litem*,
Andrew William Dissanayaka of China Garden,
Galle Respondents.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge, Matara, on December 2, 1920, in the presence of Mr. A. Gunaratna, Proctor, on the part of the petitioner, Harry Edward Wickramaratna of Weligama; and the affidavit of said petitioner dated November 10, 1920, having been read: It is ordered that the said petitioner, as husband of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz., (1) Lucy Beatrice of Galle, (2) Andrew William Dissanayaka of China Garden, Galle, shall, on or before February 15, 1921, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 2nd respondent be appointed guardian *ad litem* over the said 1st respondent, minor, unless the respondents above named shall, on or before February 15, 1921, show sufficient cause to the satisfaction of this court to the contrary.

F. D. PERIES,
District Judge.

December 2, 1920.

Extended to March 17, 1921.

F. D. PERIES,
District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Nakulugamuwegamage Janakahamy of
No. 759. Ihala Beligalla, deceased.

THIS matter coming on for disposal before A. H. Egan, Esq., District Judge, Tangalla, on February 2, 1921, in the presence of Mr. H. E. Wikremanayaka, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated January 31, 1921, having been read: It is ordered that letters of administration to the estate of the late Nakulugamuwegamage Janakahamy, deceased, be granted to the petitioner Kodippila Hetti Achige Don Andrayas of Ihala Beligalla, unless the respondents—(1) Kodippila Hetti Achige Menikhamy, wife of (2) Beligallegamage Don Dionis, (3) Kodippila Hetti Achige Malhamy, wife of (4) Munasin Aratchige Dineshamy, (5) Kodippila Hetti Achige Heenhamy, (6) ditto Don Davit, (7) ditto Ranhamy, wife of (8) Aliladdarahillege Don Davit—or any person or persons interested shall, on or before February 28, 1921, show sufficient cause to the satisfaction of this court to the contrary.

A. H. EGAN,
District Judge.

February 2, 1921.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Arumugam Muthuthamby of Uduvil in
No. 4,385. Jaffna, deceased.

Sivagamippillai, widow of the late Arumugam Muthuthamby of Uduvil Petitioner.

And

(1) Muthuthamby Nagaretnam *alias* Kularetnam,
(2) Selvasikamany *alias* Annalechumy, daughter
of Muthuthamby, (3) Muthuthamby Ariyaputhiran,
(4) Muthuthamby Ariyaretnam, (5) Retnasikamany,
daughter of Muthuthamby, (6) Maheseaary, daughter
of Muthuthamby, the above-named minors are appear-
ing by their guardian *ad litem* the 7th respondent;
(7) Arunachalam Selvaretnam of 78, Wolfendahl
street, Colombo Respondents.

THIS matter of the petition of Sivagamippillai, widow of the late Arumugam Muthuthamby of Uduvil, the petitioner, praying for letters of administration to the estate of the above-named deceased Arumugam Muthuthamby of Uduvil, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on February 7, 1921, in the presence of Mr. S. Cumarasuriy, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 5, 1920, having been read: It is declared that the petitioner is the widow of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondent or any other person shall, on or before March 1, 1921, show sufficient cause to the satisfaction of this court to the contrary.

J. H. VANNIASINKAM,
Acting District Judge.

February 15, 1921.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Chellammah, wife of Kantaiyah of
No. 4,400 Jaffna town, deceased.
Class I.

Naganathar Kandiah of Jaffna town Petitioner.

And

Katpakam, widow of Swaminathar of Jaffna
town Respondent.

THIS matter of the petition of Naganathar Kandiah of Jaffna town, praying for letters of administration to the

estate of the above-named deceased Chellammah, wife of Kantaiyah, coming on for disposal before Hon. Sir A. Kanagasabai, District Judge, on January 4, 1921, in the presence of Mr. B. R. Nalliah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated December 6, 1920, having been read: It is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before January 28, 1921, show sufficient cause to the satisfaction of this court to the contrary.

January 19, 1921. — G. W. WOODHOUSE,
District Judge.

Extended to March 1, 1921.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate and Effects
Jurisdiction. of the late Saravanai Ledchumanar of
No. 4,393. Chiviatu, deceased.
Class I.

Ledchumanar Mailvaganam of Chiviatu .. Petitioner.
Vs.

- (1) Ledchumanar Thamocharampillai of Chiviatu,
(2) Sinnamma, daughter of Ledchumanar of ditto,
(3) Saraswathi, daughter of Ledchumanar of ditto,
(4) Mootapillai, widow of Ledchumanar of ditto; the
1st, 2nd, and 3rd respondents are minors, and appear
by their guardian *ad litem* the 4th respondent. Respondents.

THIS matter of the petition of Ledchumanar Mailvaganam of Chiviatu, praying for letters of administration to the estate of the above-named deceased Saravanai Ledchumanar, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on January 26, 1921, in the presence of Messrs. Cassipillai & Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated December 4, 1920, having been read: It is declared that the petitioner is a son and 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 or persons shall, on or before March 1, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 2, 1921. — G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Vettivelu Suppiah of Columbuthurai,
No. 4,402. Jaffna, deceased.

N. Ponnampalam of Columbuthurai .. Petitioner.

- (1) Manickam, daughter of V. Suppiah, (2) Kanakam-
bigay, daughter of ditto, (3) Nataraja, son of ditto,
(4) Thayalnayagy, daughter of ditto, (5) V. Ponnampalam, all of Columbuthurai; the 1st, 2nd, 3rd, and 4th respondents are minors by their guardian *ad litem* the 5th respondent. Respondents.

THIS matter of the petition of N. Ponnampalam, the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, Vettivelu Suppiah, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on February 10, 1921, in the presence of Mr. C. T. Kumaraswamy, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated December 30, 1920, having been read: It is declared that the petitioner, as a creditor of the said intestate, 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 1, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 16, 1921. — J. H. VANNASINKAM,
District Judge.

In the District Court of Chilaw.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Meegamuge Isabel Fernand
No. 1,338. Katuneria.

Warnekula Aditta Sembukuttige Ana Janse of Katuneria .. Petitioner.

Vs.

Jayasuriya Kurerege Paulu Perera of Katuneria .. Respondent.

THIS matter coming on for disposal before V. J. Cooke, Esq., Acting District Judge of Chilaw, on December 22, 1920, in the presence of Messrs. Cooke & Pandittesekara, Proctors, for the petitioner above named; and the affidavit of the said petitioner dated December 22, 1920, having been read:

It is ordered that the petitioner above named be and she is hereby declared, as grandmother of the deceased, entitled to have the letters of administration over the estate of the above deceased issued to her, unless the respondent above named or any other person interested shall, on or before February 2, 1921, show sufficient cause to the satisfaction of this court to the contrary.

* December 22, 1920. — C. COOMARASWAMY,
District Judge.

Order Nisi extended to March 2, 1921.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Warnakulaweerasuria Francis
No. 1,340. Fernando of Marawila.

Warnakulasuriya Marsalina Fernando of Marawila .. Petitioner.

Vs.

- (1) Warnakula Weerasuria Simon Fernando, (2) ditto
Cyril Fernando, (3) ditto Charlott Fernando, all
minors, by their guardian *ad litem* (4) ditto Eubias
Fernando, all of Marawila .. Respondents.

THIS matter coming on for disposal before V. J. Cooke, Esq., Acting District Judge of Chilaw, on December 22, 1920, in the presence of Messrs. Cooke & Pandittesekara, Proctors, for the petitioner above named; and the affidavit of the said petitioner dated December 22, 1920, having been read:

It is ordered that the petitioner above named, as mother of the deceased, is declared entitled to have the letters of administration over the estate of her deceased son issued to her, and that the 4th respondent be and he is hereby appointed guardian *ad item* over the 1st, 2nd, and 3rd minor respondents, unless the respondents above named or any other person interested shall, on or before February 1, 1921, show sufficient cause to the satisfaction of this court to the contrary.

Chilaw, December 22, 1920. — C. COOMARASWAMY,
District Judge.

Order Nisi extended to March 2, 1921.

In the District Court of Anuradhapura.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Herat Mudiyansele Uku Banda, ex
No. 279. Arachchi of Minneriya.

Herat Mudiyansele Herat Banda of Minneriya .. Petitioner.

THIS action coming on for disposal on January 27, 1921, before G. F. Forrest, Esq., District Judge of Anuradhapura in the presence of Mr. P. B. Bulankulame, Proctor, on behalf of the petitioner; and the affidavit dated January 27, 1921, of the petitioner having been read:

It is ordered and decreed that the petitioner, as son, be and he is hereby appointed administrator of the estate of Herat Mudiyansele Uku Banda, ex Arachchi of Minneriya, deceased, unless any person or persons interested in the said estate, shall show sufficient cause to the contrary on or before March 23, 1921.

G. F. FORREST,
District Judge.

In the District Court of Ratnapura.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Mudduwe Hettigamaetige Punchimahatmaya of Mudduwa, deceased. No. 747.

Beligaswatte Akkarakuruppu Mudiyanseye Baron Appuhamy of Mudduwa.....Petitioner.

And

(1) Beligaswatte Akkarakuruppu Mudiyanseye Punchimenike; (2) Mudduwe Hettigamaetige Gunawardana, (3) ditto Dingiri Nilame, (4) ditto Kirimenike, (5) ditto Podi Nilame, (6) ditto Podimenike, (7) ditto Heenmenike, all of Mudduwa, minors by their guardian *ad litem* the 1st respondent Respondents.

THIS matter coming on for disposal before J. Vandenberg, Esq., District Judge, Ratnapura, on February 17, 1921, in the presence of Mr. A. Wijetilaka, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated January 28, 1921, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the brother-in-law 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 March 17, 1921, show sufficient cause to the satisfaction of this court to the contrary.

February 17, 1921.

H. J. V. EKANAYAKA,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Asselage Mediya of Godawela, deceased. No. 713.

Kadiravelu Ratnasingham, Secretary of the District Court of Kegalla.....Petitioner.

(1) Welicumbure Hakuruge Ransi, (2) Asselage Edorisa, (3) ditto Siyadorisa, (4) ditto Mathinyana, (5) ditto Carlina, all of Godawela..... Respondents.

THIS matter coming on for disposal before V. P. Redlich, Esq., District Judge, on December 6, 1920; and the affidavit of P. C. Dedigama Ratemahatmaya of Beligal korale and the petition of the petitioner dated December 4 and 6, 1920, respectively, having been read: It is ordered and declared that letters of administration to the estate of the deceased will be issued to the petitioner, who will be declared the official administrator, unless the respondents or any person or persons interested shall, on or before January 18, 1921, show sufficient cause to the satisfaction of the court to the contrary.

December 6, 1920.

ÆLIAN ONDAATJE,
Acting District Judge.

Extended for March 3, 1921.

February 17, 1921.

V. P. REDLICH,
District Judge