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Part II.—Legal.

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DRAFT ORDINANCES.

MINUTE.

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

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

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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 :

Powers of registered proprietor.

(b) Any equities in respect of a trade mark may be enforced in like manner as in respect of any other personal property.

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 *visá 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 *visá 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 *primá 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 provisoes (b) and (c) of section 9 re-enact section 2 of Ordinance No. 23 of 1918.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Attorney-General's Chambers,
Colombo, October 23, 1924.

L. H. ELPHINSTONE,
Attorney-General.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that the valueless records of the District Court of Colombo, from the year 1858 to the year 1865 (records Nos. 28,501 to 29,999; 38,301 to 39,185; and 41,000 to 42,071), will be destroyed in terms of Ordinance No. 12 of 1894, at the expiration of three months from January 1, 1925.

Any person interested in any such record or records may personally, by proctor, or by duly authenticated petition claim, upon good cause shown, that such records may not be destroyed.

District Court,
Colombo, December 1, 1924.

V. M. FERNANDO,
District Judge.

In the Court of Requests of Kandy.

Sevathian Dhoby and 4 others Plaintiffs.

No.-2,193. Vs.

The Proprietor, Kovilakanda estate, Kadugannawa Defendant.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Kandy by 5 labourers of Kovilakanda 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. 3,307. In the matter of the insolvency of Beruwalakapuge Jinadasa of 22, Dias place, in 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 January 20, 1925, for the grant of a certificate of conformity to the insolvent.

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

In the District Court of Colombo.

No. 3,366. In the matter of the insolvency of Kavanna Muna Cathiravelpillai of No. 47, Chekku Street, 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 January 20, 1925, for the grant of a certificate of conformity to the insolvent.

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

In the District Court of Negombo.

No. 165/L. In the matter of the insolvency of Emanuel Stephen de Croos 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 19, 1925, for the examination of the insolvent.

By order of court, C. EMMANUEL,
Negombo, November 27, 1924. Secretary.

In the District Court of Kalutara.

No. 184. In the matter of the insolvency of W. Philip Alwis of Beruwala.

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 16, 1924, re appointment of assignee.

By order of court, W. A. GOONESEKERE,
Kalutara, November 28, 1924. Secretary.

In the District Court of Kalutara.

No. 179. In the matter of the insolvency of Peter Gunaratna of Kalutara.

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 18, 1924, for proof of a claim.

By order of court, W. A. GOONESEKERE,
Kalutara, November 29, 1924. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

S. P. K. M. Coomarasappa Chetty of No. 111, Sea street, Colombo Plaintiff.
No. 4,584. Vs.

Dr. David Rockwood of Dean's road, Maradana, Colombo Defendant.

NOTICE is hereby given that on Thursday, January 8, 1925, at 3 P.M., will be sold by public auction at No. 176, Dean's road, Maradana, Colombo, the following movable property for the recovery of the sum of Rs. 7,400, with further interest on Rs. 6,000 at 10 per cent. per annum from March 28, 1922, till September 18, 1922, and legal interest on the aggregate amount from that date till payment in full, and costs of suit, less Rs. 500, viz. :—

Three lounges, 3 low chairs, 1 hatst and, 3 arm chairs, 1 tamarind wood round table, 1 ebony settee, 3 ebony arm chairs, 1 small almirah, 1 gramophone, 1 almirah, 1 chiffonier, 1 Japanese screen, 1 dining table, 4 ebony chairs, 1 bookcase, 1 writing table, 6 upholstered chairs, 6 brass flower vases, 15 porcelain flower pots, 50 pots with flower plants, 1 motor car No. 5635.

Fiscal's Office, R. O. DE SARAM,
Colombo, December 2, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

Dona Belina Hamine, assisted by (2) W. Appuhamy, both of Wellawatta Plaintiffs.
No. 8,095. Vs.

Saparamadu Mahabalage Hebius Appuhamy of Wellawatta, for himself and as legal representative of the estate of the late K. Dona Juwana Hamine, deceased Defendant.

NOTICE is hereby given that on Thursday, January 15, 1925, at 2.30 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond Nos. 1,743 dated May 16, 1916, and 2,051 dated June 7, 1917, both attested by C. A. Rodrigo, Notary Public, and decreed and ordered to be sold by the order of court dated October 16, 1924, for the recovery of the sum of Rs. 1,368.32, with legal interest thereon from March 20, 1923, till payment in full, and costs of suit taxed at Rs. 364.43, viz. :—

An undivided one-half of one-half of Andriadiagewatta alias Ambagahawatta and of the trees and plantations and the entire tiled house standing thereon, situated at Kalubowila in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province: and bounded on the north by Elawilla, on the east by the garden belonging to Raphael

Naide and Don Pauloe, on the south by the garden belonging to Badal people (silversmith), formerly of Mr. Juwanis de Saram, Mudaliyar, and on the west by the land belonging to Pattiyage Juanis Peiris and others, formerly of Kiri Naide and Don Abraham Appuhamy; containing in extent 2 acres and 10 perches.

Fiscal's Office, R. O. DE SARAM,
Colombo, December 3, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

E. B. Creasy Company of Colombo Plaintiffs.
No. 11,187. Vs.

K. G. Silva of Garden No. 244, Second Division, Maradana Defendant.

NOTICE is hereby given that on Friday, January 9, 1925, at 3 P.M., will be sold by public auction at 120, Dean's road, Maradana, Colombo, the following movable property for the recovery of the balance sum of Rs. 3,881.53, with interest thereon at the rate of 9 per cent. per annum from April 26, 1924, to date of decree, September 16, 1924, and thereafter on the aggregate amount of the decree at the same rate till payment in full, and costs and poundage, viz. :—

One rickshaw and 1 motor car bearing C 4204.

Fiscal's Office, R. O. DE SARAM,
Colombo, December 3, 1924. Deputy Fiscal, W. P.

In the District Court of Colombo.

Balanwuduge Edward William Mendis of Moratuwa in Moratuwa Plaintiff.
No. 11,244. Vs.

Telge John Christopher Peiris of Moratumulla in Moratuwa Defendant.

NOTICE is hereby given that on Friday, January 16, 1925, at 3 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 18,025 dated June 23, 1917, and decreed and ordered to be sold by the order of court dated October 10, 1924, for the recovery of the sum of Rs. 1,000, with interest on Rs. 550 at the rate of 12½ per cent. per annum from January 23, 1924, to June 9, 1924, and thereafter further interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that remaining portion of land out of all that lot No. 9 of all those contiguous lands called Katugustuduwe-watta, Gorakagahalanda, and Gorakagahawatta, with the trees, plantations, and buildings standing thereon, situated at Indibedda in Moratuwa in the Palle pattu of Salpiti

korale, in the District of Colombo, Western Province; which said remaining portion is bounded on the north-east by a cart road, on the east by portion of land sold to Balapuwaduge Edward William Mendis out of the said lot No. 9 and another portion of the said land, on the south-east also by another portion of the same land, on the south-west by Panadure river, on the north-west by lot No. 8 of the same land; containing in extent 1 acre and 39 $\frac{2}{100}$ perches, and all the right, title, interest, and claim whatsoever of the defendant in, to, upon, or out of the said premises. Prior registration M 231/157.

Fiscal's Office,
Colombo, December 2, 1924.

R. O. DE SARAM,
Deputy Fiscal, W. P.

In the District Court of Colombo.

The Eastern Garage and Colombo Taxi-cab Company,
Colombo Plaintiff.

No. 12,874. Vs.

(1) Sembugay Don Philip Fonseka of Timbirigasyaya, Bambalapitiya, (2) Ansel Silva of Shaving saloon, Fort, Colombo, (3) Angoda Don Lucas Bandara of 47, Meetotamulla, Kelaniya road, and (4) Don George Dias of 69, Panchikawatta, Colombo, trading as Automobile Tourist Co., at No. 11, Victoria arcade, Fort, Colombo Defendants.

NOTICE is hereby given that on Monday, January 5, 1925, at 3 P.M., will be sold by public auction at the plaintiff's garage at Kollupitiya, Colombo, the following movable property for the recovery of the sum of Rs. 476.78, with interest thereon at 9 per cent. per annum from July 29, 1924, till payment in full, and costs of suit and poundage, and less Rs. 90 paid on September 24, 1924, viz. :—

One motor car bearing No. C 4678.

Fiscal's Office,
Colombo, December 2, 1924.

R. O. DE SARAM,
Deputy Fiscal, W. P.

In the District Court of Colombo.

P. S. M. Arumugam Chetty of Sea street,
Colombo Plaintiff.

No. 13,406. Vs.

K. G. Silva of Dean's road, Maradana, Colombo. Defendant.

NOTICE is hereby given that on Thursday, January 8, 1925, at 4 P.M., will be sold by public auction at the defendant's workshop at Dean's road, Maradana, the following movable property for the recovery of the sum of Rs. 2,225, with interest on Rs. 2,000 at 18 per cent. per annum from September 16, 1924, till date of decree (October 16, 1924), and thereafter on the aggregate amount of the decree at the rate of 9 per cent. per annum until payment in full, and costs of suit, viz. :—

One boiler, 1 machine with boiler, 1 clock, 1 almirah, 1 writing table, 1 glass almirah, 1 motor lorry No. C 96.

Fiscal's Office,
Colombo, December 2, 1924.

R. O. DE SARAM,
Deputy Fiscal, W. P.

In the Court of Requests of Colombo.

P. M. Kias of Skinner's road south, Colombo. Plaintiff.

No. 13,874. Vs.

(1) M. H. Mohamado Sahabudeen, (2) S. L. M. Mohamado Haniffa, both of Hulftsdorp, Colombo. Defendants.

NOTICE is hereby given that on Monday, January 12, 1925, at 3.30 P.M., will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 300, with legal interest thereon from November 7, 1923, till payment in full, and costs of suit Rs. 80.75, viz. :—

All that divided portion of the premises bearing assessment Nos. 20/7, 20/8, 20/9, and 20/10, situated at Hulftsdorp street, Colombo; and bounded on the north by lot E being the common passage to lot A, B, and D, on the east by lot E being common passage to B and D, on the south by assessment Nos. 87 and 89, and on the west by assessment No. 86; containing in extent 6.62 perches.

Fiscal's Office,
Colombo, December 2, 1924.

R. O. DE SARAM,
Deputy Fiscal, W. P.

In the District Court of Colombo.

Sena Ana Sattanathapillai of 9, 5th Cross street,
Colombo Plaintiff.

No. 13,487. Vs.

Abdul Rahiman Lebbe Mohamado Abdul Cader of
Maggonna in the District of Kalutara Defendant.

NOTICE is hereby given that on Saturday, January 10, 1925, at 4 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 (mortgaged by the defendant with plaintiff and declared bound and executable for the decree entered in the said case) for the recovery of Rs. 1,271.65, with interest on Rs. 1,000 at 12 per cent. per annum from September 23, 1924, to October 3, 1924, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

1. All that divided portion marked lot 7 in plan No. 831 dated January 14, 1922, made by J. Weeraratna, Licensed Surveyor and Commissioner, and forming part of all that allotment of land called Keniwelayawatta, situated at Kevitiyagala in Pasdun korale, in the District of Kalutara, Western Province; bounded on the north by lot No. 6, east by the road, south by lot No. 8, and on the west by Ooraniyagodakele (crown jungle); containing in extent 2 acres and 25 perches; and which entire allotment of land according to the said plan No. 831 is bounded as follows: on the north by Lindagodawatta, east by the road, south by Millagahawatta and Kollanchiawatta, and on the west by Ooraniyagodakele; containing in extent 4 acres 1 rood and 10 perches.

Deputy Fiscal's Office,
Kalutara, December 2, 1924.

H. SAMFRSINGHA,
Deputy Fiscal.

In the District Court of Colombo.

Salvadore Coongne of No. 19, Maliban street,
Colombo Plaintiff.

No. 13,754. Vs.

S. Pasaugna of Matugama Defendant.

NOTICE is hereby given that on Saturday, January 10, 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 for the recovery of Rs. 919.50, together with legal interest from October 16, 1924, till payment in full, and costs of suit (bill not taxed yet), viz. :—

All that allotment of land called Kabaragala-aswedduma, situated at Mahakalupahana in the Maha pattuwa south of Pasdun korale east, in the District of Kalutara, Western Province; bounded on the north by Uduwagama of K. M. Antho Naide and others, Manawalakumbura of G. Don Salmon Appuhami and others, and Rukkattana-aswedduma of K. G. Don Auneris Appu and others, on the east by Batalawattakattiya of K. G. Don Auneris Appu and Kabaragalakanda Crown jungle, on the south by Kabaragalakanda Crown jungle and Galketiwegodawatta of G. Don Salmon Appuhamy, and on the west by Dolapitiyekumbura of K. M. Bonju Naide and others; containing in extent 8 acres 3 roods and 30 perches.

Deputy Fiscal's Office,
Kalutara, December 2, 1924.

H. SAVERESINGHA,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

M. S. Dawood of the Popular Motor Cycle Works,
Kandy Plaintiff.

No. 31,839. Vs.

B. Dharmapala of Wategama Defendant.

NOTICE is hereby given that on Monday, January 5, 1925, at 12 noon, will be sold by public auction at the garage of the defendant the right, title, and interest of the said defendant at Wategama in the following property

for the recovery of the sum of Rs. 466.32, with interest on Rs. 433.25 at 9 per cent. per annum from March 11, 1924, till payment in full, and poundage; viz. :—

One motor car bearing No. D 966 (Oldsmobile) with its accessories.

Fiscal's Office, A. RANESINGHE,
Kandy, December 1, 1924. Additional Deputy Fiscal.

Root
Southern Province.

In the District Court of Colombo.

A. S. M. Mohideen Lebbe of No. 3, Chatham street,
Colombo Plaintiff.

No. 10,875. Vs.

A. F. S. Marikar of Chatham street, Colombo. Defendant.

NOTICE is hereby given that on Monday, January 5, 1925, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

All those undivided $\frac{3}{6} + \frac{1}{6}$ parts of the entire plumbago store bearing Municipal assessment No. 608 standing on the garden called Parangiyawatta, situate at Galupiadda within the Four Gravets of Galle; bounded on the north by Baduwatta, east by Abupadinchiwatta, Kottambagahawatta *alias* Ela-addarawatta, south by Pettigala-ela, and west by Siyambalagahawatta; containing in extent 1 acre. Writ amount Rs. 686.50, with interest thereon at 9 per cent. per annum from January 11, 1924, and costs of suit.

Fiscal's Office, J. A. LOURENSZ,
Galle, November 27, 1924. Deputy Fiscal.

Root
In the District Court of Colombo.

M. P. L. Somasundaram Chetty of 156, Sea street,
in Colombo Plaintiff.

No. 13,143. Vs.

Idroos Lebbe Marikar Mohamed Saheed of Mollia-
mulla in Beruwela Defendant.

NOTICE is hereby given that on Saturday, January 10, 1925, at 12 noon, will be sold by public auction at the spot the following mortgaged property, viz. :—

The entire soil and trees of the land called Rattengewatta whereon Wappu Lebbe Ossan Saibo resided *alias* Ratepakirewagakalawatta, together with all the buildings standing thereon and everything appertaining thereto, situated at Galmangoda in Welitara in Bentota-Walallawiti korale, in the District of Galle, Southern Province; and bounded on the north by cart road leading to Galmangoda, east by Kurunduwatta planted by Sinna Marikar Saibo Doray, south by a portion of Kurunduwatta whereon Embettiya resided and the land whereon Sinna Marikar Ismail Marikar resided, and west by high road; containing in extent about 1 acre and 2 roods; and which premises is according to plan No. 40 dated July 18, 1923, by Arnold F. Binduhewa of Ambalangoda, Licensed Surveyor, described as follows: An allotment of land called Rattengewatta *alias* Ratupakirewagakalawatta, situated at Galmangoda in Welitara in Bentota-Walallawiti korale, in the District of Galle, Southern Province; bounded on the north by the road to Galmangoda, east by drain, south by Kurunduwatta, and on the west by the Colombo to Galle road; containing in extent 2 roods and 15 perches.

Writ amount Rs. 4,580, with interest on Rs. 4,500 at 18 per cent. per annum from August 26, 1924, to September 4, 1924, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit.

Fiscal's Office,
Galle, December 2, 1924.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Colombo.

A. R. A. Sinniah Pillai of Sea street, Colombo. Plaintiff.

No. 14,105. Vs.

Bodara Gamage Amarapala of Matara. Defendant.

NOTICE is hereby given that on Monday, January 5, 1925, and Tuesday, January 6, 1925, commencing each day at 8.30 in the forenoon, will be sold by public auction at No. 831, Main Street, Matara, the right, title, and interest of the said defendant in the following property, viz. :—

Root

3 yards crepe	18½ yards English drill in 11 pieces
54 yards single width white durias No. 1	11½ yards double width cotton voile in 4 pieces
68½ yards white durias No. 2	11½ yards white organdi in 2 pieces
67 yards brilliantine durias	27½ yards satin lining in 2 pieces
15½ yards white voile	6 yards double width lining
35½ yards white pique	23½ yards white picking
28½ yards white madapalalam	13½ yards double Batticaloa camboys
13½ yards flowered durias in 3 pieces	32 towels with checks
22½ yards satin in 9 pieces	6 white thread towels
10½ yards chiffonnette muslin in 3 pieces	3 white towels No. 1
8½ yards striped muslin	21 Madras towels
7½ yards embroidery	19 crepe shirts
14½ yards silk voile in 7 pieces	15½ Madras palaikatu double sarongs
15 yards silk voile in 5 pieces, No. 2	10 Indian banians
24½ yards satin chintz	15 yards Turkey red
29 yards white voile in 2 pieces	25 ratapalakatu sarongs
16 yards double width satin in 2 pieces	1 caledon sarong
4½ yards double Batticaloa camboys	7 pokis
9 do.	4 palekatu camboys No. 2
13 do.	5 leather belts
8½ do.	3 yards China silk
12½ double madura mutta camboys	1 single sarong
26 single melapale sarongs	3 sets atapirikara (Buddhist Priests' outfits)
39 double melapale small camboys	2 palekatu camboys
31 4 cubit camboys	1 kadugoran sarong
52 3 cubit camboys	35 packets embroidery (assorted)
2 single melapale sarongs	13 rolls lamp wick
27 double seamed melapale sarongs	7 pairs shoes (assorted)
2 samukkalam	13 bundles woollen (assorted)
5 stitched cloths	29 rolls ribbon (assorted)
2 stitched chintz cloths	4 sets coffin fu niture
10 yards tussore in 2 pieces	3 webs flowered cloth
4 white hats	3 remnant pieces casa (fine cloth)
13 petticoat shirts	3 webs flowered cloth (No. 11,000)
4 ready made coats (assorted)	73 merino banians (assorted)
5 yards melapale Cannanore	29 webs Bishop lawn (horse mark)
80 yards satin chintz in 5 pieces No. 2	9½ yards ditto
110 yards crepe-de-chene in 6 pieces	17 yards white twill
86½ yards Bombay cloth in 10 pieces	33½ yards flowered cloth in 3 pieces
111½ yards mul muslin in 13 pieces	1 small clock (Bee)
35½ yards flowered chintz in 4 pieces	11 shop belts
49 yards double width chintz in 3 pieces	5½ yards muslin in 3 pieces
6½ yards double width linen with checks in 2 pieces	8 yards muslin (No. 1,500)
52 yards single width linen in 4 pieces	4 red handkerchiefs
39 yards striped linen in 2 pieces	28 Singapore small sarongs
	10 single sarongs
	4 Cannanore double seamed sarongs
	3 Singapore camboys
	6 palekatu camboys
	3 single sarongs
	5 maduramuttu sarongs
	60 feet glass almirahs in 14 pieces

2 looking glasses (mirrors)	2 maula sarongs
1 desk	10 doublemelapalesarongs in 2 pieces
2 counters	3 single melapale sarongs
1 writing table	9 boky sarongs No. 2
8 yards white twill in 2 pieces	9 Hollandmaulacamboys
63½ yards chintz in 5 pieces A. B. mark	35½ yards chintz in 3 pieces × mark
21 white embroidery flouncing in 3 pieces	103 yards madapalam chintz in 19 pieces No. 2
16½ yards flouncing in 4 pieces	236½ yards inferior madapalam in 27 pieces
26 yards embroidered satin in 4 pieces	57½ yards large white flowered chintz in 5 pieces
17½ yards tussore	87½ yards chintz in 5 pieces A. B. mark
14½ yards linen No. 2	27½ yards white flowered chintz in 2 pieces
10½ yards white silk voile	69½ yards unbleached cloth in 5 pieces cotton "Taylor" mark
6½ yards organdi cotton, double width, in 3 pieces	83 yards tussore in 6 pieces
1 yard embroidery double width	26 yards narrow Cannanore in 4 pieces
115½ yards madappalam chintz in 12 pieces	3½ yards double width flannel
19½ yards unbleached cloth	7½ yards Italian tussore silk
4½ yards blue cloth	83½ yards khaki drill in 3 pieces
21 yards nainsook in 4 pieces	18½ yards khaki No. 2
4 diamond caledon small sarongs	4 yards white tweed
12 merino banians	3 yards alpaca
26 pairs socks (assorted)	9½ yards double width merino in 3 pieces
25 maula camboys No. 2	15½ yards bordered print
13 wandaroti camboys No. 2	8 yards cloth (cotton)
4 ratapalakatu camboys	71 yards madappalam remnants in 8 pieces
2 Holland camboys	1 lot English lace and miscellaneous articles, toys, &c.
7 maula camboys No. 3	
5 pokis camboys	
2 pokis camboys No. 2	
3 double, Holland camboys No. 2	
14 Cannanore camboys	

Writ amount Rs. 5,351.23, with legal interest thereon from November 19, 1924, till payment in full, and costs.

Fiscal's Office, E. T. GOONEWARDENE,
Matara, December 1, 1924. Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Mailvaganam Ponnampalam of Puttur North . . . Plaintiff.
No. 17,596. Vs.

Moothathamby Chellappah of Puttur North . . Defendant.

NOTICE is hereby given that on Friday, January 16, 1925, 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 defendant in the following property for the recovery of Rs. 945, with further interest on Rs. 850 at 15 per cent. per annum from May 16, 1923, till payment in full, and poundage, and charges, viz. :—

1. A piece of land situated at Puttur North in Puttur parish, Valigamam east division of the Jaffna District, Northern Province, called Nunuvilkulam; containing or reputed to contain in extent 8 lachams paddy culture; bounded or reputed to be bounded on the east by channel, on the north by property of Marimuttupillai, daughter of Nallathamby, and others, on the west by channel and by property of Subramaniam, and on the south by tank.

2. A piece of land situated at Puttur North aforesaid called Aadaiyanthalvu; containing or reputed to contain in extent 8 lachams varagu culture, with share of well; bounded or reputed to be bounded on the east by property of Chinnappillai, wife of Kanthapillai, and others, on the north by the property of Mailvaganam Kandiah, on the west by property of Velauthar Kasinathar and others, and on the south by property of Muttusamy Sittampalam and others.

3. A piece of land situated at Puttur North aforesaid called Palachanthai; containing or reputed to contain in extent 4 lachams varagu culture with share of water of the well lying on the western boundary land and right of use of way and water-course; bounded or reputed to be bounded on the east by property of Sinnachehipillai, wife of Ponnampalam, on the north by property of Sinnatankam, widow of Kumarasamy, on the west by property of Malavarayar Kandiah and others, and on the south by lane.

Fiscal's Office, A. VISVANADHAN,
Jaffna, November 28, 1924. Deputy Fiscal.

In the District Court of Mannar.

K. M. A. Kachchumohamado of Moor's street,
Mannar Plaintiff.

No. 9,302. Vs.

Asanalevvai Mahathuneina of Adiramptnam in India,
now at St. Pedro Defendant.

NOTICE is hereby given that on Monday, January 5, 1925, at 10 o'clock in the forenoon will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 826, with interest thereon at the rate of 9 per cent. per annum from September 5, 1924, until payment in full, viz. :—

A coconut garden called Addukkarankani, in extent east to west 166 yards, north to south 270 yards, situated at Thullukuddikudiyiruppu in Mannar West in Mannar Island division in Mannar District of the Northern Province; and bounded on the east, north, and south by Addukkarankani belonging to Philippu Anthony Dat Croos, and west by Addukkarankani belonging to Arokiam Soosai.

Deputy Fiscal's Office, C. L. WICKREMESINGHE,
Mannar, November 28, 1924. Deputy Fiscal.

North-Western Province.

In the District Court of Colombo.

Charles Edward Rodrigo of No. 101, 11th lane,
Bambalapitiya Plaintiff.

No. 2,550/1920. Vs.

Charles Henry Edward Gomis of Galkissa, presently of
Alawwa Defendant.

NOTICE is hereby given that on Saturday, January 17, 1925, commencing at 1 o'clock in the afternoon, will be sold by public auction at the risk of the original purchaser at the premises the right, title, and interest of the said defendant in the following mortgaged properties decreed to be sold under decree entered in the above case, viz. :—

1. All those undivided 9/10 of ½ parts of Ambagahamulawatta and of the trees and plantations standing thereon, situate at Kapuwarala in Dambadeni Udukaha korale east of Dambadeni hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by the railway line, on the east by the boundary limit of chena land belonging to Menikrala, on the south by Maha-oya, and on the west by canal; containing in extent about 4 acres of kurakkan.

2. All those undivided 43/48 parts of Mailagahattemhena and of the buildings, trees, and plantations standing thereon, situate at Kapuwarala aforesaid; and bounded on the north by chena land of Juse Perera, on the east by chena land of Mudalihamy, on the south by Ma-oya, on the west by the railway line; containing in extent about 6 seers of kurakkan sowing.

3. All those undivided 43/48 parts of Dematagahawela-hena, now garden, and of the trees and plantations standing thereon, situate at Kapuwarala aforesaid; and bounded on the north by railway line, on the east by live fence of the chena land belonging to Lapaya, on the south by the high road, and on the west by the land belonging to Mammadu Cassim; containing in extent about 8 seers of kurakkan sowing.

4. All that defined northern $\frac{1}{2}$ part of Ambagahamulawatta, with the buildings and trees standing thereon, situate at Kapuwarala aforesaid; which said northern $\frac{1}{2}$ part is bounded on the north by chena land of Jusey Perera, on the east by chena land of Mudalihamy, on the south by the remaining $\frac{1}{2}$ part of this land, and on the west by railway line; containing in extent about 5 seers of kurakkan sowing.

5. All that land called Oyabodapillewa, together with the trees and plantations standing thereon, situate at Kapuwarala aforesaid; and bounded on the north by the cart road, on the east by the land belonging to Sarnelis Singho and others, on the south by oya, and on the west by the land of Saibo; containing in extent about 5 seers of kurakkan sowing.

Amount to be levied Rs. 1,315, with interest on Rs. 1,000 at 18 per cent. per annum from November 11, 1920, up to February 6, 1922, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit, Rs. 329.52 $\frac{1}{2}$, less a sum of Rs. 831, and poundage.

Fiscal's Office,
Kurunegala, November 26, 1924.

S. D. SAMARASINHA,
Deputy Fiscal.

In the District Court of Colombo.

Rajah
K. K. N. Suppramanian Chetty of Negombo
presently of Colombo Plaintiff.
No. 10,022. Vs.

John Lazarus Fernando of Chilaw, administrator of the intestate estate of the late A. J. Fernando..Defendant.

NOTICE is hereby given that on Monday, January 5, 1925, commencing at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 5,155, with legal interest thereon from October 4, 1923, till payment in full, cost and poundage, viz. :—

(1) The land together with the buildings standing thereon, situate at Fiscal's road, in Chilaw town in Anavilundan pattu of Pitigal korale north, in the District of Chilaw; and bounded on the north by land of John Silva and others and dewata road, east by Fiscal's road, south by lands of Savary Janse, Paulu Lowe, John Fernando and others, and dewata road, and west by Sea street; containing in extent about 3 acres.

(2) The five tiled boutiques and premises together with the other buildings standing thereon, situate at Bazaar street, in Chilaw town aforesaid; and bounded on the north by Crown land and land presently belonging to Ana Kana formerly of James Fernando, east by lane, south by Bazaar street, and west by boutique belonging to Kuppe; containing in extent about 1 rood.

(3) The field called Akkarayankotuwavayal, situate at Timilla in Anavilundan pattu aforesaid; and bounded on the north by field called Kullanvayal belonging to A. J. Fernando, Notary, east by Nallatambikotuwewela, south by the gardens of the heirs of Alensu Fernando and others, and west by land now of Mr. Sam Martin and A. J. Fernando formerly of Kunba Nadan; containing in extent 50 parrahs of paddy sowing soil.

(4) The portion of high land adjoining the field called Kullanvayal, situate at Timilla aforesaid; and bounded on the north by field called Kullanvayal, east by field called Akkarayankotuwavayal, south by land belonging to Mr. Sam Martin, and west by Puttalam road; containing in extent about 2 $\frac{1}{2}$ acres.

Deputy Fiscal's Office,
Chilaw, December 2, 1924.

A. BASNAYAKE,
Deputy Fiscal.

In the Court of Requests of Colombo.

Rajah
Don William Jayasinha of Bujjampola..... Plaintiff.
No. 20,974. Vs.

Balasuriya Lekamalage Don Jacolis Appuhamy of Kaluatchimulla and others Defendants.

NOTICE is hereby given that on Tuesday, January 6, 1925, at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property, for the recovery of the sum of Rs. 128.50, and poundage, viz. :—

The garden called Divulgahawatta, situate at Kaluachchimulla in Otara palata of Pitigal korale south in the District of Chilaw; and bounded on the north and east by a portion of this land belonging to Mr. T. K. Carron, south by Gansabhawa road and by land belonging to the heirs of the late Jacolis Appuhamy, and west by land belonging to Paul de Silva and a reservation for a road; containing in extent about 3 acres.

Deputy Fiscal's Office,
Chilaw, December 2, 1924.

A. BASNAYAKE,
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, Karanda pattu, Meddeketiya, Katugampola Meda pattu east and west, Yatikaha, Yagam pattu, Kinyama, Katugampola north and south, and Pitigal korales of Katugampola hatpattu, in the Kurunegala District, under the provisions of the Fiscal's Ordinance, No. 4 of 1867, from December 4 to 5, 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 29th day of November, 1924.

F. G. TYRRELL,
Fiscal.

I, HUMPHREY WILLIAM CODRINGTON, Fiscal of the Province of Sabaragamuwa, do hereby appointed Mr. A. K. Alvapillai, Chief Clerk of the Courts, Avissawella, to be Marshal for Saturday, the 6th instant, 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 Fiscal's 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.

December 3, 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. the late Welikalage Don Mendiris Appu-
No. 1,996. hamy of Polannaruwa, in the District of
Anuradhapura, deceased.

Handaragamage Alice Hamy of Maliban street,
Pettah, Colombo Petitioner.

And

Welikalage Simon Appu of Avissawella..... Respondent.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on September 19, 1924, in the presence of Mr. D. A. J. Goonewardhane, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated August 4, 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 October 30, 1924, show sufficient cause to the satisfaction of this court to the contrary.

V. M. FERNANDO,
District Judge.

September 19, 1924.

Date for showing cause is extended to December 11, 1924.

V. M. FERNANDO,
District Judge.

October 30, 1924.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Ranasinghe Aratchige Don Bampy
No. 2,065. Weerasekera of Pahala Karagahamuna,
deceased.

Dona Helena Ramanayake Hamy of Pahala Kara-
gahamuna in Mahara Petitioner.

And

(1) Ranasinghe Aratchige Dona Maraya Weerasekera of Pahala Karagahamuna, (2) ditto Johana *alias* Jane Weerasekera of Pahala Karagahamuna, (3) ditto Don Charles Weerasekera of Nilambe estate, Galaha, (4) ditto Don Louis Weerasekera of Pahala Karagahamuna, (5) ditto Don Peter Weerasekera of Pahala Karagahamuna, (6) ditto Dona Seleena *alias* Sophaya Weerasekera of Pahala Karagahamuna, (7) ditto Don John Weerasekera of Pahala Karagahamuna, (8) ditto Don Cornelis Weerasekera of Pahala Karagahamuna Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on November 3, 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 27, 1924, having been read :

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

G. KOCH,
District Judge.

November 3, 1924.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Kulatunga-aratchige Edward
No. 2,067. Perera Kulatunga, Police Vidane of
Palannoruwa in Kumbuke pattu, of
Raigam korale, deceased.

(1) Tikonis Perera Kulatunga, *ex* Police Vidane of Palannoruwa in Kumbuke pattu of Raigam korale, (2) Ellappuliarachchige Don Bastian, Police Vidane of Heraliawela in Salpiti korale Petitioners.

And

(1) Kulatunga-arachchige Kirinelis Perera of Palannoruwa in Kumbuke pattu of Raigam korale, (2) ditto Arachchige Yasawathie Perera of ditto, (3) ditto Piyasena Perera of ditto, (4) ditto Surasena Perera of ditto, (5) Ellappuliarachchige Coranis Appu of Heraliawala Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on November 3, 1924, in the presence of Mr. H. J. Peiris, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioners dated October 15, 1924, having been read :

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

V. M. FERNANDO,
District Judge.

November 3, 1924.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Paduwawalakankanamalage Levinis
No. 2,071. Perera, Vederala of Nedungomuwa, in the
Meda pattu of Siyane korale, deceased.

Paduwawalakankanamalage Arnolis Perera of Nedun-
gomuwa in the Meda pattu of Siyane korale. Petitioner.

And

(1) Paduwawalakankanamalage Nonohamy of Palupelpita and her husband (2) Salpilikorallage Jasim Appuhamy, (3) Paduwawalakankanamalage Sopahamy, (4) Aththanagodakankanamalage John Appuhamy, both of Agenagoda, (5) Paduwawalakankanamalage Jacolis Perera Wickremetilleka, Notary of Kaikawala, (6) Paduwawalakankanamalage Bastian Perera Vidaiyatileka of Nedungomuwa, (7) Paduwawalakankanamalage Dulianchi Nona and her husband (8) Wickrema-aratchige Reisingho, Police Vidane, both of Embaraluwa, (9) Paduwawalakankanamalage Mohotti Perera, (10) ditto Salamon Perera, (11) ditto Sumangala, (12) ditto Carlina Hamy, all of Nedungomuwa 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. W. L. P. Amaratunga, 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 Intestate Estate of
Jurisdiction. Wickreme Achchige Haramanis, late of
No. 2,077. Pannila in the Udugaha pattu of Siyane
korale, deceased.

Imayage Sanchi Nona of Pannila afore-
said..... Petitioner.

And

(1) Wickreme Achchige Abraham Sinno, (2) ditto
Brampy Appuhamy, (3) ditto Lokunona, (4) ditto
Abilin Nona, (5) ditto Dabilin Sinno, (6) ditto
Meinona, (7) ditto Abilin Sinno, (8) ditto Jaya-
wardene, (9) ditto Samaneri Sinno, all of Pannila
aforesaid Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on November 10, 1924, in the presence of Mr. D. A. J. Goonewardhane, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 5, 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 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 10, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Benedict Abeygunawardene of Kotahena,
No. 2,081. in Colombo, deceased.

Agnes Perera, wife of Wilfred Alexander Perera of
No. 52, Kotahena, in Colombo Petitioner.

And

(1) Nanayakkara Sophia Goonawardene of Walpita-
tenne in Haldummulla, (2) C. A. Gunawardena,
(3) Matilda Dias, (4) Mary Abeygunawardena, all of
Kotahena in Colombo Respondents.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on November 17, 1924, in the presence of Mr. S. R. Amerasekera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 10, 1924, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as sister 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 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 17 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Nadarajah Walamba, late of Thimbrigas-
No. 2,079. yaye road, in Colombo, deceased.

Nadarajah Suppramaniam of Colombo Petitioner.

And

Nadarajah Mahadeva of Narenpita in
Colombo Respondent.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on November 15, 1924 in the presence of Mr. S. H. E. Thiedeman, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 7, 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 her estate issued to him, unless the respondent above named or any other person interested shall, on or before December 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 11, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Hewadewage Manjo Fernando
No. 2,082. of Rickarten, Campbell place, Colombo,
deceased.

Walimunidewage Edwin Bastian of "Rickarten,"
Campbell place, Colombo Petitioner.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on November 17, 1924, in the presence of Messrs. Pereira & Caldera, Proctors, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated November 12, 1924, and (2) of the attesting notary dated November 14, 1924, having been read :

It is ordered that the last will of Hewadewage Manjo Fernando, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before December 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 17, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Mariya Sevamalai Vilevarayee of Kota-
No. 2,085. hena, deceased.

Moolai Mariyamma of St. Lucia's lane in Colombo. Petitioner

(1) Mariya Santhanam Vilevarayee, wife of (2) Manuel
Nazerath Fernando, (3) Sussai Arokiam Villavarayan,
(4) Anthony Nicholas Villavarayan, all of St. Lucia's
lane, Kotahena in Colombo Respondents

THIS matter coming on for disposal before G. Koch Esq., District Judge of Colombo, on November 18, 1924 in the presence of Mr. B. O. Pullenayegum, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 17, 1924, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as mother of the above-named deceased, to have letters of administration to her estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before December 18, 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 Jurisdiction. In the Matter of the Last Will and Testament of Margaret Eliza Chapman of St. Andrew's Hospital, Northampton, in the County of Northampton, deceased.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on November 20, 1924, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner, Mr. William Coombe of Colombo; and the affidavit of the said petitioner dated November 14, 1924, certified copy of letters of administration, certified copy of the will 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 April 12, 1913, of which a certified copy 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 English administratrix and residuary legatee for life 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 11, 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 Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of Dadabhoj Nusserwanjee of "Dara Lodge," Colpetty, Colombo, deceased.

Framroze Dadabhoj, of "Dara Lodge," Colpetty, Colombo Petitioner.

And

(1) Manekbai Dadabhoj Nusserwanjee of Colpetty, Colombo, (2) Dyramsha Dadabhoj of Bombay, (3) Ratanbai Patel of Bombay, and her husband (4) Jehanjir Hirajee Patel of Bombay, (5) Jamsedjee Dadabhoj of Galle Respondents.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on November 24, 1924, in the presence of Messrs. P. D. A. Mack & Sons, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 13, 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 24, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate and Effects of Oduma Lebbe Marikar Usuff No. 2,099. Lebbe of Nos. 82 and 84, Dematagoda, in Colombo, deceased.

Usoof Lebbe Mohamed Khalid of No. 47, Dematagoda in Colombo Petitioner.

And

Usoof Lebbe Ruckiya Umma of Nos. 82 and 84, Dematagoda in Colombo Respondent.

THIS matter coming on for disposal before G. Koch, Esq., Acting District Judge of Colombo, on November 26, 1924, in the presence of Mr. A. C. M. Abdul Cader, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 25, 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 respondent above named or any other person or persons interested shall, on or before December 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 26, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Hilda Nellie Dharmaratne nee Pereira of Timbirigasyaya in Colombo, deceased.

John William Pereira of St. Peter's, Elibank road, Havelock town, Colombo Petitioner.

And

(1) Hildon C. Dharmaratne, (2) Cilve Dharmaratne, (3) Edgar Dharmaratne, (4) Thelma Dharmaratne, (5) Ancel Dharmaratne, minors, all of Elibank road, Havelock town in Colombo, (6) Benjamin A. Pereira of Wellawatta in Colombo Respondents.

THIS matter coming on for disposal before G. Koch, Esq., Acting District Judge of Colombo, on November 26, 1924, in the presence of Messrs. Pereira & Caldera, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 25, 1924, having been read:

It is ordered that the petitioner be and he is hereby declared, entitled as father of the above-named deceased, to have letters of administration to her 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 26, 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 2 Codicils) of Douglas Graeme Brebner, formerly of Colombo, in the Island of Ceylon, and late of 4, Mount Ephraim, Tunbridge Wells, in the County of Kent, England, and temporarily residing at the Spa Hotel, Tunbridge Wells, aforesaid, deceased.

THIS matter coming on for disposal before Gladwyn Koch, Esq., District Judge of Colombo, on December 1, 1924,

in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner, William Coombe of Colombo, and (1) the joint affidavit of the said petitioner and Morton Ledger Hopkins, also of Colombo, dated November 26, 1924, (2) the power of attorney dated September 29, 1924, and (3) the order of the Supreme Court dated November 25, 1924, having been read: It is ordered that the will of the said Douglas Graeme Brebner, deceased, dated December 30, 1920, with two codicils thereto dated January 8, 1921, and February 7, 1924, exemption of probate, of which under the Seal of His Majesty's High Court of Justice in England, 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 William Coombe is the attorney in Ceylon of the executors named in the said will and codicils, 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 11, 1924, show sufficient cause to the satisfaction of this court to the contrary.

December 1, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Gerard Hamlyn Noel of Passara, in the
No. 2,106. Island of Ceylon, tea planter, deceased.

THIS matter coming on for disposal before G. Koch, Esq., District Judge of Colombo, on December 2, 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 28, 1924, and (2) power of attorney dated September 29, 1924, having been read: It is ordered that the said George Percival Madden is the attorney in Ceylon of Henry Hamlyn Noel, the sole heir-at-law and next of kin of the above-named Gerard Hamlyn Noel, deceased, and as such entitled to have letters of administration issued to him accordingly, unless any person or persons interested shall, on or before December 11, 1924, show sufficient cause to the satisfaction of this court to the contrary.

December 2, 1924.

G. KOCH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Denawakage Don Davith Appuhamy
No. 7,281. of Koratota, in the Palle pattu of Hewa-
gam korale, deceased.

Denawakage Don Baron Appuhamy of Koratota
aforesaid Petitioner.

And

(1) Hettiarachchige Dona Francina Hamine, (2) Denawakage Don Napoleon Appuhamy, both of Koratota aforesaid, (3) Denawakage Dona Podi Hamine and her husband (4) Colonnage Don Seemon Appuhamy, both of Gotatuwa in Ambatalen Pahala of Alutkuru korale Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on October 16, 1924, in the presence of Mr. K. E. Alwis, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 16, 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 November 27, 1924, show sufficient cause to the satisfaction of this court to the contrary.

October 16, 1924.

V. M. FERNANDO,
District Judge.

The date for showing cause against this Order Nisi is extended to December 18, 1924.

November 27, 1924.

G. KOCH,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Ratnayaka Mudiyansele
No. 2,271. Manthenis Appuhamy, deceased, of
Agalagedera.

THIS matter coming on for disposal before J. D. Brown, Esq., District Judge of Negombo, on November 11, 1924, in the presence of Mr. F. W. Gooneratne, Proctor, on the part of the petitioner; and the affidavit dated November 5, 1924, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as lawful son of the said deceased, to administer the estate of the deceased abovenamed, and that letters of administration do issue to him accordingly, unless the respondents—(1) Ratnayaka Mudiyansele Jangohamy assisted by her husband (2) Edirisinghe Arachchige Peris Appuhamy, both of Dewalapola, and (3) Ratnayaka Mudiyansele Sarohamy of Agalagedera—or any other person or persons interested shall, on or before December 12, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 11, 1924.

J. D. BROWN,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Wanasinghe Arachchige Thomas
No. 2,273. Perera of Hapitigama, in Yatigaha pattu
of the Hapitigama korale, deceased.

THIS matter coming on for disposal before J. D. Brown, Esq., District Judge of Negombo, on November 18, 1924, in the presence of Messrs. Samaratinga & Pereira, Proctors, on the part of the petitioner, Jayakody Arachchige Mary Nona of Hapitigama aforesaid; and the affidavit of the said petitioner dated November 14, 1924, having been read:

It is ordered that the 2nd respondent be and he is hereby appointed guardian *ad litem* over the minor, 1st respondent, for the purpose of this 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 she is hereby declared entitled, as 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) Wanasinghe Arachchige Sumanaratne Jayatillaka and (2) ditto John Perera—or any other person or persons interested shall, on or before December 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the said 2nd respondent do produce the said minor before this court on December 17, 1924, at 9.30 A.M., in connection with this case.

November 18, 1924.

J. D. BROWN,
District Judge.

in the District Court of Negombo.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Gamarallage Deonis
No. 2,274. Appuhamy of Makkanigoda, in Yatigaha
pattu of the Hapitigam korale, deceased.

THIS matter coming on for disposal before J. D. Brown, Esq., District Judge of Negombo, on November 18, 1924, in the presence of Messrs. Samaratunga & Pereira, Proctors, on the part of the petitioner, Gamarallage Peter Singho of Makkanigoda aforesaid; and the affidavit of (1) of the said petitioner and (2) of the attesting witnesses dated November 7, 1924, having been read :

It is ordered that the 12th respondent be and he is hereby appointed guardian *ad litem* over the minors, 14th, 15th, 16th, 17th, 18th, 19th, and 20th respondents, for the purpose of this testamentary action, unless sufficient cause be shown to the contrary on or before the date mentioned herein below.

It is ordered that the last will and testament of Gamarallage Deonis Appuhamy of Makkanigoda, deceased, dated September 23, 1924, of which the original has been produced and now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said Gamarallage Peter Singho of Makkanigoda aforesaid is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless the respondents—(1) Dassanayaka Appuhamillage Punchi Nona of Makkanigoda, (2) Gamarallage Raphael Singho, (3) ditto Podi Appuhamy, (4) ditto Abraham Singho, all of Makkanigoda, (5) ditto Emonona of Hakurukumbura in Yatigaha pattu of the Hapitigam korale, assisted by her husband (6) D. A. Basnayaka of ditto, (7) Gamarallage Abi in Nona of Makkanigoda aforesaid, assisted by her husband (8) ditto Jamis Appuhamy of ditto, (9) ditto Eugen Nona of ditto, assisted by her husband (10) ditto Belenis Appuhamy of ditto, (11) M. Ghanawansa Terunnanse, a Buddhist Priest at Hapitigama Buddhist temple, (12) Kosurapathirannehelage Abraham Singho of Kandelanda in Meda pattu of the Siyane korale, (13) ditto Liyan Singho, (14) ditto Jayasekara, (15) ditto Somel Nona, (16) ditto Emalin Nona, (17) ditto Baby Nona, (18) ditto Arnolis Singho, (19) ditto Seenchi Nona, and (20) ditto Rosalin Nona, all of ditto—or any other person or persons interested shall, on or before December 17, 1924, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the said 12th respondent do produce the said minors before this court on December 17, 1924, at 9.30 A.M., in connection with this case.

November 18, 1924.

J. D. BROWN,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Bodiabaduge Andris Perera of Massal-
No. 1,713. goda in Beruwala.

Mahamandadige Emalia Fernando of Massalgoda in
Beruwala Petitioner.

Vs.

Bodiabaduge Millie Margaret Perera, appearing by her
guardian *ad litem* Mahamandadige John Fernando of
Wekada in Panadure Respondent.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on November 13, 1924, in the presence of Mr. C. S. Perera, Proctor, on the part of the petitioner, Mahamandadige Emaliya Fernando of Massalgoda, Beruwala; and the affidavit of the said petitioner dated July 15, 1924, having been read :

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to the said estate issued to her, unless the respondent Bodiabaduge Millie Margaret Perera or any other person or persons shall, on or before December 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Mahamandadige John Fernando be appointed guardian *ad litem* over the minor respondent for all purposes of this action, unless any other person or persons interested shall, on or before December 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 13, 1924.

W. H. B. CARBERY,
District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Janage Don Cornelis Jayawardena,
No. 1,725. deceased, of Palatota.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on October 21, 1924, in the presence of Messrs. Wijemanne & Magdon Ismail, Proctors, on the part of the petitioner, Kongahakananage Pody Nona of Palatota; and the affidavit of the said petitioner dated October 21, 1924, having been read :

It is ordered that the said petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents—(1) Janage David Jayawardena, (2) Janage Agnes Jayawardena, (3) Janage Elbi Nona, Jayawardena, (4) Janage Peter Jayawardena, (5) Janage Essi Nona Jayawardena, all of Palatota, minors, by their guardian *ad litem* (6) Janage Charles Jayawardena of Palatota—or any other person or persons interested shall, on or before December 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 6th respondent be and he is hereby declared entitled to be appointed guardian *ad litem* over 1st to 5th respondents, minors, for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before December 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

October 21, 1924.

W. H. B. CARBERY,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Malwadangedara Illussawathi, deceased,
No. 4,207. of Gannoruwa, in Kandy.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge of Kandy, on November 10, 1924, in the presence of Mr. E. J. Silva, Proctor, on the part of the petitioner, Kangaramullegedara Dothu; and the affidavit of the said petitioner dated November 10, 1924, and her petition having been read :

It is ordered that the said petitioner, as the mother of the deceased above named, be and she is hereby declared entitled to have letters of administration to the estate of the deceased issued to her accordingly, unless any person or persons interested shall, on or before December 11, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 10, 1924.

P. E. PIERIS,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Paranagama Walakadegedara Heratmudiyanselage Dingiri Amma, deceased, of Huduhampola, in Kandy. No. 4,208.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge of Kandy, on November 10, 1924, in the presence of Mr. H. A. C. Wickremeratne, Proctor, on the part of the petitioner T. B. Ratnayake of Huduhampola aforesaid; and the affidavit of the petitioner dated November 7, 1924, having been read:

It is ordered that the said petitioner, as the son of the deceased, be and he is hereby declared entitled to have letters of administration to the estate of the deceased issued to him accordingly, unless the respondents—(1) Ganegedara Ratnayake Mudiyanseleage Kalu Banda, (2) ditto Somawathie Gunaratne, (3) ditto Seelawathie Ratnayake, (4) ditto Leelawathie Ratnayake, (5) ditto Ran Banda Ratnayake, (6) ditto Premawathie Ratnayake, and (7) ditto Abeyratne Banda Ratnayake—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.

P. E. PIERIS,
District Judge.

November 10, 1924.

In the District Court of Kandy.

Order Nisi declared. Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Estate of the late Selina Christiana Piachaud, deceased, of The Retreat, Peradeniya road, Kandy. No. 4,210.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge of Kandy, on November 13, 1924, in the presence of Messrs. R. W. Jonklaas & Co., Proctors, on the part of the petitioner, James Eugene Piachaud of The Retreat, Peradeniya road, Kandy; and the affidavit of the said petitioner and his petitioner dated November 11, 1924, having been read:

It is ordered that the will of Selina Christiana Piachaud, deceased, dated October 17, 1903, a copy of which is in this court, be and the same is hereby declared proved.

It is further declared that the said petitioner, James Eugene Piachaud, is one of the executors named in the said will, and that he is entitled to have probate of the same issued to him accordingly, with a copy of the said will annexed, unless 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.

November 13, 1924.

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Wekunugodahewage Nonnohamy de Silva, deceased, of Bope. No. 6,029.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on September 9, 1924, in the presence of Mr. E. de S. Wijayarathna, Proctor, on the part of the petitioner, Daniel Patirana of Bope; and the affidavit of the said petitioner dated September 9, 1924, having been read:

It is declared that the said petitioner, as son-in-law of the deceased above named is entitled to have letters of administration issued to him accordingly, unless the

respondents, viz.: (1) Meepe Bajjamae Awónis, (2) ditto Hendy de Silva, (3) ditto Lucihamine, (4) Keppitiyagoda Hewamanage George, (5) Meepe Bajjamae Elsihamine, wife of (6) Maligaspe Koralege Siyadoris, (7) Meepe Bajjamae Janehamine, wife of Daniel Patirana, (8) Meepe Bajjamae James Appuhamy, all of Bope, shall on or before November 13, 1924, show sufficient cause to the satisfaction of this court to the contrary.

L. W. C. SCHRADER,
District Judge.

September 9, 1924.

Date for showing cause is extended to November 27, 1924.

L. W. C. SCHRADER,
District Judge.

November 13, 1924.

Date for showing cause is extended to December 11, 1924.

L. W. C. SCHRADER,
District Judge.

November 27, 1924.

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Kuluge Amaris Appo, deceased, of Koggala. No. 6,039.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on November 14, 1924, in the presence of Mr. D. G. Goonewardane, Proctor, on the part of the petitioner, Kuluge Don Harmanis de Silva of Koggala; and the affidavit of the said petitioner dated October 27, 1924, having been read:

It is declared that the said petitioner, as son of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz.: (1) Munaweera Tantirige Babunhamy, (2) Kuluge Don Siman Silva, Police Constable of Henaratgoda, (3) Kuluge Dona Alice Nona of Koggala, wife of (4) Francisu Badaturuge Thomas Silva of Telegama, Kitulgala, Avissawella, shall, on or before December 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

L. W. C. SCHRADER,
District Judge.

November 14, 1924.

In the District Court of Matara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Pallikkondige Don Andris of Bamunugama, deceased. No. 3,055.

Pallikkondige Don Samel of Bamunugama. Petitioner. And

(1) Pallikkondige Babahamy and husband, (2) Liyana Patiranage Don Jayan of Modarawana, (3) Pallikkondige Don Carolis of Bamunugama, (4) ditto Silinduhamy of ditto, (5) Pallikkondige Don Nikulas of ditto, (6) ditto Menuhamy of ditto, (7) ditto Boting. Respondents.

THIS matter coming on for disposal before A. P. Boone, Esq., District Judge of Matara, on November 12, 1924, in the presence of Mr. Samson Dias, Proctor, on the part of the petitioner, Pallikkondige Don Samel, and the petition and affidavit of the said petitioner dated September 8, 1924, having been read: It is ordered that the petitioner, Pallikkondige Don Samel be and he is hereby declared entitled, as

eldest son of the said deceased, to administer the said estate and that letters of administration do issue to him accordingly, unless the respondents above named or any person or persons interested shall, on or before January 9, 1925, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the 3rd respondent Pallikkondige Don Carolis be and he is hereby appointed guardian *ad litem* over the minor the 7th respondent, unless the above-named respondents or any person or persons interested shall, on or before January 9, 1925, show sufficient cause to the satisfaction of this court to the contrary.

November 12, 1924. A. P. BOONE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Valliammai, daughter of Ambalavanar,
No. 5,479. late of Varany in the division of Then
marachchy, deceased.

Siththar Kathirgamer of Varany in the division of
Thenmarachchy Petitioner.

Vs.

Ambalavanar Kanther of Varany in the division of
Thenmarachchy Respondent.

THIS matter of the petition of the above-named petitioner praying for letters of administration to the estate of the above-named deceased, Valliammai, daughter of Ambalavanar, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on May 27, 1924, in the presence of Mr. S. M. Aboobucker, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated March 30, 1924, having been read: It is declared that the petitioner is the uncle of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person show on or before July 15, 1924, sufficient cause to the satisfaction of this court to the contrary.

June 28, 1924. G. W. WOODHOUSE,
District Judge.

Extended to October 28, 1924.

Extended to November 18, 1924.

Extended to December 9, 1924.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Muttupillai, wife of Subramaniam of
No. 5,568. Puloly East, deceased.

Valliappar Subramaniam of Puloly East Petitioner.

Vs.

Subramaniam Ponniah of Puloly East Respondent.

THIS matter coming on for disposal before G. W. Woodhouse, Esq., District Judge, on October 23, 1924, in the presence of Mr. K. Muttukumaru, Proctor, on the

part of the petitioner; after reading the petition and affidavit of the petitioner dated August 13, 1924:

It is ordered that the letters of administration to the estate of the late Muttupillai, wife of Subramaniam, be issued to the petitioner as the husband of the intestate, unless the respondent or any other person shall, on or before November 13, 1924, show sufficient cause to the satisfaction of this court to the contrary.

October 31, 1924. G. W. WOODHOUSE,
District Judge.

This *Order Nisi* is extended till December 11, 1924.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Meenadchippillai, wife of Vallipuram
No. 5,515. Muttiah of Erupalai, deceased.

Kanagar Karthikesu of Kaithadinunavil Petitioner.

Vs.

(1) Kathirgamar Kanagar and (2) wife Chinnappillai
of ditto Respondents.

THIS matter of the petition of Kanagar Karthikesu of Kaithadinunavil praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on June 26, 1924, in the presence of Mr. C. R. Thambiah, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated April 4, 1924, having been read: It is declared that the petitioner is next of kin of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before October 30, 1924, show sufficient cause to the satisfaction of this court to the contrary.

September 29, 1924. G. W. WOODHOUSE,
District Judge.

The above *Order Nisi* is extended for November 27, 1924.

G. W. WOODHOUSE,
District Judge.

The above *Order Nisi* is extended for December 11, 1924.

November 27, 1924. G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Sivaguru Thampipillai of Karadivu West,
No. 5,625. deceased.

Sivaguru Velupillai of Karadivu West Petitioner.

Thankam, widow of Thampipillai of Karadivu
West Respondent.

THIS matter of the petition of Sivaguru Velupillai of Karadivu West, praying for letters of administration to the

estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on October 30, 1924, in the presence of Mr. T. Arunainayagam, Proctor, on the part of the petitioner and the affidavit of the petitioner dated October 23, 1924, having been read: It is declared that the petitioner is the sole heir of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before November 25, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 13, 1924.

G. W. WOODHOUSE,
District Judge.

This order is extended till December 16, 1924.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Ananthar Mathappapillai *alias* Chelliah
No. 5,597. of Alankulam in Thunukkai, deceased.

Ananthar Arumugam of Alankulam..... Petitioner.

Vs.

(1) Mathappapillai Coomasawamy of ditto, minor, appearing by his grandfather and guardian *ad litem* the 2nd respondent (2) Anunasalam Ananthar of ditto Respondents.

THIS matter of the petition of petitioner above named, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on November 21, 1924, in the presence of Mr. C. R. Thambiah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated August 15, 1924, having been read: It is declared that the petitioner is next of kin of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before December 11, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 25, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of
Jurisdiction. Arumugam Kandappu late of Karaitivu
No. 5,633. West, deceased.

Kandappu Tambiah of Karaitivu West..... Petitioner.

Vs.

(1) Thangamma, daughter of Kandappu of Karaitivu West, (2) Ponnupillai, widow of Kandappu of ditto; the 1st respondent is a minor and appears by her guardian *ad litem* the 2nd respondent..... Respondents.

THIS matter of the petition of the petitioner, praying that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent for the purposes following, and that letters of administration to the estate of the above-named deceased be granted to him, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on November 5, 1924, in the presence of Messrs. Casipillai & Cathiravelu, Proctors, on the part of the petitioner; and the

affidavit of the petitioner dated October 30, 1924, having been read: It is ordered that the 2nd respondent be and she is hereby appointed guardian *ad litem* over the 1st respondent for the purpose of acting on her behalf, representing her, and protecting her interests in the matter of the administration of the estate of the above-named deceased, and that the petitioner be and he is hereby declared entitled to have letters of administration to the estate of the deceased issued to him, as the son and one of the heirs of the deceased, unless the respondents or any other person shall, on or before December 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 16, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Philippupilly Jacob of Jaffna, deceased.
No. 5,636.

Philippupilly Saverimuttu of Jaffna town..... Petitioner.

And

(1) Mariamuttu, widow of Francis of Jaffna town, (2) Anthonipilly Leo Ponnuthurai of the Railway Extension Office, Puliyantivu, Batticaloa, (3) Francis Mariamayagam of Undugoda Post Office, Kegalla.. Respondents.

THIS matter of the petition of the above-named petitioner, Philippupilly Saverimuttu, praying for letters of administration to the estate of the above-named deceased, Philippupilly Jacob, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on November 10, 1924, in the presence of Mr. V. Kathiravelu Pillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 10, 1924, having been read: It is declared that the petitioner is the lawful brother of the said deceased, and is entitled to have letters of administration to the estate of the said deceased issued to him, unless the respondents or any other person shall, on or before December 18, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 14, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Rasamuttu, wife of N. V. Kailasapillay
No. 5,638. of Nellore, deceased.

N. V. Kailasapillay of Nellore..... Petitioner.

(1) Kailasapillay Kanagasupathy, (2) ditto Kulanthavelu, (3) ditto Balasubramaniam, (4) ditto Kumarasamy, (5) Sivakkolunthu, widow of Sinhappu, all of Kaladdy Van North-east, Jaffna..... Respondent.

THIS matter of the petition of N. V. Kailasapillay, praying for the appointment of the 5th respondent as guardian *ad litem* of the 1st, 2nd, 3rd, and 4th respondents and for letters of administration to the estate of the above named deceased, Rasamuttu, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on November 13, 1924, in the presence of Mr. C. T. Kumaraswamy, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated September 15, 1924, having been read: It is ordered that the 5th respondent be appointed guardian *ad litem* of the 1st, 2nd, 3rd, and 4th respondents; it is declared that the petitioner is, as husband of the said intestate, entitled to

have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before December 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 26, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Annappillai, wife of Vinasithamby Nalla-
No. 5,639. thamby of Vadaliadaippu in Changanai,
deceased.

Vinasithamby Nallathamby of Vadaliadaippu
in Changanai Petitioner.

Vs.

(1) Ponnampalam Thillaiampalam, (2) Ponnampalam
Saravanamuttu, (3) Kanappathipillai Thillaiampalam
and his wife (4) Theivanai, all of Vadaliadaippu in
Changanai Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on November 13, 1924, in the presence of Mr. P. Canapathipillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 30, 1924, having been read: It is declared that the petitioner is the lawful husband of the said intestate and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before December 16, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 27, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Sinnampah alias Sinnatangam, wife of
No. 5,645. Arumugam Karthigesu of Narantanaï,
deceased.

Arumugam Karthigesu of Narantanaï Petitioner.

Vs.

(1) Supapakia Ledchumy, daughter of Arumugam
Karthigesu, and (2) Kurunathar Mootatamby of
Narantanaï Respondents.

THIS matter of the petition of the above-named petitioner, praying that the 2nd respondent be appointed guardian *ad litem* over the minor, the 1st respondent, and that letters of administration to the estate of the said intestate be issued to the petitioner, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on November 19, 1924, in the presence of Mr. A. Mudlr. Velupillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 12, 1924, having been read: It is ordered that the above-named 2nd respondent be appointed guardian *ad litem* over the minor, the 1st respondent, for the purpose of protecting her interest of representing her in the case, and that the petitioner declared entitled to have letters of administration to

the estate of the said intestate issued to him, as her lawful widower, unless he above-named respondents shall appear before the court on December 11, 1924, and show cause to the contrary.

Jaffna, November 26, 1924.

G. W. WOODHOUSE,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Nai Umma of Chilaw, deceased.
No. 1,596.

T. J. Asmoon of Chilaw Petitioner.

Vs.

(1) T. D. Asmoon of Wawniya, (2) T. Y. Asmoon, (3)
T. W. Asmoon, both of Chilaw Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Chilaw, on August 18, 1924, in the presence of Mr. C. V. M. Pandittesekere, Proctor of the firm of Messrs. Cooke & Pandittesekere, on the part of the petitioner; and the affidavit of the said petitioner dated July 16, 1924, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as a son of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any person or persons interested shall, on or before December 9, 1924, show sufficient cause to the satisfaction of this court to the contrary.

August 18, 1924.

N. M. BHARUCHA,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Arampolage Kiri Etana of Dewalegama,
No. 1,053. deceased.

Galpola Pathirannehelage Ranhamy of Dewale-
gama Petitioner.

Vs.

(1) Galpola Pathirannehelage Podi Singho, (2) ditto
Jane Nona, (3) ditto Podi Appuhamy of Dewalegama,
minors by their guardian *ad litem* the 4th respondent,
(4) Ruandeniye Vidanelage Jothihamy of Gal-
pola Respondents.

THIS matter coming on for disposal before V. Coomaraswamy, Esq., District Judge of Kegalla, on November 13, 1924, in the presence of Mr. Joseph Leo Suraweera, Proctor, for petitioner; and his affidavit and petition dated November 11 and 13, 1924, respectively, praying for the appointment of guardian *ad litem* and for letters of administration of the estate of the said deceased, having been read: It is ordered and declared that the 4th respondents, being the paternal uncle of the minor respondents above named, is a fit and proper person to be appointed guardian *ad litem*, and that such appointment will be made accordingly, and that petitioner, as the husband of the deceased, is entitled to letters of administration of the said estate, and that such letters of administration will be issued to him accordingly, unless the respondents or any person or persons interested shall, on or before December 16, 1924, show sufficient cause to the satisfaction of the court to the contrary.

November 13, 1924.

V. COOMARASWAMY,
District Judge.

In the District Court of Kegalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Noordeen Umma Saheeruwana of Kegalla,
No. 1,056. deceased.

Samsadeen Abdul Azees of Kegalla Petitioner.

vs.

(1) Mahamado Wassemu, (2) Ahamado Ataridu, both of
of Kegalla, being minors by their guardian *ad litem*
the 3rd respondent, (3) Abdul Cader of Grandpass
Colombo Respondents.

THIS matter coming on for disposal before V. Coomaraswamy, Esq., District Judge of Kegalla, on November 21, 1924, in the presence of Mr. A. F. R. Goonewardena, Proctor,

for petitioner; and his affidavit and petition dated November 20 and 21, 1924, respectively, 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 paternal grandfather of the 1st and 2nd minor respondents, is a fit and proper person to be appointed guardian *ad litem*, and that such appointment will be made accordingly, and the petitioner, as widower 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 or any person of persons interested shall, on or before December 16, 1924, show sufficient cause to the satisfaction of this court to the contrary.

November 21, 1924.

V. COOMARASWAMY,
District Judge.

PASSED ORDINANCES.

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

No. 24 of 1924.

An Ordinance to constitute the Ceylon Medical Council.

W. H. MANNING.

Preamble.

WHEREAS it is expedient to constitute a Council to be called "The Ceylon Medical Council" for the purpose of performing the functions with respect to registration and maintenance of a correct standard of professional conduct of and among members of the medical and dental professions, now performed by the Council of the Ceylon Medical College and more appropriately attended to by a separate body more representative of the medical and dental profession: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Ceylon Medical Council Ordinance, No. 24 of 1924."

Definitions.

2 In this Ordinance, unless the context otherwise requires—

"The Medical Acts" mean the statute 21 and 22 Victoria, chapter 90 of the Imperial Parliament, and any Act amending the same;

"Council" means "The Ceylon Medical Council" established by this Ordinance;

"Registered medical practitioner" means any person registered under the provisions of "The Medical Registration Ordinance, 1905."

"Registered dentist" means any person registered under "The Dentists Registration Ordinance, No. 3 of 1915."

3 (1) There shall be established a Council to be called "The Ceylon Medical Council," which shall consist of eleven members, including a President and a Vice-President, to be appointed in the following manner :

Establishment of "The Ceylon Medical Council."

- (a) The President nominated by the Governor in Executive Council ;
- (b) One member elected by the lecturers of the Ceylon Medical College ;
- (c) Two members elected by the registered medical practitioners who are registered under the Medical Acts ;
- (d) Two members elected by all other registered medical practitioners ;
- (e) One member elected by registered dentists ;
- (f) Four members nominated by the Governor in Executive Council, of whom at least two members shall not be in Government employ or in receipt of a pension from Government.

(2) A Vice-President shall be elected from among the members of the Council, by the Council.

4 No person shall be eligible to be a member of the Council unless he is a registered medical practitioner or a registered dentist.

Members of Council to be registered practitioners.

5 The members of Council shall hold office for a term of five years, but shall be eligible for re-election or re-nomination.

Tenure of office of members.

6 A member of the Council shall be deemed to have vacated his seat—

Cessation of membership.

- (a) On sending his resignation in writing to the President or Registrar ;
- (b) On his absence without excuse sufficient in the opinion of the Council from three consecutive meetings of the Council ;
- (c) On his absence out of the Colony for six consecutive months ;
- (d) On removal of his name from the register ;
- (e) On his being declared an insolvent or bankrupt by any competent court ;
- (f) On expiry of the term mentioned in section 5 of this Ordinance.

7 When the seat of any member becomes vacant, the vacancy shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 3 of this Ordinance.

Filling up of vacancies.

8 (1) The Council shall appoint a Registrar, who shall act as Secretary of the Council and also as Treasurer, unless the Council shall appoint another person as Treasurer. Every person so appointed shall be removable at the pleasure of the Council.

Registrar and other officers.

(2) The Council may also employ such other persons as it may deem necessary for the purposes of this Ordinance.

(3) All persons appointed or employed under this section shall be deemed to be public servants within the meaning of section 19 of the Ceylon Penal Code.

9 (1) Subject to the provisions of sub-sections (2) and (3) of this section, "The Medical Registration Ordinance, 1905," and "The Dentists Registration Ordinance, No. 3 of 1915," as amended by any subsequent enactment, shall be read as if all references to the Council of the Ceylon Medical College or to the Registrar or any other officer thereof, were to the Council established by this Ordinance, or to the Registrar or other corresponding officer thereof, and all powers, duties, liabilities, and responsibilities conferred or imposed by the provisions of such Ordinances on the Council of the Ceylon Medical College or the Registrar or any other officer thereof shall be deemed to have become vested in, and exercisable by, the Council established by this Ordinance or the Registrar or other corresponding officer thereof, as the case may be.

Ordinances Nos. 2 of 1905 and 3 of 1915 to be read as referring to the Ceylon Medical Council, except as regards section 13 (2) (a) of No. 2 of 1905 and section 12 (2) (a) of No. 3 of 1915.

(2) The reference in section 13 (2) (a) of Ordinance No. 2 of 1905 to the "Council" shall be deemed to be to the Ceylon Medical College.

(3) The reference in section 12 (2) (a) of Ordinance No. 3 of 1915 to the "Council" shall be deemed to be to the Ceylon Medical College.

Registers, &c.,
to be handed to
Ceylon Medical
Council.

10 All registers, books, and documents of any kind whatsoever kept by the Council of the Ceylon Medical College or any officer thereof under the provisions of Ordinances No. 2 of 1905 and No. 3 of 1915 shall immediately after this Ordinance comes into operation be handed over to the Council, and shall continue to be kept and used by the Council for the purposes and in the manner in the said Ordinances mentioned.

Rules.

11 (1) The Governor in Executive Council may from time to time make rules for the purpose of carrying out the provisions of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing provision, the Governor in Executive Council may make rules for—

- (a) The election of members to the Council, and of the Vice-President;
- (b) The procedure at meetings of the Council, including the quorum;
- (c) The appointment, suspension, removal, duties, and remuneration of officers and servants of the Council;
- (d) The keeping of the accounts of the receipts and expenses in carrying out the provisions of this Ordinance, and the auditing of such accounts;
- (e) Generally all matters relating to the carrying out of the provisions of this Ordinance.

(3) All rules made under this section shall be published in the *Government Gazette*.

(4) All rules published as aforesaid shall be laid as soon as conveniently may be before the Legislative Council, and may at any time within forty days after the date of their being so laid before the Council, or at any of the three meetings of the Council succeeding such date, by resolution of the Council be disallowed, but without prejudice to anything that may have been done thereunder.

Expenses of
Council.

12 (1) For the purpose of defraying the expense of carrying out the provisions of this Ordinance, the Council shall be entitled—

- (a) To take and receive all sums payable as fees under sections 2 (3) and 5 (1) of "The Medical Registration Ordinance, 1905," and sections 2 (3) and 5 (1) of "The Dentists Registration Ordinance, No. 3 of 1915."
- (b) To receive the sum of one thousand rupees annually from the general revenue of the Colony.

(2) Sub-section (2) of section 5 of "The Medical Registration Ordinance, 1905," and sub-section (2) of section 5 of "The Dentists Registration Ordinance, No. 3 of 1915," are hereby repealed.

Passed in Council the Twenty-first 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 Fourth day of December, One thousand Nine hundred and Twenty-four.

C. CLEMENTI,
Colonial Secretary.

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

No. 25 of 1924.

An Ordinance to amend "The Ceylon Medical College Ordinance, 1905."

W. H. MANNING.

WHEREAS it is expedient to amend "The Ceylon Medical College Ordinance, 1905": 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 Ceylon Medical College (Amendment) Ordinance, No. 25 of 1924."

Short title.

2 Section 4 of the principal Ordinance is hereby repealed, and the following shall be inserted in lieu thereof:—

Repeal of section 4 of the principal Ordinance and insertion of new section in lieu thereof.

4 The following persons shall be members of the Council, namely:

Constitution of Council.

- (1) The person for the time being discharging the duties of the Principal Civil Medical Officer;
- (2) The person for the time being discharging the duties of Assistant or Deputy Principal Civil Medical Officer;
- (3) The Senior Military Medical Officer for the time being stationed in Colombo;
- (4) The Registrar for the time being of the Ceylon Medical College;
- (5) A lecturer, nominated by the Governor, engaged in delivering lectures to students taking the courses for the pre-medical examination at the University College;
- (6) A lecturer, nominated as aforesaid, engaged in delivering lectures to students taking the First Professional Courses;
- (7) A lecturer, nominated as aforesaid, engaged in delivering lectures to students taking the Second Professional Courses;
- (8) A lecturer, nominated as aforesaid, engaged in delivering lectures to students taking the Third or Final Professional Examination Courses.

3 Section 6 of the principal Ordinance is amended by striking out the word and figure "and (7)" and inserting in lieu thereof the figures and word "(7) and (8)."

Amendment of section 6 of the principal Ordinance.

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

W. E. HOBDAY,
Clerk to the Council.

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

C. CLEMENTI,
Colonial Secretary.