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PASSED ORDINANCES.

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

No. 15 of 1925.

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

HUGH CLIFFORD.

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

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

1 This Ordinance may be cited as "The Trade Marks Ordinance, No. 15 of 1925."

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

PART I.

Definitions.

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

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:

Preamble.

Short title.

Commencement.

Definitions.

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

"Prescribed" shall mean prescribed by this Ordinance or by any rules duly made thereunder.

"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 law 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 :

- (1) The name of a company, individual, or firm represented in a special or particular manner ;
- (2) The signature of the applicant for registration or some predecessor in his business ;
- (3) An invented word or invented words ;
- (4) 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 ;
- (5) 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, or in the corresponding classes under any rules which may be made under this Ordinance, 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 for the registration of a trade mark under section 9 (5) 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—

Powers of registered proprietor.

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

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

Rights of proprietor of trade mark.

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

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

Registration to be *prima facie* evidence of validity.

Registration to be conclusive after seven years.

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

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

Unregistered trade mark.

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

Infringement.

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

User of name, address, or description of goods.

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

" Passing-off " action.

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

Legal Proceedings.

Certificate of validity.

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

Registrar to have notice of proceeding for rectification.

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

Applications to be stamped.

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

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

Stamp duties.

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

Appeal.

Costs.

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

Costs of proceedings before court and Registrar.

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

Evidence.

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

Mode of giving evidence.

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

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

Certified copies to be evidence.

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

Certificate of Registrar to be evidence.

PART II.

Powers and Duties of the Registrar of Trade Marks.

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

Exercise of discretionary power by Registrar.

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

Recognition of agents.

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

Registrar may take directions of law officers.

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

Rules.

Power to make rules.

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

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

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

(3) Any rules made in pursuance of this section shall be laid as soon as conveniently may be before the Legislative Council, and may, at any of the three meetings of the Council next succeeding such date, by resolution of the Council be annulled, but without prejudice to anything that may have been done thereunder.

Special Trade Marks.

Standardization, &c., trade marks.

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

International and Colonial Arrangements.

International arrangements for protection of trade marks.

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

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

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

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

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

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

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

Provision for intercolonial arrangements.

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

Offences.

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

Falsification of entries in register.

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

Penalty on falsely representing trade mark as registered.

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

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

Unauthorized assumption of royal arms.

Unauthorized
assumption of
arms of the
Colony.

(2) If any person, without the authority of the Governor, uses in connection with any trade, business, calling, or profession, the arms of the Ceylon Government (or arms so closely resembling the same as to be calculated to deceive) in such a manner as to be calculated to lead to the belief that he is duly authorized to use such arms, or if any person, without the authority of the Governor, uses in connection with any trade, business, calling, or profession, any device, emblem, or title in such a manner as to be calculated to lead to the belief that he is employed by or supplies goods to the Governor or any member of the Governor's family or 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.

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.

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

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.

Effect of registration in Part B.

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.

Passed in Council the Seventeenth day of December, One thousand Nine hundred and Twenty-five.

J. A. MAYBIN,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-seventh day of January, One thousand Nine hundred and Twenty-six.

A. G. M. FLETCHER,
Colonial Secretary.

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

No. 16 of 1925.

An Ordinance further to amend "The Ceylon Evidence Ordinance, 1895."

HUGH CLIFFORD.

Preamble.

WHEREAS it is expedient further to amend "The Ceylon Evidence Ordinance, 1895": 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 Evidence (Amendment) Ordinance, No. 16 of 1925."

Amendment of section 120 of the principal Ordinance.

2. The following sub-sections shall be added immediately after sub-section (3) of section 120 of the principal Ordinance and shall be numbered sub-sections (4) and (5), the existing sub-section (4) being renumbered (6):

(4) In criminal proceedings against a husband or wife for an attempt to cause any bodily injury or violence on his or her wife or husband, such wife or husband shall be a competent witness for the prosecution.

(5) In criminal proceedings against a husband or wife for an offence punishable under section 362B or 362C of the Ceylon Penal Code, the wife or husband of the accused shall be a competent witness for the prosecution.

Passed in Council the Seventeenth day of December, One thousand Nine hundred and Twenty-five.

J. A. MAYBIN,
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-seventh day of January, One thousand Nine hundred and Twenty-six.

A. G. M. FLETCHER,
Colonial Secretary.

DISTRICT AND MINOR COURTS NOTICE.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Kandy, by labourers of Peragolla estate, Peradeniya, against the proprietor of Kandewatte estate, Peradeniya, under the Ordinance No. 13 of 1889, for the recovery of their wages, amounting to Rs. 100.

January 18, 1926.

A. L. ABDUL RAHIM,
Chief Clerk.

NOTICES OF INSOLVENCY.

9 Ro 5/-
In the District Court of Colombo.
No. 3,119. In the matter of the insolvency of S. S. Segu Monideen of Old Moor 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 February 9, 1926, for auditing the accounts and for the declaration of a dividend.

By order of court, A. E. PERERA,
Colombo, January 22, 1926. for Secretary.

In the District Court of Colombo.
No. 3,463. In the matter of the insolvency of H. C. S. Foenander of Colpetty.

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 February 23, 1926, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,
Colombo, January 27, 1926. for Secretary.

In the District Court of Colombo.
No. 3,435. In the matter of the insolvency of George William Olivera of Dehiwala.

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 February 23, 1926, for the grant of a certificate of conformity to the insolvent.

By order of court, P. DE KRETZER,
Colombo, January 20, 1926. Secretary.

In the District Court of Colombo.
No. 3,550. In the matter of the insolvency of K. Chabapathy of 42, New Chetty 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 February 23, 1926, for the grant of a certificate of conformity to the insolvent.

By order of court, P. DE KRETZER,
Colombo, January 20, 1926. Secretary.

In the District Court of Colombo.
No. 3,563. In the matter of the insolvency of M. P. Mohamed Rawther of 3, Dawson street, Slave Island.

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 February 23, 1926, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,
Colombo, January 27, 1926. for Secretary.

In the District Court of Colombo.
No. 3,572. In the matter of the insolvency of Kitulgoda Liyanage Baron Silva of Cotta road.

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 February 23, 1926, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,
Colombo, January 27, 1926. for Secretary.

In the District Court of Colombo.
No. 3,581. In the matter of the insolvency of Grenville Lawson Weinman of Mutwal.

WHEREAS G. L. Weinman has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by B. G. Frughtneit of Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said G. L. Weinman insolvent accordingly; and that two public sittings of the court, to wit, on February 23, 1926, and on March 9, 1926, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, P. DE KRETZER,
Colombo, January 19, 1926. Secretary.

In the District Court of Colombo.
No. 3,582. In the matter of the insolvency of Sinne Lebbeh Mohamed of Francis road, Wellawatta.

WHEREAS S. L. Mohamed has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by M. Z. Cassim of Keyzer street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said S. L. Mohamed insolvent accordingly; and that two public sittings of the court, to wit, on March 2, 1926, and on March 16, 1926, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
Colombo, January 23, 1926. for Secretary.

In the District Court of Kalutara.
No. 190. In the matter of the insolvency of William Dalpadado 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 February 23, 1926, to file assignee's report.

By order of court, R. MALALGODA,
Kalutara, January 22, 1926. Secretary.

In the District Court of Kalutara.

No. 187. In the matter of the insolvency of Bennett Francis Abeyssekera 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 February 19, 1926, to file the assignee's report.

By order of court, R. MALALGODA,
Kalutara, January 22, 1926. Secretary.

In the District Court of Kalutara.

No. 194. In the matter of the insolvency of Sinna Lebbe Marikar Hellar Mohamed 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 February 23, 1926, for filing the assignee's report.

By order of court, R. MALALGODA,
Kalutara, January 22, 1926. Secretary.

In the District Court of Kalutara.

No. 195. In the matter of the insolvency of C. L. M. Calidu of Alutgama.

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 February 24, 1926, for appointment of assignee and filing proof of claims.

By order of court, R. MALALGODA,
Kalutara, January 22, 1926. Secretary.

In the District Court of Kalutara.

No. 196. In the matter of the insolvency of Don Lewis of Old road, Kalutara South.

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 February 23, 1926, to file proof of claims.

By order of court, R. MALALGODA,
Kalutara, January 22, 1926. Secretary.

In the District Court of Kandy.

No. 1,671. In the matter of the insolvency of Punchi Banda Ratnayake of Kahalle, Katugastota.

NOTICE is hereby given that the meeting of creditors in above case is adjourned for February 5, 1926, to consider the offer of composition made on behalf of the insolvent.

By order of court, P. MORTIMER,
Kandy, January 23, 1926. Secretary.

In the District Court of Kandy.

No. 1,698. In the matter of the insolvency of Don Savias Abeysgoonesekera of 47, Trincomalee street, Kandy.

NOTICE is hereby given that the meeting of creditors of the above-named insolvent has been refixed for February 12, 1926, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, P. MORTIMER,
Kandy, January 23, 1926. Secretary.

In the District Court of Galle.

No. 552. In the matter of the insolvency of Modera Neketige Bastian of Galle.

WHEREAS Modera Neketige Bastian of Galle has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Kahingala Bopege Mendis of Galle, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Modera Neketige Bastian of Galle insolvent accordingly; and that two public sittings of the court, to wit, on January 29, 1926, and on February 19, 1926, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C. W. GOONEWARDENE,
Galle, January 19, 1926. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

W. P. Perera of Colombo.....Plaintiff.
No. 450 of 1921. Vs.

(1) T. A. C. Samarasinghe of Tomlin, Bloemendahl road, Colombo; (2) O. D. S. Wijeyratne of Dematagoda, Colombo Defendants.

NOTICE is hereby given that on Wednesday, February 24, 1926, at 3 P.M. will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 454, with further interest on Rs. 400 at 18 per cent. per annum from February 1, 1925, till payment in full, and costs of suit and poundage, viz. :—

An undivided 1/5 share of house and premises bearing assessment No. 99A now bearing No. 198, together with tenements bearing Nos. 196/1 to 196/9, situated at Dematagoda, Colombo; and bounded on the north by Dematagoda road, south by property of Idroos Lebbe Naina Marikar, on the west by property of R. M. Uduma Lebbe, and on the east by a part of same land of Packeer Tamby Selema Lebbe; containing in extent 19 98/100 square perches, subject to the life interest in the said property in favour of Isabella de Silva Wijeratne.

Fiscal's Office,
Colombo, January 26, 1926.

R. O. DE SARAM,
Deputy Fiscal.

In the District Court of Colombo.

(1) Prangige Christina Perera Hamine and her husband,
(2) Amarasinghage Emis Perera Appuhamy of Narahenpita, Colombo Plaintiffs.
No. 11,369. Vs.

(2) Prangige Porlentina Perera Hamine and her husband, (3) Handumge Pelis Appuhamy, all of Narahenpita, Colombo Defendants.

NOTICE is hereby given that on Thursday, March 4, 1926, at 3 P.M., will be sold by public auction at the premises the right, title, and interest, of the said 2nd defendant in the following property for the recovery of the sum of Rs. 270.29 from the 2nd and 3rd defendants jointly, being *pro rata* costs and compensation, viz. :—

The lot marked "B" in plan No. 2,022 dated December 19, 1924, made by James Rodrigo, Licensed Surveyor, of the land called Nugagahawatta, bearing assessment Nos. 35 and 36, situated at Narahenpita in Timbirigasyaya road, now within the Municipality of Colombo, with the buildings standing thereon; the said lot being bounded on the north by lot A allotted to the 1st plaintiff, east by the property now belonging to Mr. Ludovici, south by lot C allotted to the 1st defendant, and west by Timbirigasyaya road; containing in extent 2 roods and 35.13 perches.

Fiscal's Office,
Colombo, January 27, 1926.

R. O. DE SARAM,
Deputy Fiscal.

In the District Court of Negombo.

Nanayakkara Senarat Appuhamillage Dorf Peiris Seneviratna Appuhamy of Banduragoda, in Yatigaha pattu of Hapitigam korale Plaintiff.

No. 12,559. Vs.

(1) Jayakodihithamillage Menchi Nona, (2) Nanayakkara Senarat Appuhamillage Verthelis Appuhamy and wife (3) Ramanayaka Pathirannehelage Jane Nona, all of Banduragoda in Yatigaha pattu of Hapitigam korale Defendants.

NOTICE is hereby given that on Tuesday, March 9, 1926, at 2 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 202·66, viz. :—

The undivided 6/10 shares of the land called Siyambalahawatta, situate at Banduragoda in the Yatigaha pattu of the Hapitigam korale; the entire land is bounded on the north by the high road and the lands belonging to others, on the east by lands belonging to Don Peris Seneviratne and others, on the south by the field called Radawalakumbura and on the west by the land belonging to the temple and lands belonging to others; containing in extent about 9 acres, and all the appurtenances belonging thereto.

Fiscal's Office,
Colombo, January 27, 1926.

R. O. DE SARAM,
Deputy Fiscal.

In the District Court of Colombo.

Mrs. J. C. Fernando of Temple View, Maligakanda, Colombo Plaintiff.

No. 13,885. Vs.

(3) W. P. D. Vanderstraaten, 36, Cotta road, Colombo Defendant.

NOTICE is hereby given that on Tuesday, February 23, 1926, at 10 A.M., will be sold by public auction at 36, Cotta road, the following movable property for the recovery of the sum of Rs. 1,680, less a sum of Rs. 180, and that he be ejected from the premises No. 36, Cotta road, within the Municipality of Colombo, after April 30, 1925; and it is further ordered and decreed that the defendant do pay a sum of Rs. 175 per month as damages from May 1, 1925, till plaintiff is restored to the possession of the said premises, and costs of suit, less Rs. 1,000, viz. :—

1 large silver cup	1 teakwood table
28 small silver cups	8 teakwood chairs
4 teapoys	1 meat safe
3 ebony ladies' chairs	1 sideboard
1 ebony table	3 jak almirahs
12 arm chairs	2 teakwood toilet tables
1 teakwood chiffonier fixed with mirror	1 iron safe
1 ebony couch	1 jak dining table
1 large mirror	1 clock
1 teakwood table	1 radio fan
3 teakwood lounges	52 pictures
2 satinwood ladies' chairs	1 dining table
	25 flower pots

Fiscal's Office,
Colombo, January 27, 1926.

R. O. DE SARAM,
Deputy Fiscal.

In the District Court of Colombo.

M. T. P. L. Sockalingam Chetty of Sea street, Colombo Plaintiff.

No. 16,930. Vs.

T. Sanmukam of Devon House, Alexandra road, Colombo Defendant.

NOTICE is hereby given that on Saturday, February 20, 1926, at 2 P.M., will be sold by public auction at Devon House, Alexandra place, Cinnamon Gardens, Colombo, the following movable property for the recovery of the sum of Rs. 515, together with interest on Rs. 500 at 15 per cent. per annum from August 1, 1925, to date of decree (August 21, 1925); and thereafter on the aggregate amount of the

decree at 9 per cent. per annum till payment in full, and cost of suit (bill not taxed yet), less Rs. 300 paid by the defendant, viz. :—

2 nadun lounges	1 iron safe
6 nadun chairs	2 round tables with marble tops
2 teapoys	1 clock
1 hatstand	1 round table
4 calamander chairs	4 chairs
1 calamander teapoy	1 screen
1 ebony sofa	2 almirahs
4 chairs	3 lounges
1 dining table	1 settee
6 chairs	4 ebony chairs
1 chiffonier	75 pots with flower plants
2 whatnots	

Fiscal's Office,
Colombo, January 26, 1926.

R. O. DE SARAM,
Deputy Fiscal.

In the Police Court of Colombo.

The King Plaintiff.

No. 17,877.

Ibrahim Abdul Hameed of 19, Forbes lane, Maradana, Colombo Surety.

NOTICE is hereby given that on Thursday, February 18, 1926, at 10 A.M., will be sold by public auction at the premises the right, title, and interest of the said surety in the following property for the recovery of the sum of Rs. 50, viz. :—

The land formerly bearing assessment No. 3c and now No. 40, together with the buildings thereon, situated at Rudd's lane, cross street or Rudd's lane, Maradana, within the Municipality of Colombo; bounded on the north by lot No. 4 belonging to Anoor Natchia, wife of Isubu Lebbe, south by formerly lot No. 40 and now No. 42, east by another part No. 38, west by lot No. 2; containing in extent 3 30/100 perches.

Fiscal's Office,
Colombo, January 26, 1926.

R. O. DE SARAM,
Deputy Fiscal.

In the District Court of Kalutara.

Mahawaduge Andris Perera of Nalluruwa Plaintiff.

Mahawaduge Lidmond Perera Substituted Plaintiff.

No. 8,421. Vs.

(1) W. James Fernando, (2) W. Abraham Andradi, (3) W. Covis Pieris, all of Nalluruwa, (4) Telge Nomis Fernando of ditto Defendants.

NOTICE is hereby given that on Tuesday, February 23, 1926, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 2,000, with interest at the rate of 12½ per cent. per annum from January 6, 1915, till November 11, 1920, and thereafter at the rate of 9 per cent. per annum till payment in full, and costs Rs. 210, less Rs. 150·38 and Rs. 851·81. viz. :—

Half share of the land and of all the trees and plantations and the tiled house and all the buildings belonging thereto standing thereon of a portion of Karandagahawatta, situated at Nalluruwa in Talpitibadda of Panadure totamune, in the District of Kalutara, Western Province; and bounded on the north by Bulugahawatta belonging to Wedige Salmon Pieris, east by Jambugahawatta, south by a portion of the same land, west by garden belonging to Waduge Daniel Fernando and others; and containing in extent 1 acre and 2 perches.

Deputy Fiscal's Office,
Kalutara, January 26, 1926.

H. SAMERESINGHA,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

17 Root

Mura Pana Rawanna Mana Muttupalaniappa of Kandy Plaintiff.

No. 32,897. Vs.

M. B. Ratwatte of Walala in Lower Dumbara . . Defendant.

NOTICE is hereby given that on Saturday, February 27, 1926, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 519·97½, with interest on Rs. 448·12½ at 9 per cent. per annum from June 8, 1925, till payment in full, and poundage, viz. :—

The land called and known as Galkande estate, containing in extent 70 acres, situate at Walala in Udagampaha of Lower Dumbara, in the District of Kandy, Central Province; and bounded on the east by the boundary of Appu late Aratchi's land, on the south by road, on the west by wanata of Kankanamgederakumbura, and on the north by Huunagekumbura; together with everything thereon.

Fiscal's Office,
Kandy, January 25, 1926.A. RANESINGHE,
Additional Deputy Fiscal.

Southern Province.

In the District Court of Galle.

17 Root

K. S. P. S. Kadiresan Chetty of 42, Kaluwella, Galle Plaintiff.

No. 22,869. Vs.

Mohammado Lebbe Hadjar Mohamed Thajudeen of Fort, Galle Defendant.

NOTICE is hereby given that on Saturday, February 20 1926, commencing at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, mortgaged, viz. :—

1. All that allotment of land together with the boutique marked old Municipal assessment No. 259 and new No. 260 on the said allotment, situated in the Green Market street of the Galle Bazaar, within the Municipality and District of Galle; and bounded on the north by land in title plan No. 66,901, east by land belonging to the natives, south by land in title plan No. 66,903, west by the Green Market street; containing in extent 93 of a perch.

2. All that defined and partitioned lot No. 6 of the land called Attikagahawatta alias Kimbula-elawatta, together with the houses marked X. V. V. standing thereon, situated at Kitulampitiya, within the Four Gravets and District of Galle; and bounded on the north by lot No. 5 of the same land, east by lot No. 4 appearing in plan No. 266 made by A. J. Misso, Surveyor, south by lot No. 8 of the same land, and west by lot No. 4 of the same land; containing in extent 1 rood and 38·4 perches.

3. All the soil and trees of the divided ¼ portion of a defined portion of the land called Mahadangarahawatta, together with the masonry walled tiled house marked Municipal assessment No. 305, and everything else in, on, or within the said divided ¼ portion, situated at Dangedera, within the Municipality and District of Galle; bounded on the north by a portion of the said land, east by the high road to Akmeemana, south by Jasingawatta, and west by Maha Vidanagewatta alias Ela-addarawatta; containing in extent 37·69 perches, subject to the primary mortgage.

Amount due on writ Rs. 4,995·25, with interest thereon at 9 per cent. per annum from September 15, 1925, till payment in full, and Rs. 194·74 taxed costs and writ costs.

Fiscal's Office,
Galle, January 21, 1926.J. A. LOURENSZ,
Deputy Fiscal.

In the Court of Requests of Galle.

D. Wickremesinhe, Proctor, Galle..... Plaintiff.

No. 4,900. Vs.

Sinno Appu Wijewickreme of Gonapinuwala: . . Defendant.

NOTICE is hereby given that on Tuesday, February 23, 1926, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

All that divided lot No. 1 of Kaluwagahawatta, in extent 4 acres and 25 perches, situate at Gonapinuwala in Wellaboda pattu; bounded on the north by Kaluwagahawatta, east by Kaluwagahawatta Udumulla, south by Kaluwagahawatta, and on the west by lot No. 2 of the same land.

Writ amount Rs. 224·19.

Fiscal's Office,
Galle, January 22, 1926.G. O. ABEYNAIKE,
Deputy Fiscal.

In the Court of Requests of Hambantota.

Weerappuligamage Dinoris of Bundala Plaintiff.

No. 4,396. Vs.

G. W. Lourensz of Hambantota Defendant.

NOTICE is hereby given that on Saturday, February 20, 1926, 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. :—

Two allotments of land bearing Nos. 12,233 and 12,234 in extent 21 acres, situated at Halmillawa in Ranakeliya in Magam pattu of Hambantota District, in the Southern Province; and bounded on the east by Magama-ela, on the north by the lands of Kottan and Runnegambaraya, on the west by the land of Allis Gambaraya, and on the south by the lands of Nikulashamy and Jayawickreme Mudaliyar. Writ amount Rs. 194·65 and poundage Rs. 2·34.

Deputy Fiscal's Office,
Hambantota, January 23, 1926.N. W. MORGAPPAH, JR.,
Additional Deputy Fiscal.

Northern Province.

In the District Court of Colombo.

25 Root

Christian Gomez of 8, Main street, Pettah, in Colombo Plaintiff.

No. 18,516. Vs.

(1) Ittiakandy Manakakara Achudhan, (2) Kander Vallipuram Mathjaparanam, carrying on business in partnership under the name, style, and firm of The Jaffna Pharmacy, in Jaffna, Northern Province Defendants.

NOTICE is hereby given that on Saturday, February 20, 1926, at 11.30 in the forenoon, will be sold by public auction at The Jaffna Pharmacy in Main street, Jaffna, the right, title, and interest of the said defendants in the following decreed property for the recovery of Rs. 1,929·42, with legal interest from December 9, 1925, costs (to be taxed), poundage, and charges, viz. :—

The goods, wares, merchandise, stock-in-trade, furniture, fittings, chattels, and effects lying at The Jaffna Pharmacy, Jaffna, consisting of—

5 glass almirahs with drugs	2 chairs
1 counter with drugs	1 common table
1 bottom piece of counter with drugs	1 drug balance
1 writing table	2 hanging lamps
1 clock	1 stool
1 sideboard with almirah	Pigeonhole
	Other drugs, bottles, &c.

Fiscal's Office,
Jaffna, January 23, 1926.A. VISVANATHAN,
Deputy Fiscal.

North-Western Province.

In the District Court of Chilaw.

Jane Matikla Jayawardana and others of
Madampe Plaintiff.

No. 6,955. Vs.

(1) Francis Wijesinghe Jayawardana of
Madampe Defendant.

NOTICE is hereby given that on Friday, February 26, 1926, at 1 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, viz. :—

The land called Nugagahamulayaya *alias* Siyambalahamulayaya of about 47 acres in extent, situate at Kekunawala in Yagam pattu korale of the Katugampola hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by Panawewaralagehenyaya, east by the village limit of Etungahakotuwa, south by the limits of Durunpola and Polgahawela, and on the west by limits of Habarawewa and land of Meeyanna Muna.

Amount to be levied Rs. 375.32 and poundage.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, January 25, 1926. Deputy Fiscal.

In the District Court of Kurunegala.

Don Jusef Jayatunga, of Madampe, the administrator
of the estate of the late Mahatantirige Iseris Appu-
hamy Mudalali of Galmuruwa, deceased Plaintiff.

No. 9,879. Vs.

(1) Siribrahakmana Mudiyansele Mudalihamy,
(2) ditto Kiri Bandappuhamy, both of Palugamuwa
in Katugampola korale Defendants.

NOTICE is hereby given that on Friday, March 5, 1926, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises, the right, title, and interest of the said defendants in the following property, viz. :—

1. An undivided $\frac{1}{2}$ share of Padinchimadangahawatta of about 3 acres in extent, situate at Palugamuwa in Katugampola korale of Katugampola hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by garden of Mudalihamy, on the east by garden of Andiya Henaya, on the south by garden of PUNCHIRALA and on the west by dewata road.

2. An undivided $\frac{1}{2}$ share of Kongahawatta of about 3 acres in extent situate at the aforesaid village; and bounded on the north by oya, on the east by ditch of Pansalwatta, on the south by fence of the garden of Appugamarala, and on the west by ditch of the garden of Daniel Ralahamy.

Amount to be levied Rs. 320, with further interest on Rs. 200 at the rate of 18 per cent. per annum from December 20, 1920, to February 20, 1925, and thereafter on the aggregate amount interest of 9 per cent. per annum till payment in full.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, January 26, 1926. Deputy Fiscal.

In the District Court of Colombo.

S. K. A. A. R. Muttiah Chetty of Sea street,
Colombo Plaintiff.

No. 14,390. Vs.

R. L. de F. Pieris of Fort, Colombo, presently of
Kurunegala Defendant.

NOTICE is hereby given that on Tuesday, March 2, 1926, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. All that estate called and known as Rock Cave, with the buildings standing thereon, situate in the villages Imbulgoda and Konpola in Tirigandaha korale of Weudawili hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by the properties of G. K. Fernando and K. M. Kader Saibo, east by the land claimed by villagers and by the property of D. M. Karunaratna, south by the land claimed by villagers, and west by

the property of G. K. Fernando and by land claimed by villagers; containing in extent 299 acres 3 roods and 31 perches as per figure of survey No. 2,427 dated January 29, 1910, made by George Perera Weeraratna, Licensed Surveyor.

2. All that allotment of land called Raglan estate, together with all the buildings thereon, situate in the village Bogamuwa in the aforesaid korale; and bounded on the north by land claimed by villagers, east by Crown land and land claimed by villagers, south by the railway line and land reserved by Crown and land claimed by the temple, and west by land claimed by villagers; containing in extent 397 acres and 1 rood as per figure of survey No. 2,427 dated January 29, 1910, made by George Perera Weeraratna, Licensed Surveyor.

Amount to be levied Rs. 8,922, with interest thereon at 15 per cent. per annum from December 15, 1924, till payment in full and costs, less a sum of Rs. 200.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, January 22, 1926. Deputy Fiscal.

In the District Court of Colombo.

S. Oxtan Jones of Colombo Plaintiff.

No. 15,631. Vs.

Don Daniel Gunasekera of Kuliapitiya Defendant.

NOTICE is hereby given that on Saturday, March 6, 1926, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant's mills standing on the following property, viz. :—

1. All that portion of land called Potuhena, in extent 2 acres 2 roods 33 perches and depicted in plan No. 126 dated October 21, 1921, made by E. C. Peiris, Licensed Surveyor, situate at Kanadulla in Katugampola korale of Katugampola hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by oya, east by land of Tennekoon Herat Mudiyansele Banda, south by the high road, and west by Potuhena of Tennekoon Herat Mudiyansele Banda, together with defendant's leasehold rights in and upon the said premises and the machinery and everything else presently lying or to be found on the said premises and mills.

2. One 18-horse power boiler and engine.
3. Four pairs fibre machines.
4. Eleven pulleys.
5. One sifter.
6. A quantity of old husks.

Amount to be levied Rs. 1,000, with interest thereon at the rate of 9 per cent. per annum from May 4, to June 16, 1925, and thereafter on the aggregate amount till payment in full and costs of suit, Rs. 124.80, to June 16, 1925, and further costs and poundage, less Rs. 994.80.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, January 22, 1926. Deputy Fiscal.

In the District Court of Puttalam.

Sego Tamby Pareyare Seyadath Kathipillai Pareyare of
Puttalam Substituted Plaintiff.

No. 3,726. Vs.

Pedro Singho of Mangalaweli in Puttalam pattu and
Mohideen Natchia of Kadayamottai Defendants.

NOTICE is hereby given that on Saturday, February 20, 1926, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises, the right, title, and interest of the said defendants in the following property, viz. :—

1. Undivided 11/21 shares of the allotment of land bearing No. W1,090 appearing in T. P. No. 196,873 called and known as Mudichankado, containing in extent 1 acre 2 roods and 37 perches, situate at Mangalaweli in Puttalam pattu, in Puttalam District, in North-Western Province; bounded on the north by lands in T. P. 196,868 and 177,783, east by lands in T. P. 177,783, south by lands in T. P. 196,868, and 179,059, and west by land in T. P. 196,868,

2. Undivided 11/21 shares of the allotment of land bearing No. F 1,090 in T. P. 196,872 called Mudichankado, situate at Mangalaweli aforesaid, extent 1 acre and 25 perches; bounded on the north by land in T. P. 177,782, east by land in T. P. 177,782 and 177,783, south by land in T. P. 196,868, and west by tank called Pannalkulam.

3. A portion of land containing in extent 6 acres, excluding the road running through the land, situate at Mangalaweli aforesaid; bounded on the north by land of Sinnatamby Seggo Mohamado, east by the land of the heirs of Mahagedera Mudaliar, south and west by Crown land.

4. The divided northern portion of the two contiguous portions of coconut garden called Mudicharkado and Mudichanwayal, in extent about 5 acres, situate at Mangalaweli aforesaid; bounded on the north by land of Juan Perera, east by Colombo road, south by the adjoining portion of the land belonging to Pitchetamby Mohideen Natchia, and west by land of Pitchetamby Sulaba Umma. The entirety within these boundaries.

5. The remaining lease hold interest of the following those lands for the term of about three years from date hereof:—

(1) The divided portion of the extent of 3½ acres out of the entire portion of allotment of land bearing Nos. V 1,090, U 1,090, and JY 1,090 in T. P. 177,783 called Mudichanwayal and Mudichankado, situate at Mangalaweli aforesaid, in

extent 10 acres and 9 perches; the said divided portion is bounded on the north by the adjoining portion belonging to Peer Meera Natchia and sister Mohideen Meera Natchia and the portion marked A, east by the under-mentioned third land, south by land in T. P. 177,784, and west by land called Mangalaweli claimed by Kungiwannian Seggo Thamby and by land called Mudicharkado claimed by Beebee Natchia.

(2) The allotment of land marked A in T. P. 177,783 called Mudichanwayal, situate at Mangalaweli aforesaid, in extent 3½ acres; and bounded on the north by land of the said Peer Meera Natchia, east, south, and west by the aforesaid land No. (1).

(3) The divided portion of the extent of 2 acres out of the entire portion of land marked U 1,090½ and Y 1,090½ in T. P. 187,272 called Mudichankadu, situate at Mangalaweli aforesaid, in extent 4 acres 1 rood and 4 perches. The said divided portion is bounded on the north and east by reservation, south by land in T. P. 185,079, and west by the aforesaid land No. (1).

For the recovery of the sum of Rs. 2,125, with legal interest from April 20, 1925, till payment in full, Fiscal's charges, poundage, &c.

H. W. ABEYAWARDANA,
Puttalam, January 25, 1926. Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

35/10/25
In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Siyadoris Perera Mudali Mahipala of Alutgama in the Meda pattu of Siyane korale, deceased.

Welandanage Elisa Boteju Hamine of Alutgama aforesaid Petitioner.

And

- (1) Don Edward Mudali Mahipala of Siyambalagoda, (2) Dona Maria Mudali Mahipala and husband, (3) Don Charles Goonewardane of Henegama, (4) Don Richard Mudali Mahipala, (5) Don Daniel Mudali Mahipala, (6) Don Charles Mudali Mahipala, all of Alutgama, (7) Dona Rosalina Charlotte Mudali Mahipala and husband, (8) Charles Perera Rupasingha of Kirigama, (9) Dona Sarliyana Mudali Mahipala of Alutgama and husband (10) Don Carolis Nisanka of Henegama, (11) Don James Johannes Mudali Mahipala of Alutgama.. Respondents.

THIS matter coming on for disposal before E. W. Jayawardene, Esq., District Judge of Colombo, on October 20, 1925, in the presence of Mr. W. R. Jayawardane, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated May 6, 1925, 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 February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

October 20, 1925.

M. W. H. DE SILVA,
District Judge.

31/10/25
In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Perumbuli Atchige Elisahamy of Homagama, in the Palle pattu of Hewagam korale, deceased.

Arangage Don Lewis Appuhamy of Homagama, aforesaid Petitioner.

And

- (1) Perumbuli Atchige Don Juwanis of Homagama, (2) ditto Dona Podihamy and her husband, (3) Galagedarage Dionis, all of Homagama, (4) Mayadunnage Georgina Perera, (5) Perumbuli Atchige Sิริyawathi, both of Koratota in Homagama, Hewagam korale, (6) Samaranyakage Ellen Nona, (7) Perumbuli Atchige Podihamine, both of Vedagama ... Respondents.

THIS matter coming on for disposal before E. W. Jayawardene, Esq., District Judge of Colombo, on October 25, 1925, in the presence of Mr. W. R. Jayawardana, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 30, 1925, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as widower of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

October 25, 1925.

M. W. H. DE SILVA,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of William de Silva Lokubadu
No. 2,551. Jayasuriya of Kegalla, deceased.

P. de S. Jayaratne, Principal, Ananda College,
Colombo Petitioner

And

(1) Juliet de Silva Lokubadu Jayasuriya, (2) F. R. Senanayake, (3) S. de S. Gunasekera, (4) Dr. C. A. Hewavitarana, (5) W. F. Gunawardane, (6) W. H. W. Perera, (7) M. A. Costa, (8) A. E. Wijeratne, (9) G. A. P. Amerasekera, (10) Hon. Mr. W. A. de Silva, (11) T. D. S. Dharmadasa, (12) W. Chas. de Silva, (13) G. M. Perera, (14) Hon. Mr. D. S. Senarayake, (15) E. H. D. Fonseka, (16) Amadoris Merdis, (17) I. B. Gunawardane, (18) A. P. Gunaratne, (19) P. C. Fernando, (20) J. D. Dharmadasa, (21) H. M. Gunasekera, (22) Dr. D. B. Perera, (23) W. E. Bastian, (24) B. M. F. Jayaratne, (25) D. J. Amaratunge, (26) Arthur V. Dias, (27) A. Ginige, (28) G. C. Gunatilake, (29) J. Munasingha, (30) J. A. P. Nanayakkara, (31) D. D. Kodagoda, (32) D. P. Wijetunge, (33) T. G. M. Perera, (34) K. D. M. Perera, (35) C. P. Gunawardane, (36) S. M. D. Thabrew, all of Buddhist Theosophical Society, Colombo Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on October 26, 1925, in the presence of Mr. A. Mivanapalana, Proctor, on the part of the petitioner above named; and the affidavits (1) of the petitioner dated October 21, 1925, and (2) of the attesting notary dated October 13, 1925, having been read:

It is ordered that the last will of William de Silva Lokubadu Jayasuriya, 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 the respondents above named or any other person or persons interested shall, on or before November 26, 1925, show sufficient cause to the satisfaction of this court to the contrary.

October 26, 1925.

V. M. FERNANDO,
District Judge.

Date of showing cause is extended till January 21, 1926.

V. M. FERNANDO,
District Judge.

Date of showing cause is extended till February 11, 1926.

January 22, 1926.
M. W. HADE SILVA,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Spermia de Silva of 8, Buller's road,
No. 2,618. Colombo, deceased.

Ana Roona Rawana Mana Nawana Narayanan Chetty
of Sea Street, Colombo Petitioner.

And

(1) Dona Mercy Catherine de Silva, (2) Ælian de Silva, both of 8, Buller's road, Colombo. (3) P. H. de Kretser, Secretary of the District Court of Colombo Respondents.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on December

10, 1925, in the presence of Messrs. T. D. & E. L. Mack, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 25, 1925, having been read:

It is ordered that Mr. P. H. de Kretser (the 3rd respondent above named) be and he is hereby declared entitled, as Secretary of the District Court of Colombo, to have letters of administration to the estate of the above-named deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before February 11, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 10, 1925.

V. M. FERNANDO,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Sampathwaduge Joseph Henry
No. 2,622. de Silva, deceased.

Sellapperumage Emily Francina de Silva of Nattani
diya Petitioner.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on December 17, 1925, in the presence of R. Mahadeva, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated November 20, 1925, (2) of the attesting notary dated December 10, 1925, and (3) of one of the attesting witnesses dated November 20, 1925, having been read:

It is ordered that the last will of Sampathwaduge Joseph Henry de Silva, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 17, 1925.

V. M. FERNANDO,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Odharmal Moujsing of Hyderabad, Sind.
No. 2,623. in India, deceased.

Gobindakan Moujsing of Hyderabad, Sind, presently of
Colombo Petitioner.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on December 17, 1925, in the presence of Messrs. Rajanathan & Raju, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 8, 1925, power of attorney dated October 20, 1925, and the order of the Supreme Court dated December 4, 1925, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as attorney in Ceylon of Gobindkan Odharmal of Hyderabad, in India, the only son and heir of the above-named deceased, to have letters of administration to the estate of the above-named deceased issued to him, unless any person or persons interested shall, on or before February 11, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 17, 1925.

V. M. FERNANDO,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of Intestate Estate of Walimundurage Livinis Fernando of No. 2,625. Mahola, deceased.

Walimundurage Arnolis Fernando of Horetuduwa in the Pandure totamuna of the Kalutara District Petitioner.

THIS matter coming on for disposal before V. M. Fernando, Esq., District Judge of Colombo, on December 18, 1925, in the presence of Mr. Roland E. W. Perera, Proctor, on the part of the petitioner above-named; and the affidavit of the said petitioner dated November 11, 1925, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as only son and sole heir of the above-named deceased, to have letters of administration to his estate issued to him, unless any person or persons interested shall, on or before February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 18, 1925. M. W. H. DE SILVA, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Marmaduke Jonathar George Alderson of Gannow Hill, Welsh, Frankton, in the County of Salop, England, a Major in His Majesty's Army, deceased.

THIS matter coming on for disposal before M. W. de Silva, Esq., District Judge of Colombo, on January 15, 1926, in the presence of Mr. Geoffrey Thomas Hale of Colombo, Proctor, on the part of the petitioner, Mr. Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated January 11, 1926, exemplification of probate of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated December 21, 1925, having been read: It is ordered that the will of the said deceased dated August 16, 1924, of which an exemplification of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the executor named in the said will, and that he is entitled to have letters of administration, with a copy of the said will annexed, issued to him accordingly, unless any person or persons interested shall, on or before February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

January 15, 1926. M. W. H. DE SILVA, District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate and Effects of the late Pathirannehelage Suwaris Appuhamy of Mangedera in Yatigaha pattu of the Hapitigam korale, deceased.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge of Negombo, on January 12, 1926, in the presence of Messrs. Samaratunga & Pereira, Proctors, on the part of the petitioner, Wickramasinghe Alugolla Appuhamillage Podinona of Mangedera; and the affidavit of the said petitioner dated December 14, 1925, having been read:

It is ordered that the 3rd respondent be and he is hereby appointed guardian ad litem over the minors, 1st and 2nd respondents, for the purpose of this testamentary action, unless sufficient cause be shown to the satisfaction of this court 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 the widow of the said deceased, to administer the estate of the deceased above named, and that letters of administration do issue to her accordingly, unless the respondents (1) Pathirannehelage Jane Nona, (2) ditto Abilin Nona, and (3) ditto Peter Appuhamy, all of Mangedera, or any other person or persons interested shall, on or before February 5, 1926, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the said 3rd respondent do produce the said minors before this court on February 5, 1926, at 9.30 A.M., in connection with this case.

January 12, 1926.

D. H. BALFOUR, District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Estate of the late Gamage Pody Singho Perera, deceased, No. 1,836. of Kumbuke in Rayigam korale.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on October 6, 1925, in the presence of Mr. F. A. C. Tirimanne, Proctor, on the part of the petitioner, Gamage Saineris Perera of Kumbuke; and the affidavit of the said petitioner dated September 16, 1925, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as brother of the above-named deceased, to have letters of administration to his estate issued to him unless the respondents—(1) Gamage Sadiris Perera, (2) ditto Semaneris Perera, (3) ditto Carlinahamy, all of Kumbuke, (4) ditto Missihamy of Handupelpola, (5) ditto Sampohamy of Kirigampamunuwa, (6) Ameratunga Don Epias of Handupelpola, (7) Ranasinge Dionis Silva, (8) ditto Carolis Silva, (9) ditto Remanis Silva, (10) ditto Janenona Silva, all of Alutgama in Rayigam korale, or any other person or persons interested shall, on or before December 3, 1925, show sufficient cause to the satisfaction of this court to the contrary.

October 6, 1925.

W. H. B. CARBERY, District Judge.

The date for showing cause against the above Order Nisi is extended for February 11, 1926.

December 3, 1925.

W. H. B. CARBERY, District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Andaravaspatabendige No. 1,852. Manimel Vas Gunawardana, deceased, of Beruwala.

Andaravaspatabendige Maximian Vas Gunawardana of Beruwala Petitioner.

- (1) Weerawarnakurukulasuriyaboosabaduge Ana Fernando of Beruwala, (2) Andaravaspatabendige Maria Vas Gunawardana of Beruwala, (3) Andaravaspatabendige Isadora Vas Gunawardana and husband (4) Warnakula-aratchirallage Don Anthonis, both of Payiagala, (5) Andaravaspatabendige Catherina Vas Gunawardana and husband (6) W. Albert Fernando of the Archaeological Department, both of Anuradhapura Respondents.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on November 12, 1925, in the presence of Mr. P. A. Cooray, Proctor, on the

part of the petitioner, Andaravaspatabendige Maximian Vas Gunawardena of Beruwala; and the affidavit of the said petitioner and that of the attesting notary and one of the witnesses dated November 11, 1925, having been read:

It is ordered that the will of Andaravaspatabendige Manimel Vas Gunawardena, the above-named deceased, dated March 2, 1924, and now deposited in court, be and the same is hereby declared proved, unless the respondents or any person or persons interested shall, on or before February 3, 1926, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Andaravaspatabendige Maximian Vas Gunawardena 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 or any person or persons interested shall, on or before February 3, 1926, show sufficient cause to the satisfaction of this court to the contrary.

November 12, 1925.

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. 8/ Liyana-aratchige Juwanis Perera, No. 1,861. deceased, of Panadure.

Kukulege Lawrence Perera of 330, Galle road, Wellawatta Petitioner.

Vs.

(1) Liyana-aratchige Agnes Mabel Perera Goonetilleke of 330, Galle road, Wellawatta, (2) Henry Louis Moonesinghe of Battaramulla, (3) Leslie Doyno Moonesinghe of ditto, (4) Sumana Moonesinghe of ditto (3rd and 4th respondents, minors, appearing by their guardian *ad litem* the 2nd respondent), (5) Liyana-aratchige Beatrice Grace Perera Goonetilleke of Thimbrigasyaya road, Bambalapitiya and husband (6) Louis Perera Abeywardene of ditto (7) Liyana-aratchige Roland Perera Goonetilleke (minor appearing by his guardian *ad litem*, the 6th respondent) Respondents.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Kalutara, on December 3, 1925, in the presence of Mr. D. R. de Silva, Proctor, on the part of the petitioner, Kukulege Lawrence Perera of 33, Galle road, Wellawatta; and the affidavit of the said petitioner dated November 15, 1925, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as son-in-law of the said deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd and 6th respondents be and they are hereby appointed guardians *ad litem* over the 3rd and 4th and 7th minor respondents for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 3, 1925.

W. H. B. CARBERY,
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the late Jurisdiction. Mahagamedera Kira of Pattiyaagama, No. 4,291. deceased. Pata Hewaheta, deceased.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge of Kandy, on September 14, 1925, in the presence of Messrs. Silva & Seneviratne, Proctors, on the part of the petitioner, Ederisirigedera Somidu of Pattiyaagama aforesaid; and the affidavit of the said petitioner dated June 30, 1925, and her petition having been read:

It is ordered that the said petitioner, as the widow 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 the respondents—(1) Mahagamedera Piyadasa, (2) Mahagamedera Seelawathi, (3) Mahagamedera Wimalasena appearing by their duly appointed guardian *ad litem*, Ederisirigedera Siripala—shall, on or before October 19, 1925, show sufficient cause to the satisfaction of this court to the contrary.

September 14, 1925.

P. E. PIERIS,
District Judge.

The showing cause is extended for November 12, 1925.

October 19, 1925.

P. E. PIERIS,
District Judge.

The showing cause is extended for February 1, 1926.

December 10, 1925.

P. E. PIERIS,
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the late Jurisdiction. Vellaya Pulle's daughter, Ponnamma, No. 4,330. deceased, of Rattota.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge of Kandy, on December 10, 1925, in the presence of Messrs. Wijayatilake & Wijayatilake, Proctors, on the part of the petitioner Selliah Velayuthan of Rattota; and the affidavit of the said petitioner dated October 10, 1925, and his petition having been read:

It is ordered that the petitioner, as widow of the deceased above named, be and he is hereby declared entitled to have letters of administration to the deceased's estate issued to him accordingly, unless the respondents—(1) Visalatchy and (2) Kaliamma, Sivagami both of Rattota, by their duly appointed guardian *ad litem*, K. V. Annamalai of Matale—shall, on or before February 4, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 10, 1925.

P. E. PIERIS,
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the late Jurisdiction. Pathagedera Kirie of Naranpanawa, No. 4,351. deceased.

THIS matter coming on for disposal before Paulus Edward Pieris, Doctor of Letters, District Judge of Kandy, on December 19, 1925, in the presence of H. A. C. Wickramaratne, Proctor, on the part of the petitioner, Pathagedera Sayalu of Naranpanawa aforesaid; and the affidavit of the said petitioner dated December 16, 1925, and her petition having been read:

It is ordered that the said petitioner, as the eldest daughter of the deceased, be and the same is hereby declared entitled to have letters of administration to the deceased's estate issued to her accordingly, unless the respondents—(1) Pathagedera Hawadiya, (2) ditto Naida, (3) ditto Ukku, (4) ditto Hapie, (5) ditto Menikie, and (6) ditto Menika, all of Naranpanawa, or any person or persons shall, on or before February 1, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 19, 1925.

P. E. PIERIS,
District Judge.

In the District Court of Galle.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will of the late Jurisdiction. Walpitagamage Andiris, deceased, of Ihalakeembiya. No. 6,177.

THIS matter coming on for disposal before A. P. Boone, Esq., District Judge of Galle, on November 3, 1925, in presence of Mr. W. M. Kulatilieke, Proctor, on the part of the petitioner, Mabotuwana Vitanaige Podisinno of Niya-gama, and the affidavit of the said petitioner dated October 5, 1925, having been read, and the evidence of Mr. V. Amarasingha, Notary, and Rajakarena Wijesekera Korala Arachige Albert taken and all parties heard :

It is ordered that the will of Walpitagamage Andiris, late of Ihalakeembiya, deceased, dated October 5, 1925, and now deposited in this court, be and the same is hereby declared proved, unless the respondents, viz., (1) Pitiyanewattege Megilin of Kalahé, (2) Walpitagamage James Appu, (3) ditto Francis Appu, (4) ditto Gunadasa, all of Ihalakeembiya, (5) ditto Sopinona of Niya-gama, shall, on or before February 1, 1926, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner 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 said respondents shall, on or before February 1, 1926, show sufficient cause to the satisfaction of this court to the contrary.

A. P. BOONE, District Judge.

In the District Court of Matara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa- No. 3,167. ment of Manamperige Podiappuhamy, deceased, of Madiha.

Edwin Manamperi of Madiha Petitioner.

Vs.

(1) Purlina Samarawickrema, (2) Leelawathi Manamperi, (3) Wimalajeewa Manamperi, (4) Ariyawathi Manamperi; the 2nd to 4th respondents, minors, by their proposed guardian ad litem, the 1st respondent, all of Madiha. Respondents.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on November 19, 1925, in the presence of Mr. J. P. Gunawardane, Proctor, on the part of the petitioner above named ; and the petition and affidavit of the said petitioner dated November 3, 1925, and the last will dated August 22, 1925, and the affidavit of the attesting notary and the witnesses dated November 3, 1925, having been read : It is ordered that the will of Podiappuhamy Manamperi of Madiha, deceased, dated August 23, 1925, and now deposited in this court, be and the same is hereby proved, unless the respondents above named or any person or persons interested shall, on or before February 2, 1926, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Edwin Manamperi of Madiha is the executor named in the said last will, and that he is entitled to have probate of the same issued to him accordingly, unless the respondents above named or any person or persons interested shall, on or before February 2, 1926, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 1st respondent, Purlina Samarawickrema be and she is hereby appointed guardian ad litem over the 2nd, 3rd, and 4th respondents above named, unless sufficient cause be shown to the contrary ; and it is also ordered that the said 2nd, 3rd, and 4th minor respondents be produced before the court on February 2, 1926.

November 14, 1925.

J. C. W. ROCK, District Judge.

In the District Court of Tangalla.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Lamagamage Sengo, deceased, late of No. 929. Walawela. Under Rs. 2,500.

Ramsinghe Dewage Petinis of Walawela Petitioner.

Vs.

(1) Ramsinghe Dewage Petinis of Walawela, (2) Baladurage Charadasa of Walawela, (3) Baladurage Savidenis of Walawela Respondents.

THIS matter coming on for disposal before M. Prasad, Esq., District Judge of Tangalla, on December 14, 1925, in the presence of Mr. L. G. Poulrier, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated May 1, 1925, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as eldest son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any person or persons interested shall, on or before January 21, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 14, 1925.

M. PRASAD, District Judge.

The above Order Nisi is extended to February 4, 1926 for showing cause.

January 21, 1926.

M. PRASAD, District Judge.

In the District Court of Tangalla.

Testamentary In the Matter of the Last Will and Testa- Jurisdiction. ment of Punchihewage Babune, deceased, No. 930. of Palattara.

Under Rs. 2,500.

Gombaduge Nonno of Palattara Petitioner.

Vs.

(1) Punchihewage Menikhamy of Palattara, (2) Punchihewage Endoris of Palattara, the 1st being a minor is duly represented by her guardian ad litem the 2nd respondent Respondents.

THIS matter coming on for disposal before M. Prasad, Esq., District Judge of Tangalla, on December 14, 1925, in the presence of Mr. L. G. Poulrier, Proctor, on the part of the petitioner dated April 17, 1925, having been read :

It is ordered that the last will of Punchihewage Babune, deceased, the original of which has been produced and now deposited in this court ; and it is further declared that the petitioner, as executor named in the said last will and that she is entitled to have probate of the same issued to him accordingly, unless the respondents or any person or persons interested shall, on or before January 21, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 14, 1925.

M. PRASAD, District Judge.

The above Order Nisi is extended to February 4, 1926 for showing cause.

January 21, 1926.

M. PRASAD, District Judge.

In the District Court of Jaffna.

Order Nisi

Testamentary In the Matter of the Estate of the late Jurisdiction. Senaksham, wife of Karthigesu No. 5,880. Chelliah of Velanai West, deceased.

Nagalingam Arunugam of Velanai West Petitioner.

Vs.

(1) Rajalochumy, daughter of Karthigesu Chelliah of ditto, (2) Karthigesu Chelliah of ditto. Respondents.

THIS matter of the petition of the above-named petitioner praying that the above-named 2nd respondent

be appointed guardian *ad litem* over the minor, 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. C. Thambiah, Esq., Acting District Judge, Jaffna, on August 1, 1925, in the presence of Mr. Alfred Swampillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated July 20, 1925, having been read: It is ordered that the above-named 2nd respondent be appointed guardian *ad litem* over the minor, 1st respondent, for the purpose of protecting her interests and of representing her in this case, and that the petitioner be declared entitled to have letters of administration to the estate of the said intestate be issued to him as a lawful brother, unless the respondents or any other person interested shall, before this court on or before September 17, 1925, and show cause to the contrary.

August 26, 1925.

A. KANAGASABAI,
District Judge.

Order Nisi extended for February 2, 1926.

E. T. MILLINGTON,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Kathirasipillai, wife of Kanapathippillai No. 5,954. Rajaratnam of Chulipuram, deceased.

Kanapathippillai Visuvalingam of Chulipuram. Petitioner.

Vs.

(1) Kanapathippillai Rajaratnam of ditto, presently a clerk, Public Works Department Accountant's Office, Kaula Lumpur, and (2) Sellamuttu, wife of Kanapathippillai Visuvalingam of Chulipuram. Respondents.

THIS matter of the petition of Kanapathippillai Visuvalingam, praying for letters of administration to the estate of the above-named deceased, Kathirasipillai, wife of Kanapathippillai Rajaratnam, coming on for disposal before the Hon. Sir A. Kanagasabai, Kt., District Judge, on November 3, 1925, in the presence of Mr. R. Candiah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated November 2, 1925, having been read: It is declared that the petitioner is the father of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before January 21, 1926, show sufficient cause to the satisfaction of this court to the contrary.

December 10, 1925.

E. T. MILLINGTON,
District Judge.

Extended till February 11, 1926.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Nagaretnam, wife of Apputhurai Kurukkal of Copay South, deceased.

Abilandam, widow of Saravanamuttu Kurukkal of Alaveddy. Petitioner.

Kathirasipillai Apputhurai Kurukkal, Sinnappillay, widow of Kailasapillay, both of Alaveddy South. Respondents.

THIS matter of the petition of Abilandam, the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, Nagaretnam, coming on for disposal before E. T. Millington, Esq., District Judge, on November 11, 1925, in the presence of Mr. C. T. Kumaraswamy, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated January 12, 1926, having been read: It is declared that the petitioner is as the sole heir

of the said intestate entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondents or any other person shall, on or before February 2, 1926, show sufficient cause to the satisfaction of this court to the contrary.

January 13, 1926.

E. T. MILLINGTON,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate of the late Jurisdiction. Veerakathiar Kanapathippillai of Vidaththapallai, deceased.

Theivanaippillai, widow of Kanapathippillai of Vidaththapallai. Petitioner.

Vs.

(1) Kanapathippillai Veluppillai, (2) Nagamuttu, daughter of Veluppillai, (3) Elaiyathamby Kanapathippillai, all of ditto. Respondents.

Sangarapillai Visuvanathar of ditto. Added Respondent.

THIS matter of the petition of the above-named petitioner, praying that the added respondent be appointed guardian *ad litem* over the minors, the 1st and 2nd respondents, and that letters of administration to the estate of the said intestate be issued to the petitioner, coming on for disposal before E. T. Millington, Esq., District Judge, on December 10, 1925, in the presence of Mr. V. Canagaratnam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated December 5, 1925, having been read: It is ordered that the above-named added respondent be appointed guardian *ad litem* over the minors, the 1st and 2nd respondents, for the purpose of protecting their interests and of representing them in this case, and that the petitioner be declared entitled to have letters of administration to the estate of the said intestate as his lawful widow, unless the respondents shall, appear before this court on February 2, 1926, and show cause to the contrary.

January 13, 1926.

E. T. MILLINGTON,
District Judge.

In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sinnaddy Muttuthamby of Vaddukodai West, deceased.

Ledchimmipillai, widow of Sinnaddy Muttuthamby of Vaddukodai West. Petitioner.

Vs.

(1) Muttuthamby Pararajah of ditto, (2) Rasmamah, daughter of Muttuthamby of ditto, (3) Muttuthamby Subramaniam of ditto, (4) Ponnammah, daughter of Muttuthamby of ditto, (5) Kanagammah, daughter of Muttuthamby of ditto (minors); (6) Pandaram Sinnaddy of ditto. Respondents.

THIS matter of the petition of the petitioner above named, praying that the above-named 6th respondent be appointed guardian *ad litem* over the minors, the 1st, 2nd, 3rd, 4th, and 5th respondents, and that letters of administration to the estate of the above-named deceased be granted to the petitioner, coming on for disposal before E. T. Millington, Esq., District Judge, on November 24, 1925, in the presence of Messrs. Nagalingam & Nagalingam, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated November 3, 1925, having been read:

It is ordered that the above-named 6th respondent be appointed guardian *ad litem* over the minors, the 1st, 2nd, 3rd, 4th, and 5th respondents.

It is further ordered that the petitioner is entitled to administer the estate of the deceased, as the lawful widow of the deceased, and that letters of administration be issued to her accordingly, unless the above-named respondents or any other person shall show, on or before January 12, 1926, sufficient cause to the satisfaction of this court to the contrary.

December 15, 1925.

E. T. MILLINGTON,
District Judge.

Extended to February 2, 1926.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of Sinnathamby Kanagaratnam of Vannarponnai West, No. 5,997. late of Kalutara, deceased.

Kanapathippillai Sinnathamby of Vannarponnai West..... Petitioner.

Vs.

Marimuthu, wife of Kanapathippillai Sinnathamby of ditto..... Respondent.

THIS matter of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before E. T. Millington, Esq., District Judge, on January 11, 1926, in the presence of Mr. A. Kanagasabai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 14, 1925, having been read: It is ordered that the petitioner be declared entitled to have letters of administration to the estate of the said intestate issued to him, as his lawful father, unless the respondent shall appear before this court on February 2, 1926, and show cause to the contrary.

E. T. MILLINGTON,
District Judge.

January 15, 1926.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Parupati Pillai *alias* Walliammai, wife of Kanapati Pillai of Karaveddy West, No. 6,004. late of Kuala Lumpur in Federated Malay States, deceased.

Veerasingham Kanapati Pillai of Karaveddy West..... Petitioner.

Vs.

(1) Arumugam Velu Pillai of Karaveddy West, (2) Kanapati Pillai Sivapakkiam of ditto, (3) Kanapati Pillai Mailvaganam of ditto, (4) Makeswari, daughter of Kanapati Pillai of ditto, (5) Kanapati Pillai Janaka of ditto, (6) Bhuvanawari, daughter of Kanapati Pillai of ditto..... Respondents.

THIS matter of the petition of the above-named petitioner, praying that the 1st respondent be appointed guardian *ad litem* over the 2nd, 3rd, 4th, 5th, and 6th respondents, and that letters of administration of the estate of the late Parupati Pillai *alias* Walliammai, wife of

Kanapati Pillai, coming on for disposal before E. T. Millington, Esq., District Judge, on January 19, 1926, in the presence of Mr. S. Subramaniam, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner having been read:

It is ordered that the 1st respondent be appointed guardian *ad litem* over the 2nd, 3rd, 4th, 5th, and 6th respondents, and that letters of administration of the estate of the late Parupati Pillai *alias* Walliammai be issued to the petitioner, unless the respondents or any other person show sufficient cause to the contrary on or before February 2, 1926.

E. T. MILLINGTON,
District Judge.

January 20, 1926.

In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Walimuni Abraham Mendis Abeysekera of Madampe. No. 1,681.

Walimuni Ardial Mendis Abeysekera of Madampe..... Petitioner.

Vs.

(1) Wijemuni Esgracia Mendis, (2) Walimuni Daniel Mendis Abeysekera, (3) ditto Indrial Mendis Abeysekera, (4) ditto Tudor ditto, (5) ditto Dielias ditto and husband (6) M. S. de Silva, all of Madampe..... Respondents.

THIS matter coming on for disposal before O. L. de Kretser, Esq., District Judge of Chilaw, on October 14, 1925, in the presence of Mr. H. H. A. Jayewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 14, 1925, having been read: It is ordered that the petitioner be declared entitled, as the son of the above-named deceased, to have letters of administration to his estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before December 4, 1925, show sufficient cause to the satisfaction of this court to the contrary.

O. L. DE KRETSEK,
District Judge.

October 14, 1925.

Time for showing cause is extended to February 18, 1926.

O. L. DE KRETSEK,
District Judge.

January 20, 1926.