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GAZETTE

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PART II.—LEGAL.

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

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DRAFT ORDINANCES.

MINUTE.

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

L. D — O 57/40

An Ordinance to make such special provision with respect to Patents, Registered Designs, Copyright and Trade Marks as is expedient to meet any Emergency which may arise as a result of War.

BE it enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows :—

Short title and date of operation.

1. (1) This Ordinance may be cited as the Patents, Designs, Copyright and Trade Marks (Emergency) Ordinance, No. of 1942.

(2) This Ordinance shall be deemed to have come into operation on the third day of September, 1939.

Provisions as to existing licences under patents, designs and copyright of enemies and enemy subjects, and as to contracts relating thereto.

2. (1) A licence under a patent or for the application of a registered design or granting an interest in a copyright, being a licence which would have been in force in favour of a person resident in Ceylon if neither the proprietor of the patent or registered design, or the owner of the copyright, as the case may be, nor any person otherwise interested therein, had been an enemy, shall not be invalid by reason of the fact that the proprietor or owner or any person otherwise interested therein is an enemy, nor shall any contract, in so far as it relates to any such licence as aforesaid, be invalid by reason of the fact that any party to the contract is an enemy :

Provided that nothing in this section shall—

(a) render valid a grant or an assignment of any such licence as aforesaid, or any contract relating to any such licence, if that grant, assignment or contract is made during the existence of a state of war and is unlawful by virtue of any provision of the law relating to trading with the enemy, or

(b) authorise the performance of any contract relating to any such licence as aforesaid in a manner inconsistent with any of the provisions of the law relating to trading with the enemy, or to the rights or capacity of enemies.

(2) In the case of any such licence as aforesaid, where an enemy or an enemy subject is, or has at any time since the beginning of the third day of September, 1939, been, whether alone or jointly with any other person, the proprietor of the patent or registered design, or the owner of the copyright, as the case may be, or entitled to any other interest therein (not being merely the interest of a licensee), the Registrar may, on the application of the licensee or any other person interested in the patent, registered design or copyright, by order—

(a) revoke the licence ;

(b) revoke or vary any conditions subject to which the licence has effect ; or

(c) revoke or vary any of the provisions of a contract relating to the licence in so far as they relate thereto.

An order for a variation made under this sub-section may be revoked or varied by a subsequent order made thereunder.

Power of Registrar to grant licences under patents, designs or copyright of enemies and enemy subjects.

3. (1) Where—

(a) an enemy or an enemy subject is, or has at any time since the beginning of the third day of September, 1939, been, whether alone or jointly with any other person, the proprietor of a patent or registered design or the owner of a copyright, or entitled to any other interest in a patent, registered design or copyright (not being merely the interest of a licensee), and

(b) the Registrar is satisfied that it is in the interest of all or any of His Majesty's subjects that the rights conferred by the patent should be exercised, or that the design should be applied or the copyright exercised, as the case may be, and that a person who is not an enemy or an enemy subject desires to exercise the said rights or apply the said design or exercise the said copyright and is in a position so to do,

the Registrar may, on the application of that person, make an order granting to him a licence under the patent or for the application of the design or granting an interest in the copyright, as the case may be, either for the whole of the residue of the term of the patent, registration or copyright, or for such less period as the Registrar thinks fit.

(2) The power of the Registrar under this section to make an order granting a licence shall include the power—

- (a) to make an order granting an exclusive licence ;
- (b) to make an order granting a licence in relation to a patent, registered design or copyright, notwithstanding that a licence, whether exclusive or otherwise (not being an exclusive licence granted by virtue of the powers conferred by this section), is in force in relation thereto ;
- (c) to make an order granting a licence on any terms that the Registrar may think expedient, and
- (d) to make an order granting a licence with retroactive effect from such date, not earlier than the third day of September, 1939, as may be specified therein.

(3) Where, under the power conferred by this section, the Registrar makes an order granting a licence in relation to a patent, registered design, or copyright in relation to which any other licence has been granted otherwise than by an order made under this section, the Registrar may, in relation to that other licence, make any order which the Registrar would have had power to make on an application under sub-section (2) of the last foregoing section, and which appears to him to be expedient having regard to the order made under this section.

(4) An order granting a licence under this section, shall, without prejudice to any other method of enforcement, operate as if it were embodied in a deed granting the licence which the patentee, the proprietor of the registered design, or the owner of the copyright, as the case may be, and all other parties having any interest therein, had executed with full capacity so to do, and the order shall accordingly operate to take away from any such party any right in relation thereto the exercise whereof would be inconsistent with the exercise of the licence in accordance with and subject to the terms on which it is granted.

(5) A licensee under a licence granted under the section may institute proceedings for infringement in his own name as though he were the patentee, the proprietor of the registered design or the owner of the copyright, as the case may be, so, however, that any person other than an enemy who, whether alone or jointly with any other person, is the patentee, the registered proprietor of the registered design, or the owner of the copyright, as the case may be, shall, unless the court in which the proceedings are taken thinks fit to direct otherwise, be made a party to the proceedings either—

- (a) if he consents in writing thereto, as a plaintiff, or
- (b) if he does not so consent, as a defendant.

Where any person is made defendant to any proceedings by virtue of this sub-section, he shall not be liable for any costs unless he enters an appearance and takes part in the proceedings.

(6) An order granting a licence under this section shall give directions as to the person to whom or the manner in which the licensee is to pay or deal with any royalties or other payments to be paid in respect of the licence. In framing any such directions, the Registrar shall have regard to the purposes of the law relating to trading with the enemy.

(7) An order under this section and a licence granted by such an order may be varied by a subsequent order made by the Registrar either—

- (a) where the licensee makes application to the Registrar for the variation thereof, or
- (b) where the Registrar is of opinion that circumstances have arisen which make it just and equitable, or that the public interest requires, that it should be varied.

(8) An order under this section and a licence granted by such an order may be revoked by a subsequent order made by the Registrar in any of the following cases, that is to say:—

- (a) where the licensee makes application to the Registrar for the revocation thereof ;
- (b) where it appears to the Registrar that it was obtained by any misrepresentation, whether intentional or not, or was made or granted without the Registrar's having full knowledge of the material facts ;
- (c) where the licensee has failed to comply with any term on which the licence was granted or with a direction given under sub-section (6) of this section, or has failed to exercise the licence in such a manner as to satisfy the reasonable requirements of the public in relation to the invention, registered design or work in which copyright subsists, as the case may be, or has charged unreasonable or excessive prices in respect of anything made or done in the exercise of the licence ; or

- (d) where the Registrar is of opinion that circumstances have arisen which make it just and equitable, or that the public interest requires, that it should be revoked.

Indemnity for sale or use of substitutes for articles protected by patent or copyright owned by an enemy or enemy subject.

4. Where—

- (a) an enemy or an enemy subject is, or has at any time since the beginning of the third day of September, 1939, been, whether alone or jointly with any other person, the proprietor of a patent or of a registered design or the owner of copyright in any work; and
- (b) with the intention of introducing into the market or trade in Ceylon a substitute for the invention, or any article produced by the use of the invention, protected by such patent, or for any article to which such registered design is applied, or for any work in which such copyright subsists, any person who is not an enemy or an enemy subject sells or makes available for sale to the public in the course of trade or uses for purposes of trade or business or with a view to profit, at any time during the continuance of any war in which His Majesty may be engaged, any article manufactured, produced or adapted, or any work prepared by such person or any other such person,

the rights in such patent or the copyright in such registered design or such work shall not be deemed to have been infringed by either of such persons, and no action, claim or other proceedings for any alleged infringement thereof shall be instituted or maintained against either of them in any court in Ceylon.

Power of Registrar to suspend trade mark rights of an enemy or an enemy subject.

5. (1) Where it is made to appear to the Registrar that it is difficult or impracticable to describe or refer to an article or substance without the use of a trade mark registered in respect of that article or substance, being a trade mark which is, or has at any time since the beginning of the third day of September, 1939, been, registered in the name of an enemy or an enemy subject, whether alone or jointly with another, or which is, or has at any such time as aforesaid been, in the proprietorship of an enemy or an enemy subject, whether alone or jointly with another, the following provisions of this section shall have effect.

(2) On the application of any person who proposes to deal in the course of trade in Ceylon in an article or substance which is or is intended to be the same as, or equivalent to or a substitute for, the article or substance in respect of which the trade mark is registered, the Registrar may order that the right to the use of the trade mark given by the registration thereof shall be suspended—

- (a) so far as regards use thereof by the applicant and any such use thereof by any other person in relation to goods connected in the course of trade with the applicant as would not be an infringement of the said right if the applicant were the proprietor of the trade mark,
- (b) to such extent and for such period as the Registrar may consider necessary for enabling the applicant to render well-known and established some description of, or means of reference to, the article or substance in which he proposes to deal in the course of trade, being a description or means of reference which does not involve the use of the trade mark.

(3) Where an order has been made under the last foregoing sub-section, no action for passing off shall lie on the part of any person interested in the trade mark in respect of any use thereof which, by virtue of the order, is not an infringement of the right to the use thereof given by the registration thereof.

(4) An order under this section may be varied or revoked by a subsequent order made by the Registrar.

6. (1) It shall be lawful, subject to the provisions of this Ordinance—

- (a) for a patent to be granted under the Patents Ordinance,
- (b) for a design to be registered under the Designs Ordinance or
- (c) for a trade mark to be registered under the Trade Marks Ordinance;

on the application of an enemy:

Effect of war on grant of patents and registration of designs and trade marks.

Cap. 123.

Cap. 124.

Cap. 121.

Provided that, where such a grant or registration as aforesaid is effected on the application of an enemy—

- (i.) the grantee or person registered shall not be entitled to require the delivery of the patent or the grant or issue of the certificates of registration, as the case may be; and
- (ii.) the patent, or the rights conferred by the registration, as the case may be, shall be subject to any relevant provisions of any law for the time being in force relating to the custody and disposal of the property of an enemy.

(2) The Registrar may, in any case in which in his opinion it is desirable in the public interest so to do, refuse to take, or suspend the taking of, any proceedings on or in relation to an application of an enemy for a patent or for the registration of a design or of a trade mark.

(3) References in this section to an application of an enemy shall be construed as including references to an application of an enemy jointly with any other person, whether an enemy or not, and, in the case of an application for a patent, to an application made in respect of an invention communicated by an enemy.

7. Where an enemy, whether alone or jointly with any other person, is the owner of copyright which, notwithstanding the state of war, is deemed by virtue of the provisions of the Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939, to subsist under the Copyright Act, 1911, the law relating to trading with the enemy and to the rights or capacity of enemies shall, as respects that enemy, have effect in relation to such copyright.

Copyright
owned by
enemy.

2 & 3 Geo. VI.
c. 107.
1 & 2 Geo. 5.
c. 46.

8. (1) The Registrar may, subject to such conditions, if any, as he thinks fit to impose, extend the time limited by or under the Patents Ordinance, the Designs Ordinance, the Trade Marks Ordinance or this Ordinance, for doing any act, where he is satisfied—

Power of
Registrar to
extend time
limits having
regard to war
circumstances.

- (a) that the doing of the act within the time so limited was prevented by a person's being on active service or by any other circumstances arising from the existence of a state of war which, in the opinion of the Registrar, justify an extension of the time so limited, or
- (b) that, by reason of circumstances arising from the existence of a state of war, the doing of the act within the time so limited would have been or would be injurious to the rights or interests of the person by or on whose behalf the act is or was to be done or to the public interest.

(2) An extension under this section of the time for doing any act—

- (a) may be for any period that the Registrar thinks fit, notwithstanding that by or under any of the provisions of the Ordinances referred to in subsection (1) or of this Ordinance power is conferred to extend the time for doing that act for a specified period only; and
- (b) may be granted notwithstanding that that time expired before any application or request for extension was made, or that, by reason of that act not having been done within that time, the relevant application, patent, registration or proceeding has ceased or expired, or become void or invalid, or been treated as abandoned.

(3) The powers conferred by this section may be exercised notwithstanding that the exercise thereof benefits, whether directly or indirectly, an enemy or an enemy subject.

9. (1) For the purposes of this Ordinance—

- (a) the fact that the address of any person registered in any register kept under the Patents Ordinance or under the Designs Ordinance or under the Trade Marks Ordinance is an address in enemy territory within the meaning of the law relating to trading with the enemy shall be *prima facie* evidence that that person is resident in that territory, and
- (b) the fact that in any such register a person is stated to be of a particular nationality shall be *prima facie* evidence that he is of that nationality.

Evidence
relating to
nationality
and place of
residence,
and decisions
relating to
enemy
character.

(2) No order made by the Registrar under this Ordinance shall be held to be invalid by reason only that any decision, made for the purposes of the order, on the question whether a particular person is an enemy or an enemy subject, is wrong.

- Persons to be heard before making of orders. **10.** Before deciding as to the making of any order under this Ordinance, the Registrar shall, unless having regard to the circumstances he considers it inexpedient or impossible so to do, give to any person who appears to the Registrar to be interested such opportunity of being heard as appears to the Registrar to be just.
- Fees. **11.** There shall be paid in respect of applications and other matters under this Ordinance such fees as may from time to time be prescribed.
- Rules. **12.** (1) The Executive Committee may make rules for regulating the practice and prescribing the fees payable under this Ordinance, including rules providing for oppositions and rules regulating the service of documents and the time within which any act authorised or required by this Ordinance or the rules may or must be done.
(2) No rule made by the Executive Committee shall have effect until it has been approved by the State Council and ratified by the Governor and notification of such approval and ratification is published in the *Gazette*. Every rule shall upon such notification of such approval and ratification be as valid and effectual as if it were herein enacted.
- Interpretation. **13.** (1) In this Ordinance, unless the context otherwise requires—
- 1 & 2 Geo. V. c. 46. "copyright" has the meaning assigned to it by the Copyright Act, 1911 ;
- Cap. 124. "design" has the meaning assigned to it by the Designs Ordinance ;
- "enemy" has the meaning assigned to it by the Defence (Trading with the Enemy) Regulations, 1939, and includes a person deemed to be an enemy for the purposes of those Regulations by virtue of any order for the time being in force thereunder ;
- "enemy subject" has the meaning assigned to it by the Defence (Trading with the Enemy) Regulations, 1939 ;
- "Executive Committee" means the Executive Committee of Labour, Industry and Commerce ;
- "law relating to trading with the enemy" includes the Defence (Trading with the Enemy) Regulations, 1939, the Orders in force thereunder, and any other law applied or extended to or in operation in Ceylon relating to intercourse or dealings with or for the benefit of enemies or the custody and disposal of enemy property ;
- Cap. 123. "patent" has the meaning assigned to it by the Patents Ordinance ;
- "prescribed" means prescribed by rule made under this Ordinance ;
- "Registrar" (a) in any context relating to copyright, means the Registrar-General ;
(b) in any context relating to designs, means the Registrar of Designs under the Designs Ordinance ;
(c) in any context relating to patents, means the Registrar of Patents under the Patents Ordinance ; and
(d) in any context relating to trade marks, means the Registrar of Trade Marks under the Trade Marks Ordinance ;
- Cap. 121. "trade mark" has the meaning assigned to it by the Trade Marks Ordinance.

(2) Where a patent has been granted to any person in respect of an invention communicated to him by some other person, that other person shall, for the purposes of this Ordinance, be deemed to have an interest in the patent unless the contrary is proved.

(3) References in this Ordinance to any written law shall be construed as references to that written law as amended by any subsequent written law, including, except where the context otherwise requires, this Ordinance.

Objects and Reasons.

The object of this Bill is to enact, in Ceylon, legislation on the lines of the Patents, Designs, Copyright and Trade Marks (Emergency) Act, 1939, of the Imperial Parliament, so as to make provision—

- (a) for safeguarding the sale of non-enemy substitutes for products which are covered by patents, designs or copyright in force in Ceylon and owned by enemies or enemy subjects (Clause 4) ; and

- (b) for suspending the trade mark rights in Ceylon of an enemy or an enemy subject where it is difficult, or impracticable to describe an article or substance without the use of such trade mark. (Clause 5).
2. A licence granted, prior to the outbreak of the war, by the proprietor of a patent, registered design, or copyright who is now an enemy is not invalidated; but the licence may be revoked, or the provisions of any contract relating to it or the conditions under which it is held may be revoked or varied by the Registrar. (Clause 2).
3. Clause 3 empowers the Registrar to grant licences in respect of patents, designs and copyrights where an enemy or enemy subject is the proprietor or has an interest other than that of a mere licensee. A person to whom a licence is so granted may sue in his own name to prevent infringement.
4. Clause 6 authorises the granting of a patent or the registering of a design or trade mark on the application of an enemy. Such a patent or certificate of registration is not to be delivered to the applicant but is to be subject to the law relating to the custody and disposal of the property of an enemy.
5. By Clause 8 the Registrar is empowered to extend the time limited by the Patents Ordinance, the Designs Ordinance, the Trade Marks Ordinance or this Bill for doing any act.
6. Rules will be made under Clause 12 for prescribing the fees and regulating the procedure to be followed under the Bill.

G. C. S. COREA,
Minister for Labour, Industry and Commerce.
Colombo, March 25, 1942.

PASSED ORDINANCES.

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

No. 10 of 1942.

L. D.—O. 20/41

An Ordinance to provide that certain currency notes which have been lost, damaged or destroyed as a result of enemy action shall not be imported into Ceylon and shall not be legal tender in the Island; and to make provision for other matters incidental to or connected with the purposes aforesaid.

A. CALDECOTT.

WHEREAS the currency notes described in the Schedule hereto were lost, damaged or destroyed as a result of enemy action prior to the repeal of the Paper Currency Ordinance and before delivery to the Ceylon Currency Commissioners constituted under that Ordinance:

Preamble.

Cap. 291.

And whereas the said notes, not having been issued under the Paper Currency Ordinance, cannot be deemed to have been issued under or for the purposes of the Currency Ordinance, No. 21 of 1941:

And whereas such of the said notes as were not destroyed, or any of such notes, may have come into the possession of unauthorised persons and may be put into circulation:

And whereas it is expedient to prohibit the importation of the said notes into Ceylon and to provide that the said notes shall not be legal tender in the Island:

Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the State Council thereof, as follows:—

1. This Ordinance may be cited as the Currency Notes (Invalidation) Ordinance, No. 10 of 1942.

Short title.

2. (1) No scheduled currency note shall be imported into Ceylon.

Prohibition of importation of scheduled currency notes.
Cap. 185.

(2) For the purposes of the application of the provisions of the Customs Ordinance, every scheduled currency note shall be deemed to be an article the importation of which is prohibited by Ordinance.

3. No scheduled currency note shall be legal tender in Ceylon.

Scheduled currency notes not to be legal tender.

4. Every person who finds any scheduled currency note, or into whose possession any such note may have come, or may hereafter come, shall forthwith surrender that note to the officer in charge of a police station.

Surrender of scheduled currency notes.

- Offences. 5. Any person who—
 (a) imports any scheduled currency note into Ceylon; or
 (b) uses or utters, or attempts to use or utter, any such note; or
 (c) acts in contravention of any of the provisions of section 4,

shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

- Interpretation. 6. In this Ordinance, "scheduled currency note" means a currency note described in the Schedule.

SCHEDULE.

A currency note of the denomination of one rupee bearing any of the following numbers:—

R	50001 to 100000
44	
R	00001 to 100000
45	
R	00001 to 50000
46	

A currency note of the denomination of ten rupees bearing any of the following numbers:—

D	25001 to 100000
61	
D	00001 to 25000
62	
D	00001 to 100000
66	
D	00001 to 100000
67	
D	00001 to 100000
68	
D	00001 to 100000
69	
D	00001 to 100000
70	
D	00001 to 25000.
71	

Passed in Council the Thirteenth day of February, One thousand Nine hundred and Forty-two.

D. C. R. GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-third day of March, One thousand Nine hundred and Forty-two.

E. R. SUDBURY,
Secretary to the Governor.

NOTIFICATIONS OF CRIMINAL SESSIONS.

BY virtue of a mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said court for the District of Galle, will be holden at the Court-house at Galle on Monday, April 27, 1942, at 10 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above-mentioned, and not to depart without leave asked and granted.

Fiscal's Office,
Galle, March 26, 1942.

W. O. STEVENS,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 3,652. In the matter of the insolvency of Allanson Peter Insolvency. Charles Weerasinghe of 7, Turret road, Colpetty, Colombo.

WHEREAS A. P. C. Weerasinghe has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by Welimunidewage Adris Fernando of Galle road, Colpetty, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said A. P. C. Weerasinghe insolvent accordingly; and that two public sittings of the Court, to wit, on May 8, 1942, and on May 29, 1942, 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.

March 28, 1942.

By order of Court, C. EMMANUEL,
Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

The Commissioner of Income Tax Plaintiff.

No A. I 3,434.

Ceylon Income Tax

Vs.

Mr. J. A. de Alwis of Kundamulla estate, Veyangoda .. Defaulter.

NOTICE is hereby given that on Friday, April 24, 1942, at 3 p.m., will be sold by public auction at the residence of the defaulter at Kundamulla estate, Wataddara, Veyangoda, the following movable property for the recovery of the sum of Rs. 720 being income tax due, viz:—

3 rattan chairs, 2 wooden loungers, 1 wooden settee, 2 rattan teapots, 2 cushioned chairs, 7 G. O. H. chairs, 2 teapots, 1 hat-stand, 1 rattan lounge, 1 writing table, 3 chairs, 1 settee, 1 toilet table, 1 drawing room suite (three pieces), 1 dining table, 4 chairs, 1 clock, 1 glass almirah for toys, 1 carved box, 1 wireless set, 2 whatnots, 1 wall clock, 1 piano, 1 box for glassware, 2 brass stands, 3 brass flower vases (large), 1 brass tray, 1 brass flower vase (small), 20 flower pots with flower plants.

Fiscal's Office,
Colombo, March 31, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

In the Court of Requests of Colombo.

(1) V. Sivagnanam, (2) P. R. Sundaram, (3) V. Suppiah, all carrying on business under the name, style, and firm of S. V. S. Sundaram & Co. at Wataddara, Colombo Plaintiffs.

No. 78,900.

Vs.

(1) S. S. Hameed, (2) N. Soosay, (3) L. J. Ondatje, 152, Chakira street in Colombo Defendants.

NOTICE is hereby given that on Wednesday, April 29, 1942, at 3 p.m., will be sold by public auction at the premises the right.

title and interest of the said 3rd defendant in the following property for the recovery of the sum of Rs. 128 13, with interest on Rs. 128 13 at 18 per cent. per annum from September 16, 1941, to November 1, 1941, and thereafter legal interest on the aggregate amount till payment in full and costs of suit, Rs. 22 25 and prospective costs, Rs. 5 50, less Rs. 15, viz. :—

An undivided $\frac{1}{2}$ part or share of the land and premises bearing assessment No. 86, presently 152 and 154, Chekku street, situated at Colombo, within the Municipality and District of Colombo, Western Province; bounded as follows :—North by premises No. 85, Chekku street, belonging to Hindu Temple, on the east by premises No. 4, Brassfounder street, belonging to Gabriel Appu, on the south by premises No. 87 belonging to Vythalingam Pillai, and on the west by Chekku street; containing in extent about 1 rood more or less. Prior Registration A 230/126.

Fiscal's Office,
Colombo, March 31, 1942.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Avissawella.

G Wijehamy of Hatnapitiya and others. Plaintiffs.
No 188. Vs.

(10) Gamarallage Dingirmonke of Hatnapitiya and others. Defendants.

NOTICE is hereby given that on ~~Thursday~~ ^{Wednesday} April 28, 1942, at 3.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 10th and 19th defendants in the following property for the recovery of Rs. 223 72, the right, title, and interest of the 19th defendant aforesaid in and to the following property, viz. :—

(1) Lot F3, in extent 2 acres and 1 rood, bounded on the north by lot G, east by lot F4, south by lot F7, and west by lot G1, together with the young coffee and fruit plantation, from and out of all that land called Hatnapitiya Gamwasama, situated at Hatnapitiya and more fully described below.

At 4 p.m.

The right, title, and interest of the 19th defendant aforesaid in and to the following property :—

(2) Lots F, F1 and F2, in extent 29 acres 3 roods and 15 perches, together with the rubber plantation and the coconut and arecanut trees; and bounded as follows :—

Lots F and F1, bounded on the north by lot F1 (of plan No. 13/31) east by lots G and G1, south by lots G1 and F7, west by lots A4, E, and D10.

Lot F2 is bounded on the north by lot F6, east by Hemingford estate, south by Hemingford estate, and west by lot F10 from and out of all that land called Hatnapitiya Gamwasama, situated at Hatnapitiya aforesaid, and more fully described as follows :—

All that allotment of land called Hatnapitiya Gamwasama situated at the village called Hatnapitiya in Panawal korale of Three Korales in the District of Kegalla, Province of Sabaragamuwa, and bounded on the north by Maussawe-oya, east by Hemingford estate, south by Hemingford estate, west by Gomala-oya; containing in extent 305 acres 1 rood and 28 perches more fully described in plan No. 13/31 of Mr. F. A. Ebert, Licensed Surveyor, Avissawella, excluding the portions A1 to A4, B, C, D1 to D10, E, F1, H and A1b to A1f; containing in extent 50 acres 2 roods 37 $\frac{1}{2}$ perches as fully described in plan No. 1,067 of Mr. F. A. Binduhowa, Licensed Surveyor, of Avissawella. Valuation : Rs. 3,200.

Fiscal's Office,
Avissawella, March 23, 1942.

A. V. P. SAMARANAYAKA,
Additional Deputy Fiscal.

In the District Court of Avissawella.

(1) Gamarallage Wijehamy of Hatnapitiya and others. Plaintiffs.
No. 188. Vs.

(2) Gamarallage Mudalhanary and others of Hatnapitiya Defendant.

NOTICE is hereby given that on Saturday, May 2, 1942, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 2nd to 7th plaintiffs, 2nd, 10th, and 19th defendants in the following property for the recovery of Rs. 193 33, the right, title, and interest of 2nd to 7th plaintiffs in the said case in and to the following property, viz. :—

1. Lot F4, in extent 15 acres 2 roods and 36 $\frac{1}{2}$ perches from and out of the land called Hatnapitiya Gamwasama, situated at Hatnapitiya in Panawal korale of Three Korales in the District of Kegalla, Province of Sabaragamuwa, and bounded on the north by lot G, east by lot F6, south by lots F10 and F9, west by lots F9, F7, and F3.

At 4 30 p.m.

The right, title, and interest of the 2nd defendant in the said case in and to the following property :—

2. Lot F10, in extent 8 acres 1 rood and 39 perches from and out of the land called Hatnapitiya Gamwasama, situated at Hatnapitiya aforesaid; and bounded on the north by lot F6, east by lots F6, F2, south by Hemingford estate, west by lot F9.

At 5 p.m.

The right, title, and interest of the 10th defendant in the said case in and to the following property :—

3. Lot F3, in extent 2 acres and 1 rood from and out of the land called Hatnapitiya Gamwasama, situated at Hatnapitiya aforesaid; and bounded on the north by lot 9, east by lot F4, south by lot F7, and west by lot G1, together with the young coffee and fruit plantation.

B 2

At 5.30 p.m.

The right, title, and interest of the 19th defendant in and to the following property :—

4. Lots F, F1, and F2, in extent 29 acres 3 roods and 15 perches from and out of the land called Hatnapitiya Gamwasama, situated at Hatnapitiya aforesaid, together with the rubber, coconut, and arecanut plantation; and bounded as follows :—

Lots F and F1, bounded on the north by lot F1 (of plan No. 13/31) east by lots G and G1, south by lots G1 and F7, west by lots A4 E and D10.

Lot F2, bounded on the north by lot F6, east by Hemingford estate, south by Hemingford estate, and west by lot F10.

Valuation : Rs. 5,500.

Fiscal's Office,
Avissawella, March 24, 1942.

A. V. P. SAMARANAYAKA,
Deputy Fiscal.

In the District Court of Kalutara.

Hettiarachige James Perera of Madampe in Raigan korale Plaintiff.

No 19,116.

(1) Thambawitige Podi Appu and (2) ditto Elpi Appu, both of Yalagala Defendants.

NOTICE is hereby given that on Saturday, April 25, 1942, at 2 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged by the defendants with the plaintiff and declared bound and executable and ordered to be sold by the decree entered in the said case for the recovery of Rs 500 with interest at 9 per cent. per annum from February 14, 1935, till payment in full and costs of suits, Rs 98 50 :—

An undivided $\frac{5}{8}$ th share of the soil and of the trees and plantations and of the buildings standing thereon of the land called Heenuyantalassa, situated at Yalagala in Munwattabage pattu of Raigan korale in the District of Kalutara, Western Province; and bounded on the north by Galendahana and Galawotiya (stone ridge) east by the ditch of this land and rock, south by Paraweni-watta, and the ditch of this land, and on the west by Paraweni-watta and a rock; and containing in extent about 8 acres, and registered H 67/291.

Deputy Fiscal's Office,
Kalutara, March 25, 1942.

P. D. WEERAMAN,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS

In the District Court of Kalutara.

Order Nisi declaring Will proved

Testamentary In the Matter of the Estate of the late Mary Jurisdiction Engeltina de Zilva, nee Wijewickrama Ekanayaka, deceased, of Panadure.

No. 3,027

Dionysius Ernest de Zilva of Panadure Petitioner.

(1) Edwin Joseph de Zilva of Kandy, (2) Collin Wilmot de Zilva of Panadure, (3) William Augustine de Zilva of Panadure, (4) Dionysius Winston de Zilva of Panadure . . . Respondents.

THIS matter coming on for disposal before V. Joseph, Esq., District Judge, Kalutara, on February 27, 1942, in the presence of Mr. H. D. Perera, Proctor, on the part of the petitioner; and the affidavit of the above-mentioned petitioner dated February 26, 1942, having been read :

It is ordered that the petitioner above named be and he is hereby declared entitled, as a son of the deceased above named, to have letters of administration issued to him, unless the respondents or any other person interested in the estate shall, on or before April 16, 1942, show sufficient cause to the satisfaction of this court to the contrary

February 27, 1942.

V. JOSEPH,
District Judge.

In the District Court of Galle sitting at Balapitiya

Order Nisi.

Testamentary In the Matter of the Estate of the late Andravaas Jurisdiction Patabendi Leiris de Waas Gunawardene of Ambalangoda, deceased.

B 42. Between Kalupahana Daisy Hira de Silva of Ambalangoda . . . Petitioner.

And

(1) Andravaas Patabendi Sisir Margeret de Waas Gunawardene, (2) ditto Patrick Ogasen de Waas Gunawardene, (3) ditto Bithlyn Amaratunga de Waas Gunawardene, (4) ditto Catherine Hema de Waas Gunawardene, 2nd, 3rd, and 4th respondents are minors by their guardian *ad litem*, (5) Andravaas Patabendi Simon de Waas Gunawardene, all of Ambalangoda Respondents.

THIS matter coming on for disposal before S. Rajaratnam, Esq., Additional District Judge of Galle, sitting at Balapitiya, on February 13, 1942, in the presence of Mr. L. C. G. Silva, Proctor, on the part of the above-named petitioner after reading the affidavit of the said petitioner.

(a) It is declared that the above-named petitioner is the widow of the deceased and that she is entitled to have letters of administration issued to her accordingly.

(b) It is ordered that the above-named 5th respondent be appointed guardian *ad litem* over the 2nd to 4th minor respondents

for all the purposes of this action unless the aforesaid respondents or any other person or persons interested in the above estate shall, on or before March 26, 1942, show sufficient cause to the contrary to the satisfaction of this court.

March 26, 1942.

S. RAJARATNAM,
Additional District Judge.

Extended and reissued for April 24, 1942.

S. RAJARATNAM,
Additional District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Abdul Hamid Mohamed Sheriff, late of Hambantota, deceased.

No. 1,355. Ayin Mariya Sheriff of Hambantota. Petitioner.

(1) Mohamed Rana Sheriff, (2) Mohamed Zakariya Sheriff (minors), (3) Ahamed Lebbe Marikkar Abdul Hamid, all of Hambantota. Respondents

THIS matter coming on for disposal before H. S. Roberts, Esq., District Judge of Tangalla, on March 18, 1942, in the presence of Mr. F. L. Foulter, Proctor, on the part of the petitioner; and the affidavit dated March 6, 1942, of the above-named petitioner having been read:

It is ordered and adjudged that the 3rd respondent be appointed guardian *ad litem* over the 1st and 2nd minor respondents, unless any person or persons interested shall, on or before April 16, 1942, show sufficient cause to the contrary to the satisfaction of this court.

It is further ordered that the petitioner above named be and she is hereby declared entitled, as widow of the deceased, to have letters of administration of the said estate issued to her, unless any person or persons interested shall, on or before April 16, 1942, show sufficient cause to the contrary to the satisfaction of this court.

March 18, 1942

H. S. ROBERTS,
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Fernando of Alutwatte in Chilaw, deceased.

Jayasuriya Alankarage Anthony Luci Perera of Alutwatte in Chilaw. Petitioner

(1) Mihindukulasuriya Poruthotage Santiago Manuel Fernando. (2) Mihindukulasuriya Poruthotage Santiago Mariya Fernando. (3) Mihindukulasuriya Santiago Mabel Luce Pinto. (4) Mihindukulasuriya Santiago Helen Pinto, (5) Mihindukulasuriya Santiago Nelson Pinto, the 3rd, 4th, and 5th respondents are minors by their guardian *ad litem*, (6) Mihindukulasuriya Bastian Santiago Pinto, all of Alutwatte in Chilaw. Respondents

THIS matter coming on for determination before N. Sinnatamby, Esq., District Judge of Chilaw, on January 9, 1942, in the presence of Mr. S. Madurupperuma, Proctor, on the part of the petitioner and the affidavits of (1) the petitioner, (2) the attesting notary, and (3) the witnesses dated January 6, 1942, having been read: It is ordered that the 6th respondent above named be and he is hereby appointed guardian *ad litem* over the minors, 3rd, 4th, and 5th respondents to represent them for all the purposes of this action and that the last will of the deceased bearing No 22,611 of July 25, 1940, attested by B. N. F. Jayasekera, Notary Public, now deposited in this court, be and the same is hereby declared proved. It is further ordered that the petitioner is the executrix named in the said will and that she is entitled to have probate issued to her accordingly, unless the respondents above named or some other person or persons interested shall, on or before February 12, 1942, show sufficient cause to the satisfaction of this court to the contrary.

January 9, 1942

N. SINNETAMBY,
District Judge.

Time of showing cause extended and reissued for April 16, 1942.

March 18, 1942.

N. SINNETAMBY
District Judge.

The "Ceylon Government Gazette".

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