



# Ceylon Government Gazette

EXTRAORDINARY.

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## Part I.—General.

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

### GOVERNMENT NOTIFICATION.

“THE CEYLON (LEGISLATIVE COUNCIL) ORDER IN COUNCIL, 1920.”

*The Constituency of the European Electorate (Urban).*

WHEREAS Mr. Herbert Gordon Bois, of Vauxhall Cottage, Vauxhall street, Colombo, was duly elected as Member of the Legislative Council for the above-named constituency at the election held at the Registrar-General's Office on March 31, 1921 :

And whereas the said Mr. Herbert Gordon Bois has, by writing under his hand addressed to the Governor, resigned his seat in the Council :

Notice is hereby given, under the powers conferred upon the Governor by section 33 of the above-named Order, that July 13, 1921, has been appointed for the purpose of electing a member of the Council for the said constituency to supply the vacancy caused by such resignation.

The place of election shall be the Office of the Registrar-General in Colombo.

Colonial Secretary's Office,  
Colombo, June 28, 1921.

By His Excellency's command,  
GRAEME THOMSON,  
Colonial Secretary.

### DRAFT ORDINANCE.

#### MINUTE.

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

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

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 (hereinafter referred to as the Principal Order), which is set forth in the schedule to “The Treaty of Peace (Enforcement) Ordinance, No. 7 of 1920” : Preamble.

And whereas the Principal Order was amended by the Treaty of Peace (Amendment) Order, 1920, which is set forth in the schedule to “The Treaty of Peace (Enforcement) (Amendment) Ordinance, No. 2 of 1921” :

And whereas the Principal Order as so amended has been further amended by the Treaty of Peace (Amendment) (No. 2) Order, 1920, and the Treaty of Peace (Amendment) Order, 1921 (hereinafter referred to as the Amending Orders), which are set forth in the schedules A and B to this Ordinance :

And whereas it is expedient to make certain modifications in the Amending Orders and in the Principal Order for the purpose of adapting the provisions of the said Orders 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. of 1921."

Application of the Treaty of Peace (Amendment) (No. 2) Order, 1920, to the Colony.

2 In applying the Treaty of Peace (Amendment) (No. 2) Order, 1920, to the Colony, sub-paragraph (f), as added to paragraph (xvii.) of article 1 of the Principal Order by such Amending Order, shall read as if for the word " Treasury," wheresoever the same occurs, there were substituted the words " Governor in Executive Council."

Application of the Treaty of Peace (Amendment) Order, 1921, to the Colony.

3 In applying the Treaty of Peace (Amendment) Order, 1921, to the Colony, paragraph (xxi. (a)), as inserted in the Principal Order by such Amending Order, shall read as if the reference to the Comptroller-General of Patents, Designs, and Trade Marks in such paragraph were to the Registrar as defined in " The Patents Ordinance, 1906," as regards patents, and to the Registrar as defined in " The Designs Ordinance, 1904," as amended by " The Trade Marks and Designs Ordinance, 1906," as regards designs.

Amendment of paragraph (xviii.) of article 1 of the Principal Order.

4 Paragraph (xviii.) of article 1 of the Principal Order shall have effect, and shall be deemed always to have had effect, as if for the words " six months" in line 3 thereof, the words " eighteen months " were contained therein.

#### SCHEDULE A.

At the Court at Buckingham Palace, the 9th day of November, 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 was pleased to make the Treaty of Peace Order, 1919 (hereinafter referred to as the " Principal Order "):

And whereas the Principal Order was amended by the Treaty of Peace (Amendment) Order, 1920.

And whereas it is expedient that the Principal Order as so amended should be further 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 Principal Order, 1919, as amended by the Treaty of Peace (Amendment) Order, 1920, 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 (vi.) of article 1 of the Principal Order shall have effect, and shall be deemed always to have had effect, as if the words " or any other person " were therein inserted after the word " creditor."

3. Paragraph (xvii.) of article 1 of the Principal Order shall have effect, and shall be deemed always to have had effect, as if at the end thereof the following sub-paragraph were added :

(f) The Custodian shall have power to charge such fees in respect of his duties under this paragraph, whether by way of percentage or otherwise, as the Treasury may fix, and the fees shall be collected and accounted for by such persons in such manner and shall be paid to such account as the Treasury direct, and the incidence of the fees as between capital and income shall be determined by the Custodian.

4. This Order may be cited as the Treaty of Peace (Amendment) (No. 2) Order, 1920, and the Principal Order, the Treaty of Peace (Amendment) Order, 1920, and this Order may be cited together as the Treaty of Peace Orders, 1919 to 1920.

ALMERIC FITZROY.

## SCHEDULE.

- | Article.        | Nature of Amendment.   |
|-----------------|--|
| 1 (iv.) ..      | After the words "found due" there shall be inserted the words "together with such interest as aforesaid."  |
| 1 (xiv. (a)) .. | For the words "Board of Trade" there shall be substituted the words "Clearing Office."   |
| 1 (xvii.) ..    | At the end of sub-paragraph (c) there shall be added the words "and to require any person having in his possession any documents of title to any such stock, shares, or other securities to deliver the same to him, and an acknowledgment signed by him of such delivery to him shall be a sufficient discharge to the person delivering the same."   |
|                 | After sub-paragraph (cc) the following sub-paragraphs shall be inserted:   |
|                 | "(ccc) Where the property, right, or interest subject to the charge consists of any sum of money due to a German national (not being an enemy debt within the meaning of article 296 of the Treaty), it shall be payable to the Custodian, and shall be paid to him on demand, and the Custodian shall have power to enforce the payment thereof, and for that purpose shall have all such rights and powers as if he were the creditor.   |
|                 | "(cccc) A certificate by the Custodian that any property, right, or interest is subject to the charge shall be sufficient evidence of the facts stated in the certificate, and where any such application, requirement, or demand of the Custodian as aforesaid is accompanied by such a certificate, the company, municipal authority, or other body by whom the securities were issued or are managed, the person in possession of the property transferable by delivery, or the person by whom a sum of money is due shall comply with the application, requirement, or demand, and shall not be liable to any action or other legal proceeding in respect of such compliance, but if it is subsequently proved that the property, right, or interest was not subject to the charge, the owner thereof shall be entitled to recover the same from the Custodian, or if it has been sold the proceeds of sale, but not to any other remedy." |
| 1 (xviii.) ..   | For the words "ten months" there shall be substituted the words "sixteen months."  |

## SCHEDULE B.

At the Court at Buckingham Palace, the 14th day of  
February, 1921.

*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 was pleased to make the Treaty of Peace Order, 1919 (hereinafter referred to as the "Principal Order") :

And whereas the Principal Order was amended by the Treaty of Peace (Amendment) Order, 1920, and the Treaty of Peace (Amendment) (No. 2) Order, 1920 :

And whereas it is expedient that the Principal Order as so amended should be further 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. After paragraph (xxi.) of article 1 of the Principal Order there shall be inserted the following paragraph :

(xxi. (a)) The Comptroller-General of Patents, Designs, and Trade Marks shall have power, and shall be deemed to have had power, as from the coming into force of the Treaty, in cases where patents and designs are revived under the provisions of article 307 of the Treaty, to impose such conditions as he may deem reasonably necessary for the protection of persons who have manufactured or made use of the subject-matter of such patents or designs while the rights had lapsed.

2. This Order may be cited as the Treaty of Peace (Amendment) Order, 1921; and the Principal Order, the Treaty of Peace (Amendment) Order, 1920, the Treaty of Peace (Amendment) (No. 2) Order, 1920, and this Order may be cited together as the Treaty of Peace Orders, 1919 to 1921.

ALMERIC FITZROY.

By His Excellency's command,  
Colonial Secretary's Office,                      GRAEME THOMSON,  
Colombo, June 10, 1921.                      Colonial Secretary.

*Statement of Objects and Reasons.*

THE Treaty of Peace Order, 1919, which is scheduled to Ordinance No. 7 of 1920, has been further amended by the Treaty of Peace (Amendment) (No. 2) Order, 1920, and the Treaty of Peace (Amendment) Order, 1921, which are set out in the schedules to this Bill. These Amending Orders are in operation in the Colony by virtue of article 3 of the Treaty of Peace Order, 1919, but slight amendments are necessary to make their provisions fully applicable to the Colony, and for easiness of reference they are scheduled to the Bill. These amendments merely consist in substituting the Governor in Executive Council for the Imperial Treasury (see section 2 of the Bill), and the Registrar for the Comptroller-General of Patents, Designs, and Trade Marks (see section 3 of the Bill).

Opportunity is taken to make a further amendment to the Principal Order. By paragraph (xviii.) of article 1 of that Order the period of prescription provided for in paragraph (a) of article 300 of the Treaty of Peace is increased to six months after the ratification of the Treaty. This period has been found too short, and it is proposed further to extend this period to eighteen months.

Attorney-General's Chambers,  
Colombo, May 30, 1921.

H. C. GOLLAN,  
Attorney-General.