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Part II.—Legal.

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MINUTE.

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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 23 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 the 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 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 :

Disclaimers.

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.

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.

Certificate of registration.

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.

Non-completion of registration.

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.

Identical marks.

20 (1) 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.

Rival claims to identical marks.

(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.

Concurrent user.

21 In case of honest concurrent user or of other special circumstances which, in the opinion of the court or Registrar, make it proper so to do, the court or Registrar 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 or Registrar 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 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 on 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 commencement 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 commencement 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 commencement 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 section 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 *vivâ 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 *vivâ 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 apply to proceedings under this Ordinance.

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 *primâ 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 of the three meetings of the Council next succeeding such date, by resolution of the Council be annulled, 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 Parts 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 applications 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 Ordinances.
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 (Amendment) 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 (Amendment) Ordinance, 1908	The whole.
23 of 1918	.. The Trade Marks (Amendment) Ordinance, 1918	do.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, November 11, 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 provisions (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 *primâ 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, October 23, 1924.

L. H. ELPHINSTONE,
Attorney-General.

PASSED ORDINANCE.

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

No. 23 of 1924.

An Ordinance making provision for the Contingent Services for the Financial Year October, 1924, to September, 1925.

W. H. MANNING.

WHEREAS the contingent expenditure required for the service of the Government of this Island for the financial year October, 1924, to September, 1925, and not otherwise provided for, has been estimated at the sum of One hundred and Eleven million Three hundred and Eighty-seven thousand Four hundred and Twenty-eight rupees: It is enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

1 A sum not exceeding One hundred and Eleven million Three hundred and Eighty-seven thousand Four hundred and Twenty-eight rupees shall be and the same is hereby charged upon the revenue and other funds of this Island for the Contingent Services for the financial year October, 1924, to September, 1925, and the said expenditure shall be in conformity with the Heads of Expenditure specified in the schedule hereunto annexed.

Rs. 111,387,428 to be charged upon the revenue of this Island for the Contingent Services for the financial year October, 1924, to September, 1925.

Amount of labour to be supplied under the Ordinance No. 31 of 1884.

2 And whereas by the 31st section of the Ordinance No. 31 of the year 1884, entitled " An Ordinance to amend Ordinance No. 10 of 1861, entitled ' An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony,' " it is enacted that it shall be lawful for the Governor to propose the estimates prepared in pursuance thereof, or such of them as to him may appear expedient, in the Ordinance for making provision for the contingent expenditure of the Colony for the ensuing year, to be dealt with in like manner as any other estimate to be so proposed : And it is thereby also provided that the amount of labour to be supplied under the provisions of the said Ordinance No. 31 of 1884, for the performance of any work or works for which an estimate or estimates may have been so proposed by the Governor, and approved of by the Legislative Council, shall be distinctly stated in the Ordinance enacted for the same, and that the same shall not exceed two-thirds of the whole amount of labour due from the district or districts within which it may be required to be performed : It is enacted that the amount of labour to be supplied under the provisions of the said Ordinance shall be in conformity with the estimates detailed under Head No. 57, " Public Works Annually Recurrent."

Treasurer to pay the above at such times as the Governor by warrant shall order.

3 The Treasurer of the said Island shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, upon such days and in such proportions as the Governor for the time being by any warrant or order in writing to be signed by him, shall from time to time order and direct ; and the payments so to be made shall be charged upon and payable out of the revenues and other funds of the said Island.

And to receive credit to his accounts for the payments made in pursuance hereof.

4 The said Treasurer shall in his accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid ; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said accounts for any such sum or sums as shall be herein mentioned ; and he shall and may receive credit for the same accordingly.

SCHEDULE.

	Rs.
1. His Excellency the Governor	216,410
2. Legislature	69,233
3. Civil Service	2,138,088
4. Clerical Service	3,552,748
5. Secretariat	61,287
6. Secretariat : Printing Branch	727,630
7. Controller of Revenue	13,586
8. Treasury	80,235
9. Treasury—Commissioners of Currency	208,603
10. Treasury—Loan Board	4,124
11. Treasury—Stamp Office	60,676
12. Audit Office	133,167
13. Provincial Administration	1,414,966
14. Local Government Board	30,560
15. Land Settlement Department	118,550
16. Survey Department	3,591,062
17. Government Stores	294,367
18. Registrar-General's Department	263,196
19. Statistical Department	11,848
20. Department of Indian Immigrant Labour	79,389
21. Immigration and Quarantine	386,158
22. Customs	602,410
23. Colombo Port Commission	3,049,290
24. Ports other than Colombo	73,894
25. Excise Department	636,546
26. Salt Establishment	646,879
27. Post Office and Telegraphs	5,137,891
28. Legal : Supreme Court	275,223
29. Legal : District Courts	195,950
30. Legal : Courts of Requests and Police Courts	86,377
31. Legal : Attorney-General	190,250
32. Legal : Solicitor-General	26,981
33. Legal : Fiscals	494,010
34. Police	3,120,791
35. Prisons	954,074
36. Medical Department	8,067,540
37. Medical Research	86,340

	Rs.
38. Medical College	79,677
39. Government Analyst	54,753
40. Education	6,534,675
41. University College	381,622
42. Archaeological Department	124,932
43. Colombo Museum	72,946
44. Department of Fisheries	126,660
45. Department of Agriculture	835,92
46. Veterinary Department	181,515
47. Department of Mineralogy	26,968
48. Forest Department	1,036,038
49. Inspector of Mines	21,573
50. Registrar of Patents	10,309
51. Railway Department	18,386,352
52. Railway Extraordinary Works	2,715,557
53. Irrigation Department	786,580
54. Irrigation Annually Recurrent	256,300
55. Irrigation Extraordinary	801,150
56. Public Works Department	1,833,607
57. Public Works Annually Recurrent	7,331,865
58. Public Works Extraordinary	8,084,056
59. Military Expenditure	2,120,406
60. Public Debt	12,878,209
61. Pensions	4,356,060
62. Exchange	300,000
63. Miscellaneous	4,950,197
Total	111,387,428

Passed in Council the Twentieth day of November, One thousand Nine hundred and Twenty-four.

W. E. HOBDAV,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-fifth day of November, One thousand Nine hundred and Twenty-four.

C. CLEMENTI,
Colonial Secretary.

DISTRICT AND MINOR COURTS NOTICES.

In the Court of Requests of Kandy.
Seeniwasam Head Kangany and 41 others, all of
Peradeniya Plaintiffs.
No. 2,177. Vs.

Muna Sena Muttiah Pulle, Proprietor and Superintendent
of Prim Rose Hill estate, Kandy Defendant.

NOTICE is hereby given that a suit has been instituted
in the Court of Requests of Kandy by labourers of Prim
Rose Hill estate against the proprietor thereof under the
Ordinance No. 13 of 1889, for the recovery of their wages,
amounting to Rs. 994.

November 17, 1924. A. L. ABDUL RAHIM,
Chief Clerk.

In the Court of Requests of Kandy.
Sandanam Head Kangany and 29 others, all of
Peradeniya Plaintiffs.
No. 2,178. Vs.

Muna Sena Muttiah Pulle, Proprietor and Superintendent
of Prim Rose Hill estate, Kandy Defendant.

NOTICE is hereby given that a suit has been instituted
in the Court of Requests of Kandy by 29 labourers of Prim

Rose Hill estate against the proprietor thereof, under
Ordinance No. 13 of 1889, for the recovery of their wages
amounting to Rs. 347.57.

November 17, 1924.

A. L. ABDUL RAHIM,
Chief Clerk.

In the Court of Requests of Kandy.
Sevathian Dhoby and 4 others Plaintiffs.

No. 2,193. Vs.

The Proprietor, Kovilakanda estate, Kadugannawa
wa Defendant.

NOTICE is hereby given that a suit has been instituted
in the Court of Requests of Kandy by 5 labourers of Kovila-
kanda estate, Kadugannawa, against the proprietor thereof,
under the Ordinance No. 13 of 1889, for the recovery of
their wages, amounting to Rs. 60.

November 24, 1924.

A. L. ABDUL RAHIM,
Chief Clerk.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 3,172. In the matter of the insolvency of Tuan Paakeer Deen Ahamat of Hunupitiya.

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 December 9, 1924, for proof of claim of D. W. E. Weerasinghe.

By order of court, P. DE KRETSEK,
Colombo, November 20, 1924. Secretary.

In the District Court of Colombo.

No. 3,345. In the matter of the insolvency of Abdul Rahman Sinne Lebbe of Fort, 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 December 23, 1924, for the grant of a certificate of conformity to the insolvent.

By order of court, P. DE KRETSEK,
Colombo, November 25, 1924. Secretary.

In the District Court of Colombo.

No. 3,383. In the matter of the insolvency of Muna Meyna Alia Marikar of No. 16, Main street, Kalutara South, presently at Grandpass.

WHEREAS M. M. Alia Marikar has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Y. L. Ibrahim Lebbe of Alutgama, presently of Pettah, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. M. Alia Marikar insolvent accordingly; and that two public sittings of the court, to wit, on December 23, 1924, and on January 20, 1925, 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 KRETSEK,
Colombo, November 20, 1924. Secretary.

In the District Court of Colombo.

No. 3,384. In the matter of the insolvency of Mohamed Yoosof Mohamed Haniffa of No. 44, Vauxhall street, in Colombo.

WHEREAS M. Y. Mohamed Haniffa has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by S. M. Mohamed Aliyar of Slave Island, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. Y. Mohamed Haniffa insolvent accordingly; and that two public sittings of the court, to wit, on December 23, 1924, and on January 20, 1925, 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 KRETSEK,
Colombo, November 20, 1924. Secretary.

In the District Court of Colombo.

No. 3,385. In the matter of the insolvency of Diyana-mulla Kankanange Marshall Kalyanaratne of Dias place.

WHEREAS D. K. M. Kalyanaratne has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by W. V. Edmund Surasinghe of 44, Armour street, under the Ordinance No. 7 of 1853:

Notice is hereby given that the said court has adjudged the said D. K. M. Kalyanaratne insolvent accordingly; and that two public sittings of the court, to wit, on December 23, 1924, and on January 20, 1925, 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 KRETSEK,
Colombo, November 25, 1924. Secretary.

In the District Court of Colombo.

No. 3,386. In the matter of the insolvency of Hugh Ferdinands Beling of Colpetty.

WHEREAS H. F. Beling has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by W. Francis Peiris of No. 74, Union place, Slave Island, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said H. F. Beling insolvent accordingly; and that two public sittings of the court, to wit, on December 23, 1924, and on January 20, 1925, 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 KRETSEK,
Colombo, November 25, 1924. Secretary.

In the District Court of Colombo.

No. 3,387. In the matter of the insolvency of Charles James Staples of Bambalapitiya.

WHEREAS C. J. Staples has filed a declaration of insolvency, and a petition for the sequestration of his estate also been filed by A. P. Joachim of Bambalapitiya, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said C. J. Staples insolvent accordingly; and that two public sittings of the court, to wit, on December 23, 1924, and on January 20, 1925, 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 KRETSEK,
Colombo, November 25, 1924. Secretary.

In the District Court of Colombo.

No. 3,388. In the matter of the insolvency of Chakrawartige Ansel Silva of Wall's street, Kotahena.

WHEREAS C. A. Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by V. C. de Rosayro of Bonjean road, Kotahena, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said C. A. Silva insolvent accordingly; and that two public sittings of the court, to wit, on December 23, 1924, and on January 20, 1925, 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 KRETSEK,
Colombo, November 25, 1924. Secretary.

In the District Court of Negombo.

No. 161/I. In the matter of the insolvency of Fredrick Walter Swithin Felsing of Negombo.

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 January 23, 1925, to consider the granting of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
Negombo, November 19, 1924. Secretary.

In the District Court of Negombo.

No. 164/I. In the matter of the insolvency of Muna Mana Wawasa Maricar of Galloluwa.

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 December 11, 1924, to receive the assignee's report.

By order of court, C. EMMANUEL,
Negombo, November 20, 1924. Secretary.

In the District Court of Kalutara.

No. 183. In the matter of the insolvency of Mohamad Marikkar Mohamad Ismail of Maradana in Beruwala.

NOTICE is hereby given that the examination of insolvent and assignee will take place at the sitting of this court on December 12, 1924.

By order of court, R. MAJALGODA,
Kalutara, November 24, 1924. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 15. In the matter of the insolvent estate of Reginald Henry Downall of Comar Group, Watawala.

NOTICE is hereby given that the first and second sittings of this court in the above matter will take place on December 19, 1924.

By order of court, A. W. LUDEKENS,
Hatton, November 22, 1924. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Mariano Ramanaden of Jampettah street,
Colombo Plaintiff.

No. 1,806. Vs.

(1) Inul Maru Lea, (2) Madar Lebbe Abdul Jabbar, (3) Abdul Careem Abdul Hassen, all of 2nd Division, Maradana, Colombo, (4) O. L. M. Mohamado Ismail of No. 247, Dematagoda, Colombo Defendants.

NOTICE is hereby given that on Friday, December 19, 1924, at 3.30 p.m., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 103 dated May 7, 1918, and attested by D. I. Paul Perera, Notary Public, and ordered to be sold by the order of court dated November 22, 1922, and November 13, 1924, for the recovery of the sum of Rs. 1,070, with interest on Rs. 1,000 at 12 per cent. per annum from March 7, 1922, till the date of decree, March 17, 1922, and thereafter interest at the rate of 9 per cent. per annum on the aggregate amount of the decree, till payment, and costs of suit not taxed, less Rs. 500 out of the principal, and all interest due till January 7, 1924.

All that eastern half part of the allotment of land marked letter A and shaded pink in the plan dated January, 1904, No. 848, made by Juan de Silva, Licensed Surveyor, formerly bearing assessment No. 29A, now 29, situated at Forbes road in Maradana, within the Municipal limits and District of Colombo, Western Province; bounded on the north by Forbes road, on the east by the property of Hadjee Marikar Bass Abdul Rahaman, on the south by the property of Muthiya Chetty, and on the west by the remaining half part marked B of the same land belonging to Samsam Har; containing in extent 56/100 square perches, and all the right, title, and interest, and claim whatsoever of the 1st defendant in, to, upon, or out of the said premises. Prior registration A 113/6.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 25, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

(1) Madar Saibó Sego Chama, and her husband (2) Shaik Abdul Cader Saboor Mohideen of Ferry street,
Colombo Plaintiffs.

No. 11,038. Vs.

Wijayaratna Joseph of No. 223, Nagalagam street,
Colombo Defendant.

NOTICE is hereby given that on Saturday, December 20, 1924, at 2 p.m., 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. 332.92½, being plaintiffs' taxed costs, viz. :—

All that allotment of land bearing assessment No. 223, situated at Nagalagam street, Colombo; and bounded on the north-east by the property bearing assessment Nos. 221 and 221A, on the north-west by the high road, on the south-east by the canal, and on the south-west by the property bearing assessment No. 224; and containing in extent 10 perches more or less.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 25, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

A. M. R. M. Muttupalaniappa Chetty of 178, Sea street,
Colombo Plaintiff.

No. 12,242. Vs.

(1) K. Magi Perera, and (2) C. Dharmadasa, both of Petyagoda in Colombo District Defendants.

NOTICE is hereby given that on Saturday, December 20, 1924, at 9.30 a.m., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 422.50, together with interest thereon at 9 per cent. per annum from May 29, 1924, till payment in full, and costs of suit, viz. :—

All that house and premises No. 1029/109A2, situated at School lane in Colpetty, within the Municipality and District of Colombo, Western Province; and bounded on the north by lot D, on the east by lot B, on the south by School lane, and on the west by lot C2 allotted to Albert Silva; and containing in extent 13.30 perches.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 25, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

F. Dornhorst of Colombo Plaintiff.
No. 11,992. Vs.

M. T. Fernando of Nottis road, Colombo Defendant.

NOTICE is hereby given that on Saturday, December 20, 1924, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,001.64, with interest thereon at the rate of 12 per cent. per annum from May 8, 1924, to May 22, 1924, and thereafter on the aggregate amount of the decree at 9 per cent.

per annum till payment in full, and Rs. 95 costs to May 22, 1924, and further costs (less Rs. 115), and poundage, viz. :—

At 1 P.M.

(1) All that portion of land called Millagahawatta, situated at Karagampitiya in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by the Government high road, on the east by a $\frac{1}{4}$ portion of this land, and on the south and west by portions of this land; containing in extent 14 $\frac{72}{100}$ square perches, together with buildings and plantations standing thereon.

At 1.30 P.M.

(2) All that defined portion of the garden called Milla-gahawatta, marked letter A in the plan dated March 2, 1894, and made by T. H. Kriekenbeck, Licensed Fiscal's Surveyor and Leveller, with the plantations standing thereon, situated at Karagampitiya in the Palle pattu of the Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by the high road, on the east by the portion of this land marked B, on the south by the garden of Mandadige Bastian Fernando and others, and on the west by the property of Carolis Mendis and others; and containing in extent 1 rood and 2 perches.

At 2 P.M.

(3) All that allotment marked B of the land called and known as Millagahawatta, with the trees and plantations thereon, situated at Karagampitiya in the Palle pattu of Salpiti korale, in Colombo District, Western Province; bounded on the north by the high road, east by the allotment of this land marked C, south by the land of Mandadige Bastian Fernando and others, west by the allotment of this land marked A; containing in extent 19 perches.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 6, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

The Commissioners of the Loan Board, Colombo. Plaintiffs.
No. 12,081. Vs.

(1) Arthur Hector Goonetilleke of Airydale, Colpetty, Colombo, (2) Muna Roona Oona Pana Lana Muna Rana Murugappa Chetty of Sea street, Colombo. Defendants.

NOTICE is hereby given that on Monday, December 22, 1924, will be sold by public auction at the respective premises the following properties and premises mortgaged with the plaintiffs by bond No. 592 dated October 29, 1921, attested by J. A. Martensz of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated October 31, 1924, for the recovery of the sum of Rs. 46,067.74, with interest on Rs. 45,000 at the rate of 7 per cent. per annum from May 1, 1924, till date of decree, September 17, 1924, and thereafter on the aggregate amount of the decree at the rate of 9 per cent. per annum till payment in full, and costs of suit, viz. :—

At 10 A.M.

(1) All that divided portion of land marked lot No. 51 in De Soysa town plan No. 743, situated at Kollupitiya, within the Municipality and District of Colombo, Western Province; bounded on the north by the property of Marthelis de Silva or Sinno Vedamahatmaya, on the east by lot marked No. 52 in De Soysa town plan No. 743, on the south by the road called Arthur's terrace, and on the west by the property of J. W. C. de Soysa; containing in extent 1 rood and 32 perches according to the survey and description thereof No. 2,312 dated August 9, 1910, made by Charles P. de Silva, Licensed Surveyor and Leveller (registered Colombo A 148/141).

At 10.30 A.M.

(2) All that divided southern portion of an allotment of land marked No. 2 in plan 73A dated June 15, 1896, and made by Charles VanRooyan, Licensed Surveyor, situated at Colpetty, within the Municipality and

District of Colombo, Western Province; which said divided southern portion with the buildings thereon is bounded on the north by the property belonging to W. T. Labrooy, on the east by the property belonging to Mr. R. F. Bartholomeusz, on the south by the road leading from Galle high road to St. Mary's dairy farm, and on the west by the property of I. L. M. M. Meera Lebbe Marikar; and containing in extent 1 rood and 4.44 perches according to the figure of survey and description thereof No. 998 dated February 16, 1906, made by Juan de Silva, Surveyor, together with the buildings standing thereon respectively, and all the estate, right, title, interest, claim, and demand whatsoever of the 1st and 2nd defendants in, to, upon, or out of the same. (Registered Colombo A 159/201.)

Fiscal's Office, R. O. DE SARAM,
Colombo, November 26, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

Hettige Philip Rodrigo of Kolonnawa in the Amba-talenpahala, Alutkura korale south. Plaintiff.
No. 12,237. Vs.

Gamalathge Dona Leonora Hamine of Godagama in Palle pattu of Hewagam korale. Defendant.

NOTICE is hereby given that on Friday, December 19, 1924, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 926.13, being balance, principal, and interest, together with further interest thereon at 9 per cent. per annum from September 20, 1924, up to the date of payment in full, and costs of suit taxed at Rs. 442.04, viz. :—

At 12 noon.

(1) An undivided $\frac{1}{2}$ of and in all that field called Hunuwawilakumbura, situated at Godagama in the Palle pattu of Hewagam korale, in the District of Colombo, Western Province; bounded on the north by the field and high land belonging to Jayasingha Aratchige Pieris Appuhamy and railway culvert, on the east by the land called Godagamawatta, on the south by the field of Coroner Ralahamy, and on the west by the land of Mr. Ohlmus; containing in extent about 5 pelas of paddy sowing.

At 12.30 P.M.

(2) An undivided $\frac{1}{2}$ of and in all that land called Meegahawatta, situated at Godagama aforesaid; bounded on the north by the high road, on the east by the land of Jayasingha Aratchige Pieris Appuhamy, on the south by the rubber land of Jayasingha Aratchige Podi Appuhamy and others, and on the west by the land of Jayasingha Aratchige Podi Singho; containing in extent about 3 roods more or less.

At 1 P.M.

(3) An undivided $\frac{1}{2}$ of and in all that defined portion of Meegahawatta with buildings, trees, and plantations thereon, situated at Godagama aforesaid; bounded on the north by a portion of Meegahawatta belonging to Don Elias Alwis and Peiris Alwis, on the east by a portion of Meegahawatta belonging to Coroner Ralahamy, on the south by a portion of Meegahawatta belonging to Jayasingha Aratchige Amanis Appuhamy, and on the west by a portion of Meegahawatta belonging to Jayasingha Aratchige Podi Singho; containing in extent about 1 acre.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 25, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

Semage Geeris Fernando of No. 80, Dam street, Colombo. Plaintiff.
No. 11,232. Vs.

Horanage Sedris Fernando of Pallidura in Dehiwala in Palle pattu of Salpiti korale. Defendant.

NOTICE is hereby given that on Saturday, December 20, 1924, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 1,854 dated September 17, 1923, and attested by M. R. Akbar of Colombo, Notary Public, and

decreed and ordered to be sold by the order of court dated October 29, 1924, for the recovery of the sum of Rs. 733.52, with interest on Rs. 700 at 12 per cent. per annum from February 12, 1924, to May 30, 1924, and thereafter on the aggregate amount at 9 per cent. per annum until payment in full, and costs of suit, viz. :—

At 3 P.M.

(1) All that land called Kessakatugahawatta marked lot B, situated at Kawdana in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by road, on the east by lot C, on the south by the other part of this property belonging to M. James Fernando, and on the west by Delgahawatta belonging to M. James Fernando; containing in extent 8 87/100 perches.

At 3.30 P.M.

(2) All that land called Kessakatugahawatta marked lot C, situated at Kawdana aforesaid; and bounded on the north by a road, on the east by lot A, on the south by the other part of this property of M. James Fernando, and on the west by lot B; containing in extent 8 87/100 perches, and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said premises. Prior registration M 215/279, 158/230, registered M 241/237 and 238.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 25, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

P. R. N. K. R. Nallacaruppen Chetty of Sea street,
Colombo..... Plaintiff.
No. 13,212. Vs.
Mohamed Chappon Amath of Cotta road,
Colombo..... Defendant.

NOTICE is hereby given that on Friday, December 19, 1924, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff by bond No. 488 dated April 17, 1924, and attested by Danton P. Ratnayaka of Colombo, Notary Public, and decreed and ordered to be sold by the order of court dated October 22, 1924, for the recovery of the sum of Rs. 4,187.90, with legal interest thereon from September 2, 1924, till payment in full, and costs, viz. :—

At 9.30 A.M.

(1) An allotment of land with the buildings thereon bearing assessment Nos. 81¹, 81², and 81³, Church street, including the timber shed, situated in Slave Island, within the Municipality and District of Colombo, Western Province; and bounded on the north by premises Nos. 27¹⁻³, south and east by Church street, and west by premises No. 80 of Manan Palle; containing in extent 3 6/100 perches according to plan No. 29 dated March 1, 1924, made by G. W. de Soysa, Surveyor. Prior registration A 162/112.

At 10.30 A.M.

(2) An undivided $\frac{1}{4}$ share of and in all that divided $\frac{1}{2}$ part of the garden called Jawatta, situated at Bambalapitiya, now bearing assessment No. 15, Buller's road, within the Municipality and District of Colombo, Western Province; which divided $\frac{1}{4}$ part is bounded on the north by a road, east by the other $\frac{1}{2}$ part of the same garden, south by the burial ground, and west by the other $\frac{1}{4}$ part of the same garden, now by a road; containing in extent 2 roods and 14 perches, together with the buildings and plantations thereon. Prior registration A 162/112.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 25, 1924. Deputy Fiscal, W. P.

In the District Court of Negombo.

S. T. M. Ramasamy Pulle of Negombo..... Plaintiff.
No. 16,554. Vs.

Don Lewis Senanayaka of Kandana in Ragam pattu of Alutkuru korale..... Defendant.

NOTICE is hereby given that on Monday, December 22, 1924, will be sold by public auction at the respective premises the right, title, and interest of the said defendant

in the following property for the recovery of the sum of Rs. 667.43, with interest on Rs. 500 at the rate of 18 per cent. per annum from January 30, 1924, till May 8, 1924, and thereafter at 9 per cent. per annum till payment, viz. :—

At 1 P.M.

(1) All that allotment of land called Welikurunduwatta alias Weralugahawatta with the buildings, trees, and plantations thereon, situated at Weligampitiya in Ragam pattu of Alutkuru korale, in the District of Colombo, Western Province; bounded on the north by the footpath and ditch separating this land from the properties of Don Bastian, Don Gabriel, Don Paulu, Savariel Fonseka, Don Lorence, and Marku Silva, east by the high road from Colombo to Negombo, south by the allotment B allotted to Jayasuriya Aratchige Don Raymond and the road, and west by the ditch separating this land from the properties of Hendrick Fernando and others; containing in extent 14 acres 34 5/100 perches, and registered under B 154/346.

At 2 P.M.

(2) An undivided portion in extent 5 acres towards the north of and from all that land called and known as Gorakagahawatta, Heenkendewatta, Kahatagahawatta, now Mailagahawatta, situated at Nagoda in Ragam pattu aforesaid; and bounded on the north by limit of the land of W. Don Franciscu and others, east by high road leading from Colombo to Negombo, south by land where H. Don Elaris Samaranyaka, Police Headman, resides and land of others, and west by devata road leading to ela and lands of E. J. Silva, E. L. Silva and others; containing in extent about 8 acres.

Fiscal's Office, R. O. DE SARAM,
Colombo, November 25, 1924. Deputy Fiscal, W. P.

In the District Court of Negombo.

Hewapgedige Bajuwa of Akaragama..... Plaintiff.
No. 16,009. Vs.

Mutugalpedige Lebuna of Akaragama..... Defendant.

NOTICE is hereby given that on Thursday, December 18, 1924, commencing 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, viz. :—

1. The field called Horagahakumbura appearing in plan No. 80,402, situate at Akaragama in Dunagaha pattu of Alutkuru korale, in the District of Negombo, Western Province; bounded on the north by land of M. Singa and others, east by land purchased by H. R. Corea Muhandiram, south by land of Murukkuwa and others, and on the west by land claimed on the plan No. 47,107 by M. Anthony Fernando and others; containing in extent about 2 acres 3 roods and 9 perches, together with all the appurtenances thereof.

2. The field called Wewakumbura according to the plan No. 254,799, excluding an undivided portion in extent of 3 kurunies of paddy sowing ground, situate at Akaragama aforesaid; and bounded on the north by lot V 37 of original plan No. 2,722 by a vella and the land appearing in plan No. 81,032, east by the land in plan No. 81,032 and the lot B 38 of original plan No. 2,722, south by lot A 38 of original plan No. 2,722, and on the west by lots H 39 and G 39 of original plan No. 2,722; containing in extent 1 acre 2 roods and 17 perches.

3. The north-western undivided $\frac{1}{2}$ share of the land called Meellagahawatta and of the building standing thereon, situate at Akaragama aforesaid; and bounded on the north by land of S. Terunnanse and M. Hawadiya, north-east and east by land of M. Hawadiya and purchased land, south by land of M. Dingiri and others, and on the west by land appearing in plan No. 47,107 and land of S. Terunnanse; containing in extent 3 acres and 6 perches.

4. The field called Narangahakumbura, situate at Godigomuwa in Dunagaha pattu aforesaid; and bounded on the north by high land of the heirs of Herath Appuhamy, east by fields of Podsingho, Police Headman, and others, south by lands of Bastia and others, and on the west by fields of Poddappuhamy; containing in extent 6 parrals of paddy sowing ground.

Amount to be levied Rs. 507, with further interest on Rs. 400 at 12½ per cent. per annum from April 6, 1923, to May 9, 1923, and thereafter at 9 per cent. per annum till payment, less a sum of Rs. 106.05.

Deputy Fiscal's Office,
Negombo, November 25, 1924.

M. EDIRIWIRA,
Deputy Fiscal.

Central Province.

In the District Court of Hatton.

Walter Beatty Paterson and Archibald Robertson
both carrying on business in partnership
under the name, style, and firm of the Hatton Bank
& Agency Company, at Hatton Plaintiffs.

No. 1,260. Vs.

Joshua Alfred Aiyadurai of Hatton Defendant.

NOTICE is hereby given that on the dates given below will be sold by public auction at the places shown below the right, title, and interest of the said defendant in the following property mortgaged with the plaintiff by bond No. 795 dated November 1, 1922, and attested by Frank Liesching, Notary Public, and decreed to be sold under the decree entered in the above case for the recovery of the sum of Rs. 3,079.63, with interest thereon at 12 per cent. per annum from May 22, 1924, till payment in full, and costs of suit and poundage, viz. :—

Commencing at 12 noon on Friday, December 19,
1924, at the spot.

All that piece of ground forming portion of Hatton estate, situated at Hatton in Ambagamuwa korale of Uda Bulatgama, in the District of Kandy, Central Province; held and possessed under deed No. 1,236 and attested by T. C. van Rooyen, Notary Public, subject to the payment of rent thereby reserved, and which said piece of ground contains in extent 2 roods and 20 perches, and is now called and known as Edesleigh; and is bounded on the north and east by the remaining portion of the plot of ground leased to Edward Wales Schokman by the Hatton Estate Company, on the west and south by a road or path leading to Hatton estate, and on the south-east by the house and premises belonging to the said Edward Wales Schokman, lately occupied by the Inspector of Police, and in the sketch plan annexed to the title deeds of the said premises more fully delineated, together with the bungalow and other buildings standing thereon or on some part thereof.

Commencing at 12 noon on Saturday, December 20,
1924, at the defendant's bungalow at Hatton.

- | | |
|-----------------------------------|---|
| (1) 1 large Japanese ebony settee | (12) 4 whatnots (nadun and coffee wood) |
| (2) 2 ebony stools | (13) 3 clothes horses |
| (3) 10 drawing room cane chairs | (14) 2 washstands |
| (4) 7 brass curios | (15) 1 dining table |
| (5) 1 large brass lamp | (16) 2 large wardrobes |
| (6) 2 nadun drawing room chairs | (17) 1 wardrobe with mirror |
| (7) 2 jak drawing room chairs | (18) 2 bedroom chairs |
| (8) 8 pictures | (19) 2 sofas |
| (9) 1 large double iron bedstead | (20) 2 tea tables |
| (10) 3 single iron bedsteads | (21) 1 writing desk |
| (11) 1 large double wooden bed | (22) 2 dressing tables |
| | (23) 1 meat safe |
| | (24) 4 dining room chairs |
| | (25) 1 iron safe |
| | (26) 1 piano |

Fiscal's Office,
Kandy, November 24, 1924.

A. RANESINGHE,
Additional Deputy Fiscal.

In the District Court of Hatton.

L. B. Thekhan Bhaie of Hatton Plaintiff.
No. 1,259. Vs.

(1) Mr. J. A. Aiyadurai of Hatton Defendants.
(2) Mrs. J. J. R. Aiyadurai, both of Hatton.

NOTICE is hereby given that on Thursday, December 18, 1924, at 12 noon, will be sold by public auction at the

premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 1,057.50, with legal interest thereon from May 17, 1924, till payment in full, and costs of suit and poundage, viz. :—

An allotment of land in extent ¼ acre more or less out of Fruit Hill estate, situate at Hatton in Ambagamuwa korale of Uda Bulatgama, in the District of Kandy, Central Province; and which said allotment is bounded on the east, north, and west by Fruit Hill estate belonging to Dr. S. C. Paul, and on the south by the railway line.

Fiscal's Office,
Kandy, November 24, 1924.

A. RANESINGHE,
Additional Deputy Fiscal.

In the Court of Requests of Gampola.

D. J. Appuhamy of Nawalapitiya Plaintiff.
No. 6,407. Vs.

P. M. Balahamy of Penituduwa in Nawalapitiya Defendant.

NOTICE is hereby given that on Monday, December 22, 1924, commencing 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. 92.43, together with legal interest on Rs. 68.18, from April 28, 1924, till payment in full, and poundage on the aggregate amount, viz. :—

The land called Gurubebilehena alias Gurubebilewatta, of about 22 lahas in paddy sowing extent, situate at Penituduwa in Nawalapitiya, Pasbage korale of Udabulatgama; and bounded on the east by Meddedeniyalage Gurubebilehena, coffee garden, and the land belonging to Chelliah; on the south by public road and the land belonging to Dodamegamame Don Charles Appuhamy; on the west by stone, humbaha, and agala, and on the north by Delgaha and stone; together with the house standing thereon.

Fiscal's Office,
Kandy, November 25, 1924.

A. RANESINGHE,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

(1) Merumage Walter Salgado and (2) Merumage Richard Salgado, both of Panadure, executors of the estate of the late Merumage Mathes Salgado of Panadure Plaintiffs.

No. 18,020. Vs.

Perumadura Cicilias de Silva Gunawardana of Randonombe Defendant.

NOTICE is hereby given that on Friday, December 19, 1924, at 2 o'clock in the afternoon, will be sold by public auction at the premises in the following mortgaged property, to wit :—

(1) The entire soil and all the fruit trees of Kooranwattu-uturukebella (the northern portion of Kooranwatta), situated at Randonombe; and bounded on the north by Dampata-ela and Pinwatta, east by the land belonging to Tismodara Simaneris and others, south by Kooranwattadakunukebella (the southern portion of Kooranwatta), and west by the high road; containing 2 roods in extent.

(2) All that undivided ½ part or share of the soil and of all the fruit trees of Kooranwatta, situate at the same village; and bounded on the north by Dampata-ela and Galagawawatta, east by Jagamuniwatta, Wedagewatta, the garden whereon Jagamuni Rambad resided, and Makoruppewatta, south by Pitiwellewatta, and west by the seashore; and containing about 9 acres.

Writ amount Rs. 3,202.14, with interest on Rs. 2,291.72 at 16 per cent. from June 24, 1920, till September 26, 1922, and thereafter thereon at 9 per cent. per annum from September 26, 1922, till payment in full, and costs of suit, Rs. 267.10.

Fiscal's Office,
Galle, November 21, 1924.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Anuradhapura.

The Jaffna Commercial Corporation Limited,
Jaffna Plaintiffs.
No. 1,036. Vs.

Charles Ediriweera of Anuradhapura, personally as well as in his capacity of administrator of the estate of the late S. Ediriweera..... Defendant.

NOTICE is hereby given that on Monday, December 22, 1924, at the hours specified below, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 3,639·45½, with interest on Rs. 3,511·13 at the rate of 6 per cent. per annum from November 13, 1923, until January 3, 1924, and thereafter with legal interest on the aggregate amount till payment in full :—

Commencing at 9 A.M.

1. The field called Tummullakoratuwa *alias* Gorokgahakoratuwa, situated at Kammalgoda in Weligam korale of Matara District, Southern Province; and bounded on the north by Weteagala of Peragahakoratuwa, east by Mahawaguregodella Weteagala, south by PUNCHIKORATUWA Weteagala, and on the west by the western portion of the same land and Watugala; and containing in extent ¼ acre.

2. The field called Mahakumbura *alias* Gederakumbura, situated at Kummalgoda aforesaid; and bounded on the north by Egodahahena, east by Liyangaahaudumulla, south by Mahawatta, and on the west by Migahaliadda; and containing in extent about 33 kurunies of paddy.

3. The land called Lankapurayawatta, situated at Denepitiya in Weligam korale aforesaid; and bounded on the north by Amuwattegewatta, east by Mullewatta, south by Dampegewatta *alias* Waduralapadinchiwattaweta, and on the west by Gallegewatta; and containing in extent about 1 acre.

Same day at 1 P.M.

4. The field called Kundakumbura, situated at Nape in Weligam korale aforesaid; and bounded on the north by Migahaliadda, east by Kotagewatta, south by Gederakumbura, and on the west by Kundakumburawatta and hena; and containing in extent about 28 kurunies of paddy.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, November 20, 1924. Additional Deputy Fiscal.

In the District Court of Kalutara

Gertrude Pindaneswari Cumarasamy and
another Plaintiffs.

No. 11,146.

(1) Lousia Emalia Wickremanayake and husband
(2) Bernard Wickremanayake, both of Kalutara
South Defendants.

NOTICE is hereby given that on Saturday, December 20, 1924, at 9.30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following mortgaged property for the recovery of Rs. 1,197·07, viz. :—

All that divided allotment of land (with everything standing thereon) called Kadirawila Kurunduwatta, situated at Talalla in the Wellaboda pattu of the Matara District, Southern Province; and bounded on the north by lot A of the same land, east by Galagamagehena, south by Kongahawatta, Meegahahena, and Mudiyansegehena, and west by napadurehena and road; and containing in extent 3 acres 3 roods and 17 perches.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, November 25, 1924. Deputy Fiscal.

In the District Court of Galle.

A. L. R. M. S. Ramnath Chetty of Galle..... Plaintiff.
No. 21,460. Vs.

D. J. Wickrema-aratchchi of Kamburugamuwa..... Defendant.

NOTICE is hereby given that on Tuesday, December 23, 1924, commencing at 9 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property

for the recovery of a sum of Rs. 2,139·36, with legal interest on Rs. 2,046·84 from April 7, 1924, till payment in full :—

(1) All that fruit trees and soil of the contiguous lands Tanipperugewatta and Sattambigekoratuwa adjoining each other, and all the buildings standing thereon, the said lands containing in extent about 1 acre and being situated at Hettiweediya in Weligama, in the Weligam korale of the Matara District; and bounded on the north by Kadahandiyewatta, east by ela, south by Jambugahakoratuwa *alias* Hannaliyawatta, and on the west by road.

(2) All the fruit trees and soil of the contiguous lands Liyana-aratchigewatta and Gederawatta adjoining each other, and all the buildings standing thereon, the said lands containing in extent about 1 acre and being situated at Hettiweediya aforesaid; and bounded on the north by minor road, east by Andugodawatta, south by Sinna Lebbege Pittaniya and Diapotha, and on the west by Illukmullegewatta.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, November 19, 1924. Additional Deputy Fiscal.

In the District Court of Galle.

K. S. P. S. Kadirasan Chetty of Galle, now in
India Plaintiff.

No. 21,481. Vs.

M. K. Cassim of Denepitiya..... Defendant.

NOTICE is hereby given that on Tuesday, December 23, 1924, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 726·85, with legal interest on Rs. 702·46 from June 11, 1924, till payment in full, viz. :—

1. The soil and trees of the land called PUNCHIPATTINIYAWATTA, situated at Watagederamulla in the Weligam korale of the Matara District, Southern Province; and bounded on the north by Gederawatta, east by Kosabawagekella, south by Malwatta, and on the west by Mahapattiniyawatta; and containing in extent about 1 acre.

2. An undivided 1/5 part of all the soil and trees and buildings of the land called Wenawatta, situated at Watagederamulla aforesaid; and bounded on the north by Rilapaluwatta and Thanighawatta, east by a portion of this land, south by minor road, and on the west by Keppitiyawatta; and containing in extent 1 acre and 2 roods.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, November 20, 1924. Additional Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Thillaiampalam Sivaramalingam of Anaikoddi..... Plaintiff.

No. 18,115. Vs.

(1) Sinnappillai, wife of Kanthar, (2) Kanthar Sivapiragasam, both of Thavadi Defendants.

NOTICE is hereby given that on Saturday, December 20, 1924, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective spots the right, title, and interest of the said defendants in the following property for the recovery of Rs. 1,027·80, with interest on Rs. 700, at the rate of 12 per cent. per annum from August 16, 1923, until payment in full, and cost Rs. 252·37, poundage, and charges, viz. :—

1. A piece of land situated at Thavadi in Uduvil Parish, Valikamam north Division of the Jaffna District, Northern Province, called Thachchanthai Mylappulam and other parcel, containing or reputed to contain in extent 6 lachams varaku culture, with share of well lying on the eastern boundary, house, cultivated plants, and other appurtenances and share of the water of the well lying on the south-west, and right of use of way and water course; bounded or reputed to be bounded on the east by footpath and by property of Muttupillai, wife of Kanagasabai, and well, on

the north by the property of Achchikuddy, wife of Kartigesu, and of Ponnathai, wife of Seeniar, on the west by property of Kantar Kadiravelu, and on the south by way and water-course.

2. An undivided $\frac{1}{4}$ share with its appurtenances of a piece of land situated at Inuvil in Uduvil Parish aforesaid called Thambalavattai, containing or reputed to contain in extent 24 lachams varaku culture, with palmyras and spontaneous plants and share of well lying on the southern boundary; bounded or reputed to be bounded on the east by property of Valliammai, wife of Kandiah, Suppar Sinnappa, and of Punnathai, wife of Seeniar, on the north by property of Murugesar Appakuddy and of Nagamuttu, wife of Suppar, on the west by lane, and on the south by lane and by property of Valliammai, wife of Kandiah, and by well.

Fiscal's Office,
Jaffna, November 24, 1924.

A. VISVANADHAN,
Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

S. P. A. V. A. N. Annamalle Chetty, by his attorney
Rawanna Mana Dharmalingam Pulle of Kurunegala
..... Plaintiff.
No. 10,021. Vs.

(1) Mina Muna Abdul Magido of Potuhera in Udupola,
Medalassa korale, (2) Mawanna Muna Siyyadu
Ahamadu of Kurunegala Defendants.

NOTICE is hereby given that on Saturday, January 10, 1925, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

An undivided $\frac{1}{5}$ share of Nagahalandewatta of 28 acres 3 roods 26 perches in extent, situate at Ahugoda in Rekkopattu korale of Dambadeni hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by lot No. 280 in T. P. 311,960, on the east by village limits of Amunugama and Potuhera, on the south by a road, and on the west by T. Ps. 312,445 and 312,431 and lots 284 $\frac{1}{2}$ and 111.

Amount to be levied Rs. 852.40, with further interest on Rs. 750 at the rate of 30 per cent. per annum from March 31, 1924, to May 22, 1924, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full.

Fiscal's Office,
Kurunegala, November 20, 1924.

S. D. SAMARASINHE,
Deputy Fiscal.

In the District Court of Kurunegala.

S. P. A. V. A. N. Annamaley Chetty, by attorney
Rawanna Mana Dharmalingam Pulle of Kurunegala
..... Plaintiff.
No. 10,022. Vs.

(1) Meevanna Muna Mariya Umma, (2) Mawanna Muna
Sando Ahamath, both of Kurunegala, (3) Meevanna
Rawanna Kachchi Mohammado of Pilessa in Gan-
dahe korale Defendants.

NOTICE is hereby given that on Saturday, January 10, 1925, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

An undivided $\frac{1}{5}$ share of Nagahalandewatta of 28 acres 3 roods and 26 perches in extent, situate at Ahugoda in Rekkopattukorale of Dambadeni hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by lot No. 280 in T. P. 311,960, on the east by village limits of Amunugama and Potuhera, on the south by a road, and on the west by T. Ps. 312,445 and 312,431 and lots 284 $\frac{1}{2}$ and 111.

Amount to be levied Rs. 372.65, with further interest on Rs. 307.50 at the rate of 30 per cent. per annum from March 31, 1924, to May 7, 1924, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full.

Fiscal's Office,
Kurunegala, November 20, 1924.

S. D. SAMARASINHE,
Deputy Fiscal.

In the District Court of Puttalam.

Muttu Wairan Nalla Raku Pillai of Udupu, Chilaw
District Plaintiff.
No. 3,439. Vs.

(1) Miguel Ana Fernando, widow and executrix *de non*
sort of the late P. A. Fernando, (2) P. Lawrence
Fernando, (3) Mary Lowe, widow of the late P. M.
Fernando, all of Mundal Defendants.

NOTICE is hereby given that on Saturday, December 20, 1924, at the time mentioned below these, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

At 10 A.M.

1. An undivided 94/144 shares of the land called Than-divillukany, situate at the village Mundal in Puttalam pattu in Puttalam District, in the North-Western Province, in extent 5 acres and 1 rood shown in plan H 22 $\frac{1}{2}$ and 122, respectively; and bounded on the north by lane, east by Puttalam-Chilaw road, south by the land of the heirs of Savari Paulu-Corera, and on the west by the lots H 22 and Y 21 depicted in preliminary plan 978.

At 10.15 A.M.

2. An undivided 94/144 shares of the land called Than-divillukany in lot Y 20, situate at the village Mundal aforesaid, containing in extent 3 acres and 1 rood; and bounded on the north by the land of Lawrence Fernando and others, east by the Puttalam-Chilaw road, south by lane, and on west by the field of the heirs of Palliyapillai.

At 10.30 A.M.

3. An undivided 94/144 shares of the land called Than-divillukany, situate at the village Mundal aforesaid, containing in extent 5 acres 1 rood and 15 perches; and bounded on the north by the land belonging to Kadirasen temple, on the east by Puttalam-Chilaw road, on the south by the land of Lawrence Fernando and others, and on the west by the field of the heirs of Palliyapillai.

At 10.45 A.M.

4. The land called Than-divillukany, situate at the village Mundal aforesaid, containing in extent 3 acres; and bounded on the north and south by the lands of Lawrence Fernando and others, on the east by the Puttalam-Chilaw road, and on the west by the field of the heirs of Palliyapillai. The entirety within these boundaries. Subject to mortgage.

For the recovery of the sum of Rs. 750, with interest on Rs. 375 at 1 $\frac{1}{2}$ per cent. per mensem from April 29, 1921, till date of final decree, *i.e.*, July 27, 1923, and thereafter legal interest on the aggregate till payment in full, costs, and Fiscal's charges, &c.

Puttalam, November 21, 1924.

H. L. HOPPER,
Deputy Fiscal.

In the District Court of Chilaw.

Sung Kana Runa Muna Sellappa Chetty of
Madampe Plaintiff.
No. 7,303. Vs.

Magalage Julius Perera Samarasingha Appuhamy of
Mabola in Wattala Colombo District Defendant.

NOTICE is hereby given that on Friday, December 19, 1924, at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of the sum of Rs. 1,818.75, with further interest at 15 per cent. per annum on Rs. 1,500 from August 20, 1923, up to May 12, 1924, thereafter with legal interest from date of decree till payment in full, and costs of suit, viz. :—

An undivided $\frac{1}{4}$ share from and out of that allotment of land bearing No. 243/31D and called and known as Puswelkandehenyaya, situate at Tambagalla in Munnessaram pattu of Pitigal korale north, in the District of Chilaw; and bounded on the north and east by lot 4 in preliminary plan 243, south by lots 31B, 31C, and 31A in preliminary plan 243, and west by lot 31 in preliminary plan 243; containing in extent 8 acres 3 roods and 16 perches.

Deputy Fiscal's Office,
Chilaw, November 25, 1924.

A. BASNAYAKE,
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

William James Stewart of Ratnapura Plaintiff.
No. 3,693. Vs.Samsadeen Marikar Kaladeen Marikar of Ratnapura,
attorney of Wappusa Marikar Habibu Umma of
Kalutara, administratrix of the estate of Awu Lebbe
Marikar Mustapha Lebbe Marikar Hadjar,
deceased Defendants.

NOTICE is hereby given that on January 5, 1925, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property specially mortgaged and decreed to be sold by the decree entered in the above case for the recovery of the balance sum of Rs. 2,871·03, with interest on Rs. 5,030·50 at 9 per cent per annum from August 28, 1921, till payment, and poundage, viz. :—

1. An undivided $\frac{1}{4}$ share of the soil and trees and of the buildings standing on the land called Dettterapitiyewatta; bounded on the north by land belonging to Dimbulwitiyekankanamalaye Balahamy, east by road leading to Dampayawatta, south by high road leading to Colombo, and west by land belonging to Asana Marikar Pakir Bawa and Unagahaliyadda; containing in extent about 2 acres, situate in the town of Ratnapura.

Fiscal's Office, Ratnapura, November 22, 1924.
R. E. D. ABEYRATNE,
Additional Deputy Fiscal.

In the District Court of Ratnapura.

Yena Sana Thana Sithambarana Chetty, by his attorney
Yena Sena Ana Anhamalai Chetty of Ratnapura. Plaintiff.
No. 3,917. Vs.

(1) Samsadeen Marikar Kaladeen Marikar of Ratnapura, as attorney of Wappusa Marikar Habibu Umma of Mustapha Villa, Kalutara, administratrix of the estate of late Avu Lebbe Marikar Mustapha Lebbe Marikar Hadjar of Ratnapura, deceased, and
(2) Idroos Lebbe Marikar Mohommadu Sahid Marikar of Molliawalay in Beruwala, for himself and as the legal representative of the estate of his deceased wife, Mustapha Lebbe Marikar Pathumuttu Sohara Umma Defendants.

NOTICE is hereby given that on December 19, 1924, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of interest on Rs. 6,558 at 9 per cent. per annum from March 24, 1923, till payment in full, and poundage, viz. :—

An undivided one-half share of the land called Dettterapitiyewatta, together with the whole of the buildings standing thereon (excluding the two boutiques belong to P. W. Dias and the house occupied by Paul), situated in the town of Ratnapura; bounded on the north by land belonging to D. K. Balahamy, east by road leading to Dampayawatta, south by high road leading to Colombo, and west by land belonging to Pakir Bawa and Unagahaliyadda; containing in extent about 2 acres.

Fiscal's Office, Ratnapura, November 20, 1924.
R. E. D. ABEYRATNE,
Additional Deputy Fiscal.

I, FRANCIS GRAEME TYRRELL, Fiscal for the North-Western Province, do hereby appoint Mr. R. V. Naganathan to be Marshal for the divisions of Dambadeni Udukaha north and west, and Mairawati korales of Dambadeni hatpattu, Karandapattu, Meddeketiya, Katugampola Medapattu east and west, Yatikaha, Yagampattu, Kinyama, Katugampola north and south, and Pitigal korales of Katugampola hatpattu, in the Kurunegala District, under the provisions of the Fiscals' Ordinance, No. 4 of 1867; for November 15, 1924, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Kurunegala, this 19th day of November, 1924.

F. G. TYRRELL,
Fiscal.

I, HUMPHREY WILLIAM CODRINGTON, Fiscal of the Province of Sabaragamuwa, do hereby appoint Mr. A. D. C. de Silva of Avissawella to be Marshal for the divisions of Palle and Meda pattus of Kuruwiti korale of the Ratnapura District and of Three Korales and Lower Bulatgama of the Kegalla District, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

November 25, 1924.

H. W. CODRINGTON,
Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Edward de Silva Ranamona Wickremasinghe,
No. 1,256. Muhandiram, of Dam street,
Colombo, deceased.

Edward Noel Abeyewardene, presently of Naranwala
in the District of Kurunegala Petitioner.

And

(1) Manawathi Abeyewardene, and (2) Kamalawathi de
Silva Wickremasinghe, both presently of Naranwala
aforesaid Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on October 23, 1924, in the presence of Mr. A. C. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 22, 1924, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as brother-in-law of the above-named deceased, to have letters of administration *de bonis non* issued to him, unless the respondents above named or any

other person or persons interested shall, on or before December 4, 1924, show sufficient cause to the satisfaction of this court to the contrary.

October 23, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. late Anthonipillai Jacobpillai of No. 68c,
No. 2,005. Temple road, Colombo, deceased.

John Louis Stanislaus of No. 68c, Temple road,
Colombo Petitioner.

And

(1) Rev. Brother Emmanuel Mary Gregory Luke of
St. Benedict's College, Colombo, (2) Rev. Brother
Jeronimus Emilianus of St. Francis Xavier's House,
Wellawatta, in Colombo, (3) Jacob Peter of
Alcantra Pillai of No. 68c, Temple road,
Colombo Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on September 12, 1924, in the presence of Mr. S. N. Aseerwatham, Proctor,

on the part of the petitioner above named ; and the affidavit of the said petitioner dated August 27, 1924, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 23, 1924, show sufficient cause to the satisfaction of this court to the contrary.

September 12, 1924. — V. M. FERNANDO, District Judge.

The date for showing cause is extended to December 4, 1924.

October 23, 1924. V. M. FERNANDO, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Mandalalage Dona Mariya Abeyaratne No. 2,057. of Shoemaker's lane, Kotahena, Colombo deceased.

Balapuwaduge Don Manuel of No. 15, Shoemaker's lane, Colombo Petitioner.

And

(1) Loobanduwaduge Dona Clara, wife of (2) Don Michael Costa, (3) Loobanduwaduge Don Benedict, (4) ditto Dona Grace, (5) ditto Don Alexander, (6) ditto Don Philip, (7) ditto Don Austin, (8) ditto Don Aloysius, all of No. 15, Shoemaker's lane, Colombo Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on October 27, 1924, in the presence of Mr. M. R. Akbar, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated October 20, 1924, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as widower of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before December 4, 1924, show sufficient cause to the satisfaction of this court to the contrary.

October 27, 1924. V. M. FERNANDO, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate of Ponweera Aratchige Don Thobias of Pamunugama No. 2,064. Parana-ambalama in the Ragam pattu of Alutkuru korale, deceased.

Bastian Korallalage Maria Rodrigo of Pamunugama Parana-ambalama Petitioner.

And

(1) Ponweera Aratchige Francis Nicholas, (2) Bastian Korallalage Joseph Rodrigo, both of Pamunugama aforesaid Respondents.

THIS matter coming on for disposal before F. M. Fernando, Esq., District Judge of Colombo, on November 3, 1924, in the presence of Mr. A. B. Tillekeratne, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated October 31, 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 December 11, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 3, 1924. G. KOCH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Balapuwaduge William Mendis No. 2,070. of Indibedda in Moratuwa, deceased.

Balapuwaduge William Allanston Mendis of Indibedda in Moratuwa Petitioner.

And

(1) Mahawattege Maria Isabella Mendis of Indibedda aforesaid, (2) Balapuwaduge Maria Martha Mendis and her husband (3) Panapage Wilson Martin Fernando, both of Moratumulle in Moratuwa, (4) Balapuwaduge William Alfred Mendis, (5) ditto Maria Emalin Mendis, both of Indibedda aforesaid Respondents.

THIS matter coming on for disposal before V. M. Fernando Esq., District Judge of Colombo, on November 6, 1924, in the presence of Mr. Arthur S. Fernando, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated November 5, 1924, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before December 11, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 6, 1924. V. M. FERNANDO, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. and six Codicils of Minton Goode. No. 2,083. late of 6, Netherhall Gardens, Hampstead, and of 19, South Audley street, both in the County of Middlesex, deceased.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on November 18, 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 November 14, 1924, exemplification of probate of the will and codicils of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated November 11, 1924, having been read : It is ordered that the will of the said deceased dated February 22, 1923, and six codicils thereto dated respectively March 26, 1923, June 19, 1923, August 28, 1923, February 21, 1924, February 22, 1924, and February 26, 1924, of which an exemplification of probate has been produced and is now deposited in the 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 codicils annexed, issued to him accordingly, unless any person or persons interested shall, on or before December 4, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 18, 1924. G. KOCH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Mary Elizabeth Milsom, late of No. 2,084. Richmond House, Tennyson road, Worthing, in the County of Sussex, Spinster, deceased.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on November 18, 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 November 14, 1924, exemplification of probate of the will of the above-named deceased, power of attorney in favour of the petitioner, and the Supreme Court's order

dated November 11, 1924, having been read: It is ordered that the will of the said deceased dated December 6, 1918, of which an exemplification of probate 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 petitioner is the attorney of the executor named in the said will, and that he is entitled to have letters of administration, with a copy of the said will annexed, issued to him accordingly unless any person or persons interested shall, on or before December 4, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 18, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament (with two codicils) of Norman Gordon Whichcote Hamner of Christ Church, New Zealand, deceased.

No. 2,093.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on November 20, 1924, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, George Percival Madden of Colombo; and (1) the affidavit of the said petitioner dated November 13, 1924, (2) the power of attorney dated September 30, 1924, and (3) the order of the Supreme Court dated November 4, 1924, having been read: It is ordered that the will of the said Norman Gordon Whichcote Hamner, deceased, dated September 24, 1913, and two codicils thereto dated respectively January 9, 1922, and February 4, 1924, an exemplification of which under the Seal of the Supreme Court of New Zealand 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 George Percival Madden is the attorney in Ceylon of the executrix named in 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 December 4, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 20, 1924.

G. KOCH,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Tantalage Peter de Silva of Gampaha, deceased.

No. 2,268.

THIS matter coming on for disposal before J. D. Brown, Esq., District Judge of Negombo, on October 31, 1924, in the presence of Mr. T. Ranasinghe, Proctor, on the part of the petitioners, (1) Adela de Silva and (2) Austin Percy Henry de Silva, both of Gampaha; and the affidavit of the said petitioners dated October 6, 1924, having been read:

It is ordered that the 1st respondent be and he is hereby appointed guardian *ad litem* over the minors, 2nd and 3rd 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 ordered that the said petitioners be and they are hereby declared entitled, as widow and son of the said deceased respectively, to administer the estate of the deceased above named, and that letters of administration do issue to them accordingly, unless the respondents—(1) Nelson Simon Peter de Silva of Colpetty, Colombo, (2) Eulin Mabel Adeline de Silva, and (3) Neville Patrick Anthony de Silva, both of Gampaha—or any other person or persons interested shall, on or before December 2, 1924, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the said 1st respondent do produce the said minors before this court on December 2, 1924, at 9.30 A.M. in connection with the above case.

October 31, 1924.

J. D. BROWN,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Liyanage Nicholas Romeo Fernando of Pitipana in Negombo.

No. 2,270.

THIS matter coming on for disposal before J. D. Brown, Esq., District Judge of Negombo, on November 7, 1924, in the presence of Mr. A. E. Rosa, Proctor, on the part of the petitioner, Manimalage Marcelina Fernando of Pitipana aforesaid; and the affidavit of the said petitioner dated November 7, 1924, having been read:

It is ordered that the respondent be and he is hereby appointed guardian *ad litem* over the minors, 1st and 2nd 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 she is hereby declared entitled, as the widow of the said deceased, to administer the estate of the deceased above named, and that letters of administration do issue to her accordingly, unless the respondents—(1) Liyanage Nicholas Fernando, (2) Liyanage Benedict Fernando, (3) Panamburage Pedro Romeo Fernando, all of Pitipana, or any other person or persons interested—shall, on or before December 10, 1924, show sufficient cause to the contrary.

And it is further ordered that the said 3rd respondent do produce the said minors before this court on December 10, 1924, at 9 A.M. in connection with the above case.

November 7, 1924.

J. D. BROWN,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Lokuge Dona Marikida Weerasinghe Hamine Kongodamulla, deceased.

No. 2,272.

THIS matter coming on for disposal before J. D. Brown, Esq., District Judge of Negombo, on November 13, 1924, in the presence of Mr. J. P. A. Caldera, Proctor, on the part of the petitioner, Weelathgamuwage Don Amaris Appu of Kongodamulla; and the affidavit of the said petitioner dated November 13, 1924, having been read: It is ordered that the 7th respondent be and he is hereby appointed guardian *ad litem* over the minors, 2nd, 3rd, 4th, 5th, and 6th 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 ordered that the said petitioner be and he is hereby declared entitled, as husband of the said deceased, to administer the estate of the deceased above named, and that letters of administration do issue to him accordingly, unless the respondents—(1) Weelathgamuwage Dona Ana Maria, (2) ditto Winifred, (3) ditto Jerone Emmaliano, (4) ditto Akasius, (5) ditto Ambrose, (6) ditto Michael, all of Kongodamulla, and (7) Lokuge Napoleon Weerasinghe of Halpe—or any other person or persons interested shall, on or before December 15, 1924, show sufficient cause to the satisfaction of this court to the contrary. And it is further ordered that the said 7th respondent do produce the said minors before this court on December 15, 1924, at 9.30 in connection with this case.

November 13, 1924.

J. D. BROWN,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved &c.

Testamentary Jurisdiction. In the Matter of the Estate of the late Gintota Vidanelage Suwaris Silva, deceased, of Madinakanda.

No. 1,675.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on May 15, 1924, in the presence of Messrs. de Abrew & Jayasundera, Proctors, on the part of the petitioner, Gintota Vidanelage Babun Sinno Silva of Madinakanda; and the affidavit of the said petitioner dated May 6, 1924, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to

have letters of administration to his estate issued to him, unless the respondents—(1) Gintota Vidanelage Nomis Silva of Madinakanda, presently of Ratmalana, (2) ditto Lucy Hamy and husband (3) Babun Sinno, (4) Gintota Vidanelage Baby Nona, presently of Ratmalana, by her guardian *ad litem* the 1st respondent—or any other person or persons interested shall, on or before July 4, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 1st respondent be and he is hereby appointed guardian *ad litem* over the 4th respondent, minor, for all the purposes of this action.

W. H. B. CARBERY,
District Judge.
May 13, 1924.
Date for showing cause was extended to October 3, 1924.

W. H. B. CARBERY,
District Judge.
Date for showing cause was extended to October 31, 1924.

W. H. B. CARBERY,
District Judge.
Date for showing cause was extended to December 12, 1924.

W. H. B. CARBERY,
District Judge.

In the District Court of Kandy.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction ment of Paragahadeniyegedara Seiyado
No. 4,194. Lebbe's daughter Nabeesa Umma of
Kurugoda in Udagampaha of Haris
pattu, deceased.

Paragahadeniyegedara Habibu Lebbe's son Moham-
mado Mohiadeen Lebbe of Kurugoda afore-
said Petitioner.

THIS matter coming on for final disposal before Paulus Edward Pieris, Doctor of Letters, District Judge, Kandy, on October 3, 1924, in the presence of Mr. F. J. P. Mudanayake, Proctor, on the part of the petitioner, Paragahadeniyegedara Habibu Lebbe's son Mohammado Mohiadeen Lebbe of Kurugoda; and the affidavit of the said petitioner dated October 2, 1924, and of the subscribing witnesses to the will having been read:

It is ordered that the will of the above-named deceased dated September 3, 1924, and now deposited in this court be and the same is hereby declared proved, unless any person or persons interested shall, on or before November 3, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is declared that the said petitioner, Paragahadeniyegedara Habibu Lebbe's son Mohiadeen Lebbe, is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person or persons interested shall, on or before November 3, 1924, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.
October 3, 1924.

This is extended to show cause on December 4, 1924.

P. E. PIERIS,
District Judge.
October 3, 1924.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Wijesinghe Mudiyansele Pallegedera
No. 4,193. Pinchi Amma, deceased, of Alagoda in
Harispattu.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge, Kandy, on November 6, 1924, in the presence of Messrs. Wijayaratne and Wijayatilake, Proctors, on the part of the petitioner, Angurukumburegedara Weerasekera Mudiyansele Kalu Banda of Alagoda; and the affidavit of the said petitioner dated September 30, 1924, and his petition having been read:

It is ordered that the said petitioner, 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) Weerasekera Mudiyansele Loku Banda, (2) Weerasekera Mudiyansele Kumarihamy, (3) Weerasekera Mudiyansele Heen Banda, (4) Weerasekera Mudiyansele Dingiri Amma, (5) Weerasekera Mudiyansele Tikiri Banda, (6) Weerasekera Mudiyansele Punchi Banda, and (7) Weerasekera Mudiyansele Bisso Menika, all of Alagoda aforesaid; the said 3rd, 4th, 5th, 6th, and 7th respondents appearing by their duly appointed guardian *ad litem*—or any person or persons interested shall, on or before December 11, 1924, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.
Kandy, November 6, 1924.

In the District Court of Kandy.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Anastasia Winifred Kretzheim,
No. 4,204. deceased, of Peradeniya road, Kandy.

THIS matter coming on for disposal before Paul E. Pieris, Doctor of Letters, District Judge of Kandy, on October 29, 1924, in the presence of Messrs. Beven & Beven on the part of the petitioner, Dessiderius Godfrey Kretzheim of Trincomalee street, Kandy; and the affidavits of the said petitioner and of Nevill Budd Jansze of Kandy, both dated October 28, 1924, having been read:

It is ordered that the will of Anastasia Winifred Kretzheim of Peradeniya road, Kandy, deceased, dated August 11, 1924, and now deposited in this court be and the same is hereby declared proved; unless any person shall, on or before December 15, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Dessiderius Godfrey Kretzheim of Trincomalee street, Kandy, is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person shall, on or before December 16, 1924, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.
October 29, 1924.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Charles Montgomery Durrant of Gam-
No. 4,206. maduwa Group, Gammaduwa, in the
Island of Ceylon, deceased.

And

In the Matter of the Civil Procedure Code,
1889, Chapter XXXVIII.

Christopher Cockburn Durrant of Colombo.....Petitioner.

(1) James Falconner Durrant of Sandiacre Rectory, Nottingham, England, (2) Edward Moreton Durrant of Sandiacre Rectory, Nottingham, England, (3) Violet Dalrymple Durrant of St. Thomas's Convent, Oxford, England, Spinster, (4) Irene Elizabeth Nunns, wife of (5) Robert Denys Nunns, both of Empress Club, Dover street, London, England.....Respondents.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge of Kandy, on November 8, 1924, in the presence of Mr. F. L. Goonewardene, Proctor, on the part of the petitioner, Christopher Cockburn Durrant of Colombo; and (1) the affidavit of the said petitioner dated October 22, 1924, and (2) minutes of consent dated June 3 and 6 and August 7, 1924, having been read: It is ordered that the said Christopher Cockburn Durrant is the only next of kin of the above-named Charles Montgomery Durrant, deceased, resident in Ceylon, and as such entitled to have letters of administration issued to him accordingly, unless any person or persons interested shall, on or before December 8, 1924, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.
November 8, 1924.

In the District Court of Galle.

*Order Nisi.*Testamentary
Jurisdiction.
No. 6,007.

In the Matter of the Estate of late Senanayakage Don Daniel de Silva Appuhamy, deceased, of Padinnoruwa in Talpe

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on September 4, 1924, in the presence of Mr. C. L. Wickremasinghe, Proctor, on the part of the petitioner, Senanayakage Ciciliana Hamine, wife of (2) Walawege Mendis Appuhamy, both of Ahangama; and the affidavit of the 1st petitioner dated September 4, 1924, having been read:

It is declared that the said 1st petitioner, as daughter of the deceased above named, is entitled to have letters of administration issued to her accordingly, unless the respondent, Kalutotage Thotcho Hamine of Ahangama, shall, on or before October 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

L. W. C. SCHRADER,
District Judge.

September 4, 1924.

The date for showing cause is extended to November 13, 1924.

L. W. C. SCHRADER,
District Judge.

October 9, 1924.

The date for showing cause is extended to December 4, 1924.

L. W. C. SCHRADER,
District Judge.

November 13, 1924.

In the District Court of Galle.

*Order Nisi.*Testamentary
Jurisdiction.
No. 6,020.

In the Matter of the Estate of the late Madduma Hallinnege James, deceased, of Wawulagoda in Hikkaduwa.

THIS action coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on September 25, 1924, in the presence of Mr. C. E. Abeyewardene, Proctor, on the part of the petitioner, Rajawasan Wellala Hettige Nancyhamy of Wawulagoda; and the affidavit of the said petitioner dated September 23, 1924, having been read: It is declared that the said petitioner, as widow of the deceased above named, is entitled to have letters of administration issued to her accordingly, unless the respondents, viz., (1) Madduma Hallinnege Arnolis, (2) ditto William Singho, (3) ditto Alice, wife of (4) Panditage Upasaka Appu, (5) Madduma Hallinnege Luwisi Nona, (6) ditto Magilin, all of Wawulagoda, shall, on or before October 30, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 2nd respondent be appointed guardian *ad litem* over 5th and 6th respondents, unless the said respondents shall, on or before October 30, 1924, show sufficient cause to the satisfaction of this court to the contrary.

L. W. C. SCHRADER,
District Judge.

September 25, 1924.

Date for showing cause extended to December 4, 1924.

L. W. C. SCHRADER,
District Judge.

November 21, 1924.

In the District Court of Tangalla.

*Order Nisi.*Testamentary
Jurisdiction.
No. 901.

In the Matter of the Estate of the late Don Dines Abesiriwardana, deceased, of Talahagamaduwa.

THIS matter coming on for disposal before M. Prasad, Esq., District Judge of Tangalla, on October 28, 1924, in the presence of Mr. Jayawickrema, Proctor, on the part of the petitioner; and the affidavit of Don Juwanis Abesiriwardana dated October 22, 1924, having been read:

It is ordered that letters of administration to the estate of Don Dines Abesiriwardana, deceased, be granted to the petitioner, Don Juwanis Abesiriwardana of Talahagamaduwa, as son of the deceased, unless the respondents—(1) Don Davit Abesiriwardana, (2) Munasin Arachige Don Hendrick—or any person or persons interested shall, on or before November 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

M. PRASAD,
District Judge.

October 28, 1924.

The above *Order Nisi* is extended and re-issued for December 1, 1924, for showing cause.

M. PRASAD,
District Judge.

November 17, 1924.

In the District Court of Tangalla.

*Order Nisi.*Testamentary
Jurisdiction.
No. 902.

In the Matter of the Estate of the late Egodavitaranage Kalinguhamy, deceased, of Wallasmulla.

THIS matter coming on for disposal before M. Prasad, Esq., District Judge of Tangalla, on October 28, 1924, in the presence of Mr. Jayawickrema, Proctor, on the part of the petitioner; and the affidavit of Thedias Dahanayaka of Wallasmulla dated October 1, 1924, having been read:

It is ordered that the letters of administration to the estate of the late Egodavitaranage Kalinguhamy, deceased, be granted to Don Thedias Dahanayaka of Wallasmulla, as son of the deceased, unless the respondents—(1) Don Siyadoris Dahanayaka, (2) Don Cornelis Dahanayaka, (3) Don Martin Dahanayaka, (4) Dona Ciciliana Dahanayaka, (5) Don James Dahanayaka, (6) Don Siman Dahanayaka—or any person or persons interested shall, on or before November 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

M. PRASAD,
District Judge.

October 28, 1924.

The above *Order Nisi* is extended to December 1, 1924, for showing cause.

M. PRASAD,
District Judge.

November 17, 1924.

In the District Court of Batticaloa.

*Order Nisi.*Testamentary
Jurisdiction.
No. 106.

In the Matter of the Estate of the late Kandapper Poorany of Kokuvil, deceased.

Paler Rasiah of Kokuvil.....Petitioner.

Vs.

(1) Velupillai Poopally, (2) Velupullai Tangbymuttu, (3) Velupullai Manikan, (4) Velupullai Nallamma, (5) Rasiah Sinnaturai, (6) Rasiah Tangamuttu, minors, by their guardian *ad litem* Kandapper Tombeder Vairamuttu of Kokuvil.....Respondents.

THIS matter coming on for disposal before N. E. Ernst, Esq., District Judge of Batticaloa, on January 15, 1924, in the presence of Mr. Kadramatamby, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated October 1, 1923, and January 15, 1924, respectively, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as husband 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 February 26, 1924, show sufficient cause to the satisfaction of this court to the contrary.

N. E. ERNST,
District Judge.

January 15, 1924.

Extended to November 6, 1924.

Extended to December 2, 1924.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Wavenna Neina Moona Nagoor Pitche,
No. 1,611. late of Chilaw, deceased.

Wanni Umma of Chilaw Petitioner.

Vs.

(1) Sawudun Amma, (2) Mohamado Thamby, (3) Ana
Sena Seiyadu Mustapah, all of Chilaw Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Chilaw, on October 22, 1924, in the presence of Messrs. Corea & Anderson, Proctors, on the part of the petitioner, and the affidavit of the said petitioner and her petition dated October 22, 1924, having been read: It is ordered that the 3rd respondent be and he is hereby appointed guardian *ad litem* over the 2nd respondent, who is a minor, for the purpose of these proceedings, and that the petitioner, as widow of the above-named deceased, be and she is hereby declared entitled to administer the estate of the said deceased, and that letters of administration do issue to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before November 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

October 22, 1924.

N. M. BHARUCHA,
District Judge.

N.B.—The date for showing cause has been extended for December 9, 1924.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Karunayakatennehelage Appuhamy
No. 1,036. of Kohombadeniya, deceased.

Karunayakatennehelage Jewenderahamy of
Kohombadeniya Petitioner.

Vs.

(1) Karunayakatennehelage Dingiri Amma, (2)
ditto Mudiyanse, (3) ditto Dingiri Banda, (4) ditto
Rajamenika, all of Kohombadeniya. Respondents.

THIS matter coming on for disposal before V. Coomaraswamy, Esq., District Judge, Kegalla, on September 18, 1924, in the presence of Mr. G. C. H. Molligode, Proctor, for petitioner; and his affidavit and petition dated August 2 and September 18, 1924, respectively, praying for letters of administration of the aforesaid estate, having been read: It is ordered and declared that the petitioner, as the maternal uncle 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 respondents above named or any person or persons interested shall, on or before October 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

September 18, 1924.

V. COOMARASWAMY,
District Judge.

The *Order Nisi* is extended to November 6, 1924.

October 9, 1924.

V. COOMARASWAMY,
District Judge.

This *Order Nisi* is extended to December 4, 1924.

November 6, 1924.

V. COOMARASWAMY,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Jayacodi Arachchige Simon Appuhamy
No. 1,046. of Dembatanpitiya, deceased.

Rajapassa Pannamalage Selestinalamy of Demba-
tanpitiya Petitioner.

Vs.

(1) Jayacodi Arachchige Carolis Appuhamy of Demba-
tanpitiya, (2) ditto Buramp Appuhamy of ditto, (3)
ditto Podi Appuhamy of ditto Respondents.

THIS matter coming on for disposal before V. Coomaraswamy, Esq., District Judge, Kegalla, on October 1, 1924, in the presence of Mr. G. C. H. Molligode, Proctor, for petitioner; and his affidavit and petition dated June 24 and September 30, 1924, respectively, praying for letters of administration of the aforesaid estate having been read: It is ordered and declared that the petitioner, as the mother of the deceased, is entitled to letters of administration of the said estate, and that such letters will be issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before November 4, 1924, show sufficient cause to the satisfaction of this court to the contrary.

October 1, 1924.

V. COOMARASWAMY,
District Judge.

This *Order Nisi* is extended for December 2, 1924.

November 4, 1924.

V. COOMARASWAMY,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Nawaratne Mudienselage Kalu Banda of
No. 1,052. Kiriwandeniya.

Vidanarallage Panchanika of Kiriwandeniya. Petitioner.

Vs.

(1) Nawaratne Mudienselage Panchanika, (2) ditto
Dingiri Amma, (3) Heneka Mudiensalage Kirihamy
of Kiriwandeniya; 1st and 2nd respondents being
minors by their guardian *ad litem* the 3rd respon-
dent Respondents.

THIS matter coming on for disposal before V. Coomaraswamy, Esq., District Judge of Kegalla, on November 10, 1924, in the presence of Mr. G. C. H. Molligode, Proctor, for petitioner; her affidavit and petition dated October 29, and November 7, 1924, praying for the appointment of guardian *ad litem* and for letters of administration of the aforesaid estate, having been read: It is ordered and declared that the 3rd respondent, being the maternal grandfather of the minor respondents, is a fit and proper person to be appointed their guardian *ad litem*, and such appointment will be made accordingly, and that the petitioner, as the widow of the deceased, is entitled to letters of administration of the said estate, and that such letters will be issued to her accordingly, unless the respondents or any person or persons interested shall, on or before December 11, 1924, show sufficient cause to the satisfaction of the court to the contrary.

November 10, 1924.

V. COOMARASWAMY,
District Judge.