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Part II.—Legal.

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

	PAGE		PAGE		PAGE
Draft Ordinances ..	313	Notices from District and Minor Courts ..	—	Notices in Testamentary Actions ..	337
Passed Ordinances ..	—	Notices in Insolvency Cases ..	331	List of Notaries ..	—
Notifications of Criminal Sessions of the Supreme Court ..	331	Notices of Fiscals' Sales ..	333	List of Jurors and Assessors ..	—
				Council of Legal Education Notices ..	—

DRAFT ORDINANCE.

MINUTE.

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

An Ordinance to consolidate and amend the Law relating to Trade Marks.

ARRANGEMENT OF SECTIONS.

Section.

- 1 Short title.
- 2 Commencement of Ordinance.

PART I.

Definitions.

- 3 Definitions.

Register of Trade Marks.

- 4 Register of trade marks.
- 5 Trade mark not to be entered on register
- 6 Incorporation of existing register.
- 7 Inspection of and extract from register.

Registrable Trade Marks.

- 8 Trade mark must be for particular goods.
- 9 Registrable trade marks.
- 10 Coloured trade marks.
- 11 Restriction on registration.

Section.

Registration of Trade Marks.

- 12 Application for registration.
- 13 Advertisement of application.
- 14 Opposition to registration.
- 15 Case how brought before court.
- 16 Disclaimers.
- 17 Date of registration.
- 18 Certificate of registration.
- 19 Non-completion of registration.

Identical Trade Marks.

- 20 Identical trade marks.
- 21 Rival claims to identical marks.
- 22 Concurrent user.

Assignment.

- 23 Assignment and transmission of trade marks.
- 24 Apportionment of marks on dissolution of partnership.

Associated Trade Marks.

- 25 Associated trade marks.
- 26 Combined trade marks.
- 27 Series of trade marks.
- 28 Assignment and user of associated trade marks.

Renewal of Registration.

- 29 Duration of registration.
- 30 Renewal of registration.
- 31 Procedure on expiry of period of registration.
- 32 Status of unrenewed trade mark.

Correction and Rectification of the Register.

- 33 Correction of register.
- 34 Registration of assignments, &c.
- 35 Alteration of registered trade mark.
- 36 Rectification of register.
- 37 Trade marks registered under previous Ordinances.
- 38 Non-user of trade mark.
- 39 Removal from register of word trade mark used as name of article.

Effect of Registration.

- 40 Powers of registered proprietor.
- 41 Rights of proprietor of trade mark.
- 42 Registration to be *prima facie* evidence of validity and to be conclusive after seven years.
- 43 Unregistered trade mark.
- 44 Infringement.
- 45 User of name, address, or description of goods.
- 46 "Passing-off" action.

Legal Proceedings.

- 47 Certificate of validity.
- 48 Registrar to have notice of proceeding for rectification.
- 49 Applications and appeals to be stamped.
- 50 Stamp duties.
- 51 Appeal.

Costs.

- 52 Costs of proceedings before the court and the Registrar.

Evidence.

- 53 Mode of giving evidence.
- 54 Certified copies to be evidence.
- 55 Certificate of Registrar to be evidence.

PART II.

Powers and Duties of the Registrar of Trade Marks.

- 56 Excise of discretionary power by Registrar.
- 57 Recognition of agents.
- 58 Registrar may take directions of Law Officers.

Rules.

- 59 Power to make rules.

Section.

Special Trade Marks.

60 Standardization, &c., trade marks.

International and Colonial Arrangements.

61 International arrangement for protection of trade marks.

62 Provision for inter-colonial arrangement.

Offences.

63 Falsification of entries in register.

64 Penalty on falsely representing trade mark as registered.

65 Unauthorized assumption of royal arms, &c.

66 Offences non-cognizable and bailable.

PART III.

Registration of certain Trade Marks which are not registrable under Part I. of the Ordinance.

- 67 Registration of trade marks in Part B.
 68 Application of certain provisions of Parts I. and II. of the Ordinance to trade marks in Part B of the register.
 69 Effect of registration in Part B.
 70 Power to treat applications for registration in Part A as applications for registration in Part B.

Repeal : Savings.

- 71 Repeal and savings for rules, &c.

SCHEDULES.

- I. Enactments repealed.
 II. Provisions of Parts I. and II. of the Ordinance not applied to marks registered in Part B of the register.

An Ordinance to consolidate and amend the Law relating to Trade Marks.

WHEREAS it is expedient to consolidate and amend the law relating to the registration of trade marks in the Colony : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Preamble.

1 This Ordinance may be cited as "The Trade Marks Ordinance, No. of 192 ."

Short title.

2 This Ordinance shall come into operation at such time as the Governor shall appoint by Proclamation to be published in the "Government Gazette."

Commencement.

PART I.

Definitions.

3 In and for the purposes of this Ordinance (unless the context otherwise requires) :

Definitions.

A "mark" shall include a device, brand, heading, label, ticket, name, signature, word, letter, numeral, or any combination thereof :

A "trade mark" shall mean a mark used or proposed to be used upon or in connection with goods for the purpose of indicating that they are the goods of the proprietor of such trade mark by virtue of manufacture, selection, certification, dealing with, or offering for sale :

A "registrable trade mark" shall mean a trade mark which is capable of registration under the provisions of this Ordinance :

“Registrar” means the Registrar-General, and includes any officer in the Registrar-General’s Department to the extent to which he may be authorized by general or special order of the Governor to discharge the duty of the Registrar under this Ordinance :

The “register” shall mean the register of trade marks kept under the provisions of this Ordinance :

A “registered trade mark” shall mean a trade mark which is actually upon the register :

The “court” shall mean the District Court of Colombo, unless the context otherwise requires.

Register of Trade Marks.

Register of trade marks.

4 (1) There shall be kept at the Registrar’s office for the purposes of this Ordinance a book called the Register of Trade Marks, wherein shall be entered all registered trade marks with the names and addresses of their proprietors, notifications of assignments and transmissions, disclaimers, conditions, limitations, and such other matters relating to such trade marks as may from time to time be prescribed.

Division of register into two parts.

(2) The register shall be divided into two parts, to be called respectively Part A and Part B.

Part A.

(3) Part A of the register shall comprise all trade marks which may be registered or are incorporated in Part A of the register under the provisions of this part of this Ordinance.

Part B.

(4) Part B of the register shall comprise all trade marks registered under Part III. of this Ordinance, and all trade marks entered on or removed thereto under Part III. of this Ordinance.

(5) The register shall be kept under the control and management of the Registrar.

Trust not to be entered on register.

5 There shall not be entered in the register any notice of any trust expressed, implied, or constructive, nor shall any such notice be receivable by the Registrar.

Incorporation of existing register.

6 The register of trade marks existing at the date of the commencement of this Ordinance shall be incorporated with and form part of Part A of the register. Subject to the provisions of sections thirty-six and forty-two of this Ordinance, the validity of the original entry of any trade mark upon the registers so incorporated shall be determined in accordance with the Ordinances in force at the date of such entry, and such trade mark shall retain its original date, but for all other purposes it shall be deemed to be a trade mark registered under this Ordinance.

Inspection of and extract from register.

7 The register kept under this Ordinance shall at all convenient times be open to the inspection of the public, subject to such regulations as may be prescribed; and certified copies of any entry in any such register shall be given to any person requiring the same on payment of the prescribed fee.

Registrable Trade Marks.

Trade mark must be for particular goods.

8 A trade mark must be registered in respect of particular goods or classes of goods.

Registrable trade marks.

9 A registrable trade mark must contain or consist of at least one of the following essential particulars :

(a) The name of a company, individual, or firm represented in a special or particular manner ;

(b) The signature of the applicant for registration or some predecessor in his business ;

(c) An invented word or invented words ;

(d) A word or words having no direct reference to the character or quality of the goods, and not being according to its ordinary signification a geographical name or a surname ;

(e) Any other distinctive mark ; but a name, signature, or word or words, other than such as fall within the descriptions in the above paragraphs (1), (2), (3), and (4), shall not be registrable under the provisions of this paragraph, except upon evidence of its distinctiveness.

Provided always that—

- (a) Any special or distinctive word or words, letter, numeral, or combination of letters or numerals used as a trade mark by the applicant or his predecessors in business before the twenty-fifth day of March, One thousand Eight hundred and Eighty-nine, which has continued to be used (either in its original form or with additions or alterations not substantially affecting the identity of the same) down to the date of the application for registration shall be registrable as a trade mark under this Ordinance :
- (b) In respect of cotton piece goods no mark consisting of a line heading alone shall be registered, and no line heading shall be deemed to be distinctive in respect of such goods :
- (c) No registration of a cotton mark, that is to say, a trade mark in respect of cotton piece goods or cotton yarn in classes 2, 3, and 24 in schedule 3 of the rules made under section 40 (1) of "The Trade Marks Ordinance, 1888," dated June 1, 1906, and published in the "Government Gazette" of June 1, 1906, shall give any exclusive right to the use of any letter, numeral, line heading, or any combination thereof.

For the purposes of this section "distinctive" shall mean adapted to distinguish the goods of the proprietor of the trade mark from those of other persons.

In determining whether a trade mark is so adapted, the Registrar or the court may, in the case of a trade mark in actual use, take into consideration the extent to which such user has rendered such trade mark in fact distinctive for the goods with respect to which it is registered or proposed to be registered.

10 A trade mark may be limited in whole or in part to one or more specified colours, and in such case the fact that it is so limited shall be taken into consideration by the Registrar or court having to decide on the distinctive character of such trade mark. If and so far as a trade mark is registered without limitation of colour, it shall be deemed to be registered for all colours.

Coloured
trade marks.

11 It shall not be lawful to register as a trade mark or part of a trade mark any matter, the use of which would by reason of its being calculated to deceive or otherwise be disentitled to protection in a court of justice, or would be contrary to law or morality, or which in the opinion of the Registrar or the court is likely to offend the religious or racial susceptibilities of any community, or any scandalous design.

Restriction on
registration.

Registration of Trade Marks.

12 (1) Any person claiming to be the proprietor of a trade mark, who is desirous of registering the same, must apply in writing to the Registrar in the prescribed manner.

Application for
registration.

(2) Subject to the provisions of this Ordinance, the Registrar may after such inquiry as he thinks fit refuse such application, or may accept it absolutely or subject to conditions, amendments, or modifications, or to such limitations, if any, as to mode or place of user or otherwise as he may think right to impose.

(3) In case of any such refusal or conditional acceptance the Registrar shall, if required by the applicant, state in writing the grounds of his decision and the materials used by him in arriving at the same, and such decision shall be subject to appeal to the court.

(4) An appeal under this section shall be made in the prescribed manner, and on such appeal the court shall, if required, hear the applicant and the Registrar, and shall make an order determining whether, and subject to what conditions, amendments, or modifications, if any, or to what limitations, if any, as to mode or place of user or otherwise, the application is to be accepted.

(5) Appeals under this section shall be heard on the materials so stated by the Registrar to have been used by him in arriving at his decision, and no further grounds of objection to the acceptance of the application shall be allowed to be taken by the Registrar other than those stated by him, except by leave of the court. Where any further grounds of objection are taken, the applicant shall be entitled to withdraw his application without payment of costs on giving notice as prescribed.

(6) The Registrar or the court, as the case may be, may at any time, whether before or after acceptance, correct any error in or in connection with the application, or may permit the applicant to amend his application upon such terms as the Registrar or court, as the case may be, may think fit.

Advertisement
of application.

13 When an application for registration of a trade mark has been accepted, whether absolutely or subject to conditions and limitations, the Registrar shall, as soon as may be after such acceptance, cause the application as accepted to be advertised in the prescribed manner. Such advertisement shall set forth all conditions and limitations subject to which the application has been accepted:

Provided that an application under the provisions of subsection (5) of section 9 of this Ordinance may be advertised by the Registrar on receipt of such application and before acceptance.

Opposition to
registration.

14 (1) Any person may, within the prescribed time from the date of the advertisement in the "Government Gazette" of an application for registration of a trade mark, give notice to the Registrar of opposition to such registration.

(2) Such notice shall be given in writing in the prescribed manner, and shall include a statement of the grounds of opposition.

(3) The Registrar shall send a copy of such notice to the applicant, and within the prescribed time after the receipt of such notice, the applicant shall send to the Registrar, in the prescribed manner, a counter-statement of the grounds on which he relies for his application, and, if he does not do so, he shall be deemed to have abandoned his application.

(4) If the applicant sends such counter-statement, the Registrar shall furnish a copy thereof to the persons giving notice of opposition, and shall, after hearing the parties, if so required and considering the evidence, decide whether, and subject to what conditions, or what limitations as to mode or place of user or otherwise, registration is to be permitted.

(5) The decision of the Registrar shall be subject to appeal to the court.

(6) An appeal under this section shall be made in the prescribed manner, and on such appeal the court shall, if required, hear the parties and the Registrar, and shall make an order determining whether, and subject to what conditions, if any, or what limitations, if any, as to mode or place of user or otherwise, registration is to be permitted.

(7) On the hearing of any such appeal any party may either in the manner prescribed or by special leave of the tribunal bring forward further material for the consideration of the tribunal:

(8) In proceedings under this section no further grounds of objection to the registration of a trade mark shall be allowed to be taken by the opponent or the Registrar other than those stated by the opponent as hereinabove provided except by leave of the court. Where any further grounds of objection are taken the applicant shall be entitled to withdraw his application without payment of the costs of the opponent on giving notice as prescribed.

(9) In any appeal under this section, the court may, after hearing the Registrar, permit the trade mark proposed to be registered to be modified in any manner not substantially affecting the identity of such trade mark, but in such case the trade mark as so modified shall be advertised in the prescribed manner before being registered.

(10) If a party giving notice of opposition or of appeal neither resides nor carries on business in the Colony, the tribunal may require such party to give security for costs of the proceedings before it relative to such opposition or appeal, and in default of such security being duly given may treat the opposition or appeal as abandoned.

15 If a trade mark contains parts not separately registered by the proprietor as trade marks, or if it contains matter common to the trade or otherwise of a non-distinctive character, the Registrar or the court, in deciding whether such trade mark shall be entered or shall remain upon the register, may require, as a condition of its being upon the register, that the proprietor shall disclaim any right to the exclusive use of any part or parts of such trade mark, or of all or any portion of such matter to the exclusive use of which they hold him not to be entitled, or that he shall make such other disclaimer as they may consider needful for the purpose of defining his rights under such registration :

Provided always that no disclaimer upon the register shall affect any right of the proprietor of a trade mark except such as arise out of the registration of the trade mark in respect of which the disclaimer is made.

16 When an application for registration of a trade mark has been accepted and has not been opposed, and the time for notice of opposition has expired, or having been opposed, the opposition has been decided in favour of the applicant, the Registrar shall, unless the mark has been accepted in error, register the said trade mark, and the trade mark, when registered, shall be registered as of the date of receipt by the Registrar, of the application for registration, and such date shall be deemed for the purposes of this Ordinance to be the date of registration.

17 On the registration of a trade mark the Registrar shall issue to the applicant a certificate in the prescribed form, of the registration of such trade mark under the hand of the Registrar.

18 Where registration of a trade mark is not completed within twelve months from the date of receipt by the Registrar, of the application, by reason of default on the part of the applicant, the Registrar may, after giving notice of the non-completion, to the applicant in writing in the prescribed manner, treat the application as abandoned, unless it is completed within the time specified in that behalf in such notice.

Identical Trade Marks.

19 Except by order of the court or in the case of trade marks in use before the twenty-fifth day of March, One thousand Eight hundred and Eighty-nine, no trade mark shall be registered in respect of any goods or description of goods which is identical with one belonging to a different proprietor, which is already on the register with respect to such goods or description of goods or so nearly resembling such a trade mark as to be calculated to deceive.

20 Where each of several persons claims to be the proprietor of the same trade mark or of nearly identical trade marks in respect of the same goods or description of goods, and to be registered as such proprietor, the Registrar may refuse to register any of them until their rights have been determined by the court or have been settled by agreement in any manner approved by him or by the court.

(2) (a) Such rights shall, unless it shall otherwise order, be submitted to the court for determination by a special case.

(b) Such special case shall be subject to a stamp duty of two rupees, and shall be filed and proceeded with in like manner as any other special case submitted to the court, or in such other manner as the court may direct.

(c) The special case may be agreed to by the claimants or, if they differ, may be settled by the Registrar on payment of the prescribed fee.

Disclaimers.

Date of registration.

Certificate of registration.

Non-completion of registration.

Identical marks.

Rival claims to identical marks.

Concurrent user.

21 In case of honest concurrent user or of other special circumstances which, in the opinion of the court, make it proper so to do, the court may permit the registration of the same trade mark, or of nearly identical trade marks, for the same goods or description of goods by more than one proprietor, subject to such conditions and limitations, if any, as to mode or place of user or otherwise, as the court may think it right to impose.

Assignment.

Assignment and transmission of trade marks.

22 A trade mark when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in the goods for which it has been registered and shall be determinable with that goodwill. But nothing in this section contained shall be deemed to affect the right of the proprietor of a registered trade mark to assign the right to use the same in the United Kingdom or any British possession or protectorate or foreign country in connection with any goods for which it is registered, together with the goodwill of the business therein in such goods; and the assignment of such right to use the same shall constitute the assignee a proprietor of a separate trade mark for the purpose of section 21 of this Ordinance, subject to such conditions and limitations as may be imposed under that section.

Apportionment of marks on dissolution of partnership.

23 In any case where from any cause, whether by reason of dissolution of partnership or otherwise, a person ceases to carry on business, and the goodwill of such person does not pass to one successor but is divided, the Registrar may (subject to the provisions of this Ordinance as to associated trade marks), on the application of the parties interested, permit an apportionment of the registered trade marks of the person among the persons in fact continuing the business, subject to such conditions and modifications, if any, and to such limitations, if any, as to mode or place of user, as he may think necessary in the public interest. Any decision of the Registrar under this section shall be subject to appeal to the court.

Associated Trade Marks.

Associated trade marks.

24 If application be made for the registration of a trade mark identical with or so closely resembling a trade mark of the applicant already on the register for the same goods or description of goods as to be calculated to deceive or cause confusion if used by a person other than the applicant, the Registrar or the court may require as a condition of registration that such trade marks shall be entered on the register as associated trade marks.

Combined trade marks.

25 If the proprietor of a trade mark claims to be entitled to the exclusive use of any portions of such trade mark separately, he may apply to register the same as separate trade marks. Each such separate trade mark shall satisfy all the conditions and shall have all the incidents of an independent trade mark, except that when registered, it and the trade mark of which it forms a part shall be deemed to be associated trade marks and shall be entered on the register as such, but the user of the whole trade mark shall, for the purposes of this Ordinance be deemed to be also a user of such registered trade marks belonging to the same proprietor as it contains.

Series of trade marks.

26 When a person claiming to be the proprietor of several trade marks for the same description of goods, which, while resembling each other in the material particulars thereof, yet differ in respect of—

- (a) Statements of the goods for which they are respectively used or proposed to be used; or
- (b) Statements of number, price, quality, or names of places; or
- (c) Other matter of a non-distinctive character which does not substantially affect the identity of the trade mark; or
- (d) Colour;

seeks to register such trade marks, they may be registered as a series in one registration. All the trade marks in a series of trade marks so registered shall be deemed to be, and shall be registered as, associated trade marks.

27 Associated trade marks shall be assignable or transmissible only as a whole and not separately, but they shall for all other purposes be deemed to have been registered as separate trade marks. Provided that where under the provisions of this Ordinance user of a registered trade mark is required to be proved for any purpose, the Registrar or the court may, if and so far as is considered right, accept user of an associated registered trade mark, or of the trade mark with additions or alterations not substantially affecting its identity, as an equivalent for such user.

Assignment and user of associated trade marks.

Renewal of Registration.

28 The registration of a trade mark shall be for a period of fourteen years, but may be renewed from time to time in accordance with the provisions of this Ordinance.

Duration of registration.

29 The Registrar shall, on application made by the registered proprietor of a trade mark in the prescribed manner and within the prescribed period, renew the registration of such trade mark for a period of fourteen years from the expiration of the original registration or of the last renewal of registration, as the case may be, which date is herein termed "the expiration of the last registration."

Renewal of registration.

30 At the prescribed time before the expiration of the last registration of a trade mark, the Registrar shall send notice in the prescribed manner, to the registered proprietor at his registered address, of the date at which the existing registration will expire and the conditions as to payment of fees and otherwise upon which a renewal of such registration may be obtained, and if at the expiration of the time prescribed in that behalf such conditions have not been duly complied with, the Registrar may remove such trade mark from the register, subject to such conditions (if any) as to its restoration to the register as may be prescribed.

Procedure on expiry of period of registration.

31 Where a trade mark has been removed from the register for non-payment of the fee for renewal, such trade mark shall, nevertheless, for the purpose of any application for registration during one year next after the date of such removal, be deemed to be a trade mark which is already registered, unless it is shown to the satisfaction of the Registrar that there had been no *bona fide* trade user of such trade mark during the two years immediately preceding such removal.

Status of unrenewed trade mark.

Correction and Rectification of the Register.

32 The Registrar may, on request made in the prescribed manner by the registered proprietor or by some person entitled by law to act in his name—

Correction of register.

- (a) Correct any error in the name, address, or description of the registered proprietor of a trade mark; or
- (b) Enter any change in the name, address, or description of the person who is registered as proprietor of a trade mark; or
- (c) Cancel the entry of a trade mark on the register; or
- (d) Strike out any goods or classes of goods from those for which a trade mark is registered; or
- (e) Enter a disclaimer or memorandum relating to a trade mark which does not in any way extend the rights given by the existing registration of such trade mark.

Any decision of the Registrar under this section shall be subject to appeal to the court.

33 (1) Where a person becomes entitled by assignment, transmission, or other operation of law, to a registered trade mark, he shall make application to the Registrar to register his title, and the Registrar shall, on receipt of such application and on proof of title to his satisfaction, register him as the proprietor of the trade mark, and shall cause an entry to be

Registration of assignments, &c.

made in the prescribed manner on the register of the assignment, transmission, or other instrument affecting the title. Any decision of the Registrar under this section shall be subject to appeal to the court.

(2) Except in cases of appeals under this section and applications made under section 35 of this Ordinance, a document or instrument in respect of which no entry has been made in the register in accordance with the provisions of sub-section (1) aforesaid shall not be admitted in evidence in any court in proof of the title to a trade mark, unless the court otherwise directs.

Alteration of registered trade mark.

34 The registered proprietor of any trade mark may apply in the prescribed manner, to the Registrar for leave to add to or alter such trade mark in any manner not substantially affecting the identity of the same, and the Registrar may refuse such leave or may grant the same on such terms and subject to such limitations as to mode or place of user, as he may think fit, but any such refusal or conditional permission shall be subject to appeal to the court. If leave be granted, the trade mark as altered shall be advertised in the prescribed manner.

Rectification of register.

35 Subject to the provisions of this Ordinance—

- (a) The court may on the application in the prescribed manner, of any person aggrieved by the non-insertion in or omission from the register, of any entry, or by any entry made in the register without sufficient cause, or by any entry wrongly remaining in the register, or by any error or defect in any entry in the register, make such order for making, expunging, or varying such entry, as it may think fit;
- (b) The court may in any proceeding under this section decide any question that it may be necessary or expedient to decide in connection with the rectification of the register;
- (c) In case of fraud in the registration or transmission of a registered trade mark, the Registrar may himself apply to the court under the provisions of this section;
- (d) Any order of the court rectifying the register shall direct that notice of the rectification shall be served upon the Registrar in the prescribed manner, who shall upon receipt of such notice rectify the register accordingly.
- (e) In any proceedings for the rectification of the register under this section, the court shall have power to direct a trade mark entered in Part A of the register to be removed to Part B of the register.

Trade marks registered under previous Ordinances.

36 No trade mark which is upon the register at the commencement of this Ordinance, and which under this Ordinance is a registrable trade mark, shall be removed from the register on the ground that it was not registrable under the Ordinances in force at the date of its registration. But nothing in this section contained shall subject any person to any liability in respect of any act or thing done before the commencement of this Ordinance to which he would not have been subject under the Ordinances then in force.

Non-user of trade mark.

37 A registered trade mark may, on the application to the court, of any person aggrieved, be taken off the register in respect of any of the goods for which it is registered, on the ground that it was registered by the proprietor or a predecessor in title without any *bona fide* intention to use the same in connection with such goods, and there has in fact been no *bona fide* user of the same in connection therewith, or on the ground that there has been no *bona fide* user of such trade mark in connection with such goods during the five years immediately preceding the application, unless in either case such non-user is shown to be due to special circumstances in the trade, and not to any intention not to use or to abandon such trade mark in respect of such goods.

38 (1) Where in the case of an article or substance manufactured under any patent in force at or granted after the passing of this Ordinance, a word trade mark registered under this Ordinance is the name or only practicable name of the article or substance so manufactured, all rights to the exclusive use of such trade mark, whether under the common law or by registration (and notwithstanding the provisions of section 42 of this Ordinance), shall cease upon the expiration or determination of the patent, and thereafter such word shall not be deemed a distinctive mark, and may be removed by the court, from the register on the application of any person aggrieved.

Removal from register of word trade marks used as names of patented articles.

(2) No word which is the only practicable name or description of any single chemical element or single chemical compound, as distinguished from a mixture, shall be registered as a trade mark, and any such word now or hereafter on the register may, notwithstanding section 42 of this Ordinance, be removed by the court, from the register on the application of any person aggrieved :

Provided that—

- (a) The provisions of this sub-section shall not apply where the mark is used to denote only the proprietor's brand or make of such substance, as distinguished from the substance as made by others, and in association with a suitable and practicable name open to the public use ; and
- (b) In the case of marks registered before the passing of this Ordinance, no application under this section for the removal of the mark from the register shall be entertained until after the expiration of four years from the passing of this Ordinance.

(3) The power to remove a trade mark from the register conferred by this section shall be in addition to and not in derogation of any other powers of the court in respect of the removal of trade marks from the register.

Effect of Registration.

39 Subject to the provisions of this Ordinance—

- (a) The person for the time being entered in the register as proprietor of a trade mark shall, subject to any rights appearing from such register to be vested in any other person, have power to assign the same, and to give effectual receipts for any consideration for such assignment :
- (b) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

Powers of registered proprietor.

40 Subject to the provisions of section 42 of this Ordinance and to any limitations and conditions entered upon the register, the registration of a person as proprietor of a trade mark shall, if valid, give to such person the exclusive right to the use of such trade mark upon or in connection with the goods in respect of which it is registered.

Rights of proprietor of trade mark.

Provided always that where two or more persons are registered proprietors of the same (or substantially the same) trade mark in respect of the same goods, no rights of exclusive user of such trade mark shall (except so far as their respective rights shall have been defined by the court) be acquired by any one of such persons as against any other by the registration thereof, but each of such persons shall otherwise have the same rights as if he were the sole registered proprietor thereof.

41 In all legal proceedings relating to a registered trade mark (including applications under section 35 of this Ordinance) the fact that a person is registered as proprietor of such trade mark shall be *prima facie* evidence of the validity of the original registration of such trade mark and of all subsequent assignments and transmissions of the same.

Registration to be *prima facie* evidence of validity.

Registration to be conclusive after seven years.

42 In all legal proceedings relating to a registered trade mark (including applications under section 35 of this Ordinance) the original registration of such trade mark shall after the expiration of seven years from the date of such original registration (or seven years from the passing of this Ordinance, whichever shall last happen) be taken to be valid in all respects unless such original registration was obtained by fraud, or unless the trade mark offends against the provisions of section 11 of this Ordinance.

Provided that nothing in this Ordinance shall entitle the proprietor of a registered trade mark to interfere with or restrain the user by any person of a similar trade mark upon or in connection with goods upon or in connection with which such person has, by himself or by his predecessors in business, continuously used such trade mark from a date anterior to the user or registration, whichever is the earlier, of the first-mentioned trade mark, by the proprietor thereof or his predecessors in business, or to object (on such user being proved) to such person being put upon the register for such similar trade mark in respect of such goods under the provisions of section 21 of this Ordinance.

Unregistered trade mark.

43 No person shall be entitled to institute any proceeding in any civil court to prevent, or to recover damages for, the infringement of an unregistered trade mark unless such trade mark was in use before the twenty-fifth day of March, One thousand Eight hundred and Eighty-nine, and has been refused registration under this Ordinance. The Registrar may, on request, grant a certificate that such registration has been refused.

Infringement.

44 In any action or proceeding relating to a trade mark or trade name, the court shall admit evidence of the usages of the trade concerned and of any relevant trade mark or trade name or get-up legitimately used by other persons.

User of name, address, or description of goods.

45 No registration under this Ordinance shall interfere with any *bona fide* use by a person, of his own name or place of business or that of any of his predecessors in business, or the use by any person of any *bona fide* description of the character or quality of his goods.

"Passing-off" action.

46 Nothing in this Ordinance contained shall be deemed to affect rights of action against any person for passing-off goods as those of another person, or the remedies in respect thereof.

Legal Proceedings.

Certificate of validity.

47 In any legal proceeding in which the validity of the registration of a registered trade mark comes into question and is decided in favour of the proprietor of such trade mark, the court may certify the same, and if it so certifies, then in any subsequent legal proceeding in which such validity comes into question, the proprietor of the said trade mark on obtaining a final order or judgment in his favour shall have his full costs, charges, and expenses as between proctor and client, unless in such subsequent proceeding the court certifies that he ought not to have the same.

Registrar to have notice of proceeding for rectification.

48 In any legal proceeding in which the relief sought includes alteration or rectification of the register, the Registrar shall have the right to appear and be heard, and shall appear if so directed by the court. Unless otherwise directed by the court, the Registrar in lieu of appearing and being heard may submit to the court a statement in writing signed by him, giving particulars of the proceedings before him in relation to the matter in issue or of the grounds of any decision given by him affecting the same or of the practice of the office in like cases, or of such other matters relevant to the issues, and within his knowledge as such Registrar, as he shall think fit, and such statement shall be deemed to form part of the evidence in the proceeding.

Applications to be stamped.

49 Every application made to the court, under sections 35, 37, or 38 shall be subject to a stamp duty of two rupees.

50 The minimum stamp duties chargeable in the District Courts in civil proceedings under the provisions of the Ordinance for the time being in force relating to stamps shall, so far as the same may be applicable and except as herein otherwise provided, be charged in all proceedings in the court under this Ordinance. But in no case shall the Registrar be required to use any stamp or be charged with any stamp duty.

Stamp duties.

51 Every judgment or order by the District Court under this Ordinance shall be subject to an appeal to the Supreme Court, and such appeal shall be subject to the same rules which govern interlocutory appeals from District Courts; and the minimum stamp duties chargeable in the Supreme Court under the provisions of the Ordinance for the time being in force relating to stamps shall, so far as the same may be applicable, be charged in all proceedings relating to or in connection with such appeal.

Appeal.

Costs.

52 (1) In all proceedings before the court under this Ordinance, the costs of the Registrar shall be in the discretion of the court, but the Registrar shall not be ordered to pay the costs of any other of the parties.

Costs of proceedings before court and Registrar.

(2) In all proceedings before the Registrar under this Ordinance, the Registrar shall have power to award to any party such costs as he may consider reasonable, and to direct how and by what parties they are to be paid, and any such order may be filed in court, and thereupon such order may be enforced as if it were an order of the court.

Evidence.

53 (1) In any proceeding under this Ordinance before the court or the Registrar, the evidence shall be given by affidavit in the absence of directions to the contrary, but, in any case in which the court or the Registrar shall think it right so to do, the court or the Registrar may take evidence *vis à voce* in lieu of or in addition to evidence by affidavit.

Mode of giving evidence.

(2) In case any part of the evidence is taken *vis à voce*, the Registrar may exercise the powers conferred on Commissioners appointed under the provisions of Ordinance No. 9 of 1872 for compelling the attendance of witnesses and the production of documents and for administering oaths to all persons who shall be examined before them. Provided that the requirements of the proviso to section 2 of that Ordinance shall not be necessary for the purposes of this section.

54 Printed or written copies or extracts purporting to be certified by the Registrar, of or from any document, register, and other book filed or kept under this Ordinance in the said office, shall be admitted in evidence in all courts in this Island, and in all proceedings, without further proof or production of the originals.

Certified copies to be evidence.

55 A certificate purporting to be under the hand of the Registrar as to any entry, matter, or thing which he is authorized by this Ordinance or rules made thereunder, to make or do, shall be *prima facie* evidence of the entry having been made, and of the contents thereof, and of the matter or thing having been done or not done.

Certificate of Registrar to be evidence.

PART II.

Powers and Duties of the Registrar of Trade Marks.

56 Where any discretionary or other power is given to the Registrar by this Ordinance or rules made thereunder, he shall not exercise that power adversely to the applicant for registration or the registered proprietor of the trade mark in question without (if duly required so to do within the prescribed time) giving such applicant or registered proprietor, an opportunity of being heard.

Exercise of discretionary power by Registrar.

57 Where by this Ordinance any act has to be done by or to any person in connection with a trade mark or proposed trade mark or any procedure relating thereto, such act may

Recognition of agents.

under and in accordance with rules made under this Ordinance be done by or to an agent of such party duly authorized in the prescribed manner.

Registrar may take directions of law officers.

58 The Registrar may, in any case of doubt or difficulty arising in the administration of any of the provisions of this Ordinance, apply to the Attorney-General or Solicitor General for directions in the matter.

Rules.

Power to make rules.

59 (1) The Governor in Executive Council may from time to time make such rules, prescribe such forms, and generally do such things as he thinks expedient—

- (a) For regulating the practice and procedure under this Ordinance;
- (b) For classifying goods for the purposes of registration of trade marks;
- (c) For prescribing the fees payable in respect of applications and registrations and other matters under this Ordinance, and the mode of payment of the same;
- (d) For making or requiring duplicates of trade marks and other documents;
- (e) For securing and regulating the publishing and selling or distributing of copies of trade marks and other documents;
- (f) For regulating the business of the office in relation to trade marks and all things by this Ordinance placed under the direction or control of the Registrar;
- (g) Generally, for the purpose of carrying out the provisions of this Ordinance.

(2) Rules made under this section shall be published in the "Government Gazette," and shall thereupon be of the same effect as if they were contained in this Ordinance.

(3) Any rules made in pursuance of this section shall be laid as soon as conveniently may be before the Legislative Council, and may, at any time within forty days after the date of their being so laid before the Legislative Council or at any of the three meetings of the Council next succeeding such date, by resolution of the Council be disallowed, amended, or otherwise dealt with, as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

Special Trade Marks.

Standardization, &c., trade marks.

60 Where any association or person undertakes to certify the origin, material, mode of manufacture, quality, accuracy, or other characteristic of any goods, by mark used upon or in connection with such goods, the Registrar, if and so long as he is satisfied that such association or person is competent to certify as aforesaid, may, if he shall judge it to be to the public advantage, permit such association or person to register such mark as a trade mark in respect of such goods, whether or not such association or person be a trading association or trader or possessed of a goodwill in connection with such certifying. When so registered such trade mark shall be deemed in all respects to be a registered trade mark, and such association or person to be the proprietor thereof, save that such trade mark shall be transmissible or assignable only by permission of the Registrar.

International and Colonial Arrangements.

International arrangements for protection of trade marks.

61 (1) Any person who has applied for protection for any trade mark in the United Kingdom or in any Foreign State with the Government of which His Majesty has made an arrangement under, or which has force as if it had been made under section 91 of the Patents and Designs Act, 1907, for the mutual protection of trade marks, shall, on application by himself or his heirs, executors, administrators, or assigns (subject to the provisions of this Ordinance as to the admissibility of trade marks to registration), be entitled to registration of his trade mark under this Ordinance in priority to other applicants; and such registration shall have the same date as the application in the United Kingdom or such Foreign State, as the case may be.

(2) Such application shall be made within four months from such person applying for protection in the United Kingdom or in the Foreign State with which the arrangement is in force.

(3) Nothing in this section contained shall entitle the proprietor of a trade mark to recover damages for infringements happening prior to the date of the actual registration of his trade mark in the Colony.

(4) The use in the Colony, during the period specified in this section as that within which the application may be made, of a trade mark during the period aforesaid shall not invalidate the registration of the trade mark.

(5) The application for the registration of a trade mark under this section shall be made in the same manner as an ordinary application under this Ordinance.

(6) The provisions of this section shall apply only in the case of those Foreign States with respect to which His Majesty by Order in Council shall have declared that the provisions of section 91 of the Patents and Designs Act, 1907, or the corresponding provisions of any enactment repealed by such Act, are to be applicable, and so long only, in the case of each State, as such Order continues in force with respect to that State.

62 (1) Whenever it appears to the Governor in Executive Council that the Legislature of any British possession or protectorate has made satisfactory provision for the protection in such possession, of trade marks registered in the Colony, the Governor in Executive Council may, by Proclamation to be published in the "Government Gazette," apply all or any of the provisions of the last preceding section relating to the protection of trade marks registered in the United Kingdom, with such variations or additions (if any) as to the Governor in Executive Council shall seem fit, to trade marks registered in such British possession.

Provision for
intercolonial
arrangements.

(2) An order under this section shall from a date to be mentioned in the Order take effect as if its provisions had been contained in this Ordinance, but the Governor in Executive Council may revoke any such Order.

Offences.

63 If any person makes or causes to be made a false entry in the register kept under this Ordinance, or a writing falsely purporting to be a copy of an entry in any such register, or produces, or tenders, or causes to be produced or tendered in evidence any such writing, knowing the entry or writing to be false, he shall be guilty of an offence, and punished with simple or rigorous imprisonment for a term not exceeding seven years.

Falsification
of entries in
register.

64 (1) Any person who represents a trade mark as registered, which is not so, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding fifty rupees.

Penalty
on falsely
representing
trade mark
as registered.

(2) A person shall be deemed for the purposes of this Ordinance to represent that a trade mark is registered, if he uses in connection with the trade mark the word "registered," or any word or words expressing or implying that registration has been obtained for the trade mark.

65 (1) If any person, without the authority of His Majesty, uses in connection with any trade, business, calling, or profession, the royal arms (or arms so closely resembling the same as to be calculated to deceive) in such manner as to be calculated to lead to the belief that he is duly authorized so to use the royal arms, or if any person without the authority of His Majesty or of a member of the Royal Family, uses in connection with any trade, business, calling, or profession any device, emblem, or title in such manner as to be calculated to lead to the belief that he is employed by, or supplies goods to, His Majesty or such member of the Royal Family, he shall be guilty of an offence, and liable on summary conviction to a fine not exceeding one hundred rupees.

Unauthorized
assumption of
royal arms.

Unauthorized assumption of arms of the Colony.

(2) If any person, without the authority of the Governor, uses in connection with any trade, business, calling, or profession, the arms of the Ceylon Government (or arms so closely resembling the same as to be calculated to deceive) in such a manner as to be calculated to lead to the belief either that he is duly authorized so to use such arms, or is employed by or supplies goods to the Ceylon Government, he shall be guilty of an offence, and liable on summary conviction to a fine not exceeding one hundred rupees.

Saving.

(3) Nothing in this section contained shall be construed as affecting the rights, if any, of the proprietor of a trade mark containing any such arms, device, emblem, or title to continue to use such trade mark.

Offences non-cognizable and bailable.

66 All offences under this Ordinance are hereby declared to be "non-cognizable" and "bailable," within the meaning of those terms as defined in section three of "The Criminal Procedure Code, 1898."

PART III.

Registration of certain Trade Marks which are not registrable under Part I. of this Ordinance.

Registration of trade marks in Part B.

67 (1) Where any trade mark has for not less than two years been *bona fide* used in the Colony upon or in connection with any goods (whether for sale in the Colony or exportation abroad), for the purpose of indicating that they are the goods of the proprietor of the mark by virtue of manufacture, selection, certification, dealing with or offering for sale, the person claiming to be the proprietor of the mark may apply in writing to the Registrar, in the prescribed manner, to have the mark entered as his registered trade mark, in Part B of the register, in respect of such goods.

(2) The Registrar shall consider every such application for registration of a trade mark in Part B of the register, and if it appears to him, after such search, if any, as he may deem necessary, that the application is inconsistent with the provisions of section 11 or section 19 of this Ordinance, or if he is not satisfied that the mark has been so used as aforesaid, or that it is capable of distinguishing the goods of the applicant, he may refuse the application, or may accept it subject to conditions, amendments, or modifications as to the goods or classes of goods in respect of which the mark is to be registered, or to such limitations, if any, as to mode or place of user or otherwise as he may think right to impose, and in any other case he shall accept the application.

(3) Every such application shall be accompanied by an affidavit verifying the user, including the date of first user, and such date shall be entered on the register.

(4) Any such refusal or conditional acceptance shall be subject to appeal to the court, and, if the ground for refusal is insufficiency of evidence as to user, such refusal shall be without prejudice to any application for registration of the trade mark under the provisions of Part I. of this Ordinance.

(5) Every such application shall, if accepted, be advertised in accordance with the provisions of Part I. of this Ordinance.

(6) A mark may be registered in Part B notwithstanding any registration in Part A, by the same proprietor of the same mark or any part or parts thereof.

Application of certain provisions of chapters I. and II. of the Ordinance to trade marks in Part B of the register.

68 The provisions of Parts I. and II. of this Ordinance, with the exception of those set out in the first schedule to the Ordinance, shall, subject to the provisions of this part of this Ordinance, apply in respect of trade marks to which this part of the Ordinance applies as if they were herein re-enacted and in terms made applicable to this part of the Ordinance.

Effect of registration in Part B.

69 The registration of a person as the proprietor of a trade mark in Part B of the register shall be *prima facie* evidence that that person has the exclusive right to the use of that trade mark, but, in any action for infringement of a trade mark entered in Part B of the register, no injunction or other

relief shall be granted to the owner of the trade mark in respect of such registration, if the defendant establishes to the satisfaction of the court that the user of which the plaintiff complains is not calculated to deceive or to lead to the belief that the goods the subject of such user were goods manufactured, selected, certified, dealt with, or offered for sale by the proprietor of the registered trade mark.

70 If any person applies for the registration of a trade mark under Part I. of this Ordinance in Part A of the register, the Registrar may, if the applicant is willing, instead of refusing the application treat it as an application for registration in Part B of the register under this Part of the Ordinance and deal with the application accordingly.

Power to treat application for registration in Part A as applications for registration in Part B.

Repeal : Savings.

71 The Ordinances mentioned in the second schedule to this Ordinance are hereby repealed to the extent mentioned in the third column, but this repeal shall not affect any rule, table of fees, or classification of goods made under any Ordinance so repealed, but every such rule, table of fees, or classification of goods shall continue in force as if made under this Ordinance until superseded by rules, tables of fees, or classification under this Ordinance.

Repeal and saving for rules, &c.

SCHEDULES.

FIRST SCHEDULE.

Provisions of Parts I. and II. of the Ordinance not applied to Marks registered in Part B of the Register.

No. of Section.	Subject-matter.
6	.. Incorporation of existing register.
9	.. Registrable trade marks.
12	.. Application for registration.
14 (9)	.. Modification of trade mark on appeal.
15	.. Disclaimers.
24	.. Associated trade marks.
25	.. Combined trade marks.
27	.. Assignment and user of associated trade marks.
31	.. Status of unrenewed trade mark.
36	.. Trade marks registered under previous Ordinance.
40 (except proviso)	.. Rights of proprietor of trade mark.
42 (down to the words "against the provisions of section 11 of this Ordinance")	.. Registration to be conclusive after seven years.
43	.. Unregistered trade marks.
60	.. Standardization, &c., trade marks.
71	.. Repeal and saving for rules, &c.

SECOND SCHEDULE.

Enactments Repealed.

No. and Year.	Short Title.	Extent of Repeal.
14 of 1888	.. The Trade Marks Ordinance, 1888	.. The whole.
4 of 1890	.. The Trade Marks Ordinance, 1890	.. do.
6 of 1904	.. The Trade Marks Ordinance, 1904	.. do.
9 of 1906	.. The Trade Marks and Designs Ordinance, 1906	Sections 1 to 3 so far as they relate to trade marks.
15 of 1908	.. The Trade Marks Ordinance, 1908	(Amendment) The whole.
23 of 1908	.. The Trade Marks Ordinance, 1918	(Amendment) do.

By His Excellency's command,
Colonial Secretary's Office,
Colombo, March 24, 1924.

CECIL CLEMENTI,
Colonial Secretary.

Statement of Objects and Reasons.

PRIOR to the passing of the Trade Marks Act, 1905, the law relating to trade marks in the United Kingdom was contained in the Patents, Designs, and Trade Marks Act, 1883, as amended in important respects by the Patents, Designs, and Trade Marks Act, 1888; and "The Trade Marks Ordinance, 1888," was closely modelled on the provisions of the two last-named Acts.

By the Trade Marks Act, 1905, the law relating to trade marks in the United Kingdom was consolidated and considerably amended; and further amendments have been made by the Trade Marks Acts, 1914 and 1919. In consequence it has been thought well to prepare this Bill, with the object of bringing the Colonial law on this subject up to date and into conformity with the law of England.

With the object of calling attention to the more important amendments made in the existing law by the Bill, it is proposed to give a short summary of such amendments:—

(a) The Bill follows the Trade Marks Act, 1905, in the arrangement of its sections and its sub-divisions into parts, with such alterations as are made necessary by the incorporation of the provisions of the Trade Marks Act, 1919.

(b) By the Trade Marks Act, 1919, provision is made for the division of the Register of Trade Marks into two parts. Part A under that Act consisted of all previously registered trade marks and all trade marks which are registrable under the general provisions of the Act. Part B of the register consists of a special class, for which special provisions are made in the Trade Marks Act of 1919. In section 4 of the Bill the provisions of the Trade Marks Acts of 1905 and 1919 are amalgamated so far as they relate to the form of the register. The provisions of the Trade Marks Act, 1919, which refer to trade marks registrable in Part B of the register, are set out in sections 67 to 70 of the Bill.

(c) Section 9 of the Bill considerably enlarges the definition of a registrable trade mark, and in that respect follows the corresponding provision of the English Act. The provisos (b) and (c) of section 9 re-enact section 2 of Ordinance No. 23 of 1918.

(d) By section 24 of "The Trade Marks Ordinances, 1888," it is provided that the Registrar may refuse to register a trade mark of which the use would be contrary to law or morality. In section 11 of the Bill this provision is extended so as to cover marks which are calculated to deceive, or which, in the opinion of the Registrar or court, are likely to offend religious or racial susceptibilities of any community, or are of a scandalous design.

(e) Under section 3 of the Ordinance No. 14 of 1888, which deals with the application for registration of trade marks, no appeal is given to an applicant against the refusal of the Registrar to register. By sub-section (3) of section 12 of the Bill provision is made for an appeal to the court.

(f) Following upon the model of the Trade Marks Act, 1905, section 15 of the Bill allows of a proprietor disclaiming rights to the exclusive use of any part or parts of a trade mark which he is seeking to have registered.

(g) Section 21 of the Bill is also a new provision, and allows of the registration of a trade mark in case of honest concurrent user or of any other special circumstance.

(h) There are no provisions in "The Trade Marks Ordinance, 1888," similar to those contained in sections 24 and 25 of the Bill which allow of the registration of associated and combined trade marks.

(i) Sections 37 and 38 of the Bill contain new and important provisions in conformity with those of the English Acts. It has been found by experience that Trade Mark law has been improperly used so as to create a monopoly. With the object of preventing this abuse, section 37 has been passed in England allowing of a trade mark which has not been used being taken off the register.

Section 38 of the Bill deals with the case of a word which has been applied in the first instance to a patented article having during the currency of the patent become the common

designation of the article. In such a case the right to an exclusive user is, subject to the conditions laid down in section 38, taken away from any person who has registered such designation as a trade mark.

(j) Section 41 of the Bill contains important provisions with regard to the validity of a registered trade mark. The fact that a person is a registered proprietor of the mark is *prima facie* evidence of the validity of its original registration, and after the mark has been on the register for seven years, it is under section 42 to be taken as valid in all respects, unless the original registration was obtained by fraud or unless the trade mark offends against section 11 of the Bill.

(k) Section 45 of the Bill is intended to preserve to a person the *bona fide* use of his name or address or of any description of his goods employed by him.

(l) Section 46 retains the right of a person in what is known as a "passing-off action."

(m) Section 52 of the Ordinance is new, and deals with the cost of proceedings before the Registrar and with his appearance in court.

(n) Section 60 of the Bill makes special provision for standardization trade marks used by associations and persons to certify the origin, material, mode of manufacture, quality, accuracy, or other characteristic of any goods.

(o) Sections 61 and 62 of the Bill practically re-enact the provisions of sections 41 A and 41 B of "The Trade Marks Ordinance, 1888."

(p) Section 42 (3) of "The Trade Marks Ordinance, 1888," deals with the unauthorized user of the royal arms in connection with any trade, business, calling, or profession. There is, however, nothing said with regard to the arms of the Ceylon Government, and special provision for their unauthorized user is therefore made in section 65 (2) of the Bill.

Attorney-General's Chambers,
Colombo, July 9, 1923.

H. C. GOLLAN,
Attorney-General.

NOTIFICATION 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 1st Southern Circuit, 1924, will be holden at the Court-house at Galle, on Friday, April 25, 1924, 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,
Galle, April 1, 1924.

J. A. LOURENSZ,
Deputy Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 3,216. In the matter of the insolvency of S. C. Perumal Chetty, S. Velliyen, S. Weerawagu Chetty, and S. Sockalingam Chetty, all of No. 67, Fifth cross street, Pettah, in their individual capacity and as partners of the firm of Suna Kuna Kumarendi Chetty and Brothers.

NOTICE is hereby given that the above-named insolvents have been granted a certificate of conformity as of the third class.

By order of court, P. DE KRETZER,
Colombo, March 29, 1924. Secretary.

In the District Court of Colombo.

No. 3,257. In the matter of the insolvency of Arunachalam Vaitilingam of Cinnamon Gardens, Colombo.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of conformity as of the first class.

By order of court, P. DE KRETZER,
Colombo, March 29, 1924. Secretary.

In the District Court of Colombo.

No. 3,277. In the matter of the insolvency of Muhandirange Gabriel Rodrigo of No. 89, Third Division, Maradana, Colombo.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of conformity as of the third class.

By order of court, P. DE KRETZER,
Colombo, March 29, 1924. Secretary.

In the District Court of Colombo.

No. 3,282. In the matter of the insolvency of Stephen Herbert Graham Ekanayaka of Wellawatta.

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 May 13, 1924, for the grant of a certificate of conformity to the insolvent.

By order of court, P. DE KRETZER,
Colombo, March 27, 1924. Secretary.

In the District Court of Colombo.

No. 3,289. In the matter of the insolvency of Alutdurage Jeremias Fernando Gunasekera of No. 274, Alutmawata, Mutwal.

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 May 27, 1924, for the grant of a certificate of conformity to the insolvent.

By order of court, P. DE KRETZER,
Colombo, March 27, 1924. Secretary.

In the District Court of Colombo.

No. 3,292. In the matter of the insolvency of Kavenna Muna Mohideen Pitehey of No. 12, Akbar's lane, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 13, 1924, for the grant of a certificate of conformity to the insolvent.

By order of court, P. DE KRETZER,
Colombo, March 27, 1924. Secretary.

In the District Court of Colombo.

No. 3,312. In the matter of the insolvency of Peena Soona Sockalingam Pillai and Peena Soona Suppramaniapillai, both of No. 1, Gas Works street, Colombo, carrying on business under the name, style, and firm of Peena Soona.

WHEREAS P. S. Sockalingam Pillai and P. S. Supramaniapillai have filed a declaration of insolvency, and a petition for the sequestration of their estate has also been filed by K. R. S. P. L. Muttuswamy Naidu of Sea street, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said P. S. Sockalingam Pillai and P. S. Supramaniapillai insolvents accordingly; and that two public sittings of the court, to wit, on May 13, 1924, and on May 27, 1924, will take place for the said insolvents 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, P. DE KRETZER,
Colombo, March 29, 1924. Secretary.

In the District Court of Colombo.

No. 3,313. In the matter of the Insolvency of Neina Kavenna Neina Mohamado Rawther of 101, New Moor street, Colombo.

WHEREAS N. K. N. Mohamado Rawther has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by M. P. Paldano of 15, Malibanstreet, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said N. K. N. Mohamado Rawther insolvent accordingly, and that two public sittings of the court, to wit, on May 13, 1924, and on May 27, 1924, 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, P. DE KRETZER,
Colombo, March 31, 1924. Secretary.

In the District Court of Kalutara.

No. 175. In the matter of the insolvency of Robert Aron Goonetilleke of Panadure.

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 May 22, 1924, for the examination of the insolvent and the assignee.

By order of court, R. MALALGODA,
Kalutara, March 27, 1924. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

Insolvency In the matter of the insolvency of Rawanna Jurisdiction. Mana Comarasamy Head Kangany *alias* No. 12. Panjapillay of Lower Cruden estate, Maskeliya.

NOTICE is hereby given that the second sitting of this court in the above matter has been adjourned to April 11, 1924.

By order of court, A. W. LUDEKENS,
Hatton, March 29, 1924. Secretary.

In the District Court of Galle.

No. 512. In the matter of the insolvency of Wellege Karolis de Silva of Urawatta in Ambalangoda.

NOTICE is hereby given that a certificate of conformity as of the third class has been awarded to the above-named insolvent.

By order of court, RICHARD L. PERERA,
Galle, March 26, 1924. Secretary.

In the District Court of Galle.

No. 516. In the matter of the insolvency of M. Sultan Markar, Omaru Lebbe Markar Sultan Markar, and Abdul Hamid Sultan Markar of Fort, Galle.

NOTICE is hereby given that a certificate of conformity as of the second class has been awarded to the above-named insolvents.

By order of court, RICHARD L. PERERA,
Galle, March 26, 1924. Secretary.

In the District Court of Ratnapura.

No. 53. In the matter of the insolvency of H. M. Mawsoon of Godakewela in Ratnapura.

NOTICE is hereby given that the filing of the assignee's report has been fixed for April 10, 1924.

By order of court, B. L. ABEYRATNE,
Ratnapura, March 27, 1924. Secretary.

In the District Court of Ratnapura.

No. 54. In the matter of the insolvency of John Edwin Ginger of Ratnapura.

NOTICE is hereby given that the filing of the assignee's report has been fixed for April 10, 1924.

By order of court, B. L. ABEYRATNE,
Ratnapura, March 28, 1924. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Philip John Stephens of 24, Coleman Garden,
London Plaintiff.

No. 6,066. Vs.

- (1) Ahamado Lebbe Marikkar, son of Oduma Lebbe Marikkar, (2) Noordeen, son of Oduma Lebbe Marikkar, both carrying on business under the name, style, and firm of O. L. M. Ahamado Lebbe Marikkar, at No. 11, Third Cross street, Colombo. . . . Defendants.

NOTICE is hereby given that on Tuesday, April 29, 1924, at 10 A.M., will be sold by public auction at Nos. 11 and 12, Third Cross street, Pettah, Colombo, the following movable property for the recovery of the sum of Rs. 9,731.50, with interest thereon at the rate of 8 per cent. per annum from August 17, 1923, till date of decree, December 3, 1923, and thereafter on the aggregate amount of the decree at legal rate of interest till payment in full, and costs of suit, less Rs. 1,000 paid on December 21, 1923, Rs. 500 paid on January 28, 1924, Rs. 500 paid on March 5, 1924, Rs. 500 paid on March 7, 1924, and Rs. 500 paid on March 13, 1924, viz. :—

Two lots pipes and tyres, 12 rolls machine beltings, 1 lot hoop iron, 1 lot brass wires, and 1 lot pipe fittings.

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, April 1, 1924. Deputy Fiscal.

In the District Court of Colombo.

S. S. Kanapathy Chetty of Colpetty, Colombo Plaintiff.
No. 6,334. Vs.

- (1) Walter Aldhem Rabot of Mann, Little & Co., Vauxhall street, Slave Island, Colombo; (2) Dunstan E. Rabot of St. Ledger, Bambalapitiya, Colombo. . . . Defendants.

NOTICE is hereby given that on Monday, May 5, 1924, will be sold by public auction at the respective premises the following property for the recovery of the sum of Rs. 885, with further interest on Rs. 750 at the rate of 24 per cent. per annum from September 1, 1922, till November 28, 1922, and thereafter on the aggregate amount at the legal rate of 9 per cent. per annum till payment in full, and costs of suit, the right, title, and interest of the 1st and 2nd defendants in and to the following properties, subject to mortgage bond No. 1,093 dated December 19, 1914, and attested by C. T. Kandaiya; Notary Public, less Rs. 475 paid, viz. :—

At 10 A.M.

- (1) Two-tenths shares of the premises bearing assessment Nos. 15 and 15A, situated at Laurie's road, Bambalapitiya, within the Municipality and District of Colombo, Western Province; bounded on the north by Laurie's road, east by property of S. D. Johannes Fonseka, south by property of D. E. Fonseka, and west by Roman Catholic church; containing in extent about $\frac{1}{2}$ acre more or less.

At 11 A.M.

- (2) Two-tenths shares of the premises bearing assessment No. 20, situated at Elibank road, Bambalapitiya aforesaid; bounded on the north by land described in plan No. 158,448, east by reservation for a road, south and west by Crown land; containing in extent 1 rood and $\frac{7}{8}$ perches.

At 3.30 P.M.

- (3) Two-tenths shares of the premises bearing assessment No. 2 marked lot A, situated at San Sebastian street, within the Municipality of Colombo aforesaid; bounded on the north-east by high road, north-west and south-west by Crown land and buildings formerly known as Kier Dundas & Co.'s Store, on the south-west by lot B, the other part of the said premises bearing assessment No. 2; and containing in extent 10 perches more or less.

Fiscal's Office, W. D. BATTERSHILL,
Colombo, April 1, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

Moosa Vally Mohamado, Abbu Vally Mohamado, and
Essa Vally Mohamado, all carrying on business
under the style of Esa Moosa & Co., Main street,
Colombo Plaintiffs.

No. 9,122. Vs.

S. Rajaratnam of Rosmead place, Colombo. . . . Defendant.

NOTICE is hereby given that on Friday, May 2, 1924, at 10 A.M., will be sold by public auction at Victoria House, Rosmead place, Cinnamon Gardens, Colombo, the following movable property for the recovery of the sum of Rs. 576.10, with legal interest thereon from July 9, 1923, till payment in full, and costs of suit, and less Rs. 100, viz. :—

Two lounges, 4 chairs, 2 couches, 1 teapoy with marble top, 6 ebony chairs, 1 piano.

Fiscal's Office, W. D. BATTERSHILL,
Colombo, April 1, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

S. S. Kanapathy Chetty of Sea street, Colombo. . . Plaintiff.

No. 9,179. Vs.

- (1) D. B. Jayasinha of No. 34, College street, Kotahena, (2) Don Simon of Pugoda, Avissawella, and (3) P. Don Peduru Appu of Mapitigama, Ruanwella, Avissawella. . . . Defendants.

NOTICE is hereby given that on Thursday, May 8, 1924, 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. 1,105.25, together with legal interest thereon from July 16, 1923, till payment in full, and cost of suit, viz. :—

At 1 P.M.

- (1) All that land called Weliamunehena, situated at Udakanapella in the Gangaboda pattu of Siyane korale, in the District of Colombo, Western Province; and bounded on the north by lot Z 30 in cadastral preliminary plan 17, and lots Y 28 and A 29 in cadastral preliminary plan 14, on the east by lot Z 30 in cadastral preliminary plan 17, on the south by lot Z 30 in cadastral preliminary plan 17 and title plan 192,654, on the west by lot Z 30 in cadastral preliminary plan 17; and containing in extent 8 acres.

At 1.30 P.M.

- (2) All that land called Weliamunehena, situated at Udakanapella aforesaid; and bounded on the west and north by lot V 30 in cadastral preliminary plan 17, on the east by lots V 30 and Z 30 in cadastral preliminary plan 17, on the south by lot Z 30 in cadastral preliminary plan 17; and containing in extent 1 rood and 30 perches.

At 2 P.M.

- (3) All that land called Kongahalanda, situated at Udakanapella aforesaid; and bounded on the north by lot M 34 in cadastral preliminary plan 18 and lot Z 30 in cadastral preliminary plan 17, east by lots B 31 and Z 30 in cadastral preliminary plan 17, on the south and west by lot Z 30 in cadastral preliminary plan 17; and containing in extent 2 roods and 12 perches.

At 3 P.M.

- (4) An allotment of land called Kahatagahawatta, situated at Owitigama in the Gangaboda pattu of Siyane korale, in the District of Colombo, Western Province; bounded on the north by title plan 185,698, on the east by title plans 128,678 and 185,697, on the south by lots N 5 and G 6 in cadastral preliminary plan 4, and on the west by title plans 149,613, 149,614, and 186,214; containing in extent 5 acres 2 roods and 25 perches, subject to a mortgage created by bond No. 21,942 dated September 29, 1923, and attested by D. J. Gunasekara of Hanwella, Notary Public, affecting this land only.

Fiscal's Office, W. D. BATTERSHILL,
Colombo, April 2, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

de Livera of The Rosery, Kynsey road,
Colombo Plaintiff.
No. 9,831. Vs.

(1) D. J. A. Jayawardana, Inquirer, Gampaha, (2) D. C. Jayawardana of Ambanwita, Gampaha.... Defendants.

NOTICE is hereby given that on Wednesday, April 30, 1924, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 700, viz. :—

At 2 P.M.

(1) One-half of an undivided 9/10 share of the land called Wewedeniya, situated at Bendiyamulla in the Meda pattu of Siyane korale, in the District of Colombo, Western Province; and bounded on the north by the property described in plan No. 108,416 and the property claimed by Bastian Perera, Moses Perera, and others, east by the property of Moses Perera and the property described in plan No. 62,793 and a path, south-east by the property of Abilinu Perera, south-west by the property described in plan No. 108,415, and on the north-west by the property of Jusey Perera and Bastian Perera and the property described in plan No. 108,416; containing in extent 2 acres and 30 perches.

At 2.30 P.M.

(2) One-half of an undivided 9/10 of the land called Wewakumbura, situated at Bendiyamulla as aforesaid; and bounded on the north-east by the land described in the plan No. 108,414, on the south-east by land claimed by Abilinu Perera, on the south by the land claimed by Babahamy, on the west by the land claimed by Don Simon, and on the north-west by the land claimed by Don Simon and Jusey Perera, containing in extent 1 acre and 2 roods.

Fiscal's Office,
Colombo, April 1, 1924.

W. D. BATTERSHILL,
Deputy Fiscal, W. P.

In the District Court of Colombo.

Panagodage Poris Appu, (2) ditto Robosingho, (3) ditto Lokuhamy, wife of (4) Kankanige Don Peter, (5) Panagodage Rosalinhamy, (6) ditto Emalishamy, all of Makandana, heirs in possession of the estate of the late Kankanige Dona Dunikka, (7) Kankanige Don Peter of Makandana Plaintiffs.
No. 10,290. Vs.

(1) Kankanige Gachechamy and (2) Ushiyana Don Bastian, wife and husband, both of Makandana in Palle pattu of Salpiti korale..... Defendants.

NOTICE is hereby given that on Saturday, May 3, 1924 will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 3,027 dated December 15, 1917, and decreed and ordered to be sold by the order of court dated February 21, 1924, for the recovery of the sum of Rs. 1,000, with interest thereon at the rate of 9 per cent. per annum from October 30, 1923, till payment in full, and costs of suit, viz. :—

At 1 P.M.

(1) All those undivided $\frac{1}{4}$ and $\frac{1}{15}$ share of the land called Delgahawatta and the whole of the cadjan-thatched house standing thereon, situated at Makandana in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by Atukoralage Delgahawatta, on the east and south by field and owita lands, and on the west by the high road; containing in extent about 3 acres.

At 1.30 P.M.

(2) All that undivided $\frac{1}{5}$ of $\frac{1}{12}$ share of the field called Witharanaperuwekumbura, situated at Makandana, aforesaid; and bounded on the north by Gonapillewewita and Delgahaowita-asweddukumbura, on the east by Gorakekumbura, on the south by village limit separating Batuwandara, and on the west by high road; containing in extent about 1 bushel of paddy sowing.

At 2 P.M.

(3) All that undivided $\frac{1}{10}$ share of the field called Gonapillewawita, situated at Makandana aforesaid; bounded on the north by Katuwawalaoyakumbura and Walakumbura, on the east by Pallekumbura, on the south by Gorakekumbura and other fields, and on the west by Witharanaperuwekumbura and Delgahaowita-asweddukumbura; containing in extent about 3 bushels of paddy sowing extent.

At 2.30 P.M.

(4) All that undivided $\frac{1}{5}$ of $\frac{7}{12}$ share of the remaining portion excluding the high road of the land called Delgahaowita, situated at Makandana aforesaid; bounded on the north by Delgahawatta, on the east by Walakumbura, on the south by Witharanaperuwekumbura, and on the west by the other one-half of Delgahaowita; containing in extent $\frac{1}{4}$ bushel of paddy sowing.

Prior registration 188/671, 190/222 and 223, and 136/28.

Fiscal's Office,
Colombo, April 1, 1924.

W. D. BATTERSHILL,
Deputy Fiscal, W. P.

In the Court of Requests of Colombo.

B. Thornhill of Colombo, carrying on business as the Colombo Rubber Works Plaintiff.
No. 10,785. Vs.

J. E. Amarasekara, now of No. 10, Kolonhawa road, Colombo Defendant.

NOTICE is hereby given that on Thursday, May 1, 1924, at 1 P.M., will be sold by public auction at the Hanwella Walauwa, Hanwella, the following movable property for the recovery of the sum of Rs. 274.28, with legal interest thereon from September 12, 1923, till payment in full, and costs of suit Rs. 35.95, and poundage, viz. :—

Two teakwood lounges, 2 teakwood ladies' chairs, 2 jak teapots, 2 jak writing tables, 1 ebony round table, 6 ebony carved chairs, 2 small tables with marble top, 1 glass almirah, 12 picture frames, 1 rattan rocking chair, 1 jak round table, 2 wall mirrors, 1 nadun almirah, 1 teakwood toilet table, 1 jak whatnot.

Fiscal's Office,
Colombo, April 1, 1924.

W. D. BATTERSHILL,
Deputy Fiscal, W. P.

Central Province.

In the District Court of Kandy.

Maha Marakkalage John Dias of Eriyagama, Yatinuwera Plaintiff.
No. 31,055. Vs.

Eiewadugedera Horatalee of Eriyagama, Yatinuwera Defendant.

NOTICE is hereby given that on Friday, May 2, 1924, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 914.85, with interest on Rs. 800 at 9 per cent. per annum from September 4, 1923, till payment in full, and poundage, less Rs. 313.60 realized by sale, viz. :—

An undivided $\frac{1}{2}$ part or share out of the field called Medalassa alias Madalasse of 3 pelas and 8 lahas in paddy sowing extent, situate at Eriyagama in Gangapalata of Yatinuwera in the District of Kandy, Central Province; and bounded on the east by the limit of Muttetudepele, on the south by below the eila of Illangawatta, on the west by the limit of the remaining 12 lahas of this land, and on the north by ela now Heneyagekumbura and Polongodakumbura. Subject to the mortgage bond No. 463 dated July 24, 1922, and attested by A. Godamune of Kandy, Notary Public, in favour of Agnes Hamine of Nanu-oya in Yatinuwera.

Fiscal's Office,
Kandy, April 1, 1924.

A. RANESINGHE,
Deputy Fiscal.

In the District Court of Colombo.

Cargills, Limited, Colombo Plaintiffs.
No. 7,690. Vs.

L. L. S. Seyado Ibrahim Saibo of Trincomalee street,
Matale Defendant.

NOTICE is hereby given that on Monday, April 28, 1924, commencing at 12 noon, will be sold by public auction at the spot the following movable property of the defendant lying in the defendant's shop bearing Nos. 193 and 194, situate at Trincomalee street, Matale, viz. :—

Two glass almirahs No. 1 ; 2 glass almirahs No. 2 ; 11 large table lamps ; about 140 dozens weeding scrapers ; 1 shelf containing iron bolt, nuts, and screw nails of assorted sizes ; 1 glass showcase containing one lot carriage bolt, corn heads ; 9 small glass showcases ; 30 enamelled latex buckets ; 60 enamelled latex dishes.

Amount of writ Rs. 1,193·56, with interest on Rs. 832·79 at 12 per cent. per annum from January 1, 1923, to September 20, 1923, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs.

Deputy Fiscal's Office,
Matale, March 29, 1924.

C. SENARATNE,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

S. K. M. S. M. Suppramaniam Chetty of Galle Plaintiff.
No. 18,008. Vs.

K. T. Odris de Silva of Maragodawatta in Bata-
pola Defendant.

NOTICE is hereby given that on Friday, April 25, 1924, at 2.30 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

An undivided 2/5 + 3/35 part of the land called Welabodawatta, situate at Patabendimulla in Ambalangoda in Wellaboda pattu ; bounded on the north by Lindamullewatta *alias* Solderewatta and Santiago Jandorispadinchiwatta, east by railway property, south by Simianhamy-padinchiwatta, and west by Warnakulasooriya Endorispadinchigodaudawatta ; in extent 1 acre 37 perches, and the house standing thereon.

Writ amount Rs. 173·30, with legal interest on Rs. 1,667·37 from September 20, 1920, less Rs. 1,600.

Fiscal's Office,
Galle, March 27, 1924.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Colombo.

J. K. P. K. Paransothy Nadar and 3 others, all of
Bapatitiya, carrying on business in partnership
under the style of J. K. P. K. Nadar & Co. Plaintiffs.
No. 1,832. Vs.

R. W. D. S. Ameresekera of Wellawatta in
Colombo Defendant.

NOTICE is hereby given that on Saturday, April 26, 1924, at 3 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 defined block of land marked No. 2, from and out of all that land called Denagodakele, in extent 49 acres and 24·5 perches, situated at Karandeniya in Wellaboda pattu in the District of Galle, Southern Province ; which said lot No. 2 being a defined portion allotted to the 1st creditor above named in case No. 10,509, District Court of Galle, is bounded according to the figure of survey made by S. H. Dahanayake, Surveyor, on September 15 and 17, 1912, under No. 1,433, as follows : north by lot No. 1 of the same land, east by Denagodabedda and kumbura south by lot No. 3 of the same land, and west by Denagodakumbura ;

containing in extent 9 acres 3 roods 12·9 perches, together with the soil, trees, plantations, buildings, and everything standing thereon.

Writ amount Rs. 896·16, with legal interest thereon from September 8, 1920, till payment in full, and costs of suit Rs. 400·98.

Fiscal's Office,
Galle, March 26, 1924.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Galle.

V. E. L. S. Letchiman Chetty of Galle Plaintiff.
No. 20,475. Vs.

S. T. de Silva of Ambalangoda Defendant.

NOTICE is hereby given that on Monday, April 28, 1924, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following movable property, to wit :—

2 settees	3 whatnots
4 ladies' chairs	1 dining table (3 pieces)
2 lounges	6 chairs
4 armchairs	1 almirah (nadun)
1 round table	1 dressing table with mirror
2 chairs (with round back)	1 clothes horse
4 whatnots	1 do.
1 screen	1 toilet table
1 clock	1 teapoy
1 hanging lamp	1 lounge
1 nadun almirah	1 bench
1 sandalwood almirah	1 hatstand
1 dressing table with mirror	2 almirahs on tables
1 clothes horse	1 office table
4 ladies' chairs	1 round chair
1 armchair	1 lounge
2 almirahs embossed with ebony	1 armchair

Writ amount Rs. 1,426·97, with legal interest on Rs. 1,334·45 from June 26, 1923.

Fiscal's Office,
Galle, April 1, 1924.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Tangalla.

S. Abeyweera Hamine and another of Galle ... Plaintiffs.
No. 2,146. Vs.

Cassim Lebbe Marikkar Hussaimath Umma and
another of Tangalla Defendants.

NOTICE is hereby given that on Saturday, April 26, 1924, 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 a sum of Rs. 2,205·09, with interest and Fiscal's charges, viz. :—

1. All those undivided 13/48 shares of the land called Lakkugannadeniya, together with the planter's half share of the plantation made by the second defendant, situated at Pallikkudawa in Tangalla, in the West Giruwa pattu of the Hambantota District, Southern Province ; and bounded on the north by Borollehena, east by Paluwattakandiya, south by the fence of Welikoratuwa, and on the west by Wewekandiya ; containing in extent 1 amnam of paddy sowing. Valuation Rs. 150.

2. All that soil and trees of the land called Paluwatta *alias* Aechchimahagegewatta, situated at Pallikkudawa in Tangalla, in the West Giruwa pattu of the Hambantota District, Southern Province ; and bounded on the north by Kadawagegewatta-agala, east by Babeappupadinchiwatta, south by Ilanpokuna, and on the west by Lokugannadeniya ; containing in extent about 2 acres. Valuation Rs. 1,000.

3. All that undivided 3/4 share of the land called Ahamadu Lebbe Marikkar Ismail Lebbe Marikkar Padinchiwasitiyawatta, together with the 15 cubit entire tiled house bearing assessment No. 334 standing thereon, situated at Tangalla, in the West Giruwa pattu of the Hambantota District, Southern Province ; and bounded on the north by the road east, by Ahamadu Lebbe Marikkar Padili Ibrahim

Notaris Mahatmaya Padinchiwasitiyawatta, south by Sinnawan Pulle Padinchiwatta, and on the west by Haji Marikkar Padinchikoratuwa; in extent about 1 acre. Valuation Rs. 1,500.

Deputy Fiscal's Office,
Tangalla, March 24, 1924.

J. E. SENANAYAKE,
Deputy Fiscal.

In the District Court of Tangalla.

John Bennedige Danoris of Beliatta, Plaintiff.
No. 2,154. Vs.

Don Dines Jayasooriya of Kahawatta, Defendant.

NOTICE is hereby given that on Friday, April 25, 1924, 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 a sum of Rs. 570.87, with interest and Fiscal's charges, viz. :—

The entire plantations and soil of the land called Rukattanehena Medakebella, and the tiled base of 9 cubits standing thereon, in extent 1 acre and 2 roods, situated at Kahawatta, in the West Giruwa pattu of the Hambantota District, Southern Province; and bounded on the north by Pitakoratuwa, east by Rukattanehena, south by Komehena, and on the west by Rukattanehena Basnairakebella. Valuation Rs. 2,000.

Deputy Fiscal's Office,
Tangalla, March 24, 1924.

J. E. SENANAYAKE,
Deputy Fiscal.

Eastern Province.

In the District Court of Jaffna.

The Jaffna Commercial Corporation, Ltd., Jaffna, Plaintiffs.
No. 18,707. Vs.

Kaddayan Mappani of Chunnakam, presently cloth merchant at Trincomalee, Defendant.

NOTICE is hereby given that on Saturday, April 26, 1924, at 2 o'clock in the afternoon, will be sold by public auction at Division No. 10, Trincomalee, the right, title, and interest of the said defendant in the following movable property for the recovery of Rs. 4,254.79, with further interest on Rs. 4,188.25 at the rate of 12 per cent. per annum from February 7, 1924, till February 27, 1924, and thereafter at 9 per cent. per annum on the aggregate amount till payment in full and costs of suit, and poudage, namely :—

Furniture.—Almirah 10, jewel boxes 3.

Cotton and other Goods in Pieces.—Alpaca 2, Bishop's lawn 6, Cannanore 1, chintz 50, coating 10, doorias 19, drill 4, embroidery 1, green cloth 1, handkerchiefs 22, Indian clothes 71, khaki drill 1, mull and other vetis 63, muslin 1, nainsook 3, poplin 4, rugs 60, sarongs 31, satin 16, shirting 10, silk 2, towels 24, tussore 6, tweed 7, wrapper cloth 1.

Deputy Fiscal's Office,
Trincomalee, March 29, 1924.

C. VELUPILLAI,
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

Ezrine Mahawalatenne Ellawala Kumarihamy of Batugedera, Plaintiff.

No. 3,784. Vs.

Charles Batuwantudawe, Advocate, of Serpentine road, Colombo, Defendant.

NOTICE is hereby given that on May 2, 1924, commencing at 10 o'clock in the forenoon and 12 noon as detailed below, will be sold by public auction at the premises

the right, title, and interest of the said defendant in the following property, specially mortgaged and decreed to be sold for the recovery of the sum of Rs. 3,000, with interest on Rs. 3,795 at 9 per cent. per annum from May 6, 1922, till payment in full, and poudage :—

At 10 o'clock.

1. Galpottedolehenyaya, Otukumburehenyaya, Horehenyaya, Tanahenyaya, together with the rubber plantation and the building standing thereon appertaining to Kittanbahu Appuhamillaye Disawa Hewawasanpanguwa, situate at Dodampe in the Uda pattu of Kuruwiti korale, in the District of Ratnapura, Province of Sabaragamuwa; together bounded on the north by Loggama Vidanelayehena, east by Pitawella of Adikariwela, south by Pansalagawa-ela, and west by Kobemelledola; containing in extent about 24 amunams of paddy sowing.

2. Madalaelehenyaya, situate at Dodampe aforesaid; bounded on the north by Galabandawelhenyaya, east and south by Madalaelehenyaya belonging to Loggamavidanelaye people, and west by Batalawattehenyaya-indiwitiya; containing in extent about 6 amunams of paddy.

3. Galbandawelhenyaya, situate at Dodampe aforesaid; bounded on the north by Dahanaka-vidanelayehena, east by Goraka-ela, and Ensalmandiyehena, south by Madalaelehenyaya, and west by Batalawattehenyaya-indiwitiya; containing in extent about 10 amunams of paddy sowing.

4. Ensalmandiyehena lying on both sides of the high road, situate at Dodampe aforesaid; bounded on the north by Dahanaggehena, east by Indiwitiya, south by Taparekkahena, and west by Galabandayehena; containing in extent about 1 bushel of kurakkan sowing.

5. Adikariyewatta and hena, Lindagawahena, Tempepitaehena, and Badahelayawattehena, appertaining to Kittanbahu Appuhamillaye Disawa Hewawasanpanguwa, situate at Dodampe aforesaid; together bounded on the north by Delgahanatta, east by Indiwitiya, south by Loggama-vidanelaye-hena, west by Badawetiya of Adikariyewela; containing in extent about 2 bushels of kurakkan sowing.

6. High lands appertaining to Kittanbahu Appuhamillaye Disawa Hewawasanpanguwa, situate at Dodampe aforesaid; bounded on the north by Gallenaela and Kuruganga, east by Galabandawehena, south by Loggama-vidanelaye Kitulehena, west by Batalaelahena Indiwitiya; containing in extent about 100 bushels of kurakkan sowing, excluding therefrom the gardens, fields, owitas, and deniyas included within the said boundaries.

On the same day commencing at 12 noon.

7. Talgahakandehenyaya, situate at Teppanawa in Uda pattu aforesaid; bounded on the north by Diddagehena and Idikadehena, east by Haldolewattehena and Kitulehena, south by Crown land and by Bakmigahakumbura and Hettiyagehena; containing in extent about 40 beras of kurahan sowing.

8. Pissagehenyaya, situate at Teppanawa aforesaid; bounded on the north by Wewelgoda-indiwitiya *alias* Mhshenemukalanrodehena, east by Balungala and Wadigehenkattiya, south by Galagawadeniya and Maussagewatta, and west by Ramayekumbura *alias* Yattowitawewela; containing in extent about 1,500 acres.

9. Ratugehena, situate at Teppanawa aforesaid; bounded on the north by Balungalehena, east by Maussagedeniya and Narangahahena, south by Badaragehena, and west by Pissage Idiwitiya; containing in extent about 25 acres.

10. Labuwelhena, situate at Teppanawa aforesaid; bounded on the north by Diddagehena and Idikadehena, east by Haldolawattehena and Kitulehena, south by Crown land and Pankumburemukalana, and west by Bakmigahakumbura and Hettiyagehena; containing in extent about 12 acres.

11. Rilawkapuhena, situate at Teppanawa aforesaid; bounded on the north by Talagahenyaya and Crown forest, east by Kitulehena, south by Haldola, and west by Talagahakandehenyaya; containing in extent about 10 acres.

Fiscal's Office,
Ratnapura, April 1, 1924.

R. E. D. ABEYRATNE,
Deputy Fiscal.

In the District Court of Colombo.

(1) R. M. M. S. T. Vyranam Chetty and (2) R. M. M. S. T. Ramasamy Chetty, both of Sea street, Colombo. Plaintiffs.

No. 4,471.

Vs.

(1) Edmund Clarke de Fonseka and (2) Evangaline Marian de Fonseka, both of Bambalapitiya, Colombo. Defendants.

NOTICE is hereby given that on April 28, 1924, at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property specially mortgaged and decreed to be sold by the decree entered in the above case for the recovery of the sum of Rs. 91,012.50, with interest on Rs. 85,000 at 13½ per cent. per annum from March 27, 1922, till September 14, 1922, and thereafter further interest on the aggregate amount at 13½ per cent. per annum till payment in full, and costs, viz.:

1. All that and those the estate, plantation, and premises called or known as Massenna, comprising the following allotments of land; to wit, all those the two in one annexed parts of the late Crown forest land called Massennamukalana, situate near the village of Balangoda in Helauda palata of Meda korale, four miles from the high road to Ratnapura and thirty miles from Ratnapura, in the Ratnapura District, Province of Sabaragamuwa; one, bounded on the north by Government lands, Pittygalle, and Munugallekanda, on the east by the other part of Massennamukalana, on the south by land applied for by Mr. William Stewart, and on the west by Massenegama; containing in extent 589 acres 1 rood and 39½ perches; and the other bounded on the north-east by Government land, Bambarabootookanda, on the south-east by Government land, on the south-west by Bambaragallehena claimed by Hurawella Wattukarayar and others, and on the north-west by the other part of this forest; containing in extent 557 acres 39½ perches, according to the title plan thereof No. 45,361, dated December 13, 1841, authenticated by E. B. Norris, Surveyor-General (excluding, however, therefrom a portion in extent 150 acres, sold and transferred to Dr. L. A. White by deed dated December 13, 1877, attested by A. O. Joseph, of Colombo, Notary Public).

2. All that portion of land called Massennamukalana, situate in the village Balangoda aforesaid; bounded on the north, west, and south by land supposed to belong to Government, and on the east by a portion of Massenna estate claim No. 45,361, of which it is a portion; containing in extent 150 acres.

3. All those two contiguous allotments of portions of land, namely, the lot marked B in the plan thereof dated August 18, 1918, made by Philip Fowke, Licensed Surveyor, being a divided portion of the land described in title plan No. 136,836, and the lot marked D in the said plan, being a divided portion of the land described in title plan No. 109,315, situate in Massenna village in Helauda palata, in Meda korale aforesaid; and bounded on the north by lot marked A in the said plan, being the remaining portion of the land described in the said title plan No. 136,836, and the lot marked C in the said plan, being the remaining portion of the land described in the said title plan No. 109,315, on the east by the road from Massenna estate to Balangoda and land described in title plan No. 136,813, on the south by land claimed by natives, land claimed by Hatana, land claimed by D. Banda, a road, Nahalmeela, land described in title plan No. 77,495, land claimed by P. Kirimenika and others, land claimed by Maddumaya, and land claimed by Banda, and on the west by Massenna estate, the property of E. C. de Fonseka; containing in extent 115 acres 3 roods and 30 perches, according to the said plan dated August 18, 1918, made by the said Philip Fowke.

4. All that tract of high ground called Meddaykandamukalana, situate in Meddekanda in Helauda palata aforesaid; and bounded on the north by the property of Mr. James Stewart, on the east by the property of Mr. William Stewart, on the south-west and west by waste private property; containing in extent 186 acres 3 roods and 72/100 perch according to title plan thereof No. 47,509 dated February 2 and March 20, 1844, authenticated by the said F. B. Norris, subject to the primary mortgage thereon created by bond No. 2,577 dated February 2, 1921, attested by E. L. de Silva of Ratnapura, Notary Public, for Rs. 27,000 and interest in favour of A. R. M. Raman Chetty of Ratnapura.

Fiscal's Office,
Ratnapura, April 1, 1924.

R. E. D. ABEYRATNE,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of the late Ellekuttige Anthonis Fernando of Beruwala, deceased.
No. 1,699.

Andre Vass Patabendige Maria Vaas Gunewardene, widow of Ellekuttige Anthonis Fernando of Beruwala aforesaid. Petitioner.

And

(1) Ellekuttige Michael Fernando, (2) John de Brito Fernando, (3) Cyril Fernando, (4) Daisy Maria Fernando, (5) Anselm Fernando, (6) Joseph Henry Fernando, (7) Manuel Fernando, (8) Maria Magdalene Fernando, all of Beruwala, minors, (9) Ellekuttige Martin Fernando of Moratuwa. Respondents.

THIS matter coming on for disposal before W. S. de Saram, Esq., District Judge of Colombo, on February 29, 1924, in the presence of Mr. L. B. Fernando, Proctor, on the part of petitioner above named; and the affidavit of the said petitioner dated February 27, 1924, 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 respondents above named or any other person or persons interested shall, on or before April 10, 1924, show sufficient cause to the satisfaction of this court to the contrary.

February 29, 1924.

W. S. DE SARAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Halahapperumage Tibertianu Fonseka of Peliyagoda in the Ragam pattu of Alutkuru korale, deceased.
No. 1,700.

Merinnagey Victoria Perera of Peliyagoda in the Ragam pattu of Alutkuru korale. Petitioner.

And

(1) George Henry Fonseka, and (2) Merinnagey Albert Perera, both of Peliyagoda in the Ragam pattu of Alutkuru korale. Respondents.

THIS matter coming on for disposal before W. S. de Saram, Esq., District Judge of Colombo, on March 4, 1924.

in the presence of Messrs. Perera & Dias, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 20, 1924, 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 respondents above named or any other person or persons interested shall, on or before April 10, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 4, 1924.

W. S. DE SARAM,
District Judge.

In the District Court of Colombo.
Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of Munasin Achehige Melis Singho, late of Ogodapola in the Mada pattu of Siyane korale, deceased.

Edirisinghe Kankanamalage Menchi Nona of Ogodapola aforesaid Petitioner.

And

(1) Munasin Achehige Jeen Nona, (2) ditto Punched Menika, both of Ogodapola aforesaid Respondents.

THIS matter coming on for disposal before W. S. de Saram, Esq., District Judge of Colombo, on March 15, 1924, in the presence of Mr. D. A. J. Goonewardhane, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 6, 1924, 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 respondents above named or any other person or persons interested shall, on or before April 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 15, 1924.

W. S. DE SARAM,
District Judge.

In the District Court of Colombo.
Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Panniwillage Marthelis Fernando of Colombo, deceased.

Hettiaratchige Jane Nona of No. 13, Dhobies Lane, Colombo Petitioner.

THIS matter coming on for disposal before W. S. de Saram, Esq., District Judge of Colombo, on March 12, 1924, in the presence of Mr. P. D. S. Jayasekera, Proctor, on the part of the petitioner above named; and the affidavits of the said petitioner dated March 6, 1924, and (2) of the attesting notary dated March 10, 1924, having been read:

It is ordered that the last will of Panniwillage Marthelis Fernando, 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 May 15, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 12, 1924.

W. S. DE SARAM,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament and Codicil of Robert Martin No. 1,733. McClay, Chartered Accountant, 209, West George street, Glasgow, Scotland, deceased.

THIS matter coming on for disposal before W. S. de Saram, Esq., District Judge of Colombo, on March 24, 1924, in the presence of Mr. Geoffrey Thomas Hale of Colombo, Proctor, on the part of the petitioner, Mr. Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated March 18, 1924, certified copy of probate, certified copy of the will and codicil of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated March 10, 1924, having been read: It is ordered that the will of the said deceased dated June 8, 1920, and a codicil thereto dated February 5, 1923, of which certified copy of probate has been produced and is now deposited in this court, be and the same are hereby declared proved; and it is further declared that the said petitioner is the attorney of the executor named in the said will, and that he is entitled to have letters of administration, with copies of the said will and codicil annexed, issued to him accordingly, unless any person or persons interested shall, on or before April 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 24, 1924.

W. S. DE SARAM,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of William Nicol of 29, Goldington Place, Bedford, in the County of Bedford, England, deceased.

James Aubrey Martensz of Colombo Petitioner.

And

(1) William John Martin Nicol and (2) James John Wall of Messrs. Leechman & Co., Colombo. Respondents.

THIS matter coming on for disposal before W. S. de Saram, Esq., District Judge of Colombo, on March 31, 1924, in the presence of George William Pains, Esq., Proctor of the Supreme Court, on the part of the petitioner, James Aubrey Martensz, Esq.; and (1) the affidavit of the said petitioner dated March 27, 1924, (2) the power of attorney dated November 29, 1923, and (3) the order of the Supreme Court dated March 11, 1924, having been read:

It is ordered that the will of the said William Nicol, deceased, bearing No. 200 dated February 23, 1916, and attested by Timothy de Silva of Nuwara Eliya, Notary Public, original of which 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 said James Aubrey Martensz is the attorney of Jeannie Nicol, the widow and one of the heirs of the said William Nicol, deceased (no executor having been appointed by the said will), and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before May 15, 1924, show sufficient cause to the satisfaction of this court to the contrary; and further, that James John Wall, the 2nd respondent above named, is hereby appointed guardian of the said minor, 1st respondent, for the purpose of these proceedings.

March 31, 1924.

W. S. DE SARAM,
District Judge.

In the District Court of Negombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testament of Dissanayaka Appuhamillage Agosingho Appuhamy of Dethgama in Yatigaha pattu of the Hapugam korale, deceased.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on March 21, 1924, in the presence of Messrs. Samaratunga & Pereira, Proctors, on the part of the petitioner, Senadiri Dumunnage Menchinona Hamine of Dethgama; and the affidavit of (1) the said petitioner and (2) of the notary and attesting witnesses dated March 5, 1924, having been read:

It is ordered that the last will and testament of Dissanayaka Appuhamillage Agosingho Appuhamy, deceased, dated December 21, 1923, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved, unless sufficient cause be shown to the contrary on or before the date mentioned hereinbelow.

And it is further declared that the said Senadiri Dumunnage Menchinona Hamine of Dethgama is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless any person or persons interested shall, on or before April 8, 1924, show sufficient cause to the contrary.

March 21, 1924.

F. D. PERIES,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Estate of the late Kahatapipathirennelagala Sidohamy, deceased, of Weweldeniya.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on March 18, 1924, in the presence of Messrs. de Zoysa & Dassanaike, on the part of the petitioner, Muhandiramalage Punchedi Appuhamy of Weweldeniya; and the affidavit of the said petitioner dated February 19, 1924, having been read:

It is ordered that the 2nd respondent be appointed guardian *ad litem* over the minors, 3rd, 4th, 5th, 6th, 7th, and 8th respondents, for the purpose of the above testamentary action, unless sufficient cause be shown to the contrary on or before the date mentioned herein below.

It is further declared that the said petitioner be and he is hereby declared entitled, as the husband of the deceased, to administer the estate of the deceased above named, and that letters of administration do issue to him accordingly, unless the respondents—(1) Muhandiramalage Sapin Nona, assisted by her husband (2) Don Thomas Wirasekera, (3) Muhandiramalage Simon Nona, (4) ditto John Singho, (5) ditto Dinapala, (6) ditto Nona, (7) ditto Jayasekera, (8) ditto Gunasekera, all of Weweldeniya—or any other person or persons interested shall, on or before April 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the said 2nd respondent do produce the said minors before this court at 9.30 A.M. on April 9, 1924, in connection with the above case.

March 18, 1924.

F. D. PERIES,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Inestate Estate of Jurisdiction. the late Hapuachcharige Don Elaris, late of Galloluwa in Dasiya pattu of Alutkuru korale, deceased.

value of Estate less than Rs. 2,500.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Negombo, on March 20, 1924, in the

presence of Mr. S. M. A. Raheeman, Proctor, on the part of the petitioner, Peththawaduge Seyya Natchire of Galloluwa aforesaid; and the affidavit of the said petitioner dated February 7, 1924, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the deceased, to administer the estate of the deceased above named, and that letters of administration do issue to her accordingly, unless the respondent, Hapuachcharige Don Peduru of Galloluwa, or any other person or persons interested shall, on or before April 10, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 20, 1924.

F. D. PERIES,
District Judge.

In the District Court of Kalutara.

Order nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Don Jurisdiction. William de Barnes Abeywardene, Coffee Headman, deceased, of Suwandachchimulla.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on February 17, 1924, in the presence of Messrs. Wijemanne & Ismail, Proctors, on the part of the petitioner, Ganage Dona Elbi Nona Hamine of Suwandachchimulla; and the affidavit of the said petitioner dated January 9, 1924, having been read:

It is ordered that the said 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 respondents—(1) Don Frederick de Barnes Abeywardena, (2) Don John de Barnes Abeywardene, (3) Henry de Barnes Abeywardene, (4) Agnes de Barnes Abeywardene, and husband (5) Martin de Barnes Abeywardene, (6) Jossi de Barnes Abeywardene, all of Suwandachchimulla in Paiyagala, (7) Litie de Barnes Abeywardene, and husband (8) Simon Perera, both of Alubomulla in Panadure—or any other person or persons interested shall, on or before March 25, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 11, 1924.

W. H. B. CARBERY,
District Judge.

The date for showing cause extended for April 17, 1924.

March 25, 1924.

W. H. B. CARBERY,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Malalagey Kovis Peiris, deceased, of Malamulla.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on February 20, 1924, in the presence of Mr. L. O. K. Gopetilleke, Proctor, on the part of the petitioner, Appu Kuttiaratchige Caro Hany of Malamulla; and the affidavit of the said petitioner dated February 20, 1924, having been read:

It is ordered that the said 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 respondents—(1) Malalagey Babu Nona and husband, (2) S. M. Pieris, both of Panadure, (3) Malalagey Robert Pieris of Mimanapalana, (4) Wimalaratne Perunanse of Arukgodra temple, (5) Malalagey Christina Peiris of Talpitiya and husband, (6) Welgama Kankanagey James Perera of ditto (7) Malalagey Emolis Pieris, (8) Malalagey James Peiris, (9) Malalagey Carlina Peiris, all of Malamulla, 8th and 9th respondents, minors, by their guardian *ad litem* the 6th respondent—or any other person or persons interested shall, on or before April 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 6th respondent be and he is hereby appointed guardian *ad litem* over the 8th and 9th respondents, minors, for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before April 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

February 20, 1924.

W. H. B. CARBERY,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Stephen Dias, deceased, of Manupad in Kulesegarapatnam of Tiruchendur Taluga, Tinnevely District, South India.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge, Kandy, on March 17, 1924, in the presence of Mr. W. Beven, Proctor, on the part of the petitioner, Joseph John Costa of Ambagamuwa road, Gampola; and the affidavit of the said petitioner dated July 11, 1923, and his petition having been read:

It is ordered that the said petitioner, Joseph John Costa, as the duly appointed attorney of the widow of the deceased, be and he is hereby declared entitled to have letters of administration to the estate of the deceased issued to him accordingly, unless the respondents—(1) Maria Helena Costa, (2) Maria Michael Dias, (3) Christina Amna Dias, (4) Joseph Sebastian Louis Dias, (5) Stephen Blazires Dias, the 2nd, 3rd, 4th, and 5th by their duly appointed guardian *ad litem*, Joseph Nazaraen Moraes of Ambagamuwa, Gampola—or any person or persons interested shall, on or before May 12, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 17, 1924.

P. E. PIERIS,
District Judge.

In the District Court of Kandy.

Testamentary Jurisdiction. In the Matter of the Estate of the late Nahee Kitchill Jamion, deceased, of Hassan Lodge, Katukele, Kandy.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge, Kandy, on March 3, 1924, in the presence of Messrs. Wijayatilake & Wijayatilake, Proctors, on the part of the petitioner, Thuan Taheya Mansoor Jamion of Roseneath, Katukele, Kandy; and the affidavit of the said petitioner dated January 30, 1924, and his petition having been read: It is ordered that Thuan Taheya Mansoor Jamion, as the husband 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 accordingly, unless the respondents—(1) Muhammed Maroof Jamion, (2) Thuan Wahadi Jamion, (3) Muhammed Farooq Jamion, appearing by their duly appointed guardian *ad litem* the 4th respondent, Thuan Juhir of Katukele aforesaid—shall, on or before April 7, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 3, 1924.

P. E. PIERIS,
District Judge.

In the District Court of Galle.

Order Nisi.

No. 5,932. In the Matter of the Estate of Jamburuthugoda Gamatchige Jayanahary, deceased, of Jamburuthugoda.

THIS action coming on for disposal before A. P. Boone, Esq., District Judge of Galle, on March 7, 1924, in the presence of D. Amarasuriya, Proctor, on the part of the

petitioner, Kerawalamullege Maddumahary of Jamburuthugoda; and the affidavit of the said petitioner dated March 6, 1924, having been read: It is declared that the said petitioner, as widow of the said deceased above named, is entitled to have letters of administration issued to her accordingly, unless respondents, viz., (1) Jamburuthugoda Gamatchige Don Andris of Jamburuthugoda, (2) ditto Lokuhamy, wife of ditto Singho Appu, both of Ellalagoda, (3) ditto Dona Gimarah, wife of Dikkumbura Hettige Lewis Appu of Dikkumbura, shall, on or before April 10, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 7, 1924.

A. P. BOONE,
District Judge.

In the District Court of Galle.

Order Nisi. Showing Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Pettagam David de Silva No. 5,872. Weerasinghe, deceased, of Galwehere.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Galle, on January 17, 1924, in the presence of Mr. E. de S. Wijayaratne, Proctor, on the part of the petitioner, Solomon de Silva Weerasinghe of Galwehere in Kosgoda; and the affidavit of the said petitioner dated September 28, 1923, and that of the affidavit of the attesting witnesses dated September, 1923, having been read:

It is ordered that the will of Pettagam David de Silva Weerasinghe of Galwehere, deceased, dated May 24, 1923, and now deposited in this court, be and the same is hereby declared proved, unless the respondents, viz., (1) Bodahandi Angilnona de Silva of Galwehere, (2) Galhere Wimalarachi Unnanse alias Siman Peter de Silva Weerasinghe of Welitara, (3) Karmel Thomas de Silva Weerasinghe of Galwehere, shall, on or before February 14, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 1st respondent be appointed guardian *ad litem* over minor, 3rd respondent, unless the said respondents shall, on or before February 14, 1924, show sufficient cause to the satisfaction of this court to the contrary.

January 17, 1924.

T. B. RUSSELL,
District Judge.

Date of showing cause is extended to April 10, 1924.

A. P. BOONE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Minayer Nagamany of Chunnakam, No. 5,294. deceased.

Nagamany Sinnatamby of Chunnakam Petitioner.

Vs.

- (1) Parupatham, widow of Nagamany of Chunnakam,
- (2) Nagamany Veluppillai of Chunnakam, presently of Serapoh estate, Parit Ipoh,
- (3) Nagamany Kathirippillai of Chunnakam,
- (4) Nagamany Arumugam of ditto,
- (5) Nagamany Sinnappah of ditto,
- (6) Nagammah, daughter of Nagamany of ditto,
- (7) Nagamany Elaiyappah of ditto. Respondents.

THIS matter of the petition of the above-named petitioner, praying that the above-named 1st respondent be appointed guardian *ad litem* over the minors, 4th, 5th,

6th, and 7th respondents above named, and also praying that the petitioner be declared entitled to have letters of administration to the estate of the deceased above named, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on November 2, 1923, in the presence of Mr. A. Appathurai, Proctor, for petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the minors, 4th, 5th, 6th, and 7th respondents, for the purpose of this action, and the petitioner, as the son of the deceased intestate, be declared entitled to have letters of administration to the estate of the deceased intestate issued to him, unless the respondents above named appear before this court on January 10, 1924, and show sufficient cause to the satisfaction of this court to the contrary.

December 11, 1923. — G. W. WOODHOUSE,
District Judge.

Extended for April 17, 1924.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Benjamin Mathews Chinivasagam of
No. 5,365. Kankasenturai, deceased.

Benjamin Rajaratnam Mathews Chinivasagam of
Kankasenturai.....Petitioner.

And

Emily Chinivasagam, widow of Benjamin Mathews
Chinivasagam of Kankasenturai..... Respondent.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, Benjamin Mathews Chinivasagam, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on January 25, 1924, in the presence of Mr. A. Appathurai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated January 24, 1924, having been read: It is declared that the petitioner is the son 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 February 21, 1924, show sufficient cause to the satisfaction of this court to the contrary.

January 30, 1924. — G. W. WOODHOUSE,
District Judge.

Extended for April 8, 1924.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Annamma, wife of Narasingar Eliatamby
No. 5,366. of Tellippalai East, deceased.

Narasingar Eliyatamby of Tellippalai East. Petitioner.

Vs.

(1) Poothathamby Thandekai of Tellippalai East, (2) Eliatamby Vinayagamoorthy of Tellippalai East, (3) Thangamma, daughter of Eliatamby of Tellippalai East, (4) Eliatamby Thillainayagam of Tellippalai East..... Respondents.

THIS matter of the petition of the above-named petitioner, praying that the above-named 1st respondent be appointed guardian *ad litem* over the minors, 2nd, 3rd, and the 4th respondents above named, and also praying that the petitioner be declared entitled to have letters of administration to the estate of the deceased above named, coming on for disposal before G. W. Woodhouse, District

Judge, on January 25 1924, in the presence of Mr. A. Appathurai, Proctor, for the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the minors, 2nd, 3rd, and the 4th respondents, for the purpose of this action, and the petitioner, as the lawful husband of the deceased, be declared to have letters of administration to the estate of the deceased intestate issued to him, unless the respondents above named appear before this court on April 8, 1924, and show sufficient cause to the satisfaction of this court to the contrary.

March 13, 1924. — G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Makesupary, daughter of Sinnappu,
No. 5,372. Sathasivam of Araly North, deceased.

Sinnaccuddy, widow of Sinnathamby of Changuvelly.....Petitioner.

Vs.

Sinnappu Sathasivam of Araly North, presently of Singapore, Federated Malay States Respondent.

THIS matter of the petition of the petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on January 29, 1924, in the presence of Messrs. Sivapragasam & Katiresu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated January 28, 1924, having been read: It is declared that the petitioner, as the sole heir 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 27, 1924, show sufficient cause to the satisfaction of this court to the contrary.

February 15, 1924. — G. W. WOODHOUSE,
District Judge.

Extended for April 15, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of Nakkulam-
Jurisdiction. pikai, wife of Murugesu Sinnatamby,
No. 5,404. Narantanai in Jaffna, late of Rangoon,
Class II. deceased.

Thillainatar Sanmuganatar of Narantanai in Jaffna.....Petitioner.

Vs.

(1) Kathiravelu Nallatamby of Uduvil, (2) Sinnatamby Thuraraja of Narantanai (minor), and (3) Murugesu Sinnatamby, now employed in the Forest Department, Rangoon Respondents.

THIS matter of the petition of the above-named petitioner, praying that the above-named 1st respondent be appointed guardian *ad litem* over the minor, 2nd respondent, and that letters of administration to the estate of the above-named deceased be issued to the petitioner, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on February 26, 1924, in the presence of Messrs N. Chelvadurai & V. Ramalingam, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated February 22, 1924, having been read:

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the minor, 2nd respondent, for the purpose of representing him in this case, and that the petitioner be declared entitled to take out letters of administration to the estate of the above-named deceased, as her father, unless the respondents or any other person shall, on or before April 8, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 14, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Govinda Iyer Somasundara Iyer of No. 5,406. Thumpalai, deceased.

Govinda Iyer Somasundara Iyer Ehamparanathesvara Iyer of Thumpalai Petitioner.

Vs.

(1) Meenadchiamma, widow of Somasundara Iyer of ditto, (2) Somasundara Iyer Sanmuga Iyer of ditto, minor, (3) Govinda Iyer Tambiah Iyer of ditto Respondents.

THIS matter of the petition of the above-named petitioner, praying that the 3rd respondent, Govinda Iyer Tambiah Iyer, be appointed guardian *ad litem* over the 2nd respondent, Somasundara Iyer Sanmuga Iyer, who is a minor, and that letters of administration to the estate of the late Govinda Iyer Somasundara Iyer be issued to the petitioner, coming on for disposal before G. W. Woodhouse, Esq., District Judge, Jaffna, in the presence of Mr. S. Subramanian on the part of the petitioner; and the petition and affidavit of the petitioner dated February 28, 1924, having been read:

It is ordered that the 3rd respondent be appointed guardian *ad litem* over the minor, 2nd respondent, for the purpose of representing him and defending him in the testamentary proceedings to be instituted by the petitioner, and that letters of administration to the estate of the late Govinda Iyer Somasundara Iyer be issued to the petitioner, as one of the heirs of the intestate, unless the respondents show sufficient cause to the contrary on or before April 17, 1924.

March 25, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of Jurisdiction. the late A. R. A. R. S. M. Somasundaram No. 5,408. Chettiar of Devakottai, deceased.

(1) A. R. A. R. S. M. Subba Naidu of Vannarponnai in Jaffna and (2) A. R. A. R. S. M. Letchimanan Chetty of ditto Petitioners.

Vs.

(1) A. R. A. R. S. M. Arumachalam Chettiar, (2) A. R. A. R. S. M. Sunderesam Chettiar, and (3) A. R. A. R. S. M. Lakshmanan Chettiar, minor, all of Devakottai. The 3rd respondent is a minor by his guardian *ad litem* Respondents.

THIS matter of the petition of the above-named petitioners, praying for letters of administration to the estate of the above-named deceased, coming on for disposal

before G. W. Woodhouse, Esq., District Judge, on March 1, 1924, in the presence of Mr. K. Kanagasabai, Proctor, on the part of the petitioners; and the affidavit of the petitioners dated February 29, 1924, having been read: It is declared that the 1st respondent is appointed guardian *ad litem* over the minor, 3rd respondent, and that the petitioners are entitled to have letters of administration to the estate of the said intestate issued to them, unless the respondents or any other person shall, on or before April 15, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 20, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Ramalingam Sinnatamby of Puttoor, No. 5,415. deceased.

(1) Kantar Vallipuram and wife (2) Vallipuram of Puttoor east Petitioners.

Ramasipillai, widow of Ramalingam Sinnatamby of Puttoor east Respondent.

THIS matter of the petition of Kantar Vallipuram and wife Vallipuram of Puttoor East, praying for letters of administration to the estate of the above-named deceased, Ramalingam Sinnatamby of Puttoor; coming on for disposal before G. W. Woodhouse, Esq., District Judge, on March 6, 1924, in the presence of Mr. M. Cooke Thurairetnam, Proctor, on the part of the petitioners; and the affidavit of the petitioners dated March 3, 1924, having been read: It is declared that the petitioners are the sole heirs of the said intestate, and are entitled to have letters of administration to the estate of the said intestate issued to them, unless the respondent or any other person shall, on or before April 8, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 17, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Florence Sukirthavathy Mather, wife of No. 5,422. James Savuntharanayagam Mather of Manipay, deceased.

James Savuntharanayagam Mather of Jaffna. Petitioner.

(1) William Yesuretnam Mather of Manipay, (2) R. R. B. Kumarkulasingha, Mudaliyar of Tellippalai; the 1st respondent is a minor appearing by his guardian *ad litem* the 2nd respondent Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, Jaffna, on March 24, 1924, in the presence of Mr. J. K. Arnold, Proctor, on the part of the petitioner; and the affidavit of said petitioner dated January 7, 1924, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the lawful husband of the deceased, to have letters of administration issued to him, unless the above-named respondents shall, on or before April 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 2nd respondent be and he is hereby appointed guardian *ad litem* over the 1st respondent, a minor, unless any person or persons interested shall, on or before April 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 26, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of Jurisdiction. late Kalandar Pody Ismalebbai Alim No. 102. of Palamunai, deceased.

Kalandar Pody Mohiyadeen Bawalebbai Maraikar of Palamunai Petitioner.

(1) Ahamed Lebbai Asiaumma, widow of Kalandar Pody Ismalebbai Alim, (2) Ismalebbai Alim Mohiyadeen Bawa of Palamunai, by his guardian *ad litem* (3) Adam Cando Ibralebbai of Palamunai Respondents.

THIS matter coming on for disposal before N. E. Ernst, Esq., District Judge of Batticaloa, on February 6, 1924, in the presence of Mr. Kariapper, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated August 24, 1923, and February 26, 1924, respectively, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the brother of the deceased, to administer the estate of the deceased, and that letters of administration do issue to him accordingly, unless the above respondents or any other person or persons interested shall, on or before April 10, 1924, show sufficient cause to the satisfaction of this court to the contrary.

February 26, 1924.

N. E. ERNST,
District Judge.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of Jurisdiction. the late Abubakkerlevve Paikir Mohey No. 115. of Division No. 3, Kattankudy, deceased.

Pakir Moheydinlevve Mohamadu Mustaphalevve of Division No. 3, Kattankudy Petitioner.

Vs.

(1) Meeralevve Pattummah, widow of Paikir Moheydinlevve, (2) Paikir Moheydinlevve Seenimohamadu, (3) Paikir Moheydinlevve Mohamadu Meerasaibo, (4) Paikir Moheydinlevve Mahumoodulevve, (5) Paikir Moheydinlevve Kathisakandu, (6) Paikir Moheydinlevve Mohamadu Avuvakker, all of Kattankudy; the 3rd, 4th, 5th, and 6th respondents by their guardian *ad litem* the 1st respondent Respondents.

THIS matter coming on for disposal before N. E. Ernst, Esq., District Judge of Batticaloa, on March 5, 1924, in the presence of Mr. E. T. Kadramer, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated January 10, 1924, and March 4, 1924, respectively, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the eldest son of the deceased, to administer the estate of the deceased, and that letters of administration do issue to him accordingly, unless the above respondents or any other person or persons interested shall, on or before April 15, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 5, 1924.

N. E. ERNST,
District Judge.

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Wadakkan Maraikar Mohamedo Ali Bawa No. 558. late of Puttalam, deceased.

Between

Wadakkan Maraikar Assan Ussan Ibrahim of Puttalam Petitioner.

And

(1) Nagoor Pitche Balkis Umma of Puttalam, widow of the intestate, (2) M. Mohamedo Cassim, (3) M. Mohamedo Ibrahim, (4) M. Mohamedo Abu Thahir, (5) M. Mohamedo Asiya Umma, (6) M. Mohamedo Seynambu Natchiya, (7) M. Mohamedo Thaiyabu, (8) M. Mohamedo Hadija Beebee, and (9) M. Mohamedo Fathimattu, all minors by their proposed guardian *ad litem*, the 1st respondent Respondents.

THIS matter coming on for disposal before William Salmon Strong, Esq., Acting Additional District Judge of Puttalam, on March 7, 1924, in the presence of Mr. V. M. Anthonipillai, Proctor, on the part of the petitioner; and the petitioner's petition and affidavit dated March 7, 1924, having been duly read:

It is ordered that Wadakkan Maraikar Assan Ussan Ibrahim, the petitioner above named, be and he is hereby appointed administrator of the estate of Wadakkan Maraikar Mohamedo Ali Bawa, the deceased above named, and letters of administration do issue to him accordingly, and the above-named 1st respondent be and she is hereby appointed guardian *ad litem* over the minors above named, unless the respondents above named or any other person or persons interested in the above estate shall, on or before March 17, 1924, show sufficient cause to the contrary to the satisfaction of this court.

March 7, 1924.

N. M. BHARUCHA,
District Judge.

Time to show cause is extended till April 10, 1924.

V. SARAVANAMUTTU,
Secretary.

In the District Court of Badulla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Peduruhewage Sangoris of Doolgolle No. B. 712. in Egodagama in Mahapalata, Udukunda, Class I. deceased.

Iriyabeddewattagedera Julihamy of Doolgolle aforesaid Petitioner.

THIS matter coming on for disposal before Cyril Ernade Pinto, Esq., District Judge of Badulla, on March 19, 1924, in the presence of Mr. S. Supramaniam, Proctor, on the part of the petitioner; and her affidavit and petition dated March 19, 1924, having been read:

It is ordered that the petitioner be and she is hereby declared entitled to have letters of administration to the estate of the deceased issued to her, unless any person or persons interested shall, on or before April 30, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 19, 1924.

C. E. DE PINTO,
District Judge.

In the District Court of Ratnapura.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Elapata Ellawala Kumarihamy of No. 796. Weragama in Ratnapura, deceased.

Richard Stephen Ellawala of Walgampola estate in Weragama Petitioner.

And

(1) Jane Dottie Ellawala, wife of W. B. S. Weragama of Weragama, (2) Cyril Ellawala, Proctor, Ratnapura, (3) Arthur Leonard Ellawala, Korala, (4) Lilian Ellawala Ekneligoda Kumarihamy of Kandangoda Walaawa in Kuruwita, (5) George Herbert Ellawala of Dambuluwana Respondents.

THIS matter coming on for disposal before C. F. Ingledow, Esq., Additional District Judge, Ratnapura, on March 10, 1924, in the presence of Mr. E. L. de Silva, Proctor, on the

part of the petitioner above named; and the affidavit of the said petitioner above named dated March 6, 1924, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a son of the deceased above named, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 29, 1924, show sufficient cause to the satisfaction of this court to the contrary.

March 10, 1924. C. F. INGLEDOW,
Additional District Judge.

Order Nisi extended for April 8, 1924.

March 25, 1924. H. J. V. EKANAYAKA,
District Judge.

In the District Court of Kegalla.
Order Nisi
Testamentary In the Matter of the Estate of the late
Jurisdiction. Gamaetirallage Appuhamy of Panawala,
No. 971. deceased.
Gamaetirallage Marthelis Appu of Panawala . . . Petitioner.

Vs.
Wendela Hewarallage Leisohamy of Panawala. Respondent.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, Kegalla, on March 18, 1924, in the presence of Mr. Abeyewickreme, Proctor, for petitioner; and his affidavit and petition dated March 10 and 17, 1924, respectively, praying for letters of administration of the said estate, having been read: It is ordered and declared that the petitioner, as the son of the deceased, is entitled to letters of administration of the said estate, and that such letters will be issued to him accordingly, unless the respondent or any person or persons interested shall, on or before April 15, 1924, show sufficient cause to the satisfaction of the court to the contrary.

March 18, 1924. D. H. BALFOUR,
District Judge.