



# Ceylon Government Gazette

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PART II.—Legal and Judicial.

PART III.—Provincial Administration.  
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## Part II.—Legal and Judicial.

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### NOTICES IN TESTAMENTARY ACTIONS.

*30.4/*  
*296697*

In the District Court of Colombo.  
*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Pintherurallage Gregoris Fernando of No. 5,573. Paiyagala, deceased.  
Mahamarakkala Kurukulasuriya Patabendige Catherine Perera Jayasinghe of Paiyagala. . . . . Petitioner.

- And  
(1) Mary Mabel Roseline Fernando, wife of (2) Joseph Francis Fernando, both of Moratuwa, (3) Winifred Elizabeth Fernando of Paiyagala. . . . . Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on June 16, 1916, in the presence of Mr. C. S. A. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 31, 1916, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the 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 July 13, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,  
District Judge.

June 16, 1916.

*30.4/*  
*296697*  
In the District Court of Colombo.  
*Order Nisi declaring Will proved.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Elizabeth Alyson Stuart-Menteth of Rownhams, Mount Southampton, in the County of Hants, England, deceased.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on

June 21, 1916, in the presence of Messrs. F. J. and G. de Saram, Proctors, on the part of the petitioner Thomas Lister Villiers of Colombo; and (1) the affidavit of the said petitioner dated June 16, 1916, (2) the power of attorney dated April 25, 1916, and (3) the order of the Supreme Court dated June 14, 1916, having been read: It is ordered that the will of the said Elizabeth Alyson Stuart-Menteth, deceased, dated November 3, 1915, a certified copy of which under the Seal of His Majesty's High Court of Justice in England has been produced, and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said Thomas Lister Villiers is the attorney in Ceylon of the executor named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before July 13, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. MAARTENSZ,  
District Judge.

June 21, 1916.

In the District Court of Colombo.  
*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Awo Lebbe Marikar Hadjjar Mohamado Umma, late of Colpetty, in Colombo, deceased.

Ibrahim Lebbe Marikar Mohamado Meera Lebbe Marikar of Messenger street, in Colombo. . . . . Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on June 13, 1916, in the presence of Mr. Arthur Alvis, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated June 12, 1916, and (2) of the attesting notary dated June 13, 1916, having been read:

It is ordered that the last will of Awo Lebbe Marikar Hadjjar Mohamado Umma, late of Colpetty, in Colombo,

deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before July 13, 1916, show sufficient cause to the satisfaction of this court to the contrary.

June 13, 1916. L. MAARTENSZ, District Judge.

In the District Court of Colombo.  
*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of William Milsom, late of No. 2, Shelley Villas, in the County of Sussex, England, deceased.

John William Vanderstraaten of Colombo . . . . . Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on June 27, 1916, in the presence of Mr. L. H. de Kretser, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 24, 1916, the power of attorney dated May 18, 1916, and the order of the Supreme Court dated June 22, 1916, having been read:

It is ordered that the last will of the said William Milsom, deceased, dated January 5, 1916, an exemplification of which under the Seal of His Majesty's High Court of Justice in England, has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said John William Vanderstraaten is the attorney in Ceylon of the executrix named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before July 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

June 27, 1916. L. MAARTENSZ, District Judge.

In the District Court of Kalutara.  
*Order Nisi declaring Will proved.*

Testamentary Jurisdiction. In the Matter of the Estate of the late Kumbukage Don Cornelis, deceased, of Kumbuke.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara, on May 25, 1916, in the presence of Mr. F. A. C. Sirimanne, Proctor, on the part of the petitioner; and the affidavit of Kumbukage Don Ranhamy of Kumbuke, dated May 25, 1916, having been read:

It is ordered that the will of Kumbukage Don Cornelis, deceased, dated April 23, 1916, be and the same is hereby declared proved, unless any person interested in the said estate shall, on or before July 13, 1916, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said Kumbukage Don Ranhamy, is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person interested in the said estate shall, on or before July 13, 1916, show sufficient cause to the satisfaction of this court to the contrary.

May 25, 1916. ALLAN BEVEN, District Judge.

In the District Court of Nuwara Eliya, holden at Hatton.  
*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Galagama Aratchige Catherine de Silva Weerasooriya, deceased, of Lippakelle estate, Lindula.

THIS matter coming on for disposal before B. G. de Glanville, Esq., District Judge, Nuwara Eliya-Hatton, on June 15, 1916, in the presence of Messrs. van Rooyen & Modder on the part of the petitioner; and the affidavit of Andrew de Silva Weerasooriya dated February 15, 1916,

having been read: It is ordered that letters of administration to the estate of the deceased Galagama Aratchige Catherine de Silva Weerasooriya do issue to the said Andrew de Silva Weerasooriya, as widower of the deceased, unless (1) Albert Raymond de Silva Weerasooriya, (2) Ethel Margaret de Silva Weerasooriya, (3) Beatrice Mary de Silva Weerasooriya, (4) Harriet Theresa de Silva Weerasooriya, (5) Theodora Jesse de Silva Weerasooriya, by their guardian *ad litem* Selestina de Silva of Matale, shall, on or before July 10, 1916, show sufficient cause to the satisfaction of this court to the contrary.

June 15, 1916. B. G. DE GLANVILLE, District Judge.

In the District Court of Nuwara Eliya, holden at Hatton.  
*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Sellaperumage Thomas Fernando, deceased, of Kiriwaneliya Laxapagalala, in Watawala.

THIS matter coming on for disposal before B. G. de Glanville, Esq., District Judge, Nuwara Eliya-Hatton, on June 15, 1916, in the presence of Messrs. van Rooyen & Modder on the part of the petitioner; and the affidavit of Sellaperumage Bastiana Fernando dated February 21, 1916, having been read: It is ordered that letters of administration to the estate of the deceased Sellaperumage Thomas Fernando do issue to the said Sellaperumage Bastiana Fernando, as a daughter of the deceased, unless (1) Sellaperumage Haramanis Perera, (2) Sellaperumage Podisingho Perera, (3) Sellaperumage Angila Fernando, (4) Sellaperumage Hendrick Fernando, (5) Sellaperumage Solomon Fernando, (6) Sellaperumage Sopinona, (7) Sellaperumage Misinona, and (8) Sellaperumage Podinona, by her guardian *ad litem* Sellaperumage Hendrick Fernando shall, on or before July 10, 1916, show sufficient cause to the satisfaction of this court to the contrary.

June 15, 1916. B. G. DE GLANVILLE, District Judge.

In the District Court of Nuwara Eliya.  
*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Joseph Lionel Anthony Perera Jayasinghe, late of Nuwara Eliya, deceased.

And

In the matter of Chapter XXXVIII. of the Civil Procedure Code of 1889.

Between

Joseph Francis Perera Jayasinghe of 3rd division, Maradana, in Colombo . . . . . Petitioner.

And

- (1) Adeline Margaret Perera Jayasinghe, wife of
- (2) Paul de Silva, both of 3rd division, Maradana aforesaid . . . . . Respondents.

In the Matter of the Estate of the late Joseph Lionel Anthony Perera Jayasinghe, deceased, of Nuwara Eliya.

THIS matter coming on for disposal before B. G. de Glanville, Esq., on June 7, 1916, in the presence of Mr. Timothy de Silva, Proctor, on the part of the petitioner; and the affidavit of Joseph Francis Perera Jayasinghe having been read: It is ordered that unless any person or persons interested shall, on or before July 7, 1916, show sufficient cause to the satisfaction of this court to the contrary that the said Joseph Francis Perera Jayasinghe be declared the administrator, and that he be entitled to have letters of administration to the said estate, issued to him accordingly.

June 22, 1916. B. G. DE GLANVILLE, District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Lelion Winifred Wijesuriya *nee* Sri Chandrasekera, deceased, of Magalla, Galle. No. 4,609.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on June 2, 1916, in the presence of Mr. G. Ranasooriya, Proctor, on the part of the petitioner Edmund Arthur Wijesuriya, Proctor of Galle; and the affidavit of the said petitioner dated May 30, 1916, having been read :

It is ordered that the 2nd respondent Don Carolis Wijesuriya of Dodanduwa be appointed guardian *ad litem* of the 1st respondent, Violet Hilda Wijesuriya of Magalla, in Galle, unless the said respondents shall, on or before July 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered and declared that the said petitioner is the husband of the said deceased, and that he is entitled to have letters of administration issued to him accordingly, unless the said respondent shall, on or before July 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. W. C. SCHRADER,  
District Judge.

June 2, 1916.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Achchikkuddy, wife of Mailvaganam No. 3,222. Muttiah of Chiviateru, deceased.

Mailvaganam Muttiah of Chiviateru. . . . . Petitioner.

Vs.

(1) Muttiah Mailvaganam of Chiviateru, (2) Nagmaniar Arulambalam of ditto, and his wife (3) Ponnamma of ditto; the 1st respondent is a minor and appear by his guardians *ad litem* the 2nd and 3rd respondents. . . . . Respondents.

THIS matter of the petition of Mailvaganam Muttiah of Chiviateru, praying for letters of administration to the estate of the above-named deceased Achchikkuddy, wife of Mailvaganam Muttiah, coming on for disposal before P. E. Pieris, Esq., District Judge, on May 29, 1916, in the presence of Messrs. Casippillai and Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated March 29, 1916, having been read : It is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before July 11, 1916, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,  
District Judge.

May 29, 1916.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sellachchy, wife of Mayilvaganam of No. 3,228. Vannarponnai East, deceased.

Nagalinkam Mayilvaganam of Vannarponnai East . . . . . Petitioner.

Vs.

(1) Meenadchippillai, widow of Muttutambay of Vannarponnai East, (2) Kabiramma, daughter of Mayilvaganam of ditto; (3) Kamadchiamma, daughter of Mayilvaganam of ditto, the 2nd and 3rd respondents are minors by their guardian *ad litem* the 1st respondent . . . . . Respondents.

THIS matter of the petition of Nagalinkam Mailvaganam of Vannarponnai East, praying for letters of administration to the estate of the above-named deceased, Sellachchy, wife of Mayilvaganam of Vannarponnai East, coming on for disposal before P. E. Pieris, Esq., District Judge, on June 5, 1916, in the presence of Mr. K. Sivapirakasm, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated April 8, 1916, having been read : It is declared that the petitioner is the lawful husband of the

said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before July 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,  
District Judge.

June 6, 1916.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Marasinghe Arachchige Samel Naidu No. 1,125. of Walahapitiya.

Marasinghe Arachchige Noni Manamaly of Walahapitiya . . . . . Petitioner.

(1) Marasinghe Arachchige Maiya Nona and her husband (2) Marasinghe Arachchige Mendis Sinno of Walahapitiya, (3) Marasinghe Arachchige Jango Nona of Walahapitiya and her husband (4) Juanis Sinno of Kumbukgahamulla, in Katugampola hatpattu, in Kurunegala District, (5) Marasinghe Arachchige Chalo Sinno of Walahapitiya, a minor by his guardian *ad litem* the 2nd respondent . . . . . Respondents.

THIS matter coming on for disposal before N. J. Martin, Esq., District Judge of Chilaw, on April 17, 1916, in the presence of Mr. C. V. M. Pandithasekara, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated April 17, 1916, having been read :

It is ordered the petitioner be and he is hereby declared entitled, as widow of the deceased above named, to administer the estate of the said deceased, and that letters of administration do issue to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 15, 1916, show sufficient cause to the satisfaction of this court to the contrary.

W. H. B. CARBERY,  
District Judge.

April 17, 1916.

Order Nisi extended for July 7, 1916.

In the District Court of Anuradhapura.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Ariapperuma Arachchige Don Appuhamy of Anuradhapura, deceased. No. 234.

Ranawaka Achchige Louisa de Alwis Jayatilake Hamine of Anuradhapura . . . . . Petitioner.

And

(1) Ariapperuma Arachchige Don Martin Appuhamy, (2) ditto Don Piyasena, (3) ditto Eslin Nona, and (4) ditto Caroline Nona, all of Anuradhapura, minors, by their guardian *ad litem* Ariapperuma Arachchige Don Carolis Appuhamy of Anuradhapura . . . . . Respondents.

THIS matter coming on for disposal before M. Prasad, Esq., Additional District Judge of Anuradhapura, on April 27, 1916, in the presence of Mr. S. D. Krisnaratne, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 21, 1915, and the order of the Supreme Court dated February 21, 1916, having been read :

It is ordered that the petitioner be and she is hereby declared entitled, as the 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 May 29, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Ariapperuma Arachchige Don Carolis Appuhamy be appointed guardian *ad litem* over the said minors for the purpose of this action.

M. PRASAD,  
Additional District Judge.

April 27, 1916.

The date for showing cause is extended to July 20, 1916.

M. PRASAD,  
Additional District Judge.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,450. In the matter of the insolvency of James Walter Amarasekera of No. 58, Grandpass, 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 July 20, 1916, for approval of conditions of sale.

By order of court,

D. M. JANSZ,  
Secretary.

Colombo, June 26, 1916.

In the District Court of Colombo.

No. 2,649. In the matter of the insolvency of Muttumunilleke Arukpassage Don Themanis Perera of Cotta.

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 July 13, 1916, for proof of the claim of S. Mahadena.

By order of court,

D. M. JANSZ,  
Secretary.

Colombo, June 26, 1916.

In the District Court of Colombo.

No. 2,679. In the matter of the insolvency of Sulaiman Lebbe Meera Lebbe Abusali of No. 5, Ferry street, New Bazaar, 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 July 20, 1916, for the proof of the claims of K. R. M. T. T. Kathiresa Pillai, M. T. T. K. L. Chettyappa Chetty, and M. K. S. T. Kathiresan Chetty.

By order of court,

D. M. JANSZ,  
Secretary.

Colombo, June 26, 1916.

In the District Court of Colombo.

No. 2,701. In the matter of the insolvency of Nannytamby Somasundaram of Grandpass, Colombo

NOTICE is hereby given that the above-named insolvent has been allowed a certificate as of the third class, which is suspended for 9 months.

By order of court,

D. M. JANSZ,  
Secretary.

Colombo, June 21, 1916.

In the District Court of Colombo.

No. 2,703. In the matter of the insolvency of Claude Sabaragamuwe Senaratne of Mount Lavinia.

NOTICE is hereby given that the adjudication made in the above matter on December 22, 1915, has been annulled.

By order of court,

D. M. JANSZ,  
Secretary.

Colombo, June 26, 1916.

In the District Court of Colombo.

No. 2,709. In the matter of the insolvency of Sugathadasa Dharmasena of Havelock Town, 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 August 17, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,

D. M. JANSZ,  
Secretary.

Colombo, June 26, 1916.

In the District Court of Colombo.

No. 2,724. In the matter of the insolvency of James Lyndhurst Stewart Walker of Wellawatta, 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 July 13, 1916, for the appointment of an assignee.

By order of court,

D. M. JANSZ,  
Secretary.

Colombo, June 22, 1916.

In the District Court of Negombo.

No. 112. In the matter of the insolvency of Richard de Soysa Wijayasinghe of Ja-ela.

NOTICE is hereby given that the above-named insolvent has been allowed a certificate as of the second class.

By order of court,

T. B. CLAASZ,  
Secretary.

Negombo, June 21, 1916.

In the District Court of Kalutara.

No. 155. In the matter of the insolvency of Usubu Lebbe Marikar Ismail Lebbe Marikar of Alutgama.

WHEREAS Usubu Lebbe Marikar Ismail Lebbe Marikar of Alutgama has filed a declaration of insolvency, and a petition for the sequestration of the estate of Usubu Lebbe Marikar Ismail Lebbe Marikar of Alutgama, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Usubu Lebbe Marikar Ismail Lebbe Marikar of Alutgama insolvent accordingly; and that two public sittings of the court, to wit, on July 7, 1916, and on August 4, 1916, 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,

R. MALALGODA,  
Secretary.

Kalutara, June 16, 1916.

In the District Court of Galle.

No. 418. In the matter of the insolvency of Ena Mohamed Maideen of Gintota.

NOTICE is hereby given that the sitting of this court in the above matter is adjourned to July 17, 1916, for final examination of debtors.

By order of court,

V. R. MOLDRICH,  
Secretary.

June 26, 1916.

In the District Court of Matara.

No. 11. In the matter of the insolvency of Mohamadu Lebbe Markar Mohamadu Casim of Wata-gederamulla.

NOTICE is hereby given that a sitting of this court will be held on July 24, 1916, to enable creditors to prove their debts, if any.

J. A. BASTIAENSZ,  
Secretary.

June 17, 1916.

In the District Court of Kegalla.

No. 41. In the matter of the insolvency of Graham Collin Ward Brohier.

NOTICE is hereby given that a sitting of this court will take place on July 4, 1916, re the grant of a certificate to the above-named insolvent.

By order of court,

C. P. W. GUNASEKERA,  
Secretary.

Kegalla, June 9, 1916.

## NOTICES OF FISCALS' SALES.

## Western Province.

In the District Court of Colombo.

S. S. N. Ramanathan Chetty of Sea street, Colombo. Plaintiff.  
No. 27,708. Vs.

B. R. Fernando of Wellawatta..... Defendant.  
Benthotage Marthinis Fernando of Wellawatta,  
Colombo ..... Substituted Defendant.

NOTICE is hereby given that on Wednesday, August 2, 1916, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 1,026.61, with interest at 9 per cent. per annum from May 5, 1912, till payment in full, viz. :—

At 3.30 P.M.

1. All that land bearing assessment No. 487, together with the buildings thereon, situated at Wellawatta, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province, now within the Municipality and District of Colombo, Western Province; bounded on the north by land bearing No. 490 belonging to Muttu Natchia, east by land bearing No. 499 belonging to the estate of the late F. C. Loos, south by land bearing No. 483, and west by the high road from Colombo to Galle; containing in extent 2 roods more or less.

At 4 P.M.

2. All that land bearing assessment No. 416, together with the buildings thereon, situated at Wellawatta as aforesaid; and bounded on the north by land bearing No. 407 belonging to B. Aron Fernando, south by dewata road and land bearing No. 417, and west by the high road from Colombo to Galle; containing in extent 20 perches more or less.

Fiscal's Office,  
Colombo June 27, 1916.

W. DE LIVERA,  
Deputy Fiscal.

*Sb. 67*  
In the District Court of Colombo.  
M. R. M. Murugappa Chetty of Sea street,  
Colombo ..... Plaintiff.  
No. 32,279. Vs.

B. P. Gomes of 87, Silversmith street, Colombo.. Defendant.

NOTICE is hereby given that on Tuesday, July 25, 1916, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 420.79, with legal interest thereon from December 22, 1911, till payment in full and costs of suit, viz. :—

At 3 P.M.

An undivided 1/5 of each of the following properties, to wit :—

1. Half part of garden with the building standing thereon bearing assessment No. 87, situated at Silversmith street, within the Municipality of Colombo; bounded on the north by Silversmith street, on the east by the premises bearing assessment No. 86, on the south by the property of Kaduru Velu Chetty, bearing No. 5, Silversmith lane, and on the west by the other half part of the premises No. 87; containing in extent 14½ square perches.

At 3.30 P.M.

2. Half part of a garden with the building standing thereon, bearing assessment No. 87, situated at Silversmith street, within the Municipality of Colombo; bounded on the north by Silversmith street, on the east by the other half part of the same property, on the south by property of Kaduruvelu Chetty, and on the west by Roman Catholic church; property containing in extent 22½ perches.

At 4 P.M.

3. An undivided ½ part or share of the house and garden bearing assessment No. 86, and situated at Silversmith street, within the Municipality of Colombo; and bounded on the north by Silversmith street, on the east by the premises called St. Lukes, bearing assessment No. 85, on the south by the property of Velu Chetty, bearing No. 6, Silversmith lane, and on the west by the property bearing No. 87; containing in extent 16 square perches.

At 4.30 P.M.

4. All that land and premises bearing assessment No. 97, situated at Silversmith street, within the Municipality of Colombo; bounded on the north by Silversmith street, on the east by property bearing assessment No. 96, on the south by the property bearing assessment No. 98, and on the west by Silversmith street and premises No. 98; containing in extent 4 square perches more or less.

Fiscal's Office,  
Colombo, June 26, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the Court of Requests of Colombo.

A. S. P. A. Sockalingam Chetty of Sea street,  
Colombo ..... Plaintiff.  
No. 32,416. Vs.

Lindamulage Martin Fernando of No. 32, Bambalapitiya, Colombo ..... Defendant.

NOTICE is hereby given that on Monday, July 24, 1916, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 300, and costs of suit Rs. 32.25 (less Rs. 170 paid already), viz. :—

All that 1/12 share of and in all that property bearing assessment No. 74, Union place, Slave Island, within the Municipality of Colombo; and bounded on the north by the other part of this property, on the east by the high road, on the west by the property of Kelaniyage Santiago Silva, and on the south by the property of Mr. Joranis Paris; containing in extent 1 rood and 5 perches.

Fiscal's Office,  
Colombo, June 26, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo.

Mrs. S. M. Heynsbergh of Bambalapitiya, widow.. Plaintiff.  
No. 41,179. Vs.

I. L. M. H. Abdul Wahab of 18, Forbes road,  
Maradana, and No. 2, Third Cross street,  
Pettah ..... Defendant.

NOTICE is hereby given that on Thursday, July 27, 1916, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff and decreed to be sold under the decree entered in the above case for the recovery of the sum of Rs. 1,054.14, with interest on Rs. 1,000 at 10 per cent. per annum from March 17, 1915, to date of decree, and thereafter on the aggregate amount of the decree at 9 per cent. per annum, till payment in full, and costs of suit, less a sum of Rs. 100 paid since judgment, viz. :—

All that allotment or divided portion of land marked lot O in the plan (being a part or portion of the allotment of the land called Mahawellewatta bearing lots Nos. 377 and 377A in the Government registration plan No. 2), situated at Wellawatta, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; which said divided portion or lot marked O is bounded on the north by a road reservation 14 feet wide leading from the high road to the sea, on the east by the lot marked P in the plan, on the south by land called Kongahawatta *alias* Kahatagahawatta,

lot No. 378 claimed by Horanage Jane and Horanage Baronchina, and on the west by the lot marked N 2 in the plan (which lot N 2 is the eastern half of the original lot N which was subsequently divided into two lots, namely, N 1 and N 2); containing in extent 2 roods 1 22/100 square perches according to the survey and description or plan thereof, No. 233 dated December 7, 1911, made by A. R. Saundranayagam, Licensed Surveyor, together with all liabilities, privileges, easements, servitudes, and appurtenances thereto belonging, and all the estate, right, title, interest, claim, and demand whatsoever of the defendant into, out of, or upon the same.

Fiscal's Office,  
Colombo, June 26, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo.

The Hon. Sir Anton Bertram, Attorney-General  
for the Island of Ceylon ..... Plaintiff.

No. C 41,503. Vs.

Nawagomuwa Pabilis Perera of Angoda in  
Buthgomuwa ..... Defendant.

NOTICE is hereby given that on Wednesday, July 26, 1916, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 683.88, with interest thereon at the rate of 9 per cent. per annum from October 28, 1914, to July 23, 1915, and thereafter on the aggregate amount at the rate of 9 per cent. per annum till payment in full, and costs of suit, Rs. 185, viz. :—

At 2.30 P.M.

1. The field called Kebellagahakumbura, situated at Kotigahawatta, Ambetelenpahala, in Alutkuru Korale South; bounded on the north by the water-course called Depawella, on the east by the field called Wilaekumbura, on the south by the land called Batalahenewatta and Kajugahakumbura, and on the west by the Crown high road and Duwewatta; containing in extent 12 bushels of paddy sowing more or less.

At 3 P.M.

2. The land called Siyambalagahawatta *alias* Weliwatta, situated at Kotigawatta, Ambetelenpahala aforesaid; bounded on the north and east by Gansabha dewata path, on the south by Weliwala, and on the west by the land belonging to Kaluarachchige Aron Perera; containing in extent 1 acre more or less.

Fiscal's Office,  
Colombo, June 27, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo.

Moona Sana Sandanam Chetty of Puwakpitiya... Plaintiff.  
No. 42,300. Vs.

Daranagama Arachchige Singho Appuhamy of  
Puwakpitiya ..... Defendant.

NOTICE is hereby given that on Friday, July 28, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the premises the following property declared bound and ordered to be sold by the order of court dated February 22, 1916, for the recovery of the sum of Rs. 1,866, with interest on Rs. 1,200 at the rate of 18 per cent. per annum, from July 29, 1915, to September 22, 1915, and thereafter further interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full and costs, viz. :—

All that allotment of land Makulugahawatta, situated at Puwakpitiya, in the Udugaha pattu of Hewagam korale, and bounded on the east by the land of Pella Babappu, south by Puwakpitiya-oya, west and north by the high road; and containing in extent 2 acres and 2 roods, together with all buildings and plantations standing thereon, and held and possessed by the defendant by virtue of deed No. 7,102 dated February 1, 1877, and attested by Don Deonis Gunaratna Jayatilaka, Notary Public, together with all the estate, right, title, interest, claim, and demand whatsoever of the defendant into, upon, or out of the same.

Fiscal's Office,  
Colombo, June 26, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo

Francis George Morley, Colombo ..... Plaintiff.  
No. 43,013. Vs.

Mahamendige John Mendis of Koralewatta in  
Moratuwa ..... Defendant.

NOTICE is hereby given that on Saturday, July 29, 1916, will be sold by public auction at the respective premises the following property ordered to be sold by the order of court dated May 24, 1916, for the recovery of the sum of Rs. 1,130, with interest on Rs. 1,000 at 12 per cent. per annum from October 6, 1915, to November 16, 1915, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, viz. :—

At 3.30 P.M.

1. All that portion of land called Madangahawatta *alias* Nugagahawatta, together with the trees and buildings thereon, situated at Koralewella in Moratuwa, in the Pallepattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by the land of Mahamendige John Mendis, east by the land belonging to Wannekuwattewaduge Don Bastian Perera, south by the land belonging to Balapuwaduge Jasentu Mendis, and on the west by the land belonging to Wannekuwattewaduge Pedru Perera; and containing in extent 1 rood and 1 78/100 of a square perch.

At 4 P.M.

2. All that land called Madangahawatta, together with the trees and buildings standing thereon, situated at Koralewella in Moratuwa as aforesaid; and bounded on the north by the property of Vidhanelage Joseph de Mel and others, on the east by the property of Wannakuwattewaduge Don Hendrick Perera, on the south by the property of Mahamendige Joseph Mendis and Mututantrige Andris Fernando, and on the west by the seashore; containing in extent about 3 roods 38 73/100 perches.

At 4.30 P.M.

3. An undivided 8/14 parts or shares of the soil and trees of a portion of Madangahawatta, situated at Koralewella in Moratuwa as aforesaid; and bounded on the north by the property of Mahamendige Helena Mendis, east by the property of Don Haramanis Perera, south by the property of late Balapuwaduge Jasentu Mendis, and on the west by the property of Mututantrige Joseph Fernando; containing in extent 1 rood and 12/100 perch.

At 5 P.M.

4. An undivided 1/14 part or share of the soil and trees of a portion of the garden called Nugagahawatta, situated at Koralewella in Moratuwa as aforesaid; and bounded on the north by the property of Balapuwaduge Jasentu Mendis and Mututantrige Joseph Mendis, east by the property of Wannakuwattewaduge Appoo Baba, south by the property of M. John Mendis, and on the west by the seashore; and containing in extent 2 roods and 15 67/100 perches.

Fiscal's Office,  
Colombo, June 27, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo

Francis George Morley, Colombo ..... Plaintiff.  
No. 43,014. Vs.

(1) Balapuwaduge Joseph Mendis, (2) Mahamarak-kala Kurukulasooriya Patabendige Thomas Perera, both of Uyana in Moratuwa, (3) M. J. Martin Perera of Uyana ..... Defendants.

NOTICE is hereby given that on Saturday, July 29, 1916, will be sold by public auction at the respective premises the following property ordered and decreed to be sold by the order of court dated May 25, 1916, for the recovery of the sum of Rs. 2,260, with interest on Rs. 2,000 at 12 per cent. per annum from October 6, 1915, to December 3, 1915, thereafter further interest on aggregate amount at 9 per cent. per annum till payment in full and costs, viz. :—

At 1.30 P.M.

1. All that portion of the garden called Wetakeiyagahawatta, with the buildings and plantations thereon, situated

at Uyana, in Moratuwa, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by the property of Sampathawaduge Franciscu Silva, on the east by the property of Balapuwaduge Anthony Mendis, on the south by the property of Sampathawaduge Pasquel Silva, and on the west by the property of Sampathawaduge Franciscu Silva; containing in extent 1 rood and 23 56/100 perches.

At 2.30 P.M.

2. All that defined portion of the land called Wetakeiyagahawatta, together with the trees and buildings standing thereon, situated at Uyana in Moratuwa aforesaid; and bounded on the north by the property of Pontion Pieris, on the east by the properties of K. John Fernando, Lucia Fernando, and Joseph Mendis, on the south by the properties of Lucia Fernando and Joseph Mendis, and on the west by the seashore; containing in extent exclusive of the rail road 2 roods and 38 90/100 perches.

Fiscal's Office,  
Colombo, June 27, 1916.

W. DE LIVERA,  
Deputy Fiscal.

Rs. 4/-

In the District Court of Colombo.

The Mercantile Bank of India, Ltd., Colombo . . . Plaintiff.  
No. C 44,039. Vs.

William Wicherley, carrying on business in Colombo under the style and firm of Wicherley & Company . . . Defendants.

NOTICE is hereby given that on Saturday, July 22, 1916, at 1 o'clock in the afternoon, will be sold by public auction at premises No. 19, Grandpass road, in Colombo, the following movable property declared specially bound and executable under the decree entered in the above action for the recovery of the sum of Rs. 7,843.56, with interest on Rs. 7,500 at 8 per cent. per annum from January 18, 1916, to February 9, 1916, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

One 34 H.P. Tangye double horizontal steam engine and piping, 1 Hindley boiler, 1 Walker's rubber washing and creping machine, 1 complete rubber drying chambers apparatus, together with fans and blowers, 1 lot planks and teak poles, 1 piece large canvas belting, 6 small lots belting, 1 span pulley, 1 lot piping, 1 tank, 2 iron girders with shafting, 1 spare fan for drying chambers.

Fiscal's Office,  
Colombo, June 26, 1916.

W. DE LIVERA,  
Deputy Fiscal.

Rs. 4/-

In the District Court of Colombo.

R. M. A. R. A. R. R. M. Somasundaram Chetty of Sea street, Colombo . . . Plaintiff.  
No. 44,864. Vs.

F. J. Lucas Fernando of Havelock Town, Colombo . . . Defendant.

NOTICE is hereby given that on Monday, July 31, 1916, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 11,297.91, with interest on Rs. 11,000 at 15 per cent. per annum from April 5, 1916, till April 14, 1916, and on the aggregate amount of the decree at 9 per cent. per annum from April 14, 1916, till payment, viz. :—

All that land with the houses, tenements, and building, and those in the course of construction and bearing assessment Nos. 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, situated at Wall street, in Kotahena, within the Municipality of Colombo, Western Province; and presently bounded on the north by the land belonging to Don Martinus and the field purchased by Henry Perera Atapattu Mudaliyar, on the east by Bloemendhal street, on the south by the property presently belonging to Jensen and the lane, and on the west by Wall street; containing in extent 2 acres more or less.

Fiscal's Office,  
Colombo, June 27, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the Court of Requests of Colombo.

H. D. Pedru Appuhamy of Colombo . . . Plaintiff.  
No. 45,085. Vs.

P. G. A. S. Weerakoon, Basnayaka Muhandirum, Barber street, Colombo . . . Defendant.

NOTICE is hereby given that on Tuesday, August 1, 1916, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 180, with legal interest thereon from April 20, 1915, till payment in full and costs of suit, Rs. 25.25, viz. :—

An undivided  $\frac{1}{3}$  part of all that house and ground bearing assessment No. 19, now bearing No. 21, situated at Barber street, within the Municipality of Colombo, Western Province; and bounded on the north-east by the premises No. 2 of Thomas Perera, Attapattu Walauwa, No. 23 of Frances Foenander, and premises No. 22 of H. L. Mohamado Lebbe, on the south-east by Barber street, on the south-west by the premises No. 20 of M. E. Weerakoon Basnayaka Lama Etane, and on the north-west by premises No. 18 of F. B. Anthony Pulle; containing in extent 19 46/100 square perches.

Fiscal's Office,  
Colombo, June 27, 1916.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Negombo.

Hewapedige Vuhula of Madampella . . . Plaintiff.  
No. 8,848. Vs.

(5) Hewapedige Juwa, (6) ditto Duwiya, both of Ihala Madampella . . . Defendants.

NOTICE is hereby given that on July 22, 1916, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property, viz. :—

1. All that allotment of land called Kahatagahawatta *alias* Meegahawatta marked letter A, situate at Ihala Madampella, in Dunagaha pattu of Alutkuru korale; the said lot being bounded on the north-east by land belonging to Bilinda Duraya, south by Dawatagahakumbura and by lot E, south-west by land belonging to Menika, and on the north and north-west by land belonging to the heirs of Santiago Fernando, renderala, and by lots B, C, and D of the land called Kahatagahawatta *alias* Meegahawatta; containing in extent about 2 acres 2 roods and 25 perches.

2. The lot marked A of the field called Dawatagahakumbura *alias* Dunumadalagahakumbura, situate at ditto; the said lot is bounded on the north by Kahatagahawatta *alias* Meegahawatta, east by land belonging to Hawadiya, south by land of Kaluwa Duraya, and on the west by lot B and Kahatagahawatta *alias* Meegahawatta; containing in extent about 1 acre 2 roods and 2  $\frac{1}{2}$  perches.

Amount to be levied Rs. 184.78, with interest thereon at 9 per cent. per annum from May 19, 1914, till payment.

Deputy Fiscal's Office,  
Negombo, June 27, 1916.

FRED. G. HEPPONSTALL,  
Deputy Fiscal.

In the Court of Requests of Negombo.

P. L. R. M. Letchmanen Chetty of Negombo . . . Plaintiff.  
No. 22,840. Vs.

Rawanna Abdul Rahiman of Hunupeha . . . Defendant.

NOTICE is hereby given that on July 24, 1916, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

The land called Kosgahawatta, situate at Palagature, in Dunagaha pattu of Alutkuru korale; and bounded on the north, west, and south by land of the heirs of Lewis Pulle, and on the east by dewata road; containing in extent about 1 acre.

Amount to be levied Rs. 327, with interest on Rs. 250 at 18 per cent. per annum from August 21, 1915, to October 15, 1915, and thereafter at 9 per cent. per annum till payment.

Deputy Fiscal's Office,  
Negombo, June 27, 1916.

FRED. G. HEPPONSTALL,  
Deputy Fiscal.

In the District Court of Colombo.

Payna Moona Ana Karuppen Chetty of No. 158,  
Sea street, Colombo ..... Plaintiff.

No. 40,701. Vs.

K. D. Joseph of Alexandra place, Negombo .. Defendant.

NOTICE is hereby given that on July 21, 1916, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

(1) The two contiguous lands called Dombagahawatta *alias* Wellabodawatta and Kadakkaratottam, now forming one property, with Alexandra House and the other buildings standing thereon, situated at Kudapaduwa, within the gravets of Negombo; and bounded on the north by land belonging to Lintotage David Fernando, east by the high road called Lewis place, south by land now belonging to Mudaliyar A. E. Rajapaksa, and on the west by the sea-shore; containing in extent about 2 acres 1 rood and 37 perches.

(2) The land called Talgahawatta and the buildings standing thereon, situate at Sea street, within the gravets of Negombo; and bounded on the north by land formerly belonging to Anthony Fernando and now belonging to Manuel Fernando, east by land belonging to Warnakulasuria Francis Fernando, and on the south and west by high roads; containing in extent about 37 perches.

Amount to be levied Rs. 8,000, with interest thereon at 18 per cent. per annum from October 1, 1914, to March 15, 1915, and thereafter on the aggregate amount of the decree at 9 per cent per annum till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,  
Negombo, June 27, 1916. Deputy Fiscal.

In the District Court of Colombo.

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

No. 42,865. Vs.

(1) James Fernando and (2) M. D. Fernando, both  
of Beruwala ..... Defendants.

NOTICE is hereby given that on Saturday, July 22, 1916, at 11 o'clock in the forenoon will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 1,050, with interest on Rs. 1,000 at 9 per cent. per annum from September 24, 1915, till payment in full, viz. :—

$\frac{3}{4}$  shares of the big tiled house wherein the 1st defendant resides standing on a portion of the land called Barasiawatta, situate at Beruwala, in Beruwalbadde, in the District of Kalutara; and bounded on the north by Dachchagederawatta, on the east by Nakiyawatta, on the south by a portion of Barasiawatta, and on the west by Kottiwasalwatta; containing in extent 1 acre more or less.

Deputy Fiscal's Office, H. SAMERESINGHA,  
Kalutara, June 27, 1916. Deputy Fiscal.

### Southern Province.

In the District Court of Matara.

George de Silva of Kotuwegoda ..... Plaintiff.

No. 6,892. Vs.

Don Davith Nanayakkara Samarawickrema,  
Constable Arachehi of Wepotaira ..... Defendant.

NOTICE is hereby given that on Tuesday, July 25, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, for the recovery

of Rs. 425.50 and legal interest on Rs. 320 from December 22, 1915, till payment in full and also Fiscal's charges, viz. :—

1. The undivided  $\frac{3}{10}$  parts of the field Tumpu *alias* Kudagodakumbura, in extent 5 acres 35 perches, situate at Udupillegoda, in the Kandaboda pattu of the Matara District, Southern Province; and bounded on the north by Paranadiwelakumbura and Oturekumbura, east by Mahakumbura, south by Amukoratuwa and Mahamidelenekumbura, west by Mahamidelenekumbura, Midelenegodellekumbura, and Daha-atakuruniya, Awariyamestrige-irikonda; valued at Rs. 405.

2. The undivided  $\frac{1}{2}$  part of the field called Ambalanpitiya of 2 amunams of paddy sowing extent, situate at ditto; and bounded on the north by Pitadeniya, east by Palleambalanpitiya, south by Depa-ela, west by Polkiri-pitiya; Rs. 480.

3. The undivided 18 kurunies extent of paddy sowing extent, situate at ditto; and bounded on the north by Mahamidelenekumbura, east by Paranawattehadawetiya, south by Alussamulla and Medagodawatta, west by Karassekumbura; Rs. 270.

On Monday, July 31, 1916, at 1 P.M.

4. The entire soil and citronella plantation of the land called Malmorehena, in extent 7 acres and 27 perches, situate at Ketiyaape, in the Kandaboda pattu of the Matara District, Southern Province; and bounded on the north and east by lot 1 included in preliminary plan No. 132, south and west by lot 4 included in preliminary plan; Rs. 350.

Deputy Fiscal's Office, J. S. DE SARAM,  
Matara, June 26, 1916. Deputy Fiscal.

### Northern Province.

In the District Court of Jaffna.

Sinnatamby Subramaniam of Puloly East ..... Plaintiff.

No. 7,365. Vs.

(1) Santiravar Nitchingar and (2) Nitchingar  
Ponniah of Thanakkarakurichchy ..... Defendants.

NOTICE is hereby given that on Friday, July 21, 1916, at 10 o'clock in the forenoon, will be sold by public auction at the spot the following property decreed to be sold under the above action for the recovery of Rs. 575.50, with interest on Rs. 300 at 12 per cent. per annum from June 24, 1910, till October 12, 1910, thereafter on the aggregate at 9 per cent. per annum from October 12, 1910, till payment in full, less a sum of Rs. 200, costs Rs. 94.26, and charges. viz. :—

1. A divided  $\frac{39}{73}$  share on the west with palmyras of a piece of land situated at Thanakkarakurichchy, called Kalavaivayal, containing or reputed to contain in extent  $109\frac{3}{4}$  lachams paddy culture, Thalavaivayalkilakkil-kaladdy, in extent 19 lachams varagu culture, Thalavaivayal-metkilkaladdy, in extent 14 lachams varagu culture; the said divided  $\frac{39}{73}$  share is bounded or reputed to be bounded on the east by the property of Nitchinkar Ponniah, north by the property of Sivakuru Kumaraswami, west by the property of Sinnatamby Subramaniam and others, and south by the property of Sinnatamby Subramaniam.

2. An undivided  $\frac{9}{10}$  share of a divided 40 lachams paddy culture in the middle of a piece of land situated at Thanakkarakurichchy, called Thalavaivayal, containing or reputed to contain in extent  $109\frac{3}{4}$  lachams paddy culture, Thalavaivayalkilakkilaladdy, in extent 14 lachams varagu culture, Thalavaivayal-metkilkaladdy, in extent  $8\frac{3}{4}$  lachams varagu culture, Thalavaivayal-tetkilkaladdy, in extent 14 lachams varagu culture; the said divided 40 lachams is bounded or reputed to be bounded on the east by the property of Annamma, daughter of Vallipuram, north by the property of Kanakasabai Arulampalam and others, west by the property of Nitchingar Ponniah and others, and south by the property of Sinnatamby Subramaniam.



3. A divided 6 lachams and 8 kulies in the middle out of  $\frac{1}{2}$  share on the west of a piece of land situated at Thanakarakurichchy, called Koddaiadikkuthetkukirayvayal, containing or reputed to contain in extent 60 lachams paddy culture; the said divided 6 lachams and 8 kulies is bounded or reputed to be bounded on the east by the property of Parupaty, wife of Sinnatamby, and others, north by cattle path, west by the property of Parupaty, wife of Arumugam, and others, and south by the property of Parupaty, wife of Veluppillai, and others; of the ground comprised within these boundaries an undivided 10 kulies are, however, excluded.

Fiscal's Office,  
Jaffna, June 22, 1916.

S. SABARATNAM,  
Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

Nagapper Eliatamby of Kalladyuppodai ..... Plaintiff.

No. 4,105. Vs.

Seenapody P. H. Levaitamby of Varipatham-chani ..... Defendant.

NOTICE is hereby given that on Saturday, July 22, 1916, at about 8 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

1.  $\frac{7}{24}$  share of a paddy land out of lot No. 132, situated at Veeranaveli, in Varepalamchanai in Sampanturai pattu; and which paddy land is bounded on the north by Imadi-putti belonging to K. Ahamadulevvai and Kalungupillai Ilu-visam belonging to V. T. Sinnatambypody, south and west by Thayakeveeranaweddivaikal, and east by the land of the defendant; in extent 17 acres 1 rood 33 perches, with inlet and outlet water rights.

9 A.M.

2.  $\frac{1}{2}$  share of a paddy land situated at Veraveli in Sampanturai pattu; and bounded on the north by Crown land and land of U. P. H. Ismalevvai, south by land of Ahamadulevvai, and west by land of U. P. H. Ismalevvai; in extent 15 acres 1 rood 15 perches, with inlet and outlet water rights.

10 A.M.

4. Paddy land in the eastern portion of Veeranaveli in Sampanturai pattu; and which paddy land is bounded on the north by the boundary dam of Kuthuvayal mentioned before, south by river, east by the land lot No. 3,021, and west by the boundary dam of Thayathiveeranaveddu; in extent 1 acre, with inlet and outlet water rights.

11 A.M.

5. A paddy land called Puthucaduvayal, situated at Veeranaveli in Sampanturai pattu; and bounded on the north by Itheadimadupoomy belonging to K. K. Ahamadulevvai, south by Voorpodyvalavu, east by the other portion of this land belonging to Athamlevvai, and west by Kuthnalipathy mentioned above; in extent 3 acres, with inlet and outlet water rights.

12 noon.

6. The paddy land called Alevarevayalkundu, situated at Veeranaveli in Sampanturai pattu; and bounded on the north by Kuthnalipathy mentioned before, south by Chanaiaru, east by the other portion of this land belonging to Othamlevvai, and west by Veeranavaddai; in extent 2 acres 2 roods, with inlets and outlet water rights.

Judgment Rs. 1,040, with interest thereon at 9 per cent. per annum from May 27, 1915, till payment in full.

Fiscal's Office,  
Batticaloa, June 18, 1916.

S. O. CANAGARATNAM,  
Deputy Fiscal.

In the District Court of Batticaloa.

The Attorney-General of Ceylon ..... Plaintiff. *95.*

No. 4,210. Vs.

(1) Kanavadiyar Veluppillai and (2) Murugapper P. H. Veluppillai of Kallady ..... Defendants.

NOTICE is hereby given that on Friday, July 21, 1916, at 8 o'clock in the morning, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following properties, viz. :—

(1) The western share out of the north-western share of the garden called Payattuvalavu, situated at Kallady, in Manmunai pattu; and which western share is bounded on the north by road, south presently by the dowry garden of S. Kanapathpillai, east by the other portion of this land belonging to Kattar Marimuttu, and a piece of land, in extent from east to west 5 fathoms and north to south 7 fathoms reserved for an endowed school, and west by lake shore footpath; in extent towards the east  $21\frac{1}{2}$  fathoms, the west  $23\frac{1}{2}$  fathoms, the south  $8\frac{1}{2}$  fathoms, and on the northern side from the north-western corner facing the east 11 fathoms, from the eastern limit of this facing the east 7 fathoms, from the southern limit of this facing the east 5 fathoms, from the eastern limit of this facing the north 7 fathoms, from the northern limit of this facing the east 2 fathoms.

At about 9 A.M.

2. A piece out of the garden called Muttaudayarvalavupoomi, situated at Kallady, in Manmunai pattu; and which piece is bounded on the north by garden presently belonging to N. Nallatamby, south by land presently belonging to K. Veluppillai, east by garden presently belonging to Masilamaney, and west presently by the dowry garden of Sinnakkuddy, in extent from north to south 10 fathoms 2 cubits, and from east to west 19 fathoms 1 cubit, with coconut trees and produce.

At about 10 A.M.

3. The garden called Velachchiadappanvalavu alias Katpuddyvalavu, situated at Kallady, in Manmunai pattu; and bounded on the north by garden of N. K. Nallatamby and others, south by the dowry garden of Kanapathpillai, east by garden of Samuel Chinniah, and west by river shore; in extent from north to south 15 fathoms and from east to west 18 fathoms, with coconut trees and produce.

At about 10.30 A.M.

4. The garden called Kadduvalavu, situated at Kallady, in Manmunai pattu; and bounded on the north by the other portion of this garden belonging to Periyatamby, south by lane, east by Crown land, and west by garden of Paramattai; in extent from north to south 18 fathoms and from east to west 40 fathoms excluding the land reserved for road passing through this land with produce.

At about 11 A.M.

5. The garden called Ananthiyarvalavu, situated at Kallady, in Manmunai pattu; and bounded on the north by garden of Periyatamby, south by lane, east by the dowry garden of Kanthappan, and west by road; in extent from north to south towards the east  $18\frac{1}{2}$  fathoms, the west  $19\frac{1}{2}$  fathoms, and from east to west towards the north 21 fathoms, and the south  $4\frac{1}{2}$  fathoms, with coconut trees and produce.

At about 11.30 A.M.

6. The garden called Parangivalavu, situated at Puthumukattuvaram, in Kallady, in Manmunai pattu; and bounded on the north and east by Crown land, south by Vallivalavu, and west by river shore; in extent from north to south 131 fathoms and from east to west 42 fathoms, with produce and rights.

Amount to be levied is Rs. 1,300.43, with interest on Rs. 110.93, at 9 per cent. per annum from December 2, 1915.

Fiscal's Office,  
Batticaloa, June 26, 1916.

S. O. CANAGARATNAM,  
Deputy Fiscal.

In the District Court of Trincomalee.

V. Tampar Tampipillai of Division No. 6, Trincomalee ..... Plaintiff.

No. 594. Vs.

Theivanaipillai, widow of Subramaniam of Division No. 1, Trincomalee ..... Defendant.

NOTICE is hereby given that on Saturday, July 22, 1916, at 3 o'clock in the evening, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

A piece of field called Pallamathavadikandalvayal, situate at Periyakulamnilaveli in Kaddukulam Pattu East, Trincomalee; bounded on the east by channel, on the west by jungle, on the north by the field of Ramanather Santhirasagarampillai, and on the south by tank bund; containing in extent 19 acres and 26 perches.

Writ amount Rs. 1,473·88½.

Deputy Fiscal's Office,  
Trincomalee, June 21, 1916.

M. SUBRAMANIAM,  
Deputy Fiscal.

In the District Court of Trincomalee.

V. Tampar Tampipillai of Division No. 6, Trincomalee ..... Plaintiff.

No. 594. Vs.

Theivanaipillai, widow of Subramaniam of Division No. 1, Trincomalee ..... Defendant.

NOTICE is hereby given that on Monday, July 24, 1916, at 5 o'clock in the evening, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

The just half southern share with the coconut trees and arecanut trees and other plants, the just half southern share of the tiled house and mandapam, kitchen, well, well sweep, and posts, the right of path for going to the said well for drawing water, and all other appurtenances

thereof out of a piece of land in extent 1 rood and 28 71/100 square perches, situated at Division No. 1, Trincomalee, with a new tiled house of 3 rooms, ola thatched mandapam, ola thatched kitchen, well, well sweep, and posts, and the coconut and arecanut trees and other plants thereon; bounded on the south-east by the land of the heirs of the late Thampapillai Ponniah, on the north-east by the other half share belonging to Pakapatipillai, wife of Ratnasapathy, on the north-west by road, and on the south-west by the house and ground of Don Joseph; containing in extent 34 71/200 square perches.

Writ amount Rs. 1,473·88½.

Deputy Fiscal's Office,  
Trincomalee, June 21, 1916.

M. SUBRAMANIAM,  
Deputy Fiscal.

North-Western Province.

In the District Court of Chilaw.

Alahakoonpathirannehelage Singappuhamy of Wellarawadiya ..... Plaintiff.

No. 4,932. Vs.

M. Somasundaram of Ward place, Colombo .. Defendant.

NOTICE is hereby given that on Saturday, July 29, 1916, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property, viz. :—

The land called Kosgahawatta, situate at Wellarawadiya, in Meda palata of Pitigal Korale South, in the District of Chilaw, containing in extent about 2½ acres.

Amount to be levied Rs. 1,279·62 and poundage.

Deputy Fiscal's Office,  
Chilaw, June 21, 1916.

A. V. HERAT,  
Deputy Fiscal.

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 Districts of Chilaw and Puttalam will be holden at the Court-house at Colombo on Monday, July 10, 1916, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,  
Kurunegala, June 24, 1916.

S. D. SAMARASINHE,  
for Fiscal.

## PASSED ORDINANCES.

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

No. 12 of 1916.

An Ordinance to Incorporate the Planters' Association of Ceylon.

JOHN ANDERSON.

Preamble.

WHEREAS the Planters' Association of Ceylon (hereinafter referred to as "The Association") has applied for the privileges of incorporation, and it will be for the public advantage to grant the application: 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 for all purposes as "The Planters' Association of Ceylon (Incorporation) Ordinance, No. 12 of 1916."

Incorporation of the Association.	<p>2 From and after the passing of this Ordinance the present chairman and members of the committee of the Association, and such and so many persons as now are members of the Association or shall hereafter be admitted members of the corporation hereby constituted, shall be a corporation with limited liability in manner hereinafter provided, with perpetual succession and a common seal under the style and name of "The Planters' Association of Ceylon," and by that name shall and may sue and be sued in all courts.</p>
General objects of the corporation.	<p>3 The general objects for which the corporation is constituted are hereby declared to be to promote, foster, and protect the planting industry of Ceylon and the interests of the planting community, and to manage and control the Ceylon Labour and Coast Agency Commission.</p>
Committee.	<p>4 The affairs of the corporation shall be administered, subject to the rules for the time being of the corporation as hereinafter provided, by a committee to be elected in accordance with the rules for the time being of the corporation.</p>
The register.	<p>5 (1) The committee shall cause a register to be kept, in which every person who at the date of the passing of this Ordinance is a member of the Association, and every person thereafter duly admitted a member of the corporation hereby constituted shall have his name inscribed.</p> <p>(2) The register shall contain the following particulars :</p> <p>(a) The name, address, and occupation of each member ;</p> <p>(b) The date at which the name of any person was inscribed in the register as a member ;</p> <p>(c) The date at which any person ceased to be a member.</p>
Power to make rules.	<p>6 (1) It shall be lawful for the corporation from time to time, at any general meeting of the members, and by a majority of votes, to make such rules as it may deem expedient for any of the following purposes :</p> <p>(a) The admission, withdrawal, or expulsion of members ;</p> <p>(b) The imposition of fines and forfeitures for breaches of rules ;</p> <p>(c) The powers, conduct, and duties of the committee and of the various officers, agents, and servants of the corporation ;</p> <p>(d) The procedure and the transaction of business ;</p> <p>(e) The administration and management of the property of the corporation and of all other property that may be vested in it in pursuance of this Ordinance ;</p> <p>(f) The decision of matters of local custom and usage ;</p> <p>(g) The provision of means of settlement or arbitration of disputes that may be referred to it for that purpose by members of the corporation ;</p> <p>(h) The determination of any question as to the interpretation of any provision of this Ordinance or of any rules made thereunder ;</p> <p>(i) Generally the management of the affairs of the corporation and the accomplishment of its objects.</p> <p>(2) Any rules made under this section shall be at all times binding upon the members for the time being of the corporation.</p> <p>(3) Pending the making of rules under this section the affairs of the corporation shall be administered, as nearly as may be, in accordance with the rules of the Association in force at the date of its incorporation.</p>
Property vested in corporation.	<p>7 On the coming into operation of this Ordinance all and every the property belonging to the Association, whether held in the name of the Association or in the name or names of any person or persons in trust for the Association, shall be and the same is hereby vested in the corporation hereby constituted, and the same, together with all after-acquired property, movable or immovable, and all subscriptions, contributions, donations, fines, amounts of loans, and advances received or to be received, shall be held by the said corporation for the purposes of this Ordinance, and subject to the rules for the time being of the said corporation.</p>

Debts due by and payable to the corporation.

8 All debts and liabilities of the Association existing at the time of the coming into operation of this Ordinance shall be paid by the corporation hereby constituted, and all debts due to, and subscriptions, contributions, and fines payable to, the Association shall be paid to the said corporation for the purposes of this Ordinance.

The seal of the corporation to be affixed.

9 The seal of the corporation shall not be affixed to any instrument whatsoever, except in the presence of two members of the committee, who shall sign their names to the instrument in token of their presence, and such signing shall be independent of the signing of any person as a witness.

Corporation may hold property, movable and immovable.

10 The corporation shall be capable in law to take and hold any property, movable or immovable, which may become vested in it by virtue of any purchase, grant, gift, testamentary disposition, or otherwise, whether absolutely or in trust—

- (a) For the collective benefit of the members of the corporation, or of the members of any district association the whole of whose members are members of the corporation; or
- (b) For any object in which the members of the corporation or of such district association are interested; or
- (c) For the benefit of any local community or body of persons which is, wholly or mainly, composed of members of the corporation;

and all such property shall be held by the corporation for the purposes of this Ordinance and subject to the rules for the time being of the said corporation, with full power (subject to any trusts attaching to any such property and the law regulating such trusts) to sell, mortgage, lease, exchange, or otherwise dispose of the same.

Limit of liability of members.

11 The liability of each member of the Association shall be limited to the transactions of the Association which shall have occurred during the period of his membership, and shall in no case exceed the sum of fifteen rupees over and above such annual subscriptions as may be due from such member to the Association. And such limitation of liability shall include any contribution that such member may be called upon to make under the rules of the Association to meet any deficit in the annual expenses of the Association.

Passed in Council the Fourteenth day of June, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,  
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-sixth day of June, One thousand Nine hundred and Sixteen.

R. E. STUBBS,  
Colonial Secretary.

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

No. 13 of 1916.

An Ordinance to amend "The Trading with the Enemy Ordinance, No. 20 of 1914."

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to amend "The Trading with the Enemy Ordinance, No. 20 of 1914": 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 for all purposes as "The Trading with the Enemy (Amendment No. 2) Ordinance, No. 13 of 1916."

## Definitions.

## 2 In this Ordinance—

The expression “the Imperial Act” means “The Trading with the Enemy (Extension of Powers) Act, 1915,” set out in the schedule to this Ordinance.

The expression “prohibited persons” includes all persons or bodies of persons with whom trading by persons or bodies of persons resident, carrying on business, or being in the United Kingdom is prohibited under any Proclamation or Order issued under the Imperial Act or any amendment thereof.

## Trading with prohibited persons.

3 Any person resident, carrying on business, or being in the Colony, who shall do, or attempt to do, any act which, if committed in the United Kingdom by any person there resident, carrying on business, or being, would constitute an offence under the Imperial Act, or any amendment thereof, shall be guilty of an offence triable and punishable in like manner as the offence of trading with the enemy under the principal Ordinance.

## Application of the principal Ordinance, &amp;c.

4 The provisions of the principal Ordinance, and of any Ordinance amending the same, and all other enactments relating to trading with the enemy, shall, subject to such exceptions and adaptations as may be prescribed by the Governor in Executive Council, apply in respect of all prohibited persons, as if for references to trading with the enemy there were substituted references to trading with such persons, and for references to enemies there were substituted references to such persons, and as if for references to offences under the principal Ordinance there were substituted references to offences under this Ordinance.

## Power of Collectors of Customs to refuse permission to ship goods.

5 The Principal Collector of Customs at the port of Colombo, or the Collector of Customs at any other port in the Colony, may in his discretion refuse permission to ship any goods on any ship in such port, or may make the grant of such permission subject to such conditions as he may determine, and if any goods have been already so shipped without his permission, may require such goods to be landed, and may take all necessary measures to enforce the powers committed to him under this section.

## Evasion of requirements of customs authorities.

6 (1) Any person evading or attempting to evade or to secure the evasion of any requirement or order lawfully made by the Principal Collector of Customs, or a Collector of Customs, for the purpose of the exercise of his powers or duties under this Ordinance or any other Ordinance relating to trading with the enemy, shall be guilty of an offence, and shall be liable, on summary conviction, to a fine not exceeding one thousand rupees, or to imprisonment of either description for a period not exceeding six months, or to both.

(2) The Principal Collector of Customs, or a Collector of Customs, in any such case, may, if he thinks fit, instead of instituting criminal proceedings against any such person, accept from him such sum of money as he may consider proper in composition of the offence.

## Power to prohibit payments to enemy subjects not in enemy territory.

7 The Governor in Executive Council may by Order in Council prohibit, either generally or in any cases or class of cases named in the Order, the payment (except in accordance with a license by the Governor) of any sum to or for the benefit of any persons or bodies of persons, incorporated or unincorporated, not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's Dominions), wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to the Governor expedient so to do, and may by such Order direct that any sum which but for such Order would be so paid shall be disposed of or held in such manner and subject to such conditions as may be appointed in the Order; and if any person pays or disposes of any such sum in contravention of the terms of any such Order, he shall be guilty of an offence triable and punishable in like manner as the offence of trading with the enemy under the principal Ordinance.

## SCHEDULE.

## CHAPTER 98.

An Act to provide for the Extension of the Restrictions relating to Trading with the Enemy to Persons to whom, though not resident or carrying on Business in Enemy Territory, it is by reason of their Enemy Nationality or Enemy Associations expedient to extend such Restrictions.

(23rd December, 1915.)

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Power to  
prohibit trading  
with persons of  
enemy  
nationality, &c.

1 (1) His Majesty may by Proclamation prohibit all persons or bodies of persons, incorporated or unincorporated, resident, carrying on business, or being in the United Kingdom, from trading with any persons or bodies of persons not resident or carrying on business in enemy territory or in territory in the occupation of the enemy (other than persons or bodies of persons, incorporated or unincorporated, residing or carrying on business solely within His Majesty's Dominions), wherever by reason of the enemy nationality or enemy association of such persons or bodies of persons, incorporated or unincorporated, it appears to His Majesty expedient so to do, and if any person acts in contravention of any such Proclamation he shall be guilty of a misdemeanour, triable and punishable in like manner as the offence of trading with the enemy.

(2) Any list of persons and bodies of persons, incorporated or unincorporated, with whom such trading is prohibited by a proclamation under this Act may be varied or added to by an Order made by the Lords of the Council on the recommendation of a Secretary of State.

(3) The provisions of the Trading with the Enemy Acts, 1914 and 1915, and of the Customs (War Powers) (No. 2) Act, 1915, and all other enactments relating to trading with the enemy, shall, subject to such exceptions and adaptations as may be prescribed by Order in Council, apply in respect of such persons and bodies of persons as aforesaid as if for references therein to trading with the enemy there were substituted references to trading with such persons and bodies of persons as aforesaid, and for references to enemies there were substituted references to such persons and bodies of persons as aforesaid, and for references to offences under the Trading with the Enemy Acts, 1914 and 1915, or any of those Acts, there were substituted references to offences under this Act.

(4) For the purposes of this Act a person shall be deemed to have traded with a person or body of persons to whom a proclamation issued under this Act applies, if he enters into any transaction or does any act with, to, on behalf of, or for the benefit of, such a person or body of persons which, if entered into, or done with, to, on behalf of, or for the benefit of an enemy would be trading with the enemy.

2 This Act may be cited as "The Trading with the Enemy (Extension of Powers) Act, 1915."

Passed in Council the Fourteenth day of June, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,  
Clerk to the Council.

Assented to by His Excellency the Governor the Twenty-sixth day of June, One thousand Nine hundred and Sixteen.

R. E. STUBBS,  
Colonial Secretary.

## DRAFT ORDINANCES.

## MINUTE.

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

## An Ordinance for the Liquidation of Enemy Firms.

Preamble.

WHEREAS it is expedient to make provision for the liquidation of enemy firms : 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 Enemy Firms Liquidation Ordinance, No. of 1916."

## CHAPTER I.

*Appointment, Powers, and Duties of Liquidators.*

Governor may declare any person, firm, or company enemy firm and appoint liquidators.

2 The Governor in Executive Council, by order in Council published in the "Government Gazette," may declare—

- (a) Any person carrying on business in Ceylon at the commencement of the present war who is an enemy ; or
- (b) Any partnership so carrying on business, the partners of which, or the majority of the partners of which, are enemies ; or
- (c) Any company so carrying on business which is registered in Ceylon, and the majority of the shares of which are held by enemies—

to be an "enemy firm" within the meaning of this Ordinance, and may appoint a liquidator or liquidators for the purpose of winding up the business of the said firm.

Property rights of firm to vest in liquidator.

3 (1) Upon any such appointment all the right, title, and interest of the said person, the said partnership, and all the members thereof, or the said company, as the case may be, in all the property of the firm, movable or immovable, shall vest in the liquidator (or liquidators) so appointed for the purpose of the liquidation.

(2) Every liquidator so appointed (including all persons declared by this Ordinance to be deemed to be so appointed) shall, for all purposes whatsoever, have as full rights as if the whole of the trade previously carried on by such firm, together with the goodwill of such trade and every part thereof, and all the property of every description of the firm, had been absolutely assigned to such liquidator for valuable consideration, and as if all the contracts of such trade had originally been entered into with such liquidator.

Duty of liquidator.

4 It shall be the duty of any liquidator so appointed—

- (a) To realize all the assets of the said firm ;
- (b) To discharge all the liabilities of the said firm to the extent and in the manner hereinafter provided ;
- (c) Generally to do all things necessary to wind up the business of the said firm.

Powers of liquidator.

5 (1) For the purpose of the discharge of his duties under this Ordinance, every liquidator shall have the following powers :

- (a) To sell all the property, movable and immovable, of the firm, including the goodwill and trade marks thereof, whether by public auction, tender, or private contract, with power to transfer the whole thereof to any person, or to sell the same in parcels ;
- (b) To do all acts, and to execute in the name and on behalf of the firm all conveyances, receipts, and other documents of every description ;

- (c) To carry on the business of the firm so far as may be necessary for the beneficial winding up thereof ;
- (d) To draw, accept, make, and endorse any bill of exchange or promissory note in the name and on behalf of the firm, with the same effect with respect to the liability of the firm as if the bill or note had been drawn, accepted, made, or endorsed by or on behalf of the firm in the course of its business ;
- (e) To bring or defend any action or other legal proceeding, or otherwise to appear and take part therein, and to continue and maintain the part of the firm in any pending action or other legal proceeding to which the firm may be a party in the name and on behalf of the firm ;
- (f) To raise on the security of the assets of the firm any money requisite ;
- (g) To compromise any debt or claim ;
- (h) To prove rank and claim in the insolvency, winding up, or liquidation of any person under any liability to the firm ;
- (i) To do all such other things as may be necessary for winding up the business of the firm.

(2) In addition to the above powers, every liquidator in the case of a firm which is a company shall have all the powers of an official liquidator under "The Joint Stock Companies Ordinance, 1861," and in the case of any other firm all the powers of an assignee in insolvency under Ordinance No. 7 of 1853, in so far as such powers are not herein enumerated or implied, and in so far as the same are not inconsistent with this Ordinance.

**Application of assets.**

6 (1) The assets of the firm shall be applied in the payment of the following liabilities and in the following order of priority :

- (a) All expenses of and incidental to the winding up (including the remuneration of the liquidator) ;
- (b) All rates and taxes due from the firm ;
- (c) All wages and salary of any clerk or servant, not being an enemy, in respect of services rendered to the firm. Provided that in the case of any clerk or servant who is an enemy, and who is interned in British territory, the custodian of enemy property may authorize the payment of such wages or salary due to such clerk or servant up to the amount of seven hundred and fifty rupees under such conditions as he may direct ;
- (d) All sums of money due to the Crown ;
- (e) All sums due to persons other than enemies, and in the case of an enemy firm which is a partnership, other than a partner in the firm ;
- (f) All sums due in respect of any other debt or class of debts, the discharge of which may be specially ordered by the Governor.

(2) In any case in which it appears to the liquidator that there is reasonable cause to believe that the assets of the company are not sufficient to discharge in full the liabilities above enumerated, the liabilities referred to in paragraph (e) (subject to the rights of secured creditors) shall be discharged rateably *pari passu*.

(3) In any case in which the nett assets of an enemy firm, after deducting the value of all securities held by secured creditors, shall be or become insufficient to discharge the expenses incidental to the winding up, the liquidator may require any secured creditor to make such contribution towards the said expenses as may be equitable, and the amount of such contribution, if not settled by agreement, shall be determined by the custodian of enemy property hereinafter provided for.

**Payment of surplus proceeds to custodian of enemy property.**

7 Upon the completion of the liquidation, the liquidator shall pay all the surplus proceeds realized thereby to the custodian of enemy property, and all sums so paid to such custodian shall be held by him at the disposal of the Governor.



## CHAPTER II.

*Messrs. Freudenberg & Co.*

Conversion of  
the control of  
the firm of  
Messrs.  
Freudenberg &  
Co. into a  
liquidation.

8 (1) The controllers of the firm of Messrs. Freudenberg & Co. appointed under the order of the District Court of Colombo of the 24th October, 1914, shall, in addition to the powers conferred upon them by the said order (as amended by the order of the said court of the 22nd March, 1915), have all the powers conferred upon a liquidator under this Ordinance, in so far as the same are not already conferred upon them by the said order.

(2) The said firm shall be deemed to be a partnership declared an enemy firm under this Ordinance, and the controllers shall for all the purposes and with reference to all the provisions of this Ordinance be deemed to be liquidators appointed under this Ordinance at the date of the commencement thereof, and all the provisions of this Ordinance with reference to liquidators so appointed (including the provisions of section 3) shall apply to the said controllers as from the said date, and all references to a liquidator shall be construed as references to the said controllers.

(3) In the application of the said order, so amended, to the winding up of the said business, such order shall be construed as if all references to a committee of management to be appointed by the court were references to the custodian of enemy property, and the custodian of enemy property shall have all the powers of a committee of management under the said order, together with such other powers as are vested in him under this Ordinance.

(4) The court may give all such directions with regard to any scheme or matter pending or in operation in pursuance of an order made in the course of the control as may be necessary or expedient in the circumstances, and may make all necessary orders with reference to any question that may arise for the purpose of the conversion of the control into a liquidation and for the winding up of the business of the firm.

(5) All contracts made by or with the said controllers, all obligations undertaken to or by them, and all powers and authorities conferred by or upon them or any of them for the purposes of the control, and in particular the power of attorney dated 30th day of March, 1915, executed by James Ford, Arthur John Rhodes, Charles Jermyn Ford, and Arthur Pelham Ford in favour of Harold Douglas Thornton, Patrick Haggard Fraser, and Maurice John Harding shall continue in force for the purposes of the liquidation and all matters incidental thereto.

## CHAPTER III.

*Custodian of Enemy Property.*

Custodian of  
enemy property.

9 (1) For the purpose of this Ordinance the Governor may appoint any person to be custodian of enemy property, or may order that any person for the time being from time to time discharging the duties of any office shall be the custodian of enemy property.

Duty of  
custodian.

(2) It shall be the duty of the custodian of enemy property—

- (a) To exercise a general control over all liquidations proceeding under this Ordinance, with a view to facilitating and expediting the procedure of the same, and to the carrying out of the objects of this Ordinance;
- (b) On the completion of any liquidation under this Ordinance, to receive the proceeds of the said liquidation, and to hold and deal with the same in accordance with the orders of the Governor;
- (c) To discharge any other duty imposed upon him under this Ordinance.

Power of  
liquidator to  
apply for  
directions.

10 Any liquidator appointed under this Ordinance may at any time apply to the custodian of enemy property for directions either as to the general course of the liquidation, or as to any matter arising therein, or for the sanction of any payment made or to be made, or of any action taken or to be taken by such liquidator.

Powers of  
custodian.

11 (1) The custodian of enemy property shall have the following powers :

- (a) To call upon any liquidator to furnish him with any information he may require in such form as he shall specify as to the general course of the liquidation or as to any matter arising therein, and to lay before him all books, papers, and documents that he may require to be produced for his inspection ;
- (b) To require any liquidator to conform to any general or special direction which the custodian may give for the purpose of the liquidation ;
- (c) To require any person, whom he has reasonable cause to believe to be possessed of information as to any property belonging to or supposed to belong to or any debt due or supposed to be due to any enemy firm, or otherwise relating to matters comprised in any liquidation, to attend before him and be examined on oath or affirmation with reference thereto, and to answer truly any question put to him in the course of such examination, and (if necessary) to enforce the attendance of any such person for the purpose of such examination, in the same manner as if such custodian were a Police Magistrate, and such person were a witness summoned to give evidence before him.
- (d) To require any person who shall have in his possession or control any book or document relating to the business or to the property of an enemy firm to produce or to deliver to him or to the liquidator such book or document for inspection or consideration, or if such book or document is the property of the firm, to deliver such book or document into his possession or into the possession of the liquidator.

(2) Any person who, without reasonable excuse, the proof whereof shall lie on him, shall make default in complying with a requirement of the custodian of enemy property under paragraphs (c) and (d) of the last preceding sub-section shall be guilty of an offence, and liable on summary conviction to a fine not exceeding one thousand rupees, or to simple imprisonment for a period not exceeding six months.

#### CHAPTER IV.

##### *Legal Proceedings.*

Special rules as  
to legal  
proceedings.

12 The following provisions shall take effect with reference to enemy firms under this Ordinance—

- (a) In the case of a firm which is not a company no proceeding in insolvency under Ordinance No. 7 of 1853 shall be instituted against such firm, and in the case of a firm which is a company no proceeding for the winding up thereof shall be instituted under "The Joint Stock Companies Ordinance, 1861" ;
- (b) Except in the following cases, that is to say :
  - (1) In the case of insolvency proceedings under Ordinance No. 7 of 1853 ;
  - (2) In the case of proceedings for the winding up of a company under "The Joint Stock Companies Ordinance, 1861" ;
  - (3) In the case of proceedings under "The Land Acquisition Ordinance, 1876," or the Order of the Queen in Council of 26th October, 1896 ;

no other action or other civil proceeding with reference to any matter relating to the business of the firm shall be instituted by or against such firm, or any partner thereof, or the liquidator thereof, save in accordance with the procedure prescribed by this chapter ;

- (c) With respect to all such actions or other legal proceedings already instituted by or against any such firm or the liquidator thereof, any court of the Colony, before which such action or proceeding is pending, may on application by or on behalf of either party give such directions as may best conduce to the expeditious

determination thereof according to such procedure as it may prescribe, and shall in all cases where such a course is feasible adapt the procedure to be followed in such action or proceeding as nearly as possible to the procedure prescribed by this chapter.

- (d) With respect to all actions or other legal proceedings already instituted by or on behalf of or against any enemy firm or the liquidator thereof, which have been stayed, struck out, or otherwise dealt with by reason of any disability of the said firm, the court before which any such action or proceeding was originally instituted may in its discretion order that, for the purposes of the liquidation, such action or proceeding shall revive or continue subject to the directions of the court under the last preceding paragraph, or that fresh proceedings be instituted by or against the liquidator under this Ordinance in respect of the same cause or matter, and may otherwise give such directions with reference to the matter in question as it shall deem just and expedient.

Special procedure for the expeditious determination of claims.

**13** (1) The liquidator of any enemy firm for the purpose of any claim against any person, and any person (other than an enemy or a partner in the firm) for the purpose of any claim against an enemy firm or the liquidator thereof, may make application to the District Court of Colombo for the issue of a summons calling upon such person, or the liquidator of such firm, to show cause on a date fixed in the summons why such claim should not be satisfied, and the court shall issue such summons accordingly.

(2) Upon the hearing the court shall determine the matter in a summary manner according to such procedure as it may direct for the purpose of the most expeditious decision of the issues between the parties, and may enter up judgment in accordance with its determination, and all the relevant provisions of the Civil Procedure Code shall apply for the purpose of the enforcement of such judgment.

Court may determine any question arising in the liquidation.

**14** The liquidator, or any person interested in the liquidation of any enemy firm (other than an enemy or a partner in the firm), may in any case which cannot conveniently be dealt with under the last preceding section apply to the District Court of Colombo for the determination of any question or matter arising in the course of the liquidation, and the court shall, subject to such notices and such other procedure as it may direct, determine such question or matter accordingly, and may enter up judgment in accordance with its determination, and all the relevant provisions of the Civil Procedure Code shall apply for the purpose of the enforcement of such judgment.

Proceedings under this chapter to have precedence.

**15** All proceedings under this chapter shall take precedence of all other business of the court of every description, and shall be heard either in court or chambers as the court may direct.

Appeals.

**16** (1) An appeal shall lie at the suit of any party aggrieved by any final order under this chapter to the Supreme Court.

(2) Every such appeal shall be presented within the same time and shall be dealt with in the same manner and shall be entitled to the same precedence as appeals from interlocutory orders of District Courts.

No execution against property of enemy firm without consent of custodian.

Orders and judgments binding against enemy firm.

**17** No execution, or proceeding in the nature of execution, shall be issued or taken in pursuance of any order or judgment made or given (whether before or after the commencement of this Ordinance) against any enemy firm or any partner thereof without the written consent of the custodian of enemy property.

**18** Every order or judgment made or given in any proceeding instituted or continued under the provisions of this chapter, or otherwise instituted or continued by or against a liquidator in pursuance of the provisions of this Ordinance, shall for all purposes and in all respects be binding upon the enemy firm in respect of which the order or judgment is made or given, and all persons entitled to the profits of the business of the said firm, and upon all persons claiming through or against the same, as if such proceeding had been instituted by or against, or as if the order or judgment had been made or given for or against, such enemy firm in ordinary course of law.

## CHAPTER V.

*General Provisions.*

Power to  
disclaim  
contract, &c.

19 A liquidator may disclaim any contract made between an enemy firm and any other person, or any property of the firm or any interest therein, which is burdened with any onerous obligation.

Provided that if any person (other than an enemy or a partner in the enemy firm) shall allege that he has suffered damage or is otherwise entitled to relief by reason of such disclaimer, he may (in default of the settlement of the matter by agreement) apply to the court under chapter IV. hereof, and the court on such application may make such order as may be just.

Where enemy  
firm insolvent.

20 In any case in which the assets of an enemy firm are not sufficient to discharge the liabilities for which provision is made under this Ordinance, it shall be the duty of the liquidator (subject to any special provision of this Ordinance) to deal with all claims against such firm as nearly as possible in the same manner as such claims would have been dealt with under the order of the competent court if the estate of the firm was being administered, or if the firm was being wound up, under Ordinance No. 7 of 1853, or under "The Joint Stock Companies Ordinance, 1861," respectively.

Land  
acquisition  
proceedings.

21 (1) In any case in which any proceedings under "The Land Acquisition Ordinance, 1876," or under the Order of the Queen in Council of 26th October, 1896, are instituted, or have been instituted, with reference to any property of any enemy firm which is vested in any liquidator under this Ordinance, or with reference to any property in which any enemy firm is interested, the liquidator shall be deemed to be the only person entitled to represent the interests of the enemy firm (or in the case of a partnership of any partner thereof) under the said Ordinance or Order, and any sum paid to or received by the liquidator as compensation under the said Ordinance or Order shall be deemed to be proceeds of the liquidation.

(2) In the case of any such proceedings under "The Land Acquisition Ordinance, 1876," if any claim is made on behalf of any enemy, or where the enemy firm is a partnership, on behalf of any partner in the firm as being a person interested, or if the Government Agent has reason to think that any enemy or any partner in the enemy firm is a person interested, no account shall be taken of any such claim or of the interests of any such person in the acquisition proceedings either by the Government Agent or the District Court; but in any such case it shall be the duty of the liquidator to pay any sum received by him as compensation under the said Ordinance to the custodian of enemy property, and any sum so paid shall be held by the custodian in a separate account subject to the orders of the Governor.

(3) In the case of any such proceedings under the said Ordinance, the notice issued by the Government Agent under section 7 of the said Ordinance may include any machinery, plant, appliances, furniture, or other appurtenances or things used on or in connection with the said property, the goodwill of the business of the said firm so far as it relates to the said property and to the business of the firm there carried on, or any other right of the said firm, corporeal or incorporeal, in or in connection with the said property or business, and all the provisions of the said Ordinance shall apply as if all matters included in the said notice in pursuance of this section were included in the definition of "land" in the said Ordinance.

Inclusion in  
sale of other  
enemy  
interests.

22 In any case in which for the purposes of any liquidation it becomes necessary to sell the interest of an enemy firm in any property in which such firm is interested jointly or in co-ownership with an enemy, the liquidator may, in his discretion, include the interest of such enemy in the sale; but in any such case he shall (subject to the prior rights of any incumbrancer other than an enemy or a partner in the enemy firm) pay the whole of the proceeds of the sale of such combined interests to the custodian of enemy property, and the sum so paid shall be held by the custodian in a separate account subject to the orders of the Governor.

Secured  
creditors.

**23** (1) When any creditor of any enemy firm (other than an enemy or a partner of the firm) holds any mortgage, charge, or lien on any property of the firm as security for his debt, such creditor or the liquidator may apply to the District Court under chapter IV. hereof for an order directing either--

- (a) That the security be realized, and that the creditor account for or make his claim in respect of any balance due ; or
- (b) That the security be valued and retained by the creditor, and that the creditor account for or make his claim in respect of any balance due ; or
- (c) That the creditor surrender his security to the liquidator for the benefit of the estate of the firm and claim in respect of his whole debt ;

and the court upon any such application shall have power to make any order that it may deem just.

(2) Where any property of an enemy firm is subject to any mortgage, charge, or lien in favour of an enemy, or a partner of the firm, the liquidator may sell such property free of any such mortgage, charge, or lien, and in any such case the said property shall vest in the purchaser absolutely discharged therefrom, or from any claim in respect thereof.

Provided that in any such case the liquidator shall out of the nett proceeds of the sale pay the amount of the debt secured by such mortgage, charge, or lien (or the estimated value thereof under section 24), or if the sale does not realize a sum sufficient to discharge the said debt or the estimated value thereof, then, subject to the rights of prior incumbrancers, the whole of the nett proceeds of the sale, to the custodian of enemy property, and the sum so paid shall be held by the custodian in a separate account subject to the orders of the Governor.

Contingent or  
future  
liabilities.

**24** In any case in which any claim by or against an enemy firm is made in respect of any future or contingent debt or liability, the value of which is capable of being fairly estimated (not being a claim by an enemy or a partner in the enemy firm), such debt or liability shall be enforceable for the purpose of the liquidation, and in default of agreement the liquidator or other claimant (not being an enemy or a partner in the enemy firm) may apply to the court under chapter IV. hereof to estimate the value of such debt or liability and to direct its enforcement, and the court, if it shall be of opinion that the value of the debt or liability is capable of being fairly estimated, shall make an estimate thereof and direct its enforcement accordingly ; but if it shall be of opinion that the value of the debt or liability is incapable of being fairly estimated, it shall direct that no account be taken of the said debt or liability in the liquidation.

Duty to  
disclose  
property of  
enemy firm.

**25** (1) It shall be the duty of any person, who shall have been entrusted with or shall otherwise be in possession of any property belonging to an enemy firm, within one month after the commencement of this Ordinance, or of the declaration of the Governor in Executive Council that such firm is an enemy firm, to disclose to the liquidator particulars in writing of such property and the terms on which it is in the possession of such person, and, on being so required by the liquidator, to furnish to the liquidator all such further information with regard to such property as the liquidator may indicate.

(2) Any person who, without reasonable excuse, the proof whereof shall lie on him, shall make default in compliance with any of the provisions of this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one thousand rupees, or in default to simple imprisonment for a period not exceeding six months.

Remuneration  
of liquidator.

**26** A liquidator shall be entitled to retain out of the assets of the firm liquidated such remuneration as the custodian of enemy property may authorize.

Security by  
liquidator.

**27** The custodian of enemy property may require that any liquidator shall give security for the proper discharge of his duties under this Ordinance, and the costs of providing any such security shall be deemed to be part of the expenses of the liquidation.

Audit of accounts.	<p><b>28</b> The accounts of any liquidator appointed under this Ordinance shall, subject to any special provision in that behalf, be audited in such manner as the custodian of enemy property shall direct.</p>
Procedure on completion of liquidation.	<p><b>29</b> (1) The custodian of enemy property on being satisfied in that behalf may, by notification published in the "Government Gazette," declare that the liquidation of any enemy firm has been completed.</p> <p>(2) In any such case it shall be the duty of the liquidator to pay over to the custodian of enemy property the whole of the surplus proceeds realized by the liquidation.</p>
Completion of liquidation subject to any pending matter or matters.	<p><b>30</b> (1) A liquidation may be completed subject to any pending matter or matters, and, subject to the provisions of this section, all references to the completion of a liquidation under this Ordinance shall include the completion of a liquidation subject to any pending matter or matters.</p> <p>(2) In any such case the provisions of the last preceding section shall be subject to the following qualifications :</p> <p>(a) The declaration of the custodian of enemy property that the liquidation has been completed shall declare that it has been completed subject to such pending matter or matters ;</p> <p>(b) The liquidator may retain out of the surplus proceeds of the liquidation such sum as he may be authorized by the custodian of enemy property to retain for the purpose of such pending matter or matters.</p> <p>(3) When the pending matter or matters shall be finally disposed of, the liquidator shall pay over to the custodian of enemy property all such further surplus proceeds of the liquidation as may be in his hands, and the said custodian shall receive and hold the same subject to the orders of the Governor.</p>
Disposal of documents, &c.	<p><b>31</b> On the completion of the liquidation of an enemy firm, or on the final disposal of any pending matter or matters subject to which such liquidation is declared completed, the books, papers, accounts, and documents of the firm and of the liquidator shall be dealt with in such manner as the Governor shall direct.</p>
Protection of liquidator.	<p><b>32</b> No action shall be brought against any liquidator or the custodian of enemy property to charge him with any personal liability in respect of any act which he may have done, or may have omitted to do, when acting in good faith in pursuance, or supposed pursuance, of his powers or duties under this Ordinance.</p>
Meaning of "business."	<p><b>33</b> In this Ordinance the expression "business" includes any enterprise, work, or occupation carried on by an enemy, whether directly or by an agent in his behalf.</p>
"Assets" and "property of the firm."	<p><b>34</b> (1) The expressions "assets of the firm" and "property of the firm" shall include all property of any description previously employed in or in connection with the business of the firm, or otherwise treated as assets of the firm in the course of its business, and in the case of a partnership shall (unless the Governor otherwise order) include all immovable property vested in the members of the partnership jointly or in co-ownership.</p> <p>(2) In any case in which, owing to the existence of a state of war, difficulties arise with reference to the maintenance during the war of any immovable property belonging to any person who is, or is a member of, any enemy firm, which is not an asset of the firm or property of the firm within the meaning of this Ordinance, the Governor may direct the custodian of enemy property to assume control of such immovable property, and to let the same on such terms as to such custodian may seem fit until such time as the Governor may declare the war to be terminated, or if such letting prove impracticable, to sell the same, and to hold the proceeds of such letting or sale at the disposal of the Governor.</p>
Meaning of "enemy," "property of the firm," &c.	<p><b>35</b> (1) "Enemy" means a person who is a subject of a power at war with His Majesty, or, in the case of a person who is a company, a company, the majority of the shares of which are held by such subjects.</p>

(2) A certificate under the hand of the Governor to the effect that any person is an enemy within the meaning of this Ordinance shall be *prima facie* proof in all legal proceedings of such enemy character.

(3) If any question arises in the course of any liquidation under this Ordinance as to whether any asset or property of any enemy declared to be an enemy firm, or of any partner in any partnership declared to be an enemy firm, is an asset or property of the firm, or as to whether any book or document is the property of an enemy firm, the question shall be referred to the Governor in Executive Council, whose decision shall be final.

Conveyances in fraud of objects of Ordinance void.

36 Any conveyance, assignment, contract, judgment, or other disposition or transaction made, suffered, or entered into by any enemy firm or any partner thereof, whether before or after the passing of this Ordinance, for the purpose of evading or frustrating any of the provisions of this Ordinance, or for the purpose of evading or frustrating any measures that might by law be taken for dealing with the property or business of enemies or enemy firms, shall be deemed to be absolutely void *ab initio*.

General powers of Governor in Executive Council.

37 The Governor in Executive Council may give directions or make rules in respect of any matter necessary for the administration of this Ordinance which is not specifically provided for therein, and such directions or rules on being published in the "Government Gazette" shall have the force of law.

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, June 26, 1916.

R. E. STUBBS,  
Colonial Secretary.

#### *Statement of Objects and Reasons.*

THE object of this Ordinance is to give effect to the direction of the Secretary of State that all enemy firms in the Colony shall be liquidated, and in particular to provide for the conversion of the control of the business of Messrs. Freudenberg & Co. into a liquidation.

2. For this purpose it provides that the Governor in Executive Council may appoint liquidators to wind up the business of any enemy firm, and that the controllers of the business of Messrs. Freudenberg & Co. shall have all the powers of liquidators in so far as they do not already possess them.

3. With a view to the speedy completion of the liquidations, provision is made—

- (a) For the appointment of a special officer to direct and expedite the liquidations (chapter III.);
- (b) For a special, simple, and expeditious procedure with a view to the decision of all legal questions arising therein (chapter IV.);
- (c) For the disclaimer by the liquidator of contracts or interests burdened with onerous obligations subject to compensation to persons prejudiced (section 19);
- (d) For the reservation of certain questions, which are questions of imperial policy rather than law, for the decision of the Governor (section 35).

4. As it may be necessary to postpone the enforcement of any debt or claim, and as any matter arising in the liquidation may prove to be of a protracted character, it is provided that the liquidation may be completed subject to any pending matter or matters (section 30).

5. In carrying out the liquidation no provision is made for the discharge of debt due to enemy creditors, who, subject to any special order that may be made by the Governor under paragraph (f), are left to pursue their remedies elsewhere after the close of the war (section 6 (1)).

6. On the completion of each liquidation the surplus proceeds are to be paid to the special officer above referred to as custodian of enemy property, and are to be held subject to the order of the Governor (section 7).

7. Special provision is made for cases in which immovable property of an enemy firm is subject to a charge in favour of an enemy (section 23 (2)), for cases in which an enemy firm and some other enemy are jointly interested in immovable property (section 22), and for cases in which in land acquisition proceedings with reference to property of an enemy firm it appears that another enemy is a person interested (section 21).

Attorney-General's Chambers,  
Colombo, March 16, 1916.

ANTON BERTRAM,  
Attorney-General.

### MINUTE.

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

#### An Ordinance relating to Enemy Property and other matters.

Preamble.

WHEREAS it is expedient to make provision for the custody of enemy property and for the collection of information with regard to sums due by persons resident in the Colony to enemies or by enemies to persons resident in the Colony, and with regard to property of enemies held by persons in the Colony or property of persons in the Colony held by enemies : 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 and commencement.

1 This Ordinance may be cited as " The Enemy Property Ordinance, No. of 1916," and shall come into operation on such date as the Governor shall by Proclamation appoint.

Definitions.

2 In this Ordinance—

" Enemy " means any person or body of persons resident or carrying on business in an enemy country, and (subject to the provisions of section 9) includes any other person or body of persons declared to be enemy for the purpose of this Ordinance by order of the Governor in Executive Council.

" Custodian of enemy property " means the person for the time being discharging the duties of custodian of enemy property under " The Enemy Firms Liquidation Ordinance, No. of 1916."

Duties of custodian.

3 (1) It shall be the duty of the custodian of enemy property (hereinafter referred to as the " custodian ")—

(a) To receive, hold, preserve, and deal with such property as may be paid to or vested in him in pursuance of this Ordinance in manner therein prescribed ;

(b) To collect such information as he may be directed or authorized to collect for the purposes of this Ordinance.

(2) The custodian shall have such powers and duties with respect to the property aforesaid (including power to charge fees and retain expenses) as may be prescribed by order of the Governor in Executive Council.

(3) The custodian may place on deposit with any bank, or invest in any securities approved by the Governor, any moneys paid to him under this Ordinance, or received by him from property vested in him under this Ordinance, and any interest or dividends received on account of such deposits or investments shall be dealt with in such manner as the Governor may direct.

Payment of dividend, &c., payable to enemy.

5 Geo. V. c. 12, s. 2.

4 (1) Any sum which, had a state of war not existed, would have been payable or paid to or for the benefit of an enemy, by way of dividends, interest, or share of profits, shall be paid by the person, firm, or company by whom it would have been payable to the custodian, to hold subject to the provisions of this Ordinance and any Order in Council made



thereunder, and the payment shall be accompanied by such particulars as the custodian may require. Any payment required to be made under this sub-section to the custodian shall be made—

- (a) Within fourteen days after the commencement of this Ordinance, if the sum, had a state of war not existed, would have been paid before the commencement of this Ordinance; and
- (b) In any other case within fourteen days after it would have been paid.

(2) Where before the commencement of this Ordinance any such sum has been paid into any account with a bank, or has been paid to any other person in trust for an enemy, the person, firm, or company by whom the payment was made shall, within fourteen days after the commencement of this Ordinance, by notice in writing, require the bank or person to pay the sum over to the custodian to hold as aforesaid, and shall furnish the custodian with such particulars as aforesaid. The bank or other person shall, within one week after the receipt of the notice, comply with the requirement, and shall be exempt from all liability for having done so.

(3) If any person fails to make or require the making of any payment, or to furnish the prescribed particulars within the time mentioned in this section, he shall be guilty of an offence, and shall, on summary conviction, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding six months, or to both such fine and imprisonment, and, in addition, to a further fine not exceeding five hundred rupees for every day during which the default continues; and every director, manager, secretary, or officer of a company, or any other person who is knowingly a party to the default shall, on the like conviction, be liable to the like penalty.

(4) The obligations of this section shall not apply to any person, partnership, or company declared or deemed to be declared an enemy firm under "The Enemy Firms Liquidation Ordinance, No. of 1916," or to any person appointed or deemed to be appointed a liquidator with reference to the business of any such person, firm, or company under the said Ordinance.

(5) For the purposes of this Ordinance the expression "dividends, interest, or share of profits" means any dividends, bonus, or interest in respect of any shares, stock, debentures, debenture stock, or other obligations of any company, any interest in respect of any loan to a firm or person carrying on business for the purpose of that business, and any profits or share of profits of such a business.

5 (1) The provisions of the last preceding section shall extend to sums which, had a state of war not existed, would have been payable and paid in the Colony to enemies—

- (a) In respect of interest on securities issued by or on behalf of any Government, or of any municipal or other authority; and
- (b) By way of payment off of any securities which have become repayable on maturity or by being drawn for payment or otherwise, being such securities as aforesaid or securities issued by any company;

and in the case of such sums as aforesaid (other than sums in respect of the payment off of securities issued by a company), the duty of making payments to the custodian and of requiring payments to be made to him and of furnishing him with particulars shall rest with the person, firm, or company through whom the payments in the Colony are made.

(2) Where the custodian is satisfied from returns made to him under section 6 of this Ordinance that any such securities as aforesaid (including securities issued by a company) are held by any person on behalf of an enemy, the custodian may give notice thereof to the person, firm, or company by or through whom any dividends, interest, or bonus in respect of the securities of any sums by way of payment off of the securities are payable; and upon the receipt of such notice

Extension of provisions of last preceding section.

5 & 6 Geo. V. c. 79, s. 1.

any dividends, interest, or bonus payable in respect of, and any sums by way of payment off of, the securities to which the notice relates shall be paid to the custodian in like manner as if the securities were held by an enemy.

(3) For the purposes of this section "securities" includes stock, shares, annuities, bonds, debentures or debenture stock, or other obligations.

Duty of trustees for enemies to notify the custodian.  
5 Geo V. c. 12, s. 3.

6 (1) Any person who holds or manages for or on behalf of an enemy any property, movable or immovable (including any rights, whether legal or beneficial, in or arising out of property, movable or immovable), shall, within one month after the commencement of this Ordinance, or if the property comes into his possession or under his control after the commencement of this Ordinance, then within one month after the time when it comes into his possession or under his control, by notice in writing, communicate the fact to the custodian, and shall furnish the custodian with such particulars in relation thereto as the custodian may require, and if any person fails to do so, he shall be guilty of an offence, and shall, on summary conviction, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding six months, or to both such a fine and imprisonment, and, in addition, to a further fine not exceeding five hundred rupees for every day during which the default continues.

5 & 6 Geo. V. c. 79, s. 2 (1).

(2) The provisions of the last preceding sub-section shall apply to balances and deposits standing to the credit of enemies at any bank, and to debts to the amount of seven hundred and fifty rupees or upwards which are due, or which, had a state of war not existed, would have been due to enemies, as if such bank or debtor were a person who held property on behalf of an enemy.

5 & 6 Geo. V. c. 79, s. 2 (2).

(3) The duty of making returns under the last two preceding sub-sections shall extend to companies as if the expression "person" included company, and if any company fails to comply with the provisions of the said sub-sections, every director, manager, secretary, or officer of the company who is knowingly a party to the default shall be guilty of an offence, and shall, on summary conviction, be liable to a fine not exceeding one thousand rupees, or to imprisonment of either description for a term not exceeding six months, or to both such a fine and imprisonment, and, in addition, to a further fine not exceeding five hundred rupees for every day during which the default continues.

5 Geo. V. c. 12, s. 3 (2).

(4) Every company incorporated in the Colony shall, within one month after the commencement of this Ordinance, by notice in writing, communicate to the custodian full particulars of all shares, stock, debentures, and debenture stock and other obligations of the company which are held by or for the benefit of an enemy; and every partner of every firm, one or more partners of which on the commencement of the war became enemies, or to which money had been lent for the purpose of the business of the firm by a person who so became an enemy, shall, within one month after the commencement of this Ordinance, by notice in writing, communicate to the custodian full particulars as to any share of profits or interest due to such enemies or enemy, and if any company or partner fails to comply with the provisions of this sub-section, the company shall be guilty of an offence, and shall, on summary conviction, be liable to a fine not exceeding one thousand rupees, and, in addition, to a further fine not exceeding five hundred rupees for every day during which the default continues; and the partner and every director, manager, secretary, or officer of the company who is knowingly a party to the default shall, on the like conviction, be liable to the like fine, or to imprisonment of either description for a term not exceeding six months, or to both such imprisonment and fine.

5 & 6 Geo. V. c. 79, s. 2 (3).

(5) The custodian shall keep a register of all property, returns whereof have been made to him under this section, and such register may be inspected by any person who appears to the custodian to be interested as a creditor or otherwise.

Power to vest  
property in  
custodian.  
5 Geo. V. c. 12,  
s. 4.

7 (1) The Supreme Court or a judge thereof may on the application of any person who appears to the court to be a creditor of an enemy or entitled to recover damages against an enemy or to be interested in any property, movable or immovable (including any rights, whether legal or beneficial, in or arising out of property, movable or immovable), belonging to or held or managed for or on behalf of an enemy, or on the application of the custodian or any Government department, by order vest in the custodian any such movable or immovable property as aforesaid, if the court or the judge is satisfied that such vesting is expedient for the purpose of this Ordinance, and may by the order confer on the custodian such powers of selling, managing, or otherwise dealing with the property as to the court or judge may seem proper.

(2) The court or judge, before making any order under this section, may direct that such notices (if any), whether by way of advertisement or otherwise, shall be given as the court or judge may think fit.

(3) A vesting order under this section as respects property of any description shall be of the like purport and effect as a vesting order as respects property of the same or like description made under the Trustee Act, 1893.

56 & 57 Vict.  
c. 53.

Holding and  
dealing with  
property by  
custodian.  
5 Geo. V. c. 12,  
s. 5.

8 (1) The custodian shall, except so far as the Governor in Executive Council or the Supreme Court or a judge thereof may otherwise direct, and subject to the provisions of the next succeeding sub-section, hold any money paid to and any property vested in him under this Ordinance until the termination of the present war, and shall thereafter deal with the same in such manner as the Governor in Executive Council may direct.

(2) The property held by the custodian under this Ordinance shall not be liable to be attached or otherwise taken in execution, but the custodian may, if so authorized by an order of the Supreme Court or a judge by whose order any property belonging to an enemy was vested in the custodian under this Ordinance, or of any court in which judgment has been recovered against an enemy, pay out of the property paid to him in respect of that enemy the whole or any part of any debts due by that enemy and specified in the order.

Provided that before paying any such debt the custodian shall take into consideration the sufficiency of the property paid to or vested in him in respect of the enemy in question, to satisfy that debt and any other claims against that enemy of which notice verified by affidavit may have been served upon him.

(3) The receipt of the custodian or any person, duly authorized to sign receipts on his behalf for any sum paid to him under this Ordinance shall be a good discharge to the person paying the same as against the person or body of persons in respect of whom the sum was paid to the custodian.

(4) The custodian shall keep a register of all property held by him under this Ordinance, which register shall be open to public inspection at all reasonable times free of charge.

(5) The judges of the Supreme Court may by rules make provision for the practice and procedure to be adopted for the purpose and the last preceding section, and pending the making of such rules such practice and procedure shall be observed as the court or judge may direct.

Rules of  
procedure.  
5 Geo. V. c. 12,  
s. 5 (5).

Construction.

9 No person or body of persons shall, for the purposes of this Ordinance, be treated as an enemy who would not be so treated under or for the purpose of any Act of the Imperial Parliament or any Proclamation issued by His Majesty dealing with trading with the enemy for the time being in force, and the expression "commencement of the present war" shall mean as respects any enemy the date on which war was declared by His Majesty on the country in which that enemy resides or carries on business.

By His Excellency's command,  
Colonial Secretary's Office,  
Colombo, June 26, 1916.

R. E. STUBBS,  
Colonial Secretary.

*Statement of Objects and Reasons.*

THIS Ordinance is in effect an enactment in the Colony of those sections of the Imperial Acts relating to Trading with the Enemy which deal with the constitution of the office of custodian of enemy property, and the duties and powers of the person holding it.

2. The powers and duties of the custodian of enemy property fall under three heads :—

- (a) The receipt of dividends, interests, and profits due to enemies from persons in the Colony ;
- (b) The collection of information as to sums due from persons in the Colony to enemies, and generally as to enemy property in the Colony ; and
- (c) The taking over of enemy property for the purpose of discharging debts due by enemies to residents of the Colony and others under the direction of a court.

3. The immediate object of the enactment of these provisions in the Colony is to facilitate a scheme undertaken by the Imperial Government for the collection of information throughout the Empire under the four following heads :—

- (a) Property situate in British territory belonging to enemy subjects ;
- (b) Debts due from British subjects to persons in enemy territory ;
- (c) Property in enemy territory belonging to British subjects ;
- (d) Debts due to British subjects from persons in enemy territory.

The giving of information as to classes (a) and (b) is compulsory under the Ordinance, and as to classes (c) and (d) will be voluntary.

4. To prevent confusion it would be well to observe that the term " enemy " is used in this Ordinance with a different signification from that which it possesses in the Ordinance for the liquidation of enemy firms. In the latter Ordinance the term includes enemy subjects who, at the commencement of the war, were resident or carrying on business in the Colony, and extends, therefore, to German and Austrian subjects now interned in Australia ; in the present Ordinance " enemy " means primarily a person or body of persons residing or carrying on business in enemy territory. It does not extend, therefore, to the German and Austrian subjects interned in Australia, and the present Ordinance does not impose on any person any obligation with regard to any sum due or property belonging to any German or Austrian subject so interned.

5. For the purpose of further elucidating the effect of the Ordinance, a statement is annexed of the heads under which information will be collected by the custodian under the Ordinance.

Attorney-General's Chambers,  
Colombo, March 23, 1916.

ANTON BERTRAM,  
Attorney-General.

HEADS OF INFORMATION TO BE COLLECTED UNDER  
THE ORDINANCE.

A.—*Compulsory.*

1. Dividends, interest, or share of profits due from any person, firm, or company in the Colony to any person or body of persons resident or carrying on business in enemy countries (hereinafter called " enemies ").

(To be paid to the custodian.)

2. Sums which but for the war would have been payable and paid in the Colony in respect of Government securities and the other securities mentioned in section 5 of the Ordinance

(To be paid to the custodian.)

3. Particulars as to shares, stock, debentures, debenture stock, or other obligations of companies incorporated in the Colony held for or by enemies, and as to interests of enemies in partnerships in the Colony, showing each enemy partner's capital and interest or share of profits.

(Return to be made by the companies and firms concerned.)

4. Particulars as to movable or immovable property (other than shares, &c., in companies and partnership interests under 3) held in the Colony by or on behalf of enemies.

(Return to be made by person holding and showing the capacity in which he holds, *e.g.*, as banker, stockbroker, agent, &c.)

5. Particulars of property held in the Colony for safe custody on behalf of enemies, such as securities, deeds, personal belongings, jewellery, or cash.

(Return to be made as in case of 4.)

6. Quarterly return of income received from property already recorded under 4 or 5 *supra* (companies and firms do not have to record income under 3, as they have to pay it to the custodian under 1).

(Return to be made as in case of 4.)

7. Particulars of debts, bank deposits, and bank balances in the Colony due to or held on behalf of enemies.

(Return to be made by the debtor or, as the case may be, the person or bank holding the deposit or balance, but not by companies or firms whose return under 3 should include these particulars.)

#### B.—*Voluntary.*

1. Particulars of debts (including bank balances) due from enemies (including persons in territory occupied by the enemy) to British persons or firms resident or carrying on business in the Colony.

(Return to be made by the creditor.)

2. Particulars of property other than debts and bank balances held by enemies (including persons in territory occupied by the enemy) for British persons or firms resident or carrying on business in the Colony.

(Return to be made by the persons for whom the property is held.)

3. Particulars of luggage detained in enemy countries (including territory occupied by the enemy) and belonging to British persons or persons resident or carrying on business in the Colony.

(Return to be made by the owner of the luggage.)