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PART I.—General: Minutes, Proclamations, Appointments, and General Government Notifications.
PART II.—Legal and Judicial.

PART III.—Provincial Administration.
PART IV.—Land Settlement.
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Separate paging is given to each Part, in order that it may be filed separately.

Part II.—Legal and Judicial.

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PASSED ORDINANCE.

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

No. 23 of 1916.

An Ordinance relating to Enemy Property and other matters.

JOHN ANDERSON.

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. 23 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. 20 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 by the Governor 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.

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. 20 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.

Extension of provisions of last preceding section.

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 or any sums by way of payment off of the securities are payable; and upon the receipt of such notice 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.

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.

(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.

(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.

(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) 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.

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 of the Attorney-General, 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.

(4) Where a vesting order has been made under this section as respects any property belonging to, or held or managed for or on behalf of, a person who appeared to the court making the order to be an enemy, the order shall not, nor shall any proceedings thereunder or in consequence thereof, be invalidated or affected by reason only of such person having prior to the date of the order died or ceased to be an enemy, or subsequently dying or ceasing to be an enemy, or by reason of its being subsequently ascertained that he was not an enemy.

Holding and dealing with property by custodian.

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.

Rules of
procedure.

(5) The judges of the Supreme Court may by rules make provision for the practice and procedure to be adopted for the purpose of this 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.

Construction.

9 (1) 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.

(2) In the application of this Ordinance to any person or body of persons in respect of whom an order has been made under section 2, this Ordinance shall be deemed to commence as from the date of such order.

(3) The provisions of this Ordinance with respect to the making of payments and returns and to the vesting of property shall not apply to payments due or property belonging to an enemy declared or deemed to be declared an enemy firm under "The Enemy Firms Liquidation Ordinance, No. 20 of 1916," or due or belonging to an enemy who is a partner in any firm so declared or deemed to be declared as aforesaid, in so far as such payments are due to such enemy for the purposes of the business of the firm, or in so far as such property is property of the firm within the meaning of the said Ordinance.

Passed in Council the Twelfth day of July, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Tenth day of August, 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 to amend "The Joint Stock Companies Ordinance, 1861."

Preamble.

WHEREAS it is expedient to amend "The Joint Stock Companies Ordinance, 1861," in certain particulars: 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 Joint Stock Companies (Amendment) Ordinance, No. of 1916."

Amendment of
section 14.

2 (1) In section 14 of the principal Ordinance, after the word "consecutive" there shall be inserted the word "weekly."

(2) The following sub-section shall be added to section 14 :

(2) Any company which has been incorporated at the date of the passing of this Ordinance shall be deemed to have been validly incorporated, notwithstanding that the memorandum of association, together with the articles of association (if any), was published in the "Government Gazette" in three numbers that were not consecutive.

Amendment of
Schedule A.

3 Schedule A.—Table of Fees of the principal Ordinance shall be amended by omitting the words "up to £100,000" in the second and third paragraphs.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, August 5, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

It has been the practice to publish memoranda and articles of association of companies seeking incorporation in three weekly numbers of the *Government Gazette*, and not to publish them in *Gazettes Extraordinary* when such were issued in the course of a week. Attention has now been drawn to the fact that under section 3 (4) of "The Interpretation Ordinance, No. 21 of 1901," an *Extraordinary Gazette* is on the same footing as an ordinary *Gazette*. It has accordingly been determined to insert the word "weekly" in the section and to validate past publications which, owing to the possible intervention of a *Gazette Extraordinary*, may not have been published in three consecutive numbers.

2. Advantage has been taken of this opportunity to remove from the Schedule relating to the Table of Fees certain words which appear to contemplate that no companies are likely to be founded in the Colony with a capital exceeding one million rupees.

3. The Ordinance dates from 1861, and financial conditions have changed since that date. If a company is founded with a capital exceeding one million rupees, there appears no reason why it should not pay the corresponding fee.

Attorney-General's Chambers,
Colombo, July 25, 1916.

ANTON BERTRAM,
Attorney-General.

MINUTE.

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

An Ordinance to amend the Law relating to Land Surveyors.

Preamble.

WHEREAS it is expedient to amend Ordinance No. 15 of 1889 in so far as the same relates to land surveyors: 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 shall be cited as "The Land Surveyors, Auctioneers, and Brokers (Amendment) Ordinance, No. of 1916."

Amendment of
section 1.

2 The following definitions shall be added at the end of sub-section (2) of section 1 of the principal Ordinance: .

"Authorized surveyor" means a surveyor authorized under this Ordinance to practise as a surveyor.

"Authorized draughtsman" means a person holding a certificate issued to him by the Surveyor-General under section 10 A of this Ordinance.

Substitution of new sub-section for sub-section (2) of section 6.

3 For sub-section (2) of section 6 of the principal Ordinance the following sub-section shall be substituted :

(2) The Governor in Executive Council may from time to time by Proclamation add to the qualifications mentioned in schedule A any further qualifications which in his opinion afford sufficient proof of fitness to practise as a land surveyor, or as a surveyor and leveller, or may otherwise amend the said schedule.

Provided that no such amendment shall affect the right of any person who at the time of such amendment is entitled to an annual license without examination to continue as entitled.

Substitution of a new section for section 8 of the principal Ordinance.

Power of Surveyor-General to cancel or refuse renewal of license.

4 The following section shall be substituted for section 8 of the principal Ordinance :

8. (1) The Surveyor-General may cancel an annual license or refuse to renew an annual license if after due inquiry he is satisfied—

- (a) That the licensee has been convicted of any offence, whether in his capacity of land surveyor, or surveyor and leveller, or otherwise, which, in the opinion of the Surveyor-General, renders him unfit to be entrusted with the duties of a surveyor or surveyor and leveller ;
- (b) That the licensee has been guilty of gross misconduct in the discharge of his duties as a land surveyor or surveyor and leveller ; or
- (c) That he has shown such incompetence or carelessness in the discharge of his duties as a land surveyor or surveyor and leveller that he ought not, in the interests of the public, to be entrusted therewith.

(2) The Surveyor-General shall not cancel or refuse to renew a license until he has informed the licensee in writing of the reasons for his opinion that such license should be cancelled or not renewed, and has afforded him reasonable opportunity of adducing any evidence, oral or documentary, on which he may rely.

The Surveyor-General shall record any evidence which may be adduced, and also his decision and his reasons therefor, and the applicant shall be entitled to a copy of such record.

(3) Any person aggrieved by the cancellation or refusal of the Surveyor-General to renew his license may appeal to the Governor in Executive Council within thirty days from the date when the Surveyor-General's decision is communicated to him, and the decision of the Governor in Executive Council upon any such appeal shall be final and conclusive.

(4) When the Surveyor-General has good reason to believe that the holder of an annual license has been convicted of such an offence, or has been guilty of such misconduct, or has shown such incompetence or carelessness as are mentioned in sub-sections (1) (a), (1) (b), or (1) (c), the Surveyor-General may, by notice in writing, suspend the license of such person for a period not exceeding three months pending inquiry under this section.

Addition of new sections.

5 The following sections shall be added immediately after section 10 of the principal Ordinance, and shall come into operation on the _____ day of _____, 1918 :

Surveyor-General may authorize any person to practise as a draughtsman.

10 A. The Surveyor-General, on being satisfied that any person is competent to plot a survey plan and to compute the area of a survey plan, may issue to such person a certificate authorizing him to practise as a draughtsman under this Ordinance, and, with the sanction of the Governor in Executive Council, may make rules regulating—

- (a) The examination or other method of determining the qualifications of persons applying for such certificates ;
- (b) The charging of fees in respect of such examination and certificates ;
- (c) The cancellation or suspension of such certificates.

10 B. (1) It shall not be lawful for any person not being an authorized surveyor—

(a) To make any survey for the use of any authorized surveyor; or

(b) Unless he is an authorized draughtsman, to plot a survey plan or compute the area of a survey plan for the use of any authorized surveyor.

Any person not being an authorized surveyor prohibited from making any survey for the use of any authorized surveyor.

Any person not being an authorized draughtsman prohibited from plotting or computing the area of any survey plan for the use of any authorized surveyor.

Penalty.

(2) Any person acting in breach of this section shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees.

10 c. Any authorized surveyor who—

(a) Deputes the making of any survey to any person who is not an authorized surveyor; or

(b) Deputes the plotting of a survey plan or the computing of the area of a survey plan to any person who is neither an authorized surveyor nor an authorized draughtsman; or

(c) Signs any survey plan the survey of which was made by a person who is not an authorized surveyor; or

(d) Signs any survey plan which has been plotted or the area of which has been computed by a person who is neither an authorized surveyor nor an authorized draughtsman,

What acts of authorized surveyor deemed to amount to gross misconduct in the discharge of his duty.

shall be deemed to be guilty of gross misconduct in the discharge of his duties within the meaning of sections 8 and 9 of this Ordinance.

Saving as to employment of draughtsman.

10 d. Nothing contained in this Ordinance shall be deemed to preclude the employment of a draughtsman to draw up plans after they have been plotted and their area computed by an authorized surveyor or by an authorized draughtsman.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, August 15, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance deals with the following points with regard to the profession of surveyor :—

(a) The qualifications entitling persons to annual licenses without examination (section 3).

(b) The renewal and cancellation of annual licenses (section 4).

(c) The employment of unqualified assistants for professional purposes by authorized surveyors (section 5).

2. The list of qualifications entitling a surveyor or a surveyor and leveller to an annual license without examination is given in Schedule A. At present the Governor in Executive Council may add qualifications to the list, but may not extend or otherwise amend the existing qualifications. The Draft Ordinance enables this to be done.

3. At present the Surveyor-General may refuse to renew a license on the ground of professional misconduct, incompetence, or carelessness, but, though he may refuse an original license on the ground of bad character, he may not refuse a renewal, even though an applicant is convicted of an offence involving fraud or dishonesty, unless the fraud or dishonesty is of a professional character. Section 4 empowers him to refuse a renewal where the applicant has been guilty of any offence which, in the opinion of the Surveyor-General, renders him unfit to be entrusted with professional duties.

4. Further, at present though conduct justifying the refusal of the renewal of a license may occur early in the year for which the license was last issued, and though the Surveyor-General is entitled to suspend the license for three months pending inquiry, he may not, although his inquiry satisfies him of the guilt of the licensee, take any steps to deprive him of his license until the close of the year. Section 4 empowers the Surveyor-General to cancel as well as to suspend a license.

5. The question of the employment of unprofessional assistance for professional services has for some time past engaged the attention of the Surveyor-General. The particular abuses to which this practice gives rise are enumerated in the proposed new section 10 c. After very careful consideration it has been determined to combat them by providing for a specially authorized class of persons, who, while not qualified to act as surveyor, are qualified to render a surveyor certain incidental skilled assistance, and to prohibit the employment of persons not so qualified for the purpose of making surveys, plotting survey plans, and computing the area of survey plans.

Attorney-General's Chambers,
Colombo, August 14, 1916.

ANTON BERTRAM,
Attorney-General.

MINUTE.

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

An Ordinance to define and amend the Law relating to Trusts.

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**An Ordinance to define and amend the Law
relating to Trusts.**

Preamble.

WHEREAS it is expedient to define and amend the law relating to trusts: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.

Preliminary.

Short title and commencement.

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

Repeal.

2 The enactments specified in the schedule to this Ordinance are hereby repealed.

Interpretation clause:

"Trust."
(Indian Trust Act, 1882, s. 3.)

"Author of the trust."

"Trustee."

"Beneficiary."

"Trust property."
"Beneficial interest."

"Instrument of trust."

"Breach of trust."

"Notice."

"Court."

3 A "trust" is an obligation annexed to the ownership of property, and arising out of a confidence reposed in and accepted by the owner, or declared and accepted by him, for the benefit of another, or of another and the owner.

"Author of the trust": the person who reposes or declares the confidence is called the "author of the trust"; the person who accepts the confidence is called the "trustee"; the person for whose benefit the confidence is accepted is called the "beneficiary"; the subject-matter of the trust is called "trust property" or "trust money"; "the beneficial interest" or "interest" of the beneficiary is his right against the trustee as owner of the trust property; and the instrument, if any, by which the trust is declared is called the "instrument of trust."

"Breach of trust": a breach of any duty imposed on a trustee, as such, by any law for the time being in force is called a "breach of trust."

A person is said to have "notice" of a fact either when he actually knows that fact, or when, but for wilful abstention from inquiry or gross negligence, he would have known it, or when information of the fact is given to or obtained by his agent.

"Court" means "District Court."

CHAPTER II.

Of the Creation of Trusts.

Lawful purpose.
(I. T. A., s. 4.)

4 A trust may be created for any lawful purpose. The purpose of a trust is lawful, unless it is (a) forbidden by law, or (b) is of such a nature that, if permitted, it would defeat the provisions of any law, or (c) is fraudulent, or (d) involves or implies injury to the person or property of another, or (e) the court regards it as immoral or opposed to public policy.

Every trust of which the purpose is unlawful is void. And where a trust is created for two purposes, of which one is lawful and the other unlawful, and the two purposes cannot be separated, the whole trust is void.

Explanation.—In this section the expression "law" includes where the trust property is immovable and situate in a foreign country, the law of such country.

Illustrations.

(a) A bequeaths property to B in trust to employ it in carrying on a smuggling business, and out of the profits thereof to support A's children. The trust is void.

(b) A, while in insolvent circumstances, transfers property to B in trust for A during his life, and after his death to B. A is declared an insolvent. The trust for A is invalid as against his creditors.

Trust of immovable property.
(I. T. A., s. 5.)

5 Subject to the provisions of section 107, no trust in relation to immovable property is valid unless declared by a non-testamentary instrument in writing signed by the author of the trust or the trustee, or by the will of the author of the trust or of the trustee.

Trust of movable property.

No trust in relation to movable property is valid unless declared as aforesaid, or unless the ownership of the property is transferred to the trustee.

These rules do not apply where they would operate so as to effectuate a fraud.

Creation of trust.
(I. T. A., s. 6.)

6 Subject to the provisions of sections 5 and 107, a trust is created when the author of the trust indicates with reasonable certainty by any words or acts (a) an intention on his part to create thereby a trust, (b) the purpose of the trust, (c) the beneficiary, and (d) the trust property, and (unless the trust is declared by will or the author of the trust is himself to be the trustee) transfers the trust property to the trustee.

Illustrations.

- (a) A bequeaths certain property to B, "having the fullest confidence that he will dispose of it for the benefit of" C. This creates a trust so far as regards A and C.
- (b) A bequeaths certain property to B, "hoping he will continue it in the family." This does not create a trust, as the beneficiary is not indicated with reasonable certainty.
- (c) A bequeaths certain property to B, requesting him to distribute it amongst such members of C's family as B should think most deserving. This does not create a trust, for the beneficiaries are not indicated with reasonable certainty.
- (d) A bequeaths certain property to B, desiring him to divide the bulk of it among C's children. This does not create a trust, for the trust property is not indicated with sufficient certainty.
- (e) A bequeaths a shop and stock in trade to B, on condition that he pays A's debts and a legacy to C. This is a condition, not a trust, for A's creditors and C.

Who may create trusts.
(I. T. A., s. 7.)

7 A trust may be created—

- (a) By every person competent to contract ; and
- (b) With the permission of the court by or on behalf of a minor ;

but subject in each case to the law for the time being in force as to the circumstances and extent in and to which the author of the trust may dispose of the trust property.

Subject of trust.
(I. T. A., s. 8.)

8 The subject-matter of a trust must be property transferable to the beneficiary. It must not be a merely beneficial interest under a subsisting trust.

Who may be beneficiary.

9 Every person capable of holding property may be a beneficiary.

Disclaimer by beneficiary.
(I. T. A., s. 9.)

A proposed beneficiary may renounce his interest under the trust by disclaimer addressed to the trustee, or by setting up, with notice of the trust, a claim inconsistent therewith.

Who may be trustee.
(I. T. A., s. 10.)

10 Every person capable of holding property may be a trustee ; but, where the trust involves the exercise of discretion, he cannot execute it unless he is competent to contract.

No one bound to accept trust.
Acceptance of trust.
Disclaimer of trust.

No one is bound to accept a trust.
A trust is accepted by any words or acts of the trustee indicating with reasonable certainty such acceptance.

Instead of accepting a trust, the intended trustee may, within a reasonable period, disclaim it, and such disclaimer shall prevent the trust property from vesting in him.

A disclaimer by one of two or more co-trustees vests the trust property in the other or others, and makes him or them sole trustee or trustees from the date of the creation of the trust.

Illustrations.

- (a) A bequeaths certain property to B and C, his executors, as trustees for D. B and C prove A's will. This is in itself an acceptance of the trust, and B and C hold the property in trust for D.
- (b) A transfers certain property to B in trust to sell it and to pay out of the proceeds A's debts. B accepts the trust and sells the property. So far as regards B, a trust of the proceeds is created for A's creditors.
- (c) A bequeaths a lakh of rupees to B upon certain trusts and appoints him his executor. B severs the lakh from the general assets and appropriates it to the specific purpose. This is an acceptance of the trust.

CHAPTER III.

Of the Duties and Liabilities of Trustees.

Trustee to
execute trust.
(I. T. A., s. 11.)

11 The trustee is bound to fulfil the purpose of the trust, and to obey the directions of the author of the trust given at the time of its creation, except as modified by the consent of all the beneficiaries being competent to contract.

Where the beneficiary is incompetent to contract, his consent may, for the purposes of this section, be given by the court.

Explanation.—Unless a contrary intention be expressed, the purpose of a trust for the payment of debts shall be deemed to be (a) to pay only the debts of the author of the trust existing and recoverable at the date of the instrument of trust, or, when such instrument is a will, at the date of his death, and (b), in the case of debts not bearing interest, to make such payment without interest.

Illustrations.

- (a) A, a trustee, is simply authorized to sell certain land by public auction. He cannot sell the land by private contract.
- (b) A, a trustee of certain land for X, Y, and Z, is authorized to sell the land to B for a specified sum. X, Y, and Z, being competent to contract, consent that A may sell the land to C for a less sum. A may sell the land accordingly.
- (c) A, a trustee for B and her children, is directed by the author of the trust to lend, on B's request, trust property to B's husband C, on the security of his bond. C becomes insolvent, and B requests A to make the loan. A may refuse to make it.

Trustee to
inform himself
of state of trust
property.
(I. T. A., s. 12.)

12 A trustee is bound to acquaint himself, as soon as possible, with the nature and circumstances of the trust property; to obtain, where necessary, a transfer of the trust property to himself; and (subject to the provisions of the instrument of trust) to get in trust moneys invested on insufficient or hazardous security.

Illustrations.

- (a) The trust property is a debt outstanding on personal security. The instrument of trust gives the trustee no discretionary power to leave the debt so outstanding. The trustee's duty is to recover the debt without unnecessary delay.
- (b) The trust property is money in the hands of one or two co-trustees. No discretionary power is given by the instrument of trust. The other co-trustee must not allow the former to retain the money for a longer period than the circumstances of the case required.

Trustee to
protect title to
trust property.
(I. T. A., s. 13.)

13 A trustee is bound to maintain and defend all such suits, and (subject to the provisions of the instrument of trust) to take such other steps as, regard being had to the nature and amount or value of the trust property, may be reasonably requisite for the preservation of the trust property and the assertion or protection of the title thereto.

Illustration.

The trust property is immovable property, which has been given to the author of the trust by an unregistered instrument. The trustee's duty is to cause the instrument to be registered.

Trustee not to
set up title
adverse to
beneficiary.
(I. T. A., s. 14.)
Care required
from trustee.
(I. T. A., s. 15.)

14 The trustee must not for himself or another set up or aid any title to the trust property adverse to the interest of the beneficiary.

15 A trustee is bound to deal with the trust property as carefully as a man of ordinary prudence would deal with such property if it were his own; and, in the absence of a contract to the contrary, a trustee so dealing is not responsible for the loss, destruction, or deterioration of the trust property.

Illustrations.

- (a) A, living in Colombo, is a trustee for B, living in London. A remits trust funds to B by bills drawn by a person of undoubted credit in favour of the trustee as such and payable at London. The bills are dishonoured. A is not bound to make good the loss.

- (b) A, a trustee of leasehold property, directs the tenant to pay the rents on account of the trust to a banker, B, then in credit. The rents are accordingly paid to B, and A leaves the money with B only till wanted. Before the money is drawn out, B becomes insolvent. A, having had no reason to believe that B was in insolvent circumstances, is not bound to make good the loss.
- (c) A, a trustee of two debts for B, releases one and compounds the other, in good faith, and reasonably believing that it is for B's interest to do so. A is not bound to make good any loss caused thereby to B.
- (d) A, a trustee directed to sell the trust property by auction, sells the same, but does not advertise the sale, and otherwise fails in reasonable diligence in inviting competition. A is bound to make good the loss caused thereby to the beneficiary.
- (e) A, a trustee for B, in execution of his trust, sells the trust property, but from want of due diligence on his part fails to receive part of the purchase money. A is bound to make good the loss thereby caused to B.
- (f) A, a trustee for B of a policy of insurance, has funds in hand for payment of the premiums. A neglects to pay the premiums, and the policy is consequently forfeited. A is bound to make good the loss to B.
- (g) A bequeaths certain moneys to B and C as trustees, and authorizes them to continue trust moneys upon the personal security of a certain firm in which A had himself invested them. A dies, and a change takes place in the firm. B and C must not permit the moneys to remain upon the personal security of the new firm.
- (h) A, a trustee for B, allows the trust to be executed solely by his co-trustee C. C misapplies the trust property. A is personally answerable for the loss resulting to B.

Conversion of perishable property.
(I. T. A., s. 16.)

16 Where the trust is created for the benefit of several persons in succession, and the trust property is of a wasting nature or a future or reversionary interest, the trustee is bound, unless an intention to the contrary may be inferred from the instrument of trust, to convert the property into property of a permanent and immediately profitable character.

Trustee to be impartial.
(I. T. A., s. 17.)

17 Where there are more beneficiaries than one, the trustee is bound to be impartial, and must not execute the trust for the advantage of one at the expense of another.

Where the trustee has a discretionary power, nothing in this section shall be deemed to authorize the court to control the exercise reasonably and in good faith of such discretion.

Illustration.

A, a trustee for B, C, and D, is empowered to choose between several specified modes of investing the trust property. A in good faith chooses one of these modes. The court will not interfere, although the result of the choice may be to vary the relative rights of B, C, and D.

Trustee to prevent waste.
(I. T. A., s. 18.)

18 Where the trust is created for the benefit of several persons in succession, and one of them is in possession of the trust property, if he commits, or threatens to commit, any act which is destructive or permanently injurious thereto, the trustee is bound to take measures to prevent such act.

Accounts and information.
(I. T. A., s. 19.)

19 A trustee is bound (a) to keep clear and accurate accounts of the trust property, and (b) at all reasonable times, at the request of the beneficiary, to furnish him with full and accurate information as to the amount and state of the trust property.

Investment of trust money.
(I. T. A., s. 20.)
(Colonial Stock Act, 1900, s. 2.)

20 Where the trust property consists of money and cannot be applied immediately or at an early date to the purposes of the trust, the trustee is bound (subject to any direction contained in the instrument of trust) to invest the money on the following securities, and on no others :

- (a) In promissory notes, debentures, stock, or other securities of the Government of Ceylon, or of the Government of the United Kingdom, or of the Government of India.
- (b) In bonds, debentures, and annuities charged by the Imperial Parliament on the revenues of India.

(Trustee Act,
1893, s. 1.)

- (c) In any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877, 1892, and 1900, and with respect to which there have been observed such conditions (if any) as the Lords Commissioners of the Treasury of the United Kingdom may, by order notified in the *London Gazette*, prescribe.
- (d) In the debenture or rent charge or guaranteed or preference stock of any railway company in Great Britain or Ireland incorporated by special Act of Parliament, and having during each of the ten years last past before the date of investment paid a dividend at the rate of not less than three per centum per annum on its ordinary stock.
- (e) In stock or debentures of or shares in any railway or other company the interest whereon shall have been guaranteed by the Secretary of State for India in Council.
- (f) On a first mortgage of immovable property situated in Ceylon or the United Kingdom. Provided that the property is not a leasehold for a term of years, and that the value of the property exceeds by one-third, or if consisting of buildings, exceeds by one-half the mortgage moneys.
- (g) On any other security authorized as a trustee investment by the law of England for the time being (other than real or heritable securities).
- (h) On any other security expressly authorized by the instrument of trust or by any rule which the Chief Justice (with the approval of the Governor in Executive Council) may from time to time prescribe in that behalf.

Provided that, where there is a person competent to contract and entitled in possession to receive the income of the trust property for his life, or for any greater estate, no investment on any security mentioned or referred to in clauses (f), (g), and (h) shall be made without his consent in writing.

Saving as to existing investments and investments in Government Savings Bank. (I. T. A., s. 21.)
Sale by trustee directed to sell within specified time. (I. T. A., s. 22.)

21 Nothing in section 20 shall apply to investments made before this Ordinance comes into force, or shall be deemed to preclude, in any case in which the trust money does not exceed three thousand rupees, a deposit thereof in a Government Savings Bank (including the Ceylon Savings Bank).

22 Where a trustee directed to sell within a specified time extends such time, the burden of proving, as between himself and the beneficiary, that the latter is not prejudiced by the extension lies upon the trustee, unless the extension has been authorized by the court.

Illustration.

A bequeaths property to B, directing him with all convenient speed and within five years to sell it, and apply the proceeds for the benefit of C. In the exercise of reasonable discretion, B postpones the sale for six years. The sale is not thereby rendered invalid, but C, alleging that he has been injured by the postponement, institutes a suit against B to obtain compensation. In such suit the burden of proving that C has not been injured lies on B.

Liability for breach of trust. (I. T. A., s. 23.)

23 Where the trustee commits a breach of trust, he is liable to make good the loss which the trust property or the beneficiary has thereby sustained, unless the beneficiary has by fraud induced the trustee to commit the breach, or the beneficiary, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, concurred in the breach, or subsequently acquiesced therein, with full knowledge of the facts of the case and of his rights as against the trustee.

A trustee committing a breach of trust is not liable to pay interest except in the following cases :

- (a) Where he has actually received interest.
- (b) Where the breach consists in unreasonable delay in paying trust money to the beneficiary.
- (c) Where the trustee ought to have received interest, but has not done so.
- (d) Where he may be fairly presumed to have received interest.

He is liable in case (a) to account for the interest actually received, and in cases (b), (c), and (d) to account for simple interest at the rate of six per centum per annum, unless the court otherwise directs.

- (e) Where the breach consists in failure to invest trust money and to accumulate the interest or dividend thereon, he is liable to account for compound interest (with half-yearly rests) at the same rate.
- (f) Where the breach consists in the employment of trust property or the proceeds thereof in trade or business, he is liable to account, at the option of the beneficiary, either for compound interest (with half-yearly rests) at the same rate or for the nett profits made by such employment.

Illustrations.

- (a) A trustee improperly leaves trust property outstanding, and it is consequently lost; he is liable to make good the property lost, but he is not liable to pay interest thereon.
- (b) A bequeaths a house to B in trust to sell it and pay the proceeds to C. B neglects to sell the house for a great length of time, whereby the house is deteriorated and its market price falls. B is answerable to C for the loss.
- (c) A trustee is guilty of unreasonable delay in investing trust money in accordance with section 20, or in paying it to the beneficiary. The trustee is liable to pay interest thereon for the period of the delay.
- (d) The duty of the trustee is to invest trust money in any of the securities mentioned in section 20, clause (a), (b), (c), or (d). Instead of so doing, he retains the money in his hands. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and interest, or with the amount of such securities as he might have purchased with the trust money when the investment should have been made and the intermediate dividends and interest thereon.
- (e) The instrument of trust directs the trustee to invest trust money either in any such securities or on mortgage of immovable property. The trustee does neither. He is liable for the principal money and interest.
- (f) The instrument of trust directs the trustee to invest trust money in any of such securities and to accumulate the dividends thereon. The trustee disregards the direction. He is liable, at the option of the beneficiary, to be charged either with the amount of the principal money and compound interest, or with the amount of such securities as he might have purchased with the trust money when the investment should have been made, together with the amount of the accumulation which would have arisen from a proper investment of the intermediate dividends.
- (g) Trust property is invested in one of the securities mentioned in section 20, clause (a), (b), (c), or (d). The trustee sells such security for some purpose not authorized by the terms of the instrument of trust. He is liable, at the option of the beneficiary, either to replace the security with the intermediate dividends and interest thereon, or to account for the proceeds of the sale with interest thereon.
- (h) The trust property consists of land. The trustee sells the land to a purchaser for a consideration without notice of the trust. The trustee is liable, at the option of the beneficiary, to purchase other land of equal value to be settled upon the like trust, or to be charged with the proceeds of the sale with interest.

No set-off allowed to trustee.
(I. T. A., s. 24.)

24 A trustee who is liable for a loss occasioned by a breach of trust in respect of one portion of the trust property cannot set-off against his liability a gain which has accrued to another portion of the trust property through another and distinct breach of trust.

Non-liability for predecessor's default.
(I. T. A., s. 25.)

25 Where a trustee succeeds another, he is not, as such, liable for the acts or defaults of his predecessor.

Non-liability
for co-trustee's
default.
(I. T. A., s. 26.)

26 Subject to the provisions of sections 13 and 15, one trustee is not, as such, liable for a breach of trust committed by his co-trustee. Provided that, in the absence of an express declaration to the contrary in the instrument of trust, a trustee is so liable—

- (a) Where he has delivered trust property to his co-trustee without seeing to its proper application.
- (b) Where he allows his co-trustee to receive trust property and fails to make due inquiry as to the co-trustee's dealings therewith, or allows him to retain it longer than the circumstances of the case reasonably require.
- (c) Where he becomes aware of a breach of trust committed or intended by his co-trustee, and either actively conceals it, or does not within a reasonable time take proper steps to protect the beneficiary's interest.

Joining in
receipt for
conformity.

A co-trustee who joins in signing a receipt for trust property and proves that he has not received the same is not answerable, by reason of such signature only, for loss or misapplication of the property by his co-trustee.

Illustration.

A bequeaths certain property to B and C, and directs them to sell it and invest the proceeds for the benefit of D. B and C accordingly sell the property, and the purchase money is received by B and retained in his hands. C pays no attention to the matter for two years, and then calls on B to make the investment. B is unable to do so, becomes insolvent, and the purchase money is lost. C may be compelled to make good the amount.

Several liability
of co-trustees.
(I. T. A., s. 27.)

27 Where co-trustees jointly commit a breach of trust, or where one of them by his neglect enables the other to commit a breach of trust, each is liable to the beneficiary for the whole of the loss occasioned by such breach.

Contribution as
between
co-trustees.

But as between the trustees themselves, if one be less guilty than another and has had to refund the loss, the former may compel the latter, or his legal representative to the extent of the assets he has received, to make good such loss, and if all be equally guilty, any one or more of the trustee who has had to refund the loss may compel the others to contribute.

Nothing in this section shall be deemed to authorize a trustee who has been guilty of fraud to institute a suit to compel contribution.

Non-liability of
trustee paying
without notice
of transfer by
beneficiary.
(I. T. A., s. 28.)

28 When any beneficiary's interest becomes vested in another person, and the trustee, not having notice of the vesting, pays or delivers trust property to the person who would have been entitled thereto in the absence of such vesting, the trustee is not liable for the property so paid or delivered.

Liability of
trustee where
beneficiary's
interest is
forfeited to
Government.
(I. T. A., s. 29.)

29 When the beneficiary's interest is forfeited or awarded by legal adjudication to Government, the trustee is bound to hold the trust property to the extent of such interest for the benefit of such person in such manner as the Government may direct in this behalf.

Indemnity of
trustees.
(I. T. A., s. 30.)

30 Subject to the provisions of the instrument of trust and of sections 23 and 26, trustees shall be respectively chargeable only for such moneys, stocks, funds, and securities as they respectively actually receive, and shall not be answerable the one for the other of them, nor for any banker, broker, or other person in whose hands any trust property may be placed, nor for the insufficiency or deficiency of any stocks, funds, or securities, nor otherwise for involuntary losses.

Relief of
trustee from
consequences of
breach of trust.
(Judicial
Trustees Act,
1896, s. 3.)

31 If it appears to the court that a trustee is or may be personally liable for any breach of trust, whether the transaction alleged to be a breach of trust occurred before or after the commencement of this Ordinance, but has acted honestly and reasonably and ought fairly to be excused for the breach of trust, and for omitting to obtain the directions of the court in the matter in which he committed such breach, then the court may relieve the trustee either wholly or partly from personal liability for the same.

CHAPTER IV.

Of the Rights and Powers of Trustees.

- Right to title deed.**
(I. T. A., s. 31.)
- 32** A trustee is entitled to have in his possession the instrument of trust and all the documents of title (if any) relating solely to the trust property.
- Right to reimbursement of expenses.**
(I. T. A., s. 32.)
- 33** Every trustee may reimburse himself, or pay or discharge out of the trust property, all expenses properly incurred in or about the execution of the trust, or the realization, reservation, or benefit of the trust property, or the protection or support of the beneficiary.
- If he pays such expenses out of his own pocket, he has a first charge upon the trust property for such expenses and interest thereon; but such charge (unless the expenses have been incurred with the sanction of the court) shall be enforced only by prohibiting any disposition of the trust property without previous payment of such expenses and interest.
- If the trust property fail, the trustee is entitled to recover from the beneficiary personally on whose behalf he acted, and at whose request, expressed or implied, he made the payment, the amount of such expenses.
- Right to be recouped for erroneous overpayment.**
- Where a trustee has by mistake made an overpayment to the beneficiary, he may reimburse the trust property out of the beneficiary's interest. If such interest fail, the trustee is entitled to recover from the beneficiary personally the amount of such overpayment.
- Right to indemnity from gainer by breach of trust.**
(I. T. A., s. 33.)
- 34** A person other than a trustee who has gained an advantage from a breach of trust must indemnify the trustee to the extent of the amount actually received by such person under the breach; and where he is a beneficiary, the trustee has a charge on his interest for such amount.
- Nothing in this section shall be deemed to entitle a trustee to be indemnified who has, in committing the breach of trust, been guilty of fraud.
- Right to apply to court for opinion in management of trust property.**
(I. T. A., s. 34.)
- 35** Any trustee may, without instituting a suit, apply by petition to the court for its opinion, advice, or direction on any present questions respecting the management or administration of the trust property other than questions of detail, difficulty, or importance, not proper, in the opinion of the court, for summary disposal.
- A copy of such petition shall be served upon, and the hearing thereof may be attended by, such of the persons interested in the application as the court thinks fit.
- The trustee stating in good faith the facts in such petition, and acting upon the opinion, advice, or direction given by the court, shall be deemed, so far as regards his own responsibility, to have discharged his duty as such trustee in the subject-matter of the application.
- The costs of every application under this section shall be in the discretion of the court to which it is made.
- Right to settlement of accounts.**
(I. T. A., s. 35.)
- 36** When the duties of a trustee, as such, are completed, he is entitled to have the accounts of his administration of the trust property examined and settled; and, where nothing is due to the beneficiary under the trust, to an acknowledgment in writing to that effect.
- General authority of trustee.**
(I. T. A., s. 36.)
- 37** In addition to the powers expressly conferred by this Ordinance and by the instrument of trust, and subject to the restrictions, if any, contained in such instrument and to the provisions of section 17, a trustee may do all acts which are reasonable and proper for the realization, protection, or benefit of the trust property, and for the protection or support of a beneficiary who is not competent to contract.
- Power to lease.**
(I. T. A., s. 36.)
- 38** Except with the permission of the court, no trustee shall lease trust property for a term exceeding twenty-one years from the date of executing the lease, nor without reserving the best yearly rent that can be reasonably obtained.
- Power to sell in lots, and either by public auction or private contract.**
(I. T. A., s. 37.)
- 39** Where the trustee is empowered to sell any trust property, he may sell the same, subject to prior charges or not, and either together or in lots, by public auction or private contract, and either at one time or at several times, unless the instrument of trust otherwise directs.

Power to sell under special conditions.
(I. T. A., s. 38.)

Power to buy in and re-sell.

Time allowed for selling trust property.

40 The trustee making any such sale may insert such reasonable stipulations either as to title or evidence of title, or otherwise, in any conditions of sale or contract for sale, as he thinks fit; and may also buy in the property or any part thereof at any sale by auction, and rescind or vary any contract for sale, and re-sell the property so bought in, or as to which the contract is so rescinded, without being responsible to the beneficiary for any loss occasioned thereby.

Where a trustee is directed to sell trust property or to invest trust money in the purchase of property, he may exercise a reasonable discretion as to the time of effecting the sale or purchase.

Illustrations.

(a) A bequeaths property to B, directing him to sell it with all convenient speed and pay the proceeds to C. This does not render an immediate sale imperative.

(b) A bequeaths property to B, directing him to sell it at such time and in such manner as he shall think fit and invest the proceeds for the benefit of C. This does not authorize B, as between him and C, to postpone the sale to an indefinite period.

Power to convey.
(I. T. A., s. 39.)

Power to vary investments.
(I. T. A., s. 40.)

41 For the purpose of completing any such sale, the trustee shall have power to convey or otherwise dispose of the property sold in such manner as may be necessary.

42 A trustee may, at his discretion, call in any trust property invested in any security and invest the same on any of the securities mentioned or referred to in section 20, and from time to time vary any such investments for others of the same nature.

Provided that, where there is a person competent to contract and entitled at the time to receive the income of the trust property for his life, or for any greater estate, no such change of investment shall be made without his consent in writing.

Power to apply property of minors, &c., for their maintenance, &c.
(I. T. A., s. 41.)

43 Where any property is held by a trustee in trust for a minor, such trustee may, at his discretion, pay to the guardians (if any) of such minor, or otherwise apply for or towards his maintenance or education or advancement in life, or the reasonable expenses of his religious worship, marriage, or funeral, the whole or any part of the income to which he may be entitled in respect of such property; and such trustee shall accumulate all the residue of such income by way of compound interest by investing the same and the resulting income thereof from time to time in any of the securities mentioned or referred to in section 20 for the benefit of the person who shall ultimately become entitled to the property from which such accumulations have arisen. Provided that such trustee may at any time, if he thinks fit, apply the whole or any part of such accumulations as if the same were part of the income arising in the then current year.

Where the income of the trust property is insufficient for the minor's maintenance or education or advancement in life, or the reasonable expenses of his religious worship, marriage, or funeral, the trustee may, with the permission of the court, but not otherwise, apply the whole or any part of such property for or towards such maintenance, education, advancement, or expenses.

Power to give receipts.
(I. T. A., s. 42.)

44 Any trustees or trustee may give a receipt in writing for any money, securities, or other movable property payable, transferable, or deliverable to them or him by reason, or in the exercise, of any trust or power; and, in the absence of fraud, such receipt shall discharge the person paying, transferring, or delivering the same therefrom, and from seeing to the application thereof, or being accountable for any loss or misapplication thereof.

Power to compound, &c.
(I. T. A., s. 43.)

45 Two or more trustees acting together may, if and as they think fit—

- (a) Accept any composition or any security for any debt or for any property claimed;
- (b) Allow any time for payment of any debt;
- (c) Compromise, compound, abandon, submit to arbitration, or otherwise settle any debt, account, claim, or thing whatever relating to the trust; and

- (d) For any of those purposes enter into, give, execute, and do such agreements, instruments of composition or arrangement, releases, and other things as to them seem expedient, without being responsible for any loss occasioned by any act or thing so done by them in good faith.

The powers conferred by this section on two or more trustees acting together may be exercised by a sole acting trustee, when by the instrument of trust, if any, a sole trustee is authorized to execute the trusts and powers thereof.

This section applies only if and as far as a contrary intention is not expressed in the instrument of trust if any, and shall have effect subject to the terms of that instrument and to the provisions therein contained.

Nothing in this section shall be deemed to affect the application of the law relating to the property of minors.

Power to several trustees of whom one disclaims or dies.
(I. T. A., s. 44.)

46 When an authority to deal with the trust property is given to several trustees and one of them disclaims or dies, the authority may be exercised by the continuing trustees, unless from the terms of the instrument of trust it is apparent that the authority is to be exercised by a number in excess of the number of the remaining trustees.

Suspension of trustee's power by decree.
(I. T. A., s. 45.)

47 Where a decree has been made in a suit for the execution of a trust, the trustee must not exercise any of his powers except in conformity with such decree, or with the sanction of the court by which the decree has been made, or, where an appeal against the decree is pending, of the Supreme Court.

CHAPTER V.

Of the Disabilities of Trustees.

Trustee cannot renounce after acceptance.
(I. T. A., s. 46.)

48 A trustee who has accepted the trust cannot afterwards renounce it, except—

- (a) With the permission of the court ; or
- (b) If the beneficiary is competent to contract, with his consent ; or
- (c) By virtue of a special power in the instrument of trust.

Trustee cannot delegate.
(I. T. A., s. 47.)

49 A trustee cannot delegate his office or any of his duties either to a co-trustee or to a stranger, unless—

- (a) The instrument of trust so provides ; or
- (b) The delegation is in the regular course of business ; or
- (c) The delegation is necessary ; or
- (d) The beneficiary, being competent to contract, consents to the delegation.

Explanation.—The appointment of an attorney or proxy to do an act merely ministerial and involving no independent discretion is not a delegation within the meaning of this section.

Illustrations.

- (a) A bequeaths certain property to B and C on certain trusts to be executed by them or the survivor of them or the assigns of such survivor. B dies. C may bequeath the trust property to D and E upon the trusts of A's will.
- (b) A is a trustee of certain property with power to sell the same. A may employ an auctioneer to effect the sale.
- (c) A bequeaths to B fifty houses let at monthly rents in trust to collect the rents and pay them to C. B may employ a proper person to collect these rents.

Co-trustees cannot act singly.
(I. T. A., s. 48.)

50 When there are more trustees than one, all must join in the execution of the trust, except where the instrument of trust otherwise provides.

Control of discretionary power.
(I. T. A., s. 49.)

51 Where a discretionary power conferred on a trustee is not exercised reasonably and in good faith, such power may be controlled by the court.

Trustee may not charge for services.
(I. T. A., s. 50 modified.)

52 In the absence of express directions to the contrary contained in the instrument of trust, or of a contract to the contrary entered into with the beneficiary or the court at the time of accepting the trust, or express statutory provision in that behalf, a trustee has no right to remuneration for his trouble, skill, and loss of time in executing the trust.

Trustee may not use trust property for his own profit. (I. T. A., s. 51.)

53 A trustee may not use or deal with the trust property for his own profit or for any other purpose unconnected with the trust.

Trustee for sale or his agent may not buy. (I. T. A., s. 52.)

54 No trustee whose duty it is to sell trust property, and no agent employed by such trustee for the purpose of the sale, may, directly or indirectly, buy the same or any interest therein on his own account or as agent for a third person.

Trustee may not buy beneficiary's interest without permission. (I. T. A., s. 53.)

55 No trustee, and no person who has recently ceased to be a trustee, may, without the permission of the court, buy or become mortgagee or lessee of the trust property or any part thereof; and such permission shall not be given unless the proposed purchase, mortgage, or lease is manifestly for the advantage of the beneficiary.

Trustee for purchase.

And no trustee whose duty it is to buy or to obtain a mortgage or lease of particular property for the beneficiary may buy it or any part thereof, or obtain a mortgage or lease of it or any part thereof for himself.

Co-trustees may not lend to one of themselves. (I. T. A., s. 54.)

56 A trustee or co-trustee whose duty it is to invest trust money on mortgage or personal security must not invest it on a mortgage by, or on the personal security of, himself or one of his co-trustees.

CHAPTER VI.

Of the Rights and Liabilities of the Beneficiary.

Right to rents and profits. (I. T. A., s. 55.)

57 The beneficiary has, subject to the provisions of the instrument of trust, a right to the rents and profits of the trust property.

Right to specific execution. (I. T. A., s. 56.)

58 The beneficiary is entitled to have the intention of the author of the trust specifically executed to the extent of the beneficiary's interest.

Right to transfer of possession.

And, where there is only one beneficiary and he is competent to contract, or where there are several beneficiaries and they are competent to contract, and all of one mind, he or they may require the trustee to transfer the trust property to him or them, or to such person as he or they may direct.

Illustrations.

- (a) Certain Government securities are given to trustees upon trust to accumulate the interest until A attains majority, and then to transfer the gross amount to him. A on attaining majority may, as the person exclusively interested in the trust property, require the trustees to transfer it immediately to him.
- (b) A bequeaths Rs. 10,000 to trustees upon trust to purchase an annuity for B, who has attained his majority and is otherwise competent to contract. B may claim the Rs. 10,000.
- (c) A transfers certain property to B and directs him to sell or invest it for the benefit of C, who is competent to contract. C may elect to take the property in its original character.

Right to inspect and take copies of instrument of trust, accounts, &c. (I. T. A., s. 57.)

59 The beneficiary has a right, as against the trustee and all persons claiming under him with notice of trust, to inspect and take copies of the instrument of trust, the documents of title relating solely to the trust property, the accounts of the trust property and the vouchers (if any) by which they are supported, and the cases submitted and opinions taken by the trustee for his guidance in the discharge of his duty.

Right to transfer beneficial interest. (I. T. A., s. 58.)

60 The beneficiary, if competent to contract, may transfer his interest, but subject to the law for the time being in force as to the circumstances and extent in and to which he may dispose of such interest.

Right to sue for execution of trust. (I. T. A., s. 59.)

61 When no trustees are appointed, or all the trustees die, disclaim, or are discharged, or where for any other reason the execution of a trust by the trustee is or becomes impracticable, the beneficiary may institute a suit for the execution of the trust, and the trust shall, so far as may be possible, be executed by the court until the appointment of a trustee or new trustee.

Right to proper trustees.
(I. T. A., s. 60 modified.)

62 The beneficiary has a right (subject to the provisions of the instrument of trust) that the trust property shall be properly protected and held and administered by proper persons and by a proper number of such persons.

Explanation 1.—The following are not proper persons within the meaning of this section :—A person domiciled abroad ; an alien enemy ; a person having an interest inconsistent with that of the beneficiary ; a person in insolvent circumstances ; a minor.

Explanation 2.—When the administration of the trust involves the receipt and custody of money, the number of trustees should be two at least.

Illustrations.

- (a) A, one of several beneficiaries, proves that B, the trustee, has improperly disposed of part of the trust property, or that the property is in danger from B's being in insolvent circumstances, or that he is incapacitated from acting as trustee. A may obtain a receiver of the trust property.
- (b) A bequeaths certain jewels to B in trust for C. B dies during A's lifetime ; then A dies. C is entitled to have the property conveyed to a trustee for him.
- (c) A conveys certain property to four trustees in trust for B. Three of the trustees die. B may institute a suit to have three new trustees appointed in the place of the deceased trustees.
- (d) A conveys certain property to three trustees in trust for B. All the trustees disclaim. B may institute a suit to have three trustees appointed in place of the trustees so disclaiming.
- (e) A, a trustee for B, refuses to act, or goes to reside permanently out of Ceylon, or is declared an insolvent, or compounds with his creditors, or suffers a co-trustee to commit a breach of trust. B may institute a suit to have A removed and a new trustee appointed in his room.

Right to compel to any act of duty.
(I. T. A., s. 61.)

63 The beneficiary has a right that his trustee shall be compelled to perform any particular act of his duty as such, and restrained from committing any contemplated or probable breach of trust.

Illustrations.

- (a) A contracts with B to pay him monthly Rs. 100 for the benefit of C. B writes and signs a letter declaring that he will hold in trust for C the money so to be paid. A fails to pay the money in accordance with his contract. C may compel B on a proper indemnity to allow C to sue on the contract in B's name.
- (b) A is trustee of certain land, with a power to sell the same and pay the proceeds to B and C equally. A is about to make an improvident sale of the land. B may sue on behalf of himself and C for an injunction to restrain A from making the sale.

Wrongful purchase by trustee.
(I. T. A., s. 62.)

64 Where a trustee has wrongfully bought trust property, the beneficiary has a right to have the property declared subject to the trust, or re-transferred by the trustee if it remains in his hands unsold, or, if it has been bought from him by any person with notice of the trust, by such person. But in such case the beneficiary must repay the purchase money paid by the trustee, with interest and such other expenses (if any) as he has properly incurred in the preservation of the property ; and the trustee or purchaser must (a) account for the nett profits of the property, (b) be charged with an occupation rent if he has been in actual possession of the property, and (c) allow the beneficiary to deduct a proportionate part of the purchase money if the property has been deteriorated by the acts or omissions of the trustee or purchaser.

Nothing in this section—

- (a) Impairs the rights of lessees and others who, before the institution of a suit to have the property declared subject to the trust or re-transferred, have contracted in good faith with the trustee or purchaser ; or
- (b) Entitles the beneficiary to have the property declared subject to the trustee or re-transferred where he, being competent to contract, has himself, without coercion or undue influence having been brought to bear on him, ratified the sale to the trustee with full knowledge of the facts of the case and of his rights as against the trustee.

Following trust property into the hands of third persons; (I. T. A., s. 63) into that into which it has been converted.

65 Where trust property comes into the hands of a third person inconsistently with the trust, the beneficiary may require him to admit formally, or may institute a suit for a declaration, that the property is comprised in the trust.

Where the trustee has disposed of trust property, and the money or other property which he has received therefor can be traced in his hands or the hands of his legal representative or legatee, the beneficiary has, in respect thereof, rights as nearly as may be the same as his rights in respect of the original trust property.

Illustrations.

(a) A, a trustee for B of Rs. 10,000, wrongfully invests the Rs. 10,000 in the purchase of certain land. B is entitled to the land.

(b) A, a trustee, wrongfully purchases land in his own name, partly with his own money, partly with money subject to a trust for B. B is entitled to a charge on the land for the amount of the trust money so misemployed.

Saving of rights of certain transferees. (I. T. A., s. 64.)

66 Nothing in section 65 entitles the beneficiary to any right in respect of property in the hands of—

(a) A transferee in good faith for consideration without having notice of the trust, either when the purchase money was paid, or when the conveyance was executed; or

(b) A transferee for consideration from such a transferee.

A judgment-creditor of the trustee attaching and purchasing trust property is not a transferee for consideration within the meaning of this section.

Nothing in section 65 applies to money, currency notes, or negotiable instruments in the hands of a *bona fide* holder to whom they have passed in circulation, or shall be deemed to affect the rights of any holder in good faith for consideration of any document of title which by law passes to ownership of goods to which it relates by endorsement or delivery, or the liability of a person to whom a debt or charge is transferred, or the right of a person who holds property under a title declared indefeasible by statute or of his successor in title.

Acquisition by trustee of trust property wrongfully converted. (I. T. A., s. 65.)

67 Where a trustee wrongfully sells or otherwise transfers trust property and afterwards himself becomes the owner of the property, the property again becomes subject to the trust, notwithstanding any want of notice on the part of intervening transferees in good faith for consideration.

Right in case of blended property. (I. T. A., s. 66.)

68 Where the trustee wrongfully mingles the trust property with his own, the beneficiary is entitled to a charge on the whole fund for the amount due to him.

Wrongful employment by partner trustee of trust property for partnership purposes. (I. T. A., s. 67.)

69 If a partner, being a trustee, wrongfully employs trust property in the business or on the account of the partnership, no other partner is liable therefor in his personal capacity to the beneficiaries unless he had notice of the breach of trust. The partners having such notice are jointly and severally liable for the breach of trust.

Illustrations.

(a) A and B are partners. A dies, having bequeathed all his property to B in trust for Z, and appointed B his sole executor. B, instead of winding up the affairs of the partnership, retains all the assets in the business. Z may compel him, as partner, to account for so much of the profits as are derived from A's share of the capital. B is also answerable to Z for the improper employment of A's assets.

(b) A, a trader, bequeaths his property to B in trust for C, appoints B his sole executor, and dies. B enters into partnership with X and Y in the same trade, and employs A's assets in the partnership business. B gives an indemnity to X and Y against the claims of C. Here X and Y are jointly liable with B to C as having knowingly become parties to the breach of trust committed by B.

Liability of beneficiary joining in breach of trust. (I. T. A., s. 68.)

- 70 Where one of several beneficiaries—
- (a) Joins in committing breach of trust ; or
 - (b) Knowingly obtains any advantage therefrom without the consent of the other beneficiaries ; or
 - (c) Becomes aware of a breach of trust committed or intended to be committed, and either actually conceals it, or does not within a reasonable time take proper steps to protect the interests of the other beneficiaries ; or
 - (d) Has deceived the trustee and thereby induced him to commit a breach of trust,

the other beneficiaries are entitled to have all his beneficial interest impounded as against him and all who claim under him (otherwise than as transferees for consideration without notice of the breach) until the loss caused by the breach has been compensated.

Rights and liabilities of beneficiary's transferee. (I. T. A., s. 69.)

71 Every person to whom a beneficiary transfers his interests has the rights, and is subject to the liabilities, of the beneficiary in respect of such interest at the date of the transfer.

CHAPTER VII.

Of vacating the Office of Trustee.

Office how vacated. (I. T. A., s. 70.)
Discharge of trustee. (I. T. A., s. 71.)

72 The office of a trustee is vacated by his death or by his discharge from his office.

73 A trustee may be discharged from his office only as follows :

- (a) By the extinction of the trust ;
- (b) By the completion of his duties under the trust ;
- (c) By such means as may be prescribed by the instrument of trust or by any scheme under this Ordinance ;
- (d) By appointment under this Ordinance of a new trustee in his place ;
- (e) By consent of himself and the beneficiary, or, where there are more beneficiaries than one, all the beneficiaries being competent to contract ; or
- (f) By the court.

Petition to be discharged from trust. (I. T. A., s. 72.)

74 Notwithstanding the provisions of section 11, every trustee may apply by petition to the court to be discharged from his office ; and, if the court finds that there is sufficient reason for such discharge, it may discharge him accordingly, and direct his costs to be paid out of the trust property. But where there is no such reason, the court shall not discharge him, unless a proper person can be found to take his place.

Appointment of new trustees on death, &c. (I. T. A., s. 73.)

75 Whenever any person appointed a trustee disclaims, or any trustee, either original or substituted, dies, or is for a continuous period of six months absent from Ceylon, or leaves Ceylon for the purpose of residing abroad, or is declared an insolvent, or desires to be discharged from the trust, or refuses or becomes, in the opinion of the court, unfit or personally incapable to act in the trust, or accepts an inconsistent trust, a new trustee may be appointed in his place by—

- (a) The person nominated for that purpose by the instrument of trust (if any) ; or
- (b) If there be no such person, or no such person able and willing to act, the author of the trust if he be alive and competent to contract, or the surviving or continuing trustees or trustee for the time being, or legal representative of the last surviving and continuing trustee, or (with the consent of the court) the retiring trustees, if they all retire simultaneously or (with the like consent) the last retiring trustee.

Every such appointment shall be by writing under the hand of the person making it.

On an appointment of a new trustee, the number of trustees may be increased.

The provisions of this section relative to a trustee who is dead include the case of a person nominated trustee in a will but dying before the testator, and those relative to a continuing trustee include a refusing or retiring trustee if willing to act in the execution of the power.

Appointment
by court.
(I. T. A., s. 74.)

76 Whenever any such vacancy or disqualification occurs, and it is found impracticable to appoint a new trustee under section 75, the beneficiary may, without instituting a suit, apply by petition to the court for the appointment of a trustee or a new trustee, and the court may appoint a trustee or a new trustee accordingly.

Rules for
selecting new
trustees.

In appointing new trustees, the court shall have regard—

- (a) To the wishes of the author of the trust as expressed in or to be inferred from the instrument of trust ;
- (b) To the wishes of the person, if any, empowered to appoint new trustees ;
- (c) To the question whether the appointment will promote or impede the execution of the trust ; and
- (d) Where there are more beneficiaries than one, to the interests of all such beneficiaries.

Vesting of trust
property in new
trustees.
(I. T. A., s. 75.)

77 Whenever any new trustee is appointed under section 75 or section 76, all the trust property for the time being vested in the surviving or continuing trustees or trustee, or in the legal representatives of any trustee, shall become vested in such new trustee, either solely or jointly with the surviving or continuing trustees or trustee, as the case may require.

Powers of new
trustees.

Every new trustee so appointed, and every trustee appointed by a court either before or after the passing of this Ordinance, shall have the same powers, authorities, and discretions, and shall in all respects act as if he had been originally nominated a trustee by the author of the trust.

Survival of
trust.
(I. T. A., s. 76.)

78 On the death or discharge of one of several co-trustees, the trust survives, and the trust property passes to the others, unless the instrument of trust expressly declares otherwise.

CHAPTER VIII.

Of the Extinction of Trusts.

Trust how
extinguished.
(I. T. A., s. 77.)

79 A trust is extinguished—

- (a) When its purpose is completely fulfilled ; or
- (b) When its purpose becomes unlawful ; or
- (c) When the fulfilment of its purpose becomes impossible by destruction of the trust property or otherwise ; or
- (d) When the trust, being revocable, is expressly revoked.

Revocation of
trust.
(I. T. A., s. 78.)

80 A trust created by will may be revoked at the pleasure of the testator.

A trust otherwise created can be revoked only—

- (a) Where all the beneficiaries are competent to contract, by their consent ;
- (b) Where the trust has been declared by a non-testamentary instrument or by word of mouth, in exercise of a power of revocation expressly reserved to the author of the trust ; or
- (c) Where the trust is for the payment of the debts of the author of the trust, and has not been communicated to the creditors, at the pleasure of the author of the trust.

Illustration.

A conveys property to B in trust to sell the same and pay out of the proceeds the claims of A's creditors. A reserves no power of revocation. If no communication has been made to the creditors, A may revoke the trust. But if the creditors are parties to the arrangement, the trust cannot be revoked without their consent.

Revocation not
to defeat what
trustees have
duly done.
(I. T. A., s. 79.)

81 No trust can be revoked by the author of the trust so as to defeat or prejudice what the trustees may have duly done in execution of the trust.

CHAPTER IX.

Constructive Trusts.

Where obligation
in nature of trust
is created.
(I. T. A., s. 80.)

82 An obligation in the nature of a trust (hereinafter referred to as a "constructive trust") is created in the following cases.

Where it does not appear that transferor intended to dispose of beneficial interest.

(I. T. A., s. 81.)

83 Where the owner of property transfers or bequeaths it, and it cannot be inferred consistently with the attendant circumstances that he intended to dispose of the beneficial interest therein, the transferee or legatee must hold such property for the benefit of the owner or his legal representative.

Illustrations.

- (a) A conveys land to B without consideration and declares no trust of any part. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the land. B holds the land for the benefit of A.
- (b) A conveys to B two fields, Y and Z, and declares a trust of Y, but says nothing about Z. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in Z. B holds Z for the benefit of A.
- (c) A transfers certain stock belonging to him into the joint names of himself and B. It cannot, consistently with the circumstances under which the transfer is made, be inferred that A intended to transfer the beneficial interest in the stock during his life. A and B hold the stock for the benefit of A during his life.
- (d) A makes a gift of certain land to his wife B. She takes the beneficial interest in the land free from any trust in favour of A, for it may be inferred from the circumstances that the gift was for B's benefit.

Transfer to one for consideration paid by another.

(I. T. A., s. 82.)

84 Where property is transferred to one person for a consideration paid or provided by another person, and it appears that such other person did not intend to pay or provide such consideration for the benefit of the transferee, the transferee must hold the property for the benefit of the person paying or providing the consideration.

Trust incapable of execution or executed without exhausting trust property.

(I. T. A., s. 83.)

85 Where a trust is incapable of being executed, or where the trust is completely executed without exhausting the trust property, the trustee, in the absence of a direction to the contrary, must hold the trust property, or so much thereof as is unexhausted, for the benefit of the author of the trust or his legal representative.

Illustrations.

- (a) A conveys certain land to B—
 “Upon trust,” and no trust is declared; or
 “Upon trust to be thereafter declared,” and no such declaration is ever made; or
 Upon trusts that are too vague to be executed; or
 Upon trusts that become incapable of taking effect; or
 “In trust for C,” and C renounces his interest under the trust.

In each of these cases B holds the land for the benefit of A.

- (b) A transfers Rs. 10,000 in the four per cents. to B, in trust to pay the interest annually accruing due to C for her life. A dies. Then C dies. B holds the fund for the benefit of A's legal representatives.
- (c) A conveys land to B upon trust to sell it and apply one moiety of the proceeds for certain charitable purposes, and the other for the maintenance of the worship of an idol. B sells the land, but the charitable purposes wholly fail, and the maintenance of the worship does not exhaust the second moiety of the proceeds. B holds the first moiety and the part unapplied of the second moiety for the benefit of A or his legal representative.
- (d) A bequeaths Rs. 10,000 to B, to be laid out in buying land to be conveyed for purposes which either wholly or partially fail to take effect. B holds for the benefit of A's legal representative the undisposed of interest in the money or land if purchased.

Transfer for illegal purpose.

(I. T. A., s. 84.)

86 Where the owner of property transfers it to another for an illegal purpose, and such purpose is not carried out into execution, or the transferor is not as guilty as the transferee, or the effect of permitting the transferee to retain the property might be to defeat the provisions of any law, the transferee must hold the property for the benefit of the transferor.

Bequest for illegal purpose.

(I. T. A., s. 85.)

87 Where a testator bequeaths certain property upon trust, and the purpose of the trust appears on the face of the will to be unlawful, or during the testator's lifetime the legatee agrees with him to apply the property for an unlawful purpose, the legatee must hold the property for the benefit of the testator's legal representative.

Bequest of which revocation is prevented by coercion.

Transfer pursuant to rescindable contract.

(I. T. A., s. 86.)

Debtor becoming creditor's representative.

(I. T. A., s. 87.)

Advantage gained by fiduciary.

(I. T. A., s. 88.)

Where property is bequeathed and the revocation of the bequest is prevented by coercion, the legatee must hold the property for the benefit of the testator's legal representative.

88 Where property is transferred in pursuance of a contract which is liable to rescission or induced by fraud or mistake, the transferee must, on receiving notice to that effect, hold the property for the benefit of the transferor, subject to repayment by the latter of the consideration actually paid.

89 Where a debtor becomes the executor or other legal representative of his creditor, he must hold the debt for the benefit of the persons interested therein.

90 Where a trustee, executor, partner, agent, director of a company, legal adviser, or other person bound in a fiduciary character to protect the interests of another person, by availing himself of his character, gains for himself any pecuniary advantage, or where any person so bound enters into any dealings under circumstances in which his own interests are, or may be, adverse to those of such other person and thereby gains for himself a pecuniary advantage, he must hold for the benefit of such other person the advantage so gained.

Illustrations.

- (a) A, an executor, buys at an under-value from B, a legatee, his claim under the will. B is ignorant of the value of the bequest. A must hold for the benefit of B the difference between the price and value.
- (b) A, a trustee, retires from his trust in consideration of his successor paying him a sum of money. A holds such money for the benefit of his beneficiary.
- (c) A, a partner, buys land in his own name with funds belonging to the partnership. A holds such land for the benefit of the partnership.
- (d) A, a partner, employed on behalf of himself and his co-partners in negotiating the terms of a lease, clandestinely stipulates with the lessor for payment to himself of a lakh of rupees. A holds the lakh for the benefit of the partnership.
- (e) A and B are partners. A dies. B, instead of winding up the affairs of the partnership, retains all the assets in the business. B must account to A's legal representative for the profits arising from A's share of the capital.
- (f) A, an agent employed to obtain a lease for B, obtains the lease for himself. A holds the lease for the benefit of B.
- (g) A, a guardian, buys up for himself incumbrances on his ward B's estate at an under-value. A holds for the benefit of B the incumbrances so bought, and can only charge him with what he has actually paid.

Advantage gained by exercise of undue influence.

(I. T. A., s. 89.)

Advantage gained by qualified owner.

(I. T. A., s. 90.)

91 Where, by the exercise of undue influence, any advantage is gained in derogation of the interests of another, the person gaining such advantage without consideration, or with notice that such influence has been exercised, must hold the advantage for the benefit of the person whose interests have been so prejudiced.

92 Where a tenant for life, co-owner, mortgagee, or other qualified owner of any property, by availing himself of his position as such, gains an advantage in derogation of the rights of the other persons interested in the property, or where any such owner, as representing all persons interested in such property, gains any advantage, he must hold, for the benefit of all persons so interested, the advantage so gained, but subject to repayment by such person of their due share of the expenses properly incurred, and to an indemnity by the same persons against liabilities properly contracted, in gaining such advantage.

Illustrations.

- (a) A, the tenant for life of leasehold property, renews the lease in his own name and for his own benefit. A holds the renewed lease for the benefit of all those interested in the old lease.
- (b) A mortgages land to B, who enters into possession. B allows taxes due on the land to fall into arrear with a view to the land being put up for sale and his becoming himself the purchaser of it. The land is accordingly sold to B. Subject to the repayment of the amount due on the mortgage and of his expenses properly incurred as mortgagee, B holds the land for the benefit of A.

Property acquired with notice of existing contract.
(I. T. A., s. 91.)

Purchase by person contracting to buy property to be held on trust.
(I. T. A., s. 92.)

Advantage secretly gained by one of several compounding creditors.
(I. T. A., s. 93.)

Constructive trusts in cases not expressly provided for.
(I. T. A., s. 94.)

Obligor's duties, liabilities, and disabilities.
(I. T. A., s. 95.)

Saving rights of *bona fide* purchasers.
(I. T. A., s. 96.)

Special definitions.

93 Where a person acquires property with notice that another person has entered into an existing contract affecting that property, of which specific performance could be enforced, the former must hold the property for the benefit of the latter to the extent necessary to give effect to the contract.

94 Where a person contracts to buy property to be held on trust for certain beneficiaries and buys the property accordingly, he must hold the property for their benefit to the extent necessary to give effect to the contract.

95 Where creditors compound the debts due to them, and one of such creditors, by a secret arrangement with the debtor, gains an undue advantage over his co-creditors, he must hold for the benefit of such creditors the advantage so gained.

96 In any case not coming within the scope of any of the preceding sections where there is no trust, but the person having possession of property has not the whole beneficial interest therein, he must hold the property for the benefit of the persons having such interest, or the residue thereof (as the case may be), to the extent necessary to satisfy their just demands.

Illustrations.

- (a) A, an executor, distributes the assets of his testator B to the legatees without having paid the whole of B's debts. The legatees hold for the benefit of B's creditors, to the extent necessary to satisfy their just demands, the assets so distributed.
- (b) A by mistake assumes the character of a trustee for B, and under colour of the trust receives certain money. B may compel him to account for such moneys.
- (c) A makes a gift of a lakh of rupees to B, reserving to himself, with B's assent, power to revoke at pleasure the gift as to Rs. 10,000. The gift is void as to Rs. 10,000, and B holds that sum for the benefit of A.

97 The person holding property in accordance with any of the preceding sections of this chapter must, so far as may be, perform the same duties, and is subject, so far as may be, to the same liabilities and disabilities, as if he were a trustee of the property for the person for whose benefit he holds it.

Provided that (a) where he rightfully cultivates the property or employs it in trade or business, he is entitled to reasonable remuneration for his trouble, skill, and loss of time in such cultivation or employment; and (b) where he holds the property by virtue of a contract with a person for whose benefit he holds it, or with any one through whom such person claims, he may, without the permission of the court, buy or become lessee or mortgagee of the property or any part thereof.

98 Nothing contained in this chapter shall impair the rights of transferees in good faith for consideration, or create an obligation in evasion of any law for the time being in force.

CHAPTER X.

Charitable Trusts.

99 The expression "charitable trust" includes any trust for the benefit of the public or any section of the public within or without the Colony of any of the following categories:

- (a) For the relief of poverty; or
- (b) For the advancement of education or knowledge; or
- (c) For the advancement of religion or the maintenance of religious rites and practices; or
- (d) For any other purposes beneficial to mankind not falling within the preceding categories.

The expression "adaptation" with reference to a trust, means adaptation of the trust in such a manner as to carry out the wishes of the author of the trust as nearly as practicable, according to the doctrine of *cy-près*, where it is not possible to carry out those wishes in the exact manner prescribed by the instrument of trust.

The expression "settlement of a scheme" includes variation of a scheme previously settled.

General powers
of the court.

100 The court shall have the same power for the establishment, regulation, protection, and adaptation of all "charitable trusts" (as defined by this Ordinance) as are exercised with reference to "charitable trusts" within the meaning of English law by the High Court of Justice in England.

Actions for
carrying into
effect trusts for
public charity.
(Civil Procedure
Code, s. 639.)

101 In case of any alleged breach of any express or constructive charitable trust (not being a religious trust), or whenever the direction of the court is deemed necessary for the administration of any such trust, the Attorney-General acting *ex officio*, or two or more persons having an interest in the trust, and having obtained the consent in writing of the Attorney-General, may institute an action in the court within the local limits of whose civil jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

- (a) Removing any trustees or trustee of the charity and, if necessary, appointing new trustees thereof ;
- (b) Directing accounts and inquiries ;
- (c) Declaring what proportion of the trust property or of the interest therein shall be allocated to any particular object of the trust ;
- (d) Authorizing the whole or any part of the trust property to be let, sold, mortgaged, or exchanged ;
- (e) Settling a scheme for the management of the trust ;
- (f) Granting such further or other relief as the nature of the case may require.

Suits by persons
interested in
religious trusts.

102 (1) Subject to the conditions of sub-section (3) hereof, any five persons interested in any place of worship, or in any religious establishment or place of religious resort, or in the performance of the worship or of the service thereof, or the trusts, express or constructive, relating thereto, may, without joining as plaintiff any of the other persons interested, institute an action in the court within the local limits of whose civil jurisdiction any such place or establishment is situate to obtain a decree—

- (a) Settling a scheme for the management of the trusts thereof ;
- (b) Vesting any property in the trustees ;
- (c) Directing accounts and inquiries ;
- (d) Declaring what proportion of the trust property or of any interest therein shall be allocated to any particular object of the trust ;
- (e) Declaring any trustee, manager, or superintendent of such place or establishment, or member of any committee of management, guilty of any misfeasance, breach of trust, or neglect of duty ;
- (f) Awarding damages and costs against any such trustee, manager, superintendent, or member of a committee in respect of any such misfeasance, breach of trust, or neglect of duty ;
- (g) Directing the removal of any trustee, manager, superintendent, or member of a committee ;
- (h) Directing the specific performance of any act by any trustee, manager, superintendent, or member of a committee ;
- (i) Granting such other further relief as the nature of the case may require.

(2) The interest required in order to entitle a person to sue under this section need not be a pecuniary or a direct or immediate interest, or such an interest as would entitle the person suing to take any part in the management or superintendence of the trust. Any person who for a period of not less than twelve months has been in the habit of attending at the performance of the worship or services of, or connected with, the place or establishment in question, or of contributing to the general or any special expenses incidental to such worship or services, or of partaking in the benefit of any distribution of alms thereat, or in connection therewith, or of otherwise enjoying the benefit of the trust, shall be deemed to be a person interested within the meaning of this section.

(3) to (8)
(original).

(3) No action shall be entertained under this section unless the plaintiffs shall have previously presented a petition to the Government Agent or Assistant Government Agent of the Province or district in which such place or establishment is

situate praying for the appointment of a commissioner or commissioners to inquire into the subject-matter of the plaint, and unless the Government Agent or the Assistant Government Agent shall have certified that an inquiry has been held in pursuance of the said petition, and that the commissioner or commissioners (or a majority of them) has reported—

- (a) That the subject-matter of the plaint is one that calls for the action of the court ; and
- (b) Either that it has not proved possible to bring about an amicable settlement of the questions involved, or that the action of the court is required for the purpose of giving effect to any amicable settlement that has been arrived at.

(4) It shall be the duty of the Government Agent or Assistant Government Agent, in any case in which he shall have good reason to believe that the persons presenting such petition, or any five of them are persons interested within the meaning of sub-section (2) of this section, for which purpose he may require to be satisfied by affidavit or otherwise, to appoint a commissioner or commissioners for the purpose of the inquiry, and for this purpose he may appoint himself as a commissioner or as one of the commissioners.

Provided that the Government Agent or Assistant Government Agent may in any case in his discretion decline to appoint a commissioner or commissioners for the purpose of such an inquiry, but in any such case he shall report the fact that he has so declined and his reasons for so declining to the Governor.

Provided further, that the Government Agent or Assistant Government Agent may require the petitioners to deposit with him an amount sufficient to cover the reasonable expenses of the commissioner or commissioners in respect of travelling expenses and subsistence incidental to the inquiry prayed for, and any such costs certified by the Government Agent or Assistant Government Agent to have been properly incurred for the purposes of the inquiry and to have been retained out of any sum so deposited shall be deemed to be costs in the action.

(5) It shall be the duty of any commissioner or commissioners appointed for the purpose of any such inquiry to render a report in terms of sub-section (3) hereof within such time as shall be specified for the purpose by the Government Agent or Assistant Government Agent, or within such further time as he may from time to time authorize.

(6) The report shall be filed in the office of the Government Agent or Assistant Government Agent, and the petitioners and the trustee shall be entitled, on payment of the usual copying charges, to be furnished with a copy thereof.

(7) The court shall not be precluded from amending the plaint so as to include therein any matter arising in the course of the proceedings by the fact that such matter was not included in the petition to the Government Agent or Assistant Government Agent, if it shall be of opinion that in all the circumstances of the case such matter may be equitably included in the action.

(8) This section shall not apply to any Christian religious trusts.

103 (1) In any action instituted under the last preceding section, it shall be lawful for the court—

- (a) On the application of the parties or of its own motion, to order any matter in difference therein to be referred for decision to one or more arbitrators ;
- (b) To appoint a committee for the purpose of making an inquiry and reporting to the court with reference to any matter involved in the action or arising in the course thereof, or for the purpose of assisting the court in the exercise of its powers under the last preceding section, or for the settlement or adjustment of any matter involved in the action or arising in the course thereof.

Power to refer matter for arbitration or inquiry.

(b) (original).

(2) In any case in which the court orders any matter in difference to be referred for arbitration of its own motion, the provisions of the Civil Procedure Code shall in all respects apply to such order and arbitration in the same manner as if such order had been made on the application of the parties.

Powers of
commissioners,
&c.
(Original.)

104 (1) The following persons, that is to say—

- (a) Any commissioner or commissioners appointed under section 102 (4);
- (b) Any persons directed to make inquiries under section 102 (1) (c);
- (c) Any arbitrator or committee appointed under section 103,

shall, in addition to any other powers necessary for the effective discharge of the duties imposed upon such persons, have the following powers, that is to say—

- (i.) To summon witnesses;
- (ii.) To administer oaths or affirmations;
- (iii.) To require the trustee or any witness summoned for the purpose to give all particulars that may be within his knowledge relating to any immovable property which is or ought to be comprised in the trust, the offerings received for the purposes of the trust, the expenses incidental to its administration, and the manner in which it is conducted.

(2) Any person who, without due excuse, the proof of which shall lie on him, shall make default in complying with any summons authorized under this section, or who shall refuse to answer to the best of his ability any question or inquiry addressed to him under the provisions of this section, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding two hundred rupees.

Power of court
as to accounts.
(Original.)

105 In the exercise of its powers under section 102, without prejudice to its general powers under that section, the court may—

- (a) Order any trustee of any place or establishment therein mentioned to file accounts for a period not exceeding years prior to the date of the order;
- (b) Hold or direct an inquiry into the accounts so filed;
- (c) Surcharge and falsify any item in the accounts;
- (d) Require the trustee to make good any defalcation, irregular payment, or deficiency;
- (e) In any case in which it shall be satisfied that owing to the manner in which the trust incidental to such place or establishment has been conducted in the past it is not possible for the trustee to furnish accounts, require as a condition of the continuance of the trustee in his office that he shall deposit for the purposes of the trust a specified amount not exceeding the amount for which, in the opinion of the court after inquiry into all the circumstances of the case, he may be reasonably held to be responsible;
- (f) Indemnify the trustee on such terms as it may deem equitable in respect of any past neglects, misfeasances, or irregularities;
- (g) Direct the manner in which all future accounts shall be kept.

Application of
religious law.
(Original.)

106 In settling any scheme for the management of any trust under section 102, or in determining any question relating to—

- (a) The constitution or existence of any such trust;
- (b) The devolution of the trusteeship, the court shall have regard—
 - (i.) To the instrument of trust (if any);
 - (ii.) To the religious law and custom of the community concerned;
 - (iii.) To the local custom or practice with reference to the particular trust concerned.

- De facto* trusts.
(Original.) **107** In dealing with any property alleged to be subject to a charitable trust, the court shall not be debarred from exercising any of its powers by the absence of evidence of the formal constitution of the trust, if it shall be of opinion from all the circumstances of the case that a trust in fact exists, or ought to be deemed to exist.
- Special powers of court.
(Original.) **108** In settling any scheme for the management of a charitable trust (without prejudice to its general powers), the court shall have the powers following :
(a) To provide for the periodical auditing of the accounts of the trust property by auditors appointed by or subject to the approval of the court, or otherwise as the court may deem expedient ;
(b) To provide for the visitation of the charity ;
(c) To provide for the settlement of the remuneration of the trustee.
- Group of trusts.
(Original.) **109** The court may exercise the same powers under section 102 with reference to any group of trusts, as it is authorized in this chapter to exercise in the case of a single trust.
- Court may refer parties to remedies under section 102.
(Original.) **110** In any case in which application is made to the court in any action or proceeding for the exercise of its general powers under this chapter, the court, if it shall be of opinion that the case is one in which recourse could have been had to the special provisions of section 102, may decline to entertain such action or proceeding, and may refer the persons applying for relief to their remedy under the appropriate section.
- Exclusion of Buddhist trusts. **111** This chapter of the Ordinance shall not apply to Buddhist religious trusts in so far as such trusts are regulated by " The Buddhist Temporalities Ordinance, 1905."

CHAPTER XI.

Miscellaneous.

- Rule against perpetuities. **112** (1) No trust shall operate to create an interest which is to take effect after the lifetime of one or more persons living at the date of the constitution of the trust, and the minority of some person who shall be in existence at the expiration of that period and to whom, if he attains full age, the interest created is to belong.
(2) If owing to any trust an interest is created for the benefit of a class of persons with regard to some of whom such interest fails by reason of the provisions of this section, such interest fails as regards the whole class.
(3) Where an interest fails by reason of the provisions of this section, any interest created in the same transaction and intended to take effect after or upon failure of such prior interest also fails.
(4) The restrictions of this section shall not apply to charitable trusts as defined by section 99.
- Devolution of trust property.
(Ordinance No. 9 of 1915.) **113** (1) Where, whether before or after the commencement of this Ordinance, it is declared or intended in any instrument of trust that the trustee of the trust shall be a person for the time being holding or acting in any public office, or holding or acting in any office or discharging any duty in any public or private institution, body, corporation, association, or community, or where any property comes into or is in the possession or ownership of any such person in any of the aforesaid capacities upon any constructive trust, the title to the trust property shall devolve from time to time upon the person for the time being holding or acting in any such office, or discharging such duty without any conveyance, vesting order, or other assurance otherwise necessary for vesting the property in such person.
(2) Where, whether before or after the commencement of this Ordinance, in the case of any charitable trust, or in the case of any trust for the purpose of any private association (not being an association for the purpose of gain), a method for the appointment of new trustees is prescribed in the instrument of trust, then upon any new trustee being appointed in accordance with the prescribed method the trust property
- (Generalized from and modelled on the Indian Religious Societies Act, No. 1 of 1880, s. 4.)

shall become vested without any conveyance, vesting order, or other assurance, in such new trustees and the old continuing trustees jointly, or if there are no old continuing trustees, in such new trustee wholly.

Incorporation
of trustees.
(Original.)

114 The Governor in Executive Council may, in his discretion, by Order in Council, on the application of the trustees of any charitable trust or of any public or private association (not being an association for the purposes of gain), authorize the incorporation of the said trustees, and upon the publication of the said Order the said trustees of the charity or association and their successors for the time being shall be constituted a corporation under such style and subject to such conditions as may be specified in the Order.

Persons may
assign property
in trust to
themselves
and others.
(Ordinance
No. 7 of 1871,
s. 2.)

115 Any person shall have power to assign and convey movable and immovable property, now by law assignable, directly to himself and another person, or other persons or corporation, by the like means as he might assign or convey the same to another. And no transfer or assignment of movable or immovable property heretofore made or executed by a person to himself and another person or persons or corporation shall be deemed to be in any manner invalid by reason of its being a transfer or assignment by a person to himself and another person or persons or corporation. Provided that nothing in this section contained shall give any validity to any assignment or conveyance which would have been heretofore by any law or custom invalid by any other reason than by reason of its being an assignment or conveyance by a person to himself and any other person or persons or corporation.

Procedure.

116 All actions and other proceedings under this Ordinance shall be governed by the enactments and rules relating to Civil Procedure for the time being in force.

Costs.
(Based on
s. 18 of India
Act, No. 20
of 1863.)

117 If the court shall be of opinion, at the termination of any suit instituted with reference to any trust, that the suit has been for the benefit of the trust, and that no party to the suit ought to be made responsible for the whole of the costs, the court may order the costs or such portion as it may consider just to be paid out of the trust property.

Application of
English law.
(Original.)

118 All matters arising with reference to any trust for which no specific provision is made in this or any other Ordinance shall be determined by the principles of equity in force in the High Court of Justice in England.

SCHEDULE.

Ordinances.	Extent of Repeal.
The Property and Trustees Ordinance, 1871 (No. 7 of 1871)	The whole Ordinance.
The Civil Procedure Code	Section 639.
The Property and Trustees (Amendment) Ordinance, No. 9 of 1915	The whole Ordinance.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, August 16, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE originating cause of this Ordinance is the unsatisfactory condition of the law relating to religious trusts, more particularly so far as it concerns Hindu religious trusts. The defects in this department of the law which principally occasion inconvenience are—

- (a) The informal nature of the constitution of many of these trusts ;

- (b) The uncertainty of the law as to the recognition in our courts of the customary religious law of the community concerned. (See *Siva-pragasam v. Swaminatha Ayer*, 1905, 2 Bal. 49, and subsequent cases);
- (c) The uncertainty as to the person in whom the title to the temple or other religious foundation in question is vested;
- (d) The absence of any proper control over trustees and their accounts.

2. Buddhist religious trusts have already been dealt with by a special regulating Ordinance, but it does not seem desirable to follow this precedent for the purpose of Hindu religious trusts.

3. Subject to any special historical considerations, the regulation and supervision of religious trusts are matters for the courts, and not for the Government or the Legislature. The general law of the Colony ought to be so comprehensive as to afford through the courts any redress that may be required.

4. When, however, the general law of the Colony for this purpose is considered, it appears that there is no law, either common or statutory, which is adequate for the purpose. The Roman-Dutch law, the common law of the Colony, does not recognize the English principle of the trust, though the expression "*fidei commissum*" would seem to suggest that it does. Trusts are a special invention of the English law, and were originally based upon the dual system of law and equity. In a trust the legal title is in one person and the beneficial interest in another, but the English law has insisted on the legal owner administering the property in accordance with the beneficial interest.

5. This department of English law has never been formally applied to Ceylon. There are several enactments on the statute book in which it is assumed, as, for example, "The Property and Trustees Ordinance, No. 7 of 1871." There are other references to trusts both in the Civil Procedure Code and in the Penal Code. In these enactments (some of which are taken from India, where special legislation is in force) the existence of the English system is assumed; for example, the fundamental principle of English law of trusts that the title to the trust property does not pass from trustee to trustee without a special conveyance or vesting order is assumed in the Ordinance of 1871 above referred to, and phrases which belong to the English law of trusts, such as *cestui que trust*, are used in the other Ordinances mentioned. On the other hand, in our Ordinance No. 7 of 1840, which is based upon the English Statute of Frauds, the English section requiring declarations of trust to be in writing was deliberately omitted. The number of cases decided on the general law of trusts, reported in our local reports, is extremely small.

6. It is clear, therefore, that before any legislation dealing with religious trusts can be passed, the general law of trusts must be put upon a definite basis. India already possesses an admirable Code of the Law of Trusts, and this should clearly be adopted as our model. As every statute must necessarily repose upon a general basis of unwritten law, provision must at the same time be made as to the principles to be applied in cases where the Code is silent.

7. To carry out these proposals the present Ordinance is submitted. The greater part of it (sections 1 to 98) is practically identical with the Indian Trusts Act, 1882. It is not necessary to make any comment upon these sections, except to draw attention to the provisions of section 20 regulating the investment of trust money, which is based upon a combination of section 1 of the Trustee Act, 1893, the Colonial Stock Act, 1900, and the Indian Trusts Act, section 20. It should be scrutinized with a view to local conditions.

8. The Indian Trusts Act does not apply to public or private religious or charitable endowments. It is necessary, therefore, for the purpose of this Ordinance, to frame special enactments dealing with this branch of the subject. These

will be found in Chapter X., headed "Charitable Trusts." The general source of these provisions is the special legislation in force in India, which has been considered and adapted to Ceylon, after consultation with those conversant with local conditions.

9. The scheme of the chapter is as follows. The powers of the court to deal with charitable trusts, other than religious trusts, are contained in section 101. This is, mainly speaking, identical with section 639 of the Civil Procedure Code. Access to the court for the purpose of this section is only allowed to the Attorney-General as the official guardian of all charitable trusts, or to persons acting under his consent in writing. The special provisions dealing with local religious trusts will be found in section 102. The original source of them is the Indian Religious Endowments Act, No. 20 of 1863. That Act is confined to temples and mosques, and it gives the widest possible remedies to worshippers and other persons interested in these establishments. In India it is a condition of the right of these persons to institute a suit in regard to the trust involved that they should first obtain the preliminary consent of the court itself. It has been apprehended that certain dangers might be involved in the introduction of these provisions into Ceylon, and that this might result in the creation of factions in various sections of the communities interested and in the fostering of unnecessary litigation. The Ordinance, therefore, provides as a substitute for the preliminary application to court that, before any suit under these special provisions is set in motion, an application must be made to the civil authorities for the appointment of a commissioner or commissioners to inquire into the subject-matter of the plaint, and declares that recourse shall only be had to the court when the commissioner or commissioners shall report that the matter calls for the action of the court, and either that it has not proved possible to settle it amicably, or that the action of the court is required for the purpose of giving effect to an amicable settlement.

10. These special provisions do not apply to Christian religious trusts, and neither do the special provisions nor the provisions of the whole chapter apply to Buddhist religious trusts falling within the scope of the Buddhist Temporalities Ordinance, No. 8 of 1905.

11. The application of the customary religious law of the community is provided for by section 106. So far as Hindu trusts are concerned, this section will bring into force the principles laid down in *Tambakar v. Govindran* (1887, *Indian Law Reports, Bombay XII, p. 247*). These principles will also have a salutary application for the purpose of Muhammadan religious trusts.

12. The difficulties arising from the informal constitution of many of the religious trusts of the Colony, both Hindu and Muhammadan, are dealt with by section 107, which provides in the widest possible terms for the recognition of *de facto* trusts.

13. Sections 105 and 108 indicate certain special powers that may be exercised by the court in settling any scheme for the management of a religious or other charitable trust. The general powers of the court are no doubt sufficiently wide to cover these special powers, but it is thought desirable that they should be specifically indicated.

14. It is hoped that the special provisions above explained will enable the courts to meet all matters likely to be brought before them. But provision is made for any *casus omissus* by reference to the general powers of the courts in the administration of the principles of equity under the law of England. The general English law in relation to this question is extensive and adequate. It has not at present been codified, and it does not seem desirable to make an attempt to codify it for the purpose of this Ordinance. District Courts which have not access to a law library can be placed in a position to administer this branch of the law by being supplied with standard text-books.

15. The final chapter of the Ordinance contains several general provisions of some importance.

16. Section 112 enacts the principle which is known as "the rule against perpetuities." This is the principle of the English law, which has been adopted in India both for the purpose of wills and for the purpose of transfers *inter vivos*. It has also been adopted in Ceylon (in a modified form) for the purpose of *fidei commissa* and other settlements (see "The Entail and Settlement Ordinance, No. 11 of 1876"). The section is framed in terms of sections 14, 15, and 16 of the Indian Transfer of Property Act, 1882.

17. The first part of section 113 re-enacts Ordinance No. 9 of 1915, which was recently passed as a special enactment.

18. The second part of this section should prove of some use to religious societies which have property vested in trustees. Such societies seldom take the trouble to see to the execution of the necessary conveyance on a change of trustees. It is generalized from and modelled upon the Indian Religious Societies Act, 1880.

19. Section 114 allows the Governor in Executive Council to incorporate trustees. At present trustees of any public institution desiring to be incorporated can only obtain this privilege by a special Ordinance.

20. Section 118 provides the necessary general basis to which recourse may be had in cases for which no provision is specifically made in the Ordinance.

Attorney-General's Chambers,
Colombo, August 9, 1916.

ANTON BERTRAM,
Attorney-General.

MINUTE.

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

An Ordinance to amend Ordinance No. 11 of 1865, intituled "An Ordinance to consolidate and amend the Law relating to Servants, Labourers, and Journeymen Artificers under Contracts for Hire and Service."

Preamble.

WHEREAS it is expedient to amend Ordinance No. 11 of 1865, intituled "An Ordinance to consolidate and amend the Law relating to Servants, Labourers, and Journeymen Artificers under Contracts for Hire and Service": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Addition of new sub-section to section 11 of the principal Ordinance.

1 The following sub-section shall be added to section 11 of the principal Ordinance:

(2) No woman and no child under sixteen years of age shall be sentenced to imprisonment for any offence under this section, or to imprisonment in default of the payment of a fine for any such offence. Provided that in the case of the following offences, namely, drunkenness, insolence, and any other misconduct tending to the disturbance of order or discipline, a woman on the occasion of a second or subsequent conviction may be sentenced to simple imprisonment for a period not exceeding one month.

Provided further, that nothing herein contained shall preclude a court from dealing with a child under sixteen years of age under the provisions of "The Youthful Offenders Ordinance, 1886."

By His Excellency's command,
Colonial Secretary's Office,
Colombo, August 19, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE object of this Ordinance, which is introduced in accordance with a resolution of the Planters' Association and the direction of the Secretary of State, is to relieve women and children under sixteen years of age from liability to imprisonment for neglect or refusal to attend work and similar offences under section 11 of Ordinance No. 11 of 1865.

Attorney-General's Chambers,
Colombo, August 24, 1916.

ANTON BERTRAM,
Attorney-General.

PASSED ORDINANCE.

(Continued from page 609.)

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

No. 24 of 1916.

An Ordinance for making provision for the Contingent Services for the Financial Year October, 1916, to September, 1917.

JOHN ANDERSON.

Preamble.

WHEREAS the contingent expenditure required for the service of the Government of this Island for the financial year October, 1916, to September, 1917, and not otherwise provided for, has been estimated at the sum of Sixty-three million Five hundred and Seventy-three thousand and Fifty-one rupees: It is enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Rs. 63,573,051
to be charged
upon the
revenue of this
Island for the
Contingent
Services for the
financial year
October, 1916, to
September, 1917.

1 A sum not exceeding Sixty-three million Five hundred and Seventy-three thousand and Fifty-one rupees shall be and the same is hereby charged upon the revenue and other funds of this Island for the Contingent Services for the financial year October, 1916, to September, 1917, and the said expenditure shall be in conformity with the Heads of Expenditure specified in the schedule hereunto annexed.

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

2 And whereas by the 31st section of the Ordinance No. 31 of the year 1884, entitled "An Ordinance to amend Ordinance No. 10 of 1861, entitled 'An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony,'" it is enacted that it shall be lawful for the Governor to propose the estimates prepared in pursuance thereof, or such of them as to him may appear expedient, in the Ordinance for making provision for the contingent expenditure of the Colony for the ensuing year, to be dealt with in like manner as any other estimate to be so proposed: And it is thereby also provided that the amount of labour to be supplied under the provisions of the said Ordinance No. 31 of 1884, for the performance of any work or works for which an estimate or estimates may have been so proposed by the Governor, and approved of by the Legislative Council, shall be distinctly stated in the Ordinance enacted for the same, and that the same shall not exceed two-thirds of the whole amount of labour due from the district or districts within which it may be required to be performed: It is enacted that the amount of labour to be supplied under the provisions of the said Ordinance shall be in conformity with the estimates detailed under Head No. 40, "Public Works Annually Recurrent."

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

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

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

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

SCHEDULE.		Rs.
1.	His Excellency the Governor	167,024
2.	Civil Service	1,475,272
3.	Clerical Service	1,759,254
4.	Secretariat	38,944
4A.	Secretariat, Printing Branch	253,340
5.	Controller of Revenue	8,383
6.	Treasury	46,008
6A.	Loan Board	2,758
7.	Audit Office	65,306
8.	Provincial Administration	986,901
9.	Settlement Officer under the Waste Lands Ordinance	86,984
10.	Survey Department	1,773,405
11.	Government Stores	185,641
12.	Immigration and Quarantine	240,404
13.	Customs Department	265,108
14.	Excise Department	359,398
15.	Post Office and Telegraphs	2,877,711
16.	Forest Department	351,110
17.	Colombo Port Commission	2,005,649
18.	Ports other than Colombo	69,949
19.	Legal Departments	797,633
20.	Police	1,866,595
21.	Prisons	656,363
22.	Medical Department	4,222,113
22A.	Medical College	69,338
22B.	Institute of Medical Research	600
23.	Education	2,430,090
24.	Department of Agriculture	241,907
25.	Colombo Museum	35,024
26.	Archæological Commissioner	20,392
27.	Veterinary Department	97,075
28.	Government Analyst	43,975
29.	Mineral Survey	30,216
30.	Inspector of Mines	17,595
31.	Inspector of Factories	6,655
32.	Registrar of Patents	4,630
33.	Ecclesiastical	2,650
34.	Railway Department	9,861,959
35.	Railway Extraordinary Works	4,274,616
36.	Irrigation Department	497,196
37.	Irrigation Annually Recurrent	174,315
38.	Irrigation Extraordinary	246,969
39.	Public Works Department	996,639
40.	Public Works Annually Recurrent	4,119,615
41.	Public Works Extraordinary	5,748,128
42.	Military Expenditure	2,280,240
43.	Public Debt	5,225,256
44.	Pensions	1,852,683
45.	Exchange	320,420
46.	Miscellaneous Services	4,413,615

Total .. Rs. 63,573,051

Passed in Council the Twenty-third day of August, One thousand Nine hundred and Sixteen.

A. G. CLAYTON,
Clerk to the Council.

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

R. E. STUBBS,
Colonial Secretary.

NOTICES IN TESTAMENTARY ACTIONS.

41/
97/229

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Gonaduwege Louis Perera Appu-
No. 5,635. hamy of Wellampitiya, in Ambatalen-
pahala, Alutkuru korale south, deceased.

Kotigalage Ebert Perera of Wellampitiya Petitioner.

And

- (1) Jasinge Dona Juana Hamine of Wellampitiya,
(2) Gonaduwege William Perera, and (3) Gona-
duwege Thomas Perera, both of Wellam-
pitiya Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on July 28, 1916, in the presence of Mr. Disanayake, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated July 24, 1916, and (2) of the attesting witnesses dated July 24, 1916, having been read:

It is ordered that the last will of Gonaduwege Louis Perera Appuhamy, deceased, of which the original has been produced, and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

July 28, 1916.

13/
21/

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Subaida Umma of Maradana in
No. 5,636. Colombo, deceased.

Hadjie Marikar Mohamado Hassen of 2nd Division,
Maradana, Colombo Petitioner.

And

- (1) Ummul Mohida, and (2) Hadjie Marikar
Mohamado Ismail of 2nd Division, Maradana,
Colombo Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on July 29, 1916, in the presence of Mr. N. J. S. Cooray, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 25, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

July 29, 1916.

41/
57/208

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Raigamagey Dona Missia Hamine of
No. 5,642. Biyanwila, in the Adicari pattu of Siyane
korale, deceased.

Gurunanselagey Don Peter Appuhamy of Biyan-
wila Petitioner.

And

- (1) Gurunanselagey Richard Arthur and (2)
Gurunanselagey Don Mendis Appuhamy, both
of Biyanwila Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 2,

1916, in the presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 26, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

August 2, 1916.

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Nawagamuwage Helena Perera of Grand-
No. 5,639. pass, Colombo, deceased.

Hettiaratchige Jacolis Perera of Grandpass Petitioner.

And

- (1) Hettiaratchige John Perera, (2) Hettiaratchige
Baron Perera, (3) Hettiaratchige Peter Perera,
(4) Hettiaratchige Daniel Perera, (5) Hetti-
aratchige Thomas Perera, (6) Hettiaratchige
Pavisthina Perera, wife of (7) Nawagomuwege
Don Podi Singho Appuhamy, (8) Hettiaratchige
Catherina Perera, wife of (9) Pallihewadana
Aratchige Abilinu Perera, (10) Hettiaratchige
Cecilia Perera, wife of (11) Jayawardena Wala-
tantrige Charles Boteju, all of Grandpass,
Colombo Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 1, 1916, in the presence of Messrs. de Livera and Paravithana, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 29, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 14, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

August 1, 1916.

In the District Court of Colombo.
Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Rupasinghe Arachchige Marthelis Perera
No. 5,641. Rupasingha, Police Vidane, of
Kossina, in the Meda pattu of the Siyane
korale, deceased.

Yapa Appuhamillage Dona Peternella Jaya-
singhe Hamine of Kosinna aforesaid Petitioner.

And

- (1) Ellis Perera Rupasinghe, wife of (2) Yapa
Appuhamillage Don Alpenis Jayasinghe, both of
Weboda, in the Adikari pattu of Siyane korale,
(3) Kostantinu Perera Rupasinghe, (4) Adonis
Perera Rupasinghe, (5) Abeyasinghe Perera
Rupasinghe, (6) Rentan Perera Rupasinghe, (7)
Jaiman Perera Rupasinghe, and (8) Isabella
Perera Rupasinghe, all of Kosinna Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 2, 1916, in the presence of Mr. Wanigesooria, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 2, 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 August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 2, 1916. L. MAARTENSZ,
District Judge.

In the District Court of Colombo.
Order Nisi.
Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Henry Albert de Alwis of Dehiwala, in
No. 5,643. the Palle pattu of Salpiti korale, deceased.
Henry Peter Dias Bandaranayake of Kelani-
mulla Petitioner.

And
(1) Grace Roseline de Alwis, (2) Lilian Roseline de Alwis, (3) Leonard Godwin de Alwis, all of Dehiwala aforesaid, (4) George Abraham Dias Bandaranayake of Kotawa, in the Palle pattu of Hewagam korale Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 2, 1916, in the presence of Mr. H. A. Abeyewardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 2, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the uncle of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 2, 1916. L. M. MAARTENSZ,
District Judge.

In the District Court of Colombo.
Order Nisi declaring Will proved.
Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment (with two Codicils thereto) of
No. C/5,651. Walter Frederick Dew, at one time of Ritnageria, Talawakele, and Abercarfan, in the City of Hereford, but latterly of Ford, Drewsteignton, in the County of Devon, England, deceased.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 11, 1916, in the presence of Messrs. F. J. and G. de Saram, Proctors, on the part of the petitioner Edward Henry Lawrence of Colombo; and (1) the affidavit of the said petitioner dated August 5, 1916, (2) the power of attorney dated May 12, 1916, and (3) the order of the Supreme Court dated July 31, 1916, having been read: It is ordered that the will of the said Walter Frederick Dew, deceased, dated October 2, 1907, and two codicils thereto dated respectively March 29, 1915, and May 2, 1915, 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 Edward Henry Lawrence is the attorney in Ceylon of the executors 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 August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 11, 1916. L. MAARTENSZ,
District Judge.

In the District Court of Colombo.
Order Nisi declaring Will proved.
Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Elizabeth Anstice Baker of 18,
No. C/5,652. Egerton Terrace, in the County of Middlesex, deceased.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 11,

1916, in the presence of Messrs. F. J. and G. de Saram, Proctors, on the part of the petitioner Stanley Moritz Thorne of Colombo; and (1) the affidavit of the said petitioner dated August 7, 1916, (2) the power of attorney dated May 24, 1916, and (3) the order of the Supreme Court dated July 31, 1916, having been read: It is ordered that the will of the said Elizabeth Anstice Baker, deceased, dated July 4, 1914, 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 Stanley Moritz Thorne is the attorney in Ceylon of the executrixes 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 August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 11, 1916. L. MAARTENSZ,
District Judge.

In the District Court of Colombo.
Order Nisi.
Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Mohamed Kassim Yusooq of
No. 5,655. of Slave Island, in Colombo, deceased.
Packon Kassim Yusooq of Slave Island, Colombo.. Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 15, 1916, in the presence of Mr. Nicolle, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated August 3, 1916, and (2) of one of the attesting witnesses dated August 3, 1916, having been read:

It is ordered that the last will of Mohamed Kassim Yusooq, 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 August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 15, 1916. L. M. MAARTENSZ,
District Judge.

In the District Court of Colombo.
Order Nisi.
Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Paul Casie Chetty, late of
No. 5,662. Pickering's road, Kotehena, Colombo, deceased.

Henry James Chandrawaranam of Santiago street, Kotehena, Colombo Petitioner.

And
Abraham Peter Casie Chetty of Lascoreen street, Colombo Respondent.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 17, 1916, in the presence of Messrs. de Vos and Gratiaen, Proctors, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated August 17, 1916, and (2) one of the attesting witnesses dated August 17, 1916, having been read:

It is ordered that the last will of Paul Casie Chetty, 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 one of the executors named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless the respondent above named or any other person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 17, 1916. L. MAARTENSZ,
District Judge.

In the District Court of Negombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Nagapattanam Hettige
No. 1,603. Juan Silva Bastian Pulle, deceased, of
Etgala.

THIS matter coming on for disposal before M. S. Sreshta, Esq., District Judge of Negombo, on July 25, 1916, in the presence of Messrs. de Soysa and Perera, Proctors, on the part of the petitioner Ugu Fernando Anthony Pulle of Etgala; and the affidavit (1) of the petitioner, (2) of the attesting witnesses dated July 20, 1916, having been read:

It is ordered that the will of Nagapattanam Hettige, Juan Silva Bastian Pulle, deceased, dated July 10, 1916, and now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said Ugu Fernando Anthony Pulle of Etgala is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly.

July 25, 1916.

M. S. SRESHTA,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Imeage Babasinno, deceased, of Watu-
No. 1,605. mulla.

THIS matter coming on for disposal before M. S. Sreshta, Esq., District Judge of Negombo, on July 26, 1916, in the presence of Mr. H. A. Jayatileke, Proctor, on the part of the petitioner Amarasingha Aratchige Bunji Nona of Watumulla; and the affidavit of the petitioner dated June 25, 1916, having been read: It is ordered that the petitioner be and he 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—(1) Imeage Themis Singho, (2) Imeage Alice Nona, wife of (3) Amarasinghe Aratchige Hendrick Singho, (4) Imeage Punchi Nona, (5) Imeage Podi Nona, (6) Imeage Jane Nona, all of Watumulla, the 1st, 4th, 5th, and 6th minors by the guardian *ad litem* Amarasinghe Aratchige Brampy Appu of Watumulla—shall, on or before August 22, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Amarasinghe Aratchige Brampy Appu of Watumulla be appointed guardian *ad litem* over the said minors for the purpose of this action.

July 26, 1916.

M. S. SRESHTA,
District Judge.

The date for showing cause is extended till August 29, 1916.

August 22, 1916.

M. S. SRESHTA,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Weerakkodi Appuhamillage Juanis Appu-
No. 1,607. hamy, deceased, of Kumbaloluwa.

THIS action coming on for disposal before M. S. Sreshta, Esq., District Judge of Negombo, on July 31, 1916, in the presence of Mr. G. de Zoysa, Proctor, on the part of the petitioner, Podiappuhamy Weerakkody of Kumbaloluwa, in Galgamuwa peruwa; and the affidavit of the petitioner dated July 27, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son of the deceased above named, to have letters of administration to his estate issued to him, unless the respondents—(1) Wijesekera of Kumbaloluwa, minor, by his guardian *ad litem* Hettiachchige Lewis Singho of Udugaha Kongasdeniya, in Siyane korale, (2) Sanchinona, assisted by her husband, (3) Senanayaka Atchige Thelenis Appu, both of Udugaha, Bajjangoda, in Hapitigam korale, (4) Menikhamy, assisted by her husband, (5) Subasin-achiralalage Marthelis Appuhamy of Pannalpitaya, (6) Seda Nona, assisted by her husband, (7) Senanayaka

Aratchige James Singho of Bolana, (8) Janga Nona of Kumbaloluwa, (9) Rensonona, assisted by her husband (10) Hettiachchige Lewis Singho of Udugaha Kongasdeniya, in Siyane korale, (11) Martin Nona, assisted by her husband, (12) Patirennhelage Banchi Appuhamy of Udugahadiyalagoda, and minor (13) Romel Nona, by her guardian *ad litem* the 10th respondent shall, on or before August 29, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Hettiachchige Lewis Singho of Udugaha Kongasdeniya, in Siyane korale, be appointed guardian *ad litem* over the said minors for purpose of this action.

July 31, 1916.

M. S. SRESHTA,
District Judge.

In the District Court of Negombo.

Order Absolute.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Ranasinghe Aratchige Componis
No. 1,606. Perera Appuhamy of Yatiyana.

THIS matter coming on for disposal before M. S. Sreshta, Esq., District Judge of Negombo, on July 26, 1916, in the presence of Mr. H. A. Jayatileke, Proctor, on the part of the petitioner Pallawalakapurupastabandarage Dona Martha Hamine of Yatiyana; and the affidavit of the petitioner and the attesting witnesses dated July 18, 1916, having been read: It is ordered that the will of Ranasinghe Aratchige Componis Perera Appuhamy, deceased, dated February 20, 1916, and now deposited in this court, be and the same is hereby declared proved.

It is further declared that the said Pallawalakapurupastabandarage Dona Martha Hamine is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly.

July 26, 1916.

M. S. SRESHTA,
District Judge.

The date for showing cause is extended till September 7, 1916.

August 22, 1916.

M. S. SRESHTA,
District Judge.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Warnakulasuriya Suseer Fernando,
No. 1,608. deceased, of Kudapaduwa.

THIS matter coming on for disposal before M. S. Sreshta, Esq., District Judge of Negombo, on August 11, 1916, in the presence of Mr. A. N. J. Croos-Perera on the part of the petitioner Warnakulasuriya Pilomona Fernando of Kudapaduwa; and the affidavit of the petitioner dated August 2, 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—(1) Warnakulasuriya Manuel Fernando, (2) ditto Maria Fernando, (3) ditto Sebastian Fernando, (4) ditto Austin Fernando, (5) ditto Emelina Fernando, (6) ditto Cecilia Fernando, all of Kudapaduwa, minors, by their guardian *ad litem* (7) Warnakulasuriya Veronica Fernando of Kudapaduwa—shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Warnakulasuriya Veronica Fernando be appointed guardian *ad litem* over the said minors for the purpose of this action.

August 11, 1916.

M. S. SRESHTA,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late John
Jurisdiction. Dias Karunarathna, deceased, of Kanda-
No. 3,253. gannawa.

THIS matter coming on for disposal before Reginald Dias, Esq., District Judge of Kandy, on July 27, 1916, in

the presence of Mr. M. A. Perera, Proctor, on the part of the petitioner Ruth Caroline Dias Karunaratna of Kandy; and the affidavit of the said petitioner dated June 5, 1916, having been read: Is ordered that Charles Edgar Ferdinands, Secretary of the District Court of Kandy, be and he is hereby entitled to letters of administration to the estate of John Dias Karunaratna of Kadugannawa, unless Liliyan Hilda Dias Karunaratna, (2) John Arthur Dias Karunaratna by his guardian *ad litem* the 1st respondent shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

July 27, 1916.

FELIX R. DIAS,
District Judge.

In the District Court of Kandy.
Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Hapanpedigedera Wimalasara *alias* Siripina of. Doluwa, in Kandupalata, deceased.

Ranhawadigedere Singhu, now residing at Elamalpothegedera of Doluwa, in Yatinuwara Petitioner.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge, Kandy, on August 2, 1916, in the presence of Mr. W. A. de Silva, Proctor, on the part of the petitioner, Ranhawadigedere Singhu of Elamalpothegedera of Doluwa, in Yatinuwara; and the affidavit of Ranhawadigedere Singhu, the petitioner above named, dated July 13, 1916, having been read:

It is ordered that the will of Hapanpedigedere Wimalasara *alias* Siripina of Doluwa in Yatinuwara, deceased, dated April 20, 1904, and deposited in this court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioner Ranhawadigedere Singhu be and she is hereby declared entitled to letters of administration, with a copy of the will annexed, to the estate of the above-named deceased, as the sole legatee under the said will, unless any person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 2, 1916.

FELIX R. DIAS,
District Judge.

In the District Court of Kandy.
Order Nisi.
Testamentary Jurisdiction. In the Matter of the Last Will and Codicil of Don Charles Goonetilleke, deceased, of No. 3,268. Getembe in Kandy.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge, Kandy, on August 8, 1916, in the presence of Mr. F. L. Goonewardene, Proctor, on the part of the petitioners (1) Rev. George Dionycius de Lanarolle, (2) Edward Lionel Wijegoonewardene, both of Katukele, Kandy, (3) James Wilfred Rubasingha of Nawalapitiya, presently of Peradeniya; and the affidavit of Fredrick Wilfred Perera Goonewardene and Rev. George Dionycius de Lanarolle dated August 2, 1916, having been read: It is ordered that the will and codicil of Don Charles Goonetilleke of Getambe in Kandy, deceased, dated March 18, 1915, and May 18, 1916, and now deposited in this court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioners (1) Rev. George Dionycius de Lanarolle, (2) Edward Lionel Wijegoonewardene, (3) James Wilfred Rubasingha, are the executors named in the said will, and that they are entitled to have probate of the same issued to them accordingly, unless any person or persons interested shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 8, 1916.

FELIX R. DIAS,
District Judge.

In the District Court of Nuwara Eliya.

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Estate of the late John Eunson, deceased, of Nuwara Eliya. No. 61.

THIS matter coming on for disposal before B. G. de Glanville, Esq., District Judge of Nuwara Eliya, on August 17, 1916, in the presence of Mr. V. C. Modder of Nuwara Eliya, on the part of the petitioner; and the affidavit of the petitioner, A. J. M. Martin of Colombo, dated August 1, 1916; and the affidavit of J. W. Vanderstraaten of Colombo, the attesting Notary dated July 27, 1916, having been read:

It is ordered that the will of the said John Eunson, deceased, dated September 17, 1891, be and the same is hereby declared proved, unless any person or persons interested shall, on or before September 5, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said A. J. M. Martin is the attorney of Isabella Eunson, the executrix named in the said will, and that he is entitled to have letters of administration, with the will annexed, issued to him accordingly, unless any person or persons interested shall, on or before September 5, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 21, 1916.

B. G. DE GLANVILLE,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Arumabaduge Don Dines *alias* Singha No. 4,630. Baba, deceased, of Ahangama.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on July 27, 1916, in the presence of Mr. E. A. Wijesuriya, Proctor, on the part of the petitioner Aluthgama Hewage Babunhamy of Ahangama; and the affidavit of the said petitioner dated July 25, 1916, having been read:

It is ordered and declared that the said petitioner is the widow of the said deceased, and that she is entitled to have letters of administration issued to her accordingly, unless the respondents—(1) Arumabaduge Don Samel de Silva of Ahangama, (2) ditto Selohamy of Kataluwa, (3) ditto Methias de Silva of Pamburana, in Matara, (4) ditto Charles de Silva, (5) ditto Darlis de Silva, both of Ahangama—shall, on or before September 7, 1916, show sufficient cause to the satisfaction of this court to the contrary.

July 27, 1916.

L. W. C. SCHRADER,
District Judge.

In the District Court of Matara.

Order Nisi.

No. 2,307. In the Matter of the Estate and Effects of Ranasinghe Ranaweeragamatchigey Dingyhamine, late of Akurugoda.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on July 29, 1916, in the presence of Mr. W. E. Grebe, Proctor, on the part of the petitioner Hatarasin Aratchigey Don Mathes Appuhamy of Malimboda; and the affidavit of the said petitioner dated July 20, 1916, having been read: It is ordered that the said petitioner, as the son-in-law of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz., (1) Kaluaratchigey Don Andiris of Akurugoda, (2) ditto Don Dines of ditto, (3) ditto Don Aberan of ditto, (4) ditto Dona Cecilia *alias* Hinnihamine and husband (5) Kaluaratchigey Don Carolis, both of Galpamuna, and (6) ditto Punchihami *alias* Dona Gimarahamine of Malimboda, shall, on or before August 30, 1916, show sufficient cause to the satisfaction of this court to the contrary.

July 29, 1916.

J. C. W. ROCK,
District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Getamanne Vidane Patiranage Don Abaran, deceased, of Mahahilla. No. 634.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Tangalla, on July 25, 1916, in the presence of Mr. V. S. Wikramanayake, Proctor, on the part of the petitioner Jayasundara Gamage Lokuhamy; and the affidavit of the said petitioner dated July 14, 1916, having been read:

It is ordered that letters of administration to the estate of Getamanne Vidane Patiranage Don Abaran, deceased, be granted to the said petitioner, unless the respondents—(1) Getamanne Vidane Patiranage Don Bastian of Mahahilla, (2) Tuppahige Avi Appu of Kudahilla, (3) ditto Adarahamy, wife of (4) Atukorle Kodituwakkuge Appu, (5) Getamanne Vidane Patiranage Babunhamy, (6) Getamanne Vidane Patiranage Eliyashamy, (7) ditto Don Juanis, (8) ditto Dingihamy, (9) Galwewe Kodituwakkuge Dingi Appu, (10) Getamanne Vidane Patiranage Pinhamy, wife of (11) Samarasin Atapattu Kankanange Sadrishamy, (12) Getamanne Vidane Patiranage Don Nikulas, (13) ditto Malhamy, wife of (14) Wikrama Arachchige Heen Appu, (15) Getamanne Vidane Patiranage Don Madris, all of Mahahilla—and any person or persons interested shall, on or before August 28, 1916, show sufficient cause to the satisfaction of this court to the contrary.

F. D. PERIES,
District Judge.

July 25, 1916.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Joint Estate of the late Jurisdiction. Don Samiel Abeysinha Wickramasuriya, and Jayasuriyapatabendige Punchihamy, husband and wife, deceased, of Tangalla. No. 636.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Tangalla, on July 27, 1916, in the presence of N. A. Wickramasuriya, the petitioner; and the affidavit of the said petitioner dated July 20, 1916, having been read:

It is ordered that letters of administration to the joint estate of Don Samiel Abeysinha Wickramasuriya and Jayasuriyapatabendige Punchihamy, husband and wife, be granted to the petitioner, unless the respondents—(1) John Abeysinha Wickramasuriya of Matara, (2) Halpewattege Dinona Peiris of Tangalla, (3) Angoris de Silva Matangawira of ditto, (4) Anora Jayasinha of ditto, (5) Charles Henry Jayasinha, by his guardian *ad litem* (6) Halpewattege David Peiris of Tissamaharama—and any person or persons interested shall, on or before August 28, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 6th respondent be appointed guardian *ad litem* over the minor 5th respondent for the purpose of this case, unless the respondents shall, on or before August 28, 1916, show sufficient cause to the satisfaction of this court to the contrary.

F. D. PERIES,
District Judge.

July 27, 1916.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Achchemuttu, wife of S. V. Sanmugam No. 3,254. of Batticotta West, deceased.

Sapapathiar Chellathurai of Batticotta West . . . Petitioner.

Vs.

(1) Valliammai, widow of Narayanapillai, (2) S. V. Sanmugam, both of Batticotta West, (3) Chellamma *alias* Ratnam, daughter of Sanmugam, (4) Kanmany, daughter of Sanmugam of ditto, (5) Ledchemy, daughter of Sanmugam of ditto; the 3rd, 4th, and 5th respondents are minors, by their guardian *ad litem* the 2nd respondent. Respondents.

THIS matter of the petition of Sapapathiar Chellathurai of Batticotta West, praying for letters of administration

to the estate of the above-named deceased, Achchimuttu, wife of S. V. Sammugam, coming on for disposal before P. E. Pieris, Esq., District Judge, on July 28, 1916, in the presence of Mr. S. Kandayya, Proctor, on the part of the petitioner; and the affidavit of the said petitioner, dated June 7, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as brother of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondent above named or any other person shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 4, 1916.

P. E. PIERIS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Virginia Jansan, widow of Garret Jansan No. 3,252. of Jaffna, deceased.

Stephanus Laurence Jansan of Jaffna Petitioner.

Vs.

(1) Dorothy Jansan, widow of George Edward of Jaffna, (2) Wilfred Leonard Jansan, National Bank, Colombo, (3) Samuel Oliver Jansan, Chartered Bank, Colombo, (4) Emmanuel Victor Jansan, Mercantile Bank, Colombo, (5) Virginia Winifred Jansan of Jaffna, (6) Prins Stanley Jansan of Jaffna, (7) Albert Ackland Jansan of Jaffna, (8) George Maxwell Jansan of Jaffna; the 5th, 6th, 7th, and 8th respondents are minors by their guardian *ad litem* the above-named 1st respondent Respondents.

THIS matter of the petition of Stephanus Laurence Jansan of Jaffna, praying for letters of administration to the estate of the above-named deceased Virginia Jansan, widow of Garret Jansan, coming on for disposal before P. E. Pieris, Esq., District Judge, on August 8, 1916, in the presence of Mr. G. N. Tissaverasinghe, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated June 15, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as son of the said deceased, to administer the estate of the said deceased and that letters of administration do issue to him accordingly, unless the respondents above named or any other person shall, on or before August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 14, 1916.

P. E. PIERIS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Nagamuttu, wife of Vaitianathar Kanagasabai of Analaituwoe, deceased. No. 3,255.

Vaitianathar Kanagasabai of Analaituwoe Petitioner.

Vs.

(1) Kanagasabai Nagalingam of Analaituwoe, (2) Kanagasabai Kantaiya of ditto, (3) Arumugam Aiyampillai, and wife (4) Katpakam of ditto; the 1st and 2nd respondents are minors by their guardian *ad litem* the 3rd respondent Respondents.

THIS matter of the petition of Vaitianathar Kanagasabai of Analaituwoe, praying for letters of administration to the estate of the above-named deceased Nagamuttu, wife of Vaitianathar Kanagasabai of Analaituwoe, coming on for disposal before P. E. Pieris, Esq., District Judge, on July 27, 1916, in the presence of Mr. E. Murugesampillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated June 20, 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 August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Parupatham, wife of Sinnattampi Aiyatturai of Anaikkoddai, deceased. No. 3,261. Class I.

Sinnattampi Aiyatturai of Anaikkoddai. Petitioner.
Vs.

- (1) Swaminatar Sinnattampi of Anaikkoddai, (2) Aiyathurai Kulanyagamappanasami of ditto, (3) Kanapathiar Sitamparappillai of ditto, and wife (4) Meenadchippillai of ditto, (5) Veluppillai Sitamparanatar of ditto, and wife (6) Achchimmuttu of ditto; the 2nd respondent is a minor, appearing by his guardian *ad litem* the 1st respondent. Respondents.

THIS matter of the petition of Sinnattampi Aiyatturai of Anaikkoddai, praying for letters of administration to the estate of the above-named deceased Parupatham, wife of Sinnattampi Aiyathurai, coming on for disposal before P. E. Pieris, Esq., District Judge, on August 4, 1916, in the presence of Mr. M. Asaipillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated June 30, 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 August 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.

August 7, 1916.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Muttupillai, wife of Arumugam Kasippillai of Urumpirai, deceased. No. 3,266.

Aromugam Kasippillai of Urumpirai. Petitioner.
Vs.

- (1) Mappanai Sinnakuddy and wife (2) Chinnachy of Urumpirai, (3) Nasammah, daughter of Kasippillai, a minor, by his guardian *ad litem* the 1st respondent. Respondents.

THIS matter of the petition of Arumugam Kasippillai of Urumpirai, praying for letters of administration to the estate of the above-named deceased Muttupillai, wife of Arumugam Kasippillai, coming on for disposal before P. E. Pieris, Esq., District Judge, on August 9, 1916, in the presence of Messrs. Tambiah S. Cook and P. S. J. Chrysostom, Proctors, on the part of the petitioner; and affidavit of the petitioner dated July 4, 1916, having been read: It is declared that the petitioner is the 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 August 29, 1916, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.

August 6, 1916.

In the District Court of Mullaittivu.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. late Saravanamuttu Kulasekarampillai, No. 143. Aiyayar of Mullaittivu, deceased.

Mailvagana Mudaiyayar Cuttytamby of Mullaittivu. Petitioner.

And

- (1) Kartikesu Veluppillai, Udaiyayar, and wife (2) Meenatchy of Ampalavanpokkanai, (3) Sundaram, widow of Kantiah of ditto, (4) Chellamuttu, daughter of Kulasekarampillai, (5) Nallamma of ditto, (6) Kulasekarampillai Duraisamy of Mullaittivu; the 4th, 5th, and 6th respondents are minors by their guardian *ad litem* the 3rd respondent. Respondents.

THIS matter coming on for disposal before W. L. Murphy, Esq., District Judge of Mullaittivu, on August 8, 1916, in

the presence of the petitioner above named; and the affidavit of the said petitioner dated August 8, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared, as the brother-in-law of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 18, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 3rd respondent be appointed guardian *ad litem* over the 4th, 5th, and 6th respondents, minors, for the purpose of this action.

W. L. MURPHY,
District Judge.

August 8, 1916.

In the District Court of Batticaloa.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. late Kanapathipillai Rasamma of Navatkudah, deceased. No. 898.

Robert William Seenitamby Kanapathipillai of Navatkudah. Petitioner.

And

- (1) Kanapathipillai Chellatangamma, minor, (2) Robert William Seenitamby, both of Navatkudah. Respondents.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Batticaloa, on July 15, 1916, in the presence of Mr. S. M. Poopalapillai, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 12, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before August 12, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be appointed guardian *ad litem* of the minor, the 1st respondent, unless the respondents shall, on or before August 12, 1916, show sufficient cause to the satisfaction of this court to the contrary.

T. B. RUSSELL,
District Judge.

July 15, 1916.

The date for showing cause has been extended till August 31, 1916.

T. B. RUSSELL,
District Judge.

August 12, 1916.

In the District Court of Batticaloa.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction. late Simon Henry of Uppodai, in Koddaimunai, deceased. No. 899.

Anthony Selliah of Koddaimunai. Petitioner.

And

- (1) Annama, widow of the deceased; (2) Kana-gamma; (3) Henry Ebramma and husband, (4) Rayaper Moses; (5) Henry Rasa, (6) Henry Rasie, (7) Henry Sinnappillai, minors; all of Koddaimunai. Respondents.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Batticaloa, on July 15, 1916, in the presence of Mr. Tisseverasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 15, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son-in-law of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before August 17, 1916, show sufficient cause to the satisfaction of the court to the contrary.

It is further ordered that the 1st respondent be appointed guardian *ad litem* over the minors, the 5th, 6th, and 7th respondents, unless the respondents shall, on or before August 17, 1916, show sufficient cause to the satisfaction of the court to the contrary.

July 15, 1916.

T. B. RUSSELL,
District Judge.

Order *Nisi* extended till August 31, 1916.

August 17, 1916.

C. VELUPILLY,
Secretary.

In the District Court of Chilaw.

Order *Nisi*.

~~Testamentary~~ In the Matter of the Intestate Estate of
Jurisdiction. Warneculasuriya Laura Fernando, late
No. 1,136. of Kulamulla, deceased.

Warneculasuriya Anasesthu Fernando of Kula-
mulla Petitioner.

Vs.

- (1) Warneculasuriya Welbina Fernando, wife of (2) Colombage Marsalenu Fernando, both of Waikkal, (3) Warneculasuriya Rosa Maria Fernando, wife of (4) Warneculasuriya Manuel Fernando, both of Kammala, (5) Warneculasuriya Simonia Fernando, wife of (6) Warneculasuriya Manuel Fernando, both of Waikkal, (7) Warneculasuriya Pelesia Fernando, wife of (8) Methisge Emeliyanu Obris, both of Waikkal, (9) Warneculasuriya Marsal Fernando of Waikkal Respondents.

THIS matter coming on for disposal before W. H. B. Carbery, Esq., District Judge of Chilaw, on August 14, 1916, in the presence of Messrs. Martin and Sansoni, Proctors, on the part of the petitioner above named; and the affidavit of the petitioner dated July 31, 1916, having been read:

It is ordered the petitioner be and he is hereby declared entitled, as husband of the deceased above named,

to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 15, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 14, 1916.

W. H. B. CARBERY,
District Judge.

In the District Court of Badulla.

Order *Nisi*.

B/508. In the Matter of the Intestate Estate of the late Awanna Abubakker Lebbe, late of Boragoda, in Medagam pattu, in Wellassa.

Ismail Pulle's daughter Awumma of Boragoda, in Medagam pattu, in Wellassa Petitioner.

And

- (1) Ismail Lebbe's son Meera Lebbe, (2) Abubakker Lebbe Yassim, (3) ditto Meera Saibo, (4) ditto Ayidurus, (5) ditto Abdul Hamidu, all of Boragoda, in Medagam pattu, in Wellassa; the 2nd, 3rd, 4th, and 5th respondents, minors, by their guardian *ad litem* the 1st respondent. Respondents.

THIS matter coming on for disposal before W. K. H. Campbell, Esq., District Judge of Badulla, on August 10, 1916, in the presence of Mr. B. E. Bartholomeusz, on the part of the petitioner; and the affidavit of the said petitioner of the same date having been read: It is ordered that the petitioner, as widow of the deceased Awanna Abubakker Lebbe, late of Boragoda be and she is hereby declared entitled to administer the estate of the said deceased, and that letters of administration do issue to her accordingly, unless sufficient cause be shown to the contrary on September 6, 1916.

August 11, 1916.

W. K. H. CAMPBELL,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,683. In the matter of the insolvency of Peter de Silva Wijeyeratne of 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 September 21, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,

Colombo, August 22, 1916. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,739. In the matter of the insolvency of Suna Palupandithan of Dam street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 28, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,

Colombo, August 21, 1916. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,742. In the matter of the insolvency of Charles Hilarian Cramer of Dematagoda, 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 September 28, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,

Colombo, August 21, 1916. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,757. In the matter of the insolvency of Ernest Michael Clarence Pieris Gunasekera Senanayaka of Grandpass, Colombo.

WHEREAS the above-named Ernest Michael Clarence Pieris Gunasekera Senanayaka has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by John Fonseka, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Ernest Michael Clarence Pieris insolvent accordingly; and that two public sittings of the court, to wit, on September 28, 1916, and on October 12, 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,

Colombo, August 21, 1916. D. M. JANSZ,
Secretary.

In the District Court of Colombo.

No. 2,758. In the matter of the insolvency of Edgar F. Kelaart of Kelaniya.

WHEREAS the above-named Edgar F. Kelaart has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by V. C. de Rosayro, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Edgar F. Kelaart insolvent accordingly; and that two public sittings of the court, to wit, on September 28, 1916, and on October 12, 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,
D. M. JANSZ,
Secretary.

Colombo, August 21, 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 above-named insolvent has been awarded a certificate of conformity as of the third class.

By order of court,
V. R. MOLDRICH,
Secretary.

August 17, 1916.

In the District Court of Galle.

No. 419. In the matter of the insolvency of K. T. Bennet de Silva of Ambalangoda.

NOTICE is hereby given that an adjourned meeting of the creditors of the above-named insolvent will take place

at the sitting of this court on September 18, 1916, for the examination of insolvent.

By order of court,
V. R. MOLDRICH,
Secretary.

August 16, 1916.

In the District Court of Galle.

No. 420. In the matter of the insolvency of Arucuttu Patabendige Sadiris Abey Suriya of Galupiyadda.

NOTICE is hereby given that the above-named insolvent has been awarded a certificate of conformity as of the third class.

By order of court,
V. R. MOLDRICH,
Secretary.

August 16, 1916.

In the District Court of Chilaw.

No. 19. In the matter of the insolvency of Charles Munasinghe of Chilaw.

NOTICE is hereby given that the 1st and the 2nd sittings are adjourned for September 22, 1916, and the proof of further claims will be admitted on the same day.

By order of court,
C. B. PAULICKPULLE,
Secretary.

August 15, 1916.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

S. N. S. O. Periyanan Chetty of Sea street,
Colombo Plaintiff.
No. 41,333. Vs.

Thomas P. Wijewardena of Colpetty, Colombo,
presently of Kolonnawa, (2) Peries Mirando of
St. Joseph's street, Colombo Defendants.

NOTICE is hereby given that on Tuesday, September 19, 1916, at 3 o'clock in the afternoon, will be sold by public auction, at the premises, the right, title, and interest of the said 1st defendant in the following property, for the recovery of the sum of Rs. 4,064.80, with interest thereon at 9 per cent. per annum from March 22, 1915, till payment in full, and costs of suit, less Rs. 600, viz. :—

The land called Kongahawatta, together with the plantations and buildings standing thereon, situated at Gonawala, in the Adikari pattu of Siyans korale; bounded on the north by dewata path, on the east by Gansabhawa road, on the south by dewata road and the land belonging to Simon Peiris Wickramaratna, Vidane Arachchi, and others, on the west by another land belonging to the same defendant; containing in extent about 3 acres more or less.

Fiscal's Office,
Colombo, August 21, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

(1) Leonard Frank Hudson (2) James Miller, trustees under the will of William Crammond Miller, carrying on business under the name, style, and firm of Miller and Company, Colombo Plaintiffs.
No. 42,562. Vs.

Kadugoda Arachchige Don Martinus Perera of Dehiowita, executor of the last will and testament of Kadugoda Arachchige Don John Perera... Defendant.

NOTICE is hereby given that on Friday, September 22, 1916, beginning at 10 o'clock in the forenoon, will be sold

by public auction, at the premises, the following property mortgaged with the plaintiffs by bond No. 795 of May 6, 1914, and decreed to be sold by the decree entered in the above case, for the recovery of the sum of Rs. 10,955.33, with legal interest on Rs. 10,955.33 from August 24, 1915, to October 8, 1915, and thereafter with further interest on the aggregate amount till payment, and costs, viz. :—

1. All that allotment of land marked A in the plan dated October 29, 1904, made by R. W. Hepponstall, Licensed Surveyor, (exclusively) of the portion in extent 4 4/5 perches sold to S. S. V. Vairyanathan Pillai by transfer No. 137 of September 11, 1913, attested by D. W. Munasinhe, Notary Public, of the lands called Attumunnekurahanwatta and Mahakumburawatta, with the buildings standing thereon, situate in the village Dehiowita in Atulugam korale, in the District of Kegalla; and bounded on the north by Gansabhawa premises and by lot marked B, on the east by lot marked B and the high road, on the south by the property of C. M. Cader Tamby, and on the west by land reserved for railway road, containing in extent 2 roods 32 perches, together with the restaurant and all connected buildings standing thereon, and all rights, ways, servitudes, appurtenances whatsoever to the said property and premises belonging or in anywise appertaining or held to belong or be appurtenant thereto or used or enjoyed therewith.

2. All those buildings, outhouses, and premises comprising the soda water factory belonging to the estate of the said Kadugoda Arachchige Don John Perera, deceased, standing on the lands called Atumunnekurahanwatta and Mahakumburawatta, situate in the village Dehiowita, and marked B in the said plan of October 29, 1904, made by the said R. W. Hepponstall; and bounded on the north by Gansabhawa premises, on the east by the high road to Yatiyantota and Colombo, on the south by the property of C. M. Cader Tamby, and on the west by the said portion marked A, containing in extent 14 perches, together with the appurtenances belonging to the said several buildings and premises, and all rights, ways, servitudes, easements, and advantages whatsoever thereto belonging or in anywise appertaining or used or enjoyed therewith or reputed or known as part or parcel thereof.

3. All stores, buildings, and outhouses belonging to the estate of the said Kadugoda Arachchige Don John Perera, deceased, standing on the land called Atumunnekurahanwatta and Mahakumburawatta, situate in the village Dehiowita, and marked C in the aforesaid plan of October 29, 1904, made by the said R. W. Hepponstall; bounded on the north by the property of Arnolis Appu, on the east by the ela, on the south by the Deraniyagala road, and on the west by the high road to Yatiyantota and Colombo, containing in extent 26 perches, together with the appurtenances belonging to the said buildings and premises and all rights, ways, servitudes, easements, and advantages whatsoever thereto belonging or in anywise appertaining or used or enjoyed therewith or reputed or known as part or parcel thereof.

4. All that upstairs building and premises 70 by 28 feet and the 3 galvanized iron roofed rooms 45 by 28 feet, adjoining each other, standing on the land called Atumunnekurahanwatta, situate in the village Dehiowita, and marked D in the aforesaid plan of October 29, 1904, made by the said R. W. Hepponstall; bounded on the east by ela, on the south by the land belonging to C. M. Cader Tamby, on the north by the Deraniyagala road, and on the west by the high road to Yatiyantota and Colombo, containing in extent about 1 rood and 4 perches, together with the appurtenances belonging to the said several buildings and premises and all rights, ways, servitudes, easements and advantages whatsoever thereto belonging or in anywise appertaining or used or enjoyed therewith or reputed or known as part or parcel thereof.

Movables lying in Premises Nos. 1 and 2.

21 tins turnips.
17 tins lamb cutlets.
21 tins lamb and green peas.
12 tins cabbage.
21 tins beefsteak.
31 tins mutton cutlets.
20 tins Irish stew.
12 tins parsnips.
7 tins mutton and vegetables.
9 tins beetroot.
9 haricot mutton.
11 tins carrots.
19 tins beef and vegetables.
10 tins roast beef.
12 tins roast mutton.
19 tins roast lamb.
10 tins sago and onions.
20 tins stewed steak.
15 tins mutton and cabbage.
12 tins onions.
24 tins rump steak.
3 tins (large) P & C sardines.
5 tins (small) ditto.
7 tins haricot verts.
1 tin pate de foie.
1 C & B's turbot.
3 tins asparagus.
2 tins bacon and eggs.
23 tins preserved bloaters.
32 tins Oxford sausages.
1 tin rump steak.
2 tins salmon.
15 tins herrings in tomato sauce.
21 tins kippered herrings.
6 tins Findon haddocks.
3 tins Yarmouth bloaters.
6 tins fruits.
5 tins mutton chops.
14 tins mutton cutlets.
63 tins pates.
30 tins (large) corned beef.
30 tins (small) ditto.
2 tins florytin.

27 tins arrowroot (large).
5 tins P & N arrowroot.
11 tins ($\frac{1}{2}$ -lb. tins) C & B arrowroot.
22 tins P & N ditto.
26 tins P & N ditto.
8 tins ox tongue.
17 tins sheep tongue (small).
8 tins ditto (large).
8 tins barley (large).
6 tins ditto (small).
9 tins stencil ink.
4 tins cacao.
1 tin Nestle's milk food.
43 tins essence of beef and chicken.
6 tins Player's navy mixture.
8 tins Waverley mixture.
7 tins Egyptian cigarettes.
2 tins Masper's cigarettes.
1 tin Glasgow mixture.
1 tin Garrick mixture.
4 tins Capstan medium tobacco.
2 tins full strength ditto.
10 tins curry powder.
1 tin ($\frac{1}{2}$ -lb.) Cadbury's chocolate.
2 tins birds' eggs.
3 tins dry red herrings.
12 bottles table salt.
2 bottles canary seeds.
4 tins Catrets' soft soap.
3 bottles Stockholm tar.
5 bottles boot oil.
2 bottles linseed oil.
26 packets monkey brand soap.
1 bottle boot polish.
3 tins carbolic tooth powder.
24 tins Rosella jam.
1 tin T & L jam.
1 tin marmalade.
7 pints vinegar.
8 bottles vinegar.

3 bottles Allenbury's milk food.
2 bottles peptone wine.
2 bottles Hall's wine.
1 bottle tomato sauce.
1 bottle ditto chutney.
8 bottles salad cream.
2 bottles French cream.
2 bottles bovril.
1 bottle greengages.
1 bottle walnuts.
11 bottles white pepper.
11 bottles ditto.
7 bottles mustard.
2 bottles Lucca oil (large).
1 bottle $\frac{1}{2}$ ditto.
1 bottle $\frac{1}{4}$ ditto.
2 bottles $\frac{7}{8}$ ditto.
2 bottles olive oil.
2 bottles Mellin's food.
10 bottles Spanish olives.
2 bottles (large) ditto.
5 bottles sauce.
10 bottles (large) ditto.
3 bottles boot polish.
1 bottle unfermented wine.
3 bottles mint.
17 bottles pickles.
3 bottles ditto.
18 bottles ditto.
26 and 10/12 dozen tins potted meat.
18 tins potted meat.
8 tins anchovy paste.
5 dozen tins sterilized milk.
10 tins thick cream milk.
3 tins Kent hopse.
3 tins mixed peel.
9 cakes blanco.
4 tins Jordan almonds.
2 tins disinfectant.
17 tea sample tins.
4 tins tapioca.
5 tins macaroni.
11 tins ditto.
9 packets cornflour.
6 pieces bath brick.
33 fire bricks.
1 piece camphor.
4 bottles Gent's polish.
1 tin royal apples.
5 jars jam.
2 bottles curry powder.
2 bottles lavender water.
1 tin Rosella jam.
1 tin butter.
9 rickshaw lanterns.
2 ditto (small).
9 police lanterns.
1 ditto (large).
4 bedroom lamps.
8 candlesticks.
1 candle lamp.
6 ditto.
1 Hink's table lamp.
4 lamp globes.
12 ditto.
1 spirit milk pot
35 glass tumblers.
10 tea taste cups.
14 ditto pots.
19 champagne glasses.
2 milk jugs.
2 teapots.
1 water jug.
8 egg cups.
36 wine glasses.
17 gin and bitter glasses.
11 port glasses.

1 silver measuring glass.
1 peg measure.
14 pairs cups and saucers.
1 butter pot.
2 kitchen knives.
1 ditto small.
1 pair carving knives.
7 large table knives.
18 table knives.
72 table forks.
7 large table spoons.
5 ditto.
63 table plates.
16 mixed plates.
40 ditto.
19 table dishes.
1 cruet stand.
1 toast rack.
1 bread ditto.
1 bottle soldering fluid.
6 bottles ink.
5 phials sealed ink.
5 packets notepapers.
18 small check lists.
22 large ditto.
25 sheets blotting paper.
70 tundu books.
60 large pass books.
7 muster reports.
2 tappal books.
1 manifold order book.
1 glass bottle.
3 rain gauges.
1 tea despatch invoice book.
2 good pocket check lists.
4 hand ditto.
3 common check lists.
9 green leaf tundu books.
5 general order book.
1 rice order books.
2 cash order books.
4 green leaf receipts books.
1 cash receipt book.
1 railway consignment note book.
4 call bells.
2 ditto.
6 ash trays.
2 blank books.
1 journal book.
1 letter copying book.
3 ebony rulers.
1 box large official envelopes.
1 lot tissue papers.
16 penholders.
5 babies' soothers.
384 pass books.
16 $\frac{1}{2}$ dozen assorted pencils.
1 muffler.
1 cycle bell.
2 tins chalk.
3 boxes rubber bands.
5 packets gramophone needles.
24 dozen brown paper.
14 packets cotton wool.
6 bandages.
8 lint.
3 bottles eucalyptus oil.
3 bottles pain balm.
3 bottles peppermint.
2 bottles ratafia.
1 bottle essence of lemon.
3 syringes.
3 bottles maccoasor oil.

1 packet headache cure.
 3 packets pepelle.
 1 packet bile beans.
 2 tins zambuk.
 3 pills, William's pink pills.
 2 packets Holloway's pills.
 2 packets Beecham's pills.
 3 packets antibilious pills.
 6 tins Keating's powder.
 1 tin chlorodyne.
 2 tins rough on rats.
 2 bottles santonine lozenges.
 1 bottle odel.
 2 bottles bromide of potash.
 2 bottles oil of tar.
 2 bottles cod liver oil.
 3 bottles essence of ginger.
 6 bottles glycerine.
 3 bottles creasote.
 2 bottles sandlewood oil.
 1 bottle citronella oil.
 1 bottle peppermint.
 3 bottles quinine bisulphate.
 3 packets vegetable pills.
 3 phials saccharine tabloids.
 3 bottles lime water.
 1 bottle cascara.
 3 bottles hyphosphite.
 3 bottles blood mixture.
 2 packets formamint.
 3 bottles cream of tar.
 1 bottle castor oil.
 8 measuring glasses.
 2 bottles vaseline.
 5 bottles royal embrocation.
 4 bottles ammonia.
 4 bottles spirit aetheris.
 4 tins boric acid.
 3 bottles pepper sauce.
 1 bottle Moir's green heart.
 2 bottles compound essence.
 4 bottles tabloid.
 1 bottle compound syrup.
 2 bottles chlorodyne.
 1 bottle flavouring essence.
 1 packet Japanese syrup.
 3 packets Little's liver pills.
 1 packet Doan's dinner pills.
 1 bottle eucalyptus oil.
 1 bottle William's pink pills.
 1 bottle lucca oil.
 1 tin ointment.
 1 packet calomel.
 1 bottle linseed oil.
 1 looking glass.
 2 glass counters.
 1 iron safe.
 1 Empire typewriter.
 1 cashier's table.
 1 jakwood ice box.
 1 jakwood meat safe.
 1 press with stand.
 4 jakwood almirahs.
 8 ditto (small).
 3 ditto.

4 square tables.
 3 ditto (small).
 1 teak dinner waggon.
 1 office table.
 1 jakwood safe.
 1 washing table.
 1 nadun centre teapoy.
 5 nedun armchairs.
 2 small ditto.
 1 round table.
 1 almirah.
 4 armchairs.
 3 small easy chair.
 2 large ditto.
 3 nadun teapoys.
 1 stain easy chairs.
 17 jakwood chairs.
 1 jakwood pigeon hole.
 1 towel stand.
 1 nadun wood counter.
 1 teakwood hat stand.
 1 bar bench.
 1 bar table.
 1 ditto (small).
 2 racks
 1 large rack.
 1 small table.
 1 writing table.
 1 Ford motor car.
 2 Hink's hanging lamps.
 2 bracket lamps.
 2 brass rollers.
 4 flower vases.
 2 kitul brooms.
 30 digging forks.
 2 spades.
 41 alavangoes.
 4 cross-cut saws.
 1,780 lb. iron.
 80 enamel plates.
 1 enamel jug.
 1 teapot.
 5 butter dishes.
 3 flower vases.
 19 large tins paint.
 20 small ditto.
 135 ditto.
 2 tins mobil lubricant.
 2 tins mobil oil.
 1,340 lb. iron nails.
 21 pickaxes.
 15 cutters.
 5 grass cutters.
 10 bill-hook knives.
 32 hammers.
 5 cart-washers.
 6 wire-shoot runners.
 4 pairs iron door hinges.
 4 rakes.
 8 lb. lead.
 168 mamoties.
 4 adzes.
 6 American axes.
 7 saucepans.
 4 packets distemper.
 3 sangoos.
 1 tappal box.
 3 ramrods.
 16 watering cans.
 2 frying pans.
 1 stew pan.
 3 tins black japan.
 60 brushes, assorted.
 4 measuring tapes.
 2 tincutters.
 1 pruning knife.
 5 squares.
 23 hand saws.
 8 pocket spring balances.
 6 copper scales.
 3 weighing scales.
 5 footrules.
 3 oil stones.

1 lot files.
 20 door locks.
 1 lot chisels.
 114 tapping knives.
 60 pruning knives.
 50 lb. brass screw nails.
 70 lb. iron screw nails.
 65 lb. iron hinges.
 20 lb. brass bolts.
 5 lb. iron bolts.
 13 augers.
 9 bricklayer's trowels.
 1 marking knife.
 50 padlocks.
 20 almirah locks.
 6 file clips.
 17 lb. rivet nails.
 24 lb. condipattan nails.
 10 lb. iron bolts.
 1 lb. iron window hooks.
 2 thermometers.
 1 corkscrew.
 4 brass bolts.
 1 lb. gunny bag needles.
 2 levels.
 3 hammers.
 25 petrol, empty, tins.
 1 lot spout.
 3 spanners.
 3 galvanized baths.
 3 small ditto.
 4 lanterns.

3 rat traps.
 60 lb. copper.
 5 ridges.
 2 pieces wire nets.
 1 lot latex cups.
 4 galvanized buckets.
 3 enamel buckets.
 20 lb. galvanized wire.
 4 tins powder.
 8 lb. brass wire.
 8 lb. copper wire.
 5 bottles harlene.
 1 bottle hair oil.
 6 bottles scent.
 11 bone buttons.
 8 collar buttons.
 1 paper button.
 1 lot chimney.
 1 lot glass panes.
 1 lot lamp wicks.
 1 lot coir ropes.
 1 big iron chain.
 56 hoop iron.
 1 soda water plant.
 4 double-bullock carts.
 1 single ditto.
 4 pairs, bulls, essence, &c.
 2,007 empty soda water bottles.
 1 clock.
 4 wedges.

Fiscal's Office,
 Avissawella, August 21, 1916.

A. RANASINGHE,
 Fiscal's Marshal.

In the District Court of Colombo.

N. M. R. M. Nallacaruppen Chetty of Sea street,
 Colombo Plaintiff.

No. 44,739. Vs.

Arisi Marikar Hadjiar Muhammado Salibu Hadjiar
 of Colpetty, Colombo Defendant.

NOTICE is hereby given that on Wednesday, September 20, 1916, at 2 o'clock in the afternoon, will be sold by public auction, at the premises, in the following property mortgaged with the plaintiff, and declared bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated July 24, 1916, for the recovery of the sum of Rs. 1,600 at 21 per cent. per annum from March 22 to April 14, 1916, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full, and costs, viz:—

All that land, with the boutique standing thereon, bearing assessment No. 14, situated at China street, in the Pettah, within the Municipality and the District of Colombo, Western Province; and bounded on the north by the boutique No. 8 now bearing No. 15 belonging to Abubukker Lebbe Oduman Lebbe Marikar, on the east by the property of Omer Pulle Ahamado Lebbe now of Ahamado Lebbe Marikar Arisi Marikar Hadjiar, on the south by the property of Ramanadu Pulle now bearing No. 13 belonging to Ahamadu Lebbe Marikar Slema Lebbe, and on the west by the road; containing in extent 1 4/15 square perches.

Fiscal's Office,
 Colombo, August 21, 1916.

W. DE LIVERA,
 Deputy Fiscal.

In the Court of Requests of Colombo.

Abraham Perera Jayatunga of Maradana,
 Colombo Plaintiff.

No. 46,063. Vs.

(1) Bulathsinhalage Maria Nona by her legal representative (2) Kanampella Vithanage William Perera (wife and husband), (3) Bulathsinhalage Mangohamy of Kotahena, in Colombo. Defendants.

NOTICE is hereby given that on Tuesday, September 19, 1916, at 3.30 o'clock in the afternoon, will be sold by public auction, at the premises, in the following property ordered to be sold by the order of court dated July 18, 1916,

for the recovery of the sum of Rs. 300, with interest thereon at 9 per cent. per annum from May 19, 1916, till payment in full, and costs Rs. 32·25, viz. :—

All that undivided $\frac{3}{4}$ of the land called Bilingahawatta, with the buildings, plantations, and trees thereon, situated at Kotahena, in the District of Colombo, Western Province; bounded on the north-east by the property of the late Hettige Simon Perera, deceased, on the south-east by the property belonging to Makewitige Lucia Perera, on the south-west by property belonging to Katturi Arachchige James Perera, and on the north-west by a road 12 feet wide and by the property of Justina Perera; and containing in extent 18 93/100 square perches.

Fiscal's Office,
Colombo, August 21, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the Court of Requests of Colombo.

K. D. Hendrick Appuhamy of Grandpass,
Colombo Plaintiff.
No. 49,626. Vs.

(1) S. L. M. Aboosali, (2) S. L. M. Mohamed, both
of Grandpass, Colombo Defendants.

NOTICE is hereby given that on Wednesday, September 20, 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 2nd defendant in the following property for the recovery of the sum of Rs. 160, and a further sum of Rs. 30·25 as costs, viz. :—

The premises bearing No. 47, with the buildings standing thereon, situated at Urugodawatta, Colombo; and bounded on the north by Urugodawatta road, east by garden belonging to Welkis Umma, south by land belonging to Pakeer Tamby Minnam Baas, and on the west by land of Josina Umma, subject to any mortgages existing, and containing in extent about 10 perches.

Fiscal's Office,
Colombo, August 21, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the Court of Requests of Colombo.

K. B. Mohammado Ibrahim of Vincent street,
Colombo Plaintiff.
No. 50,800. Vs.

(1) Abdul Careem AUSA Umma, (2) A. Abdul
Hamido, both of No. 5, Piachaud's lane, Panchi-
kawatta Defendants.

NOTICE is hereby given that on Thursday, September 21, 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 1st defendant in the following property for the recovery of the sum of Rs. 69·50, with legal interest thereon from March 28, 1916, till payment in full, and costs Rs. 19·25, viz. :—

All that portion marked B and coloured pink in the survey plan No. 1,111 dated December 2, 1906, made by Juan de Silva, Licensed Surveyor, with the buildings standing thereon, being $\frac{1}{2}$ of the premises bearing assessment Nos. 51-52, situated at Piachaud's lane, Panchikawatta, within the Municipality of Colombo, Western Province; bounded on the north by the $\frac{1}{2}$ part marked A of the same land, on the east by Piachaud's lane, on the south by the property of S. L. Hamido, and on the west by a lane 4 feet wide; containing in extent 3·8 perches according to the said survey plan No. 1,111.

Fiscal's Office,
Colombo, August 21, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the Court of Requests of Negombo.

K. N. K. L. Letchimanan Chetty of Negombo. . . . Plaintiff.
No. 22,561. Vs.

Wadana Arachchige Andi Fernando of Gala-
gedera Defendant.

NOTICE is hereby given that on Monday, September 18, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and

interest of the said defendant in the following property, viz. :—

(a) All those undivided three-sixteenth parts or shares of and in all that allotment of land called Godellehena, situated at Galagedera, in Pitigal korale of Katugampola hatpattu, in the District of Kurunegala; and bounded on the north by the village boundary of Irabaddegama, north-east by the village boundary of Gonulla, east by the village boundaries of Madurugamuwa and Hendiyagala, south by a cemetery, south-west by Millagahawatta belonging to Unga Veda, and west by Kongahawatta belonging to Andi Fernando, Naduhena belonging to Guruwa and others, Kajukele and Heda-wakegahahena belonging to Andi Fernando and others, Delgahakumbura belonging to Andi Fernando and others; containing in extent within these boundaries about sixty-six acres.

(b) An allotment of land called Delgahawatta, situated at Irabaddegama, in Pitigal korale of Katugampola hatpattu, in the District of Kurunegala; bounded on the north by the kekuna tree which separates the land of Anthony Appu, east by land of Anthony Appu, south by land belonging to Unga, west by Paragahakumbura; containing in extent about 12 acres.

Amount to be levied Rs. 162·09 $\frac{1}{2}$, with interest on Rs. 138·84 $\frac{1}{2}$ at the rate of 9 per cent. per annum from June 11, 1915, till payment.

Fiscal's Office,
Kurunegala, August 18, 1916.

S. D. SAMARASINHE,
Deputy Fiscal.

In the Court of Requests of Negombo.

Panambarage Manuel Fernando of Kochchikada. . . . Plaintiff.
No. 23,772. Vs.

(1) Nawanna Muna Mohamado Lebbe of Dalua-
kotuwa, (2) Bastian Marku Fernando, Annavi-
rala of Pallansena. . . . Defendants.

NOTICE is hereby given that on September 16, 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 defendants in the following property, viz. :—

1. The land called Padiriyawela, situate at Pallansena, in Dunagaha pattu of Alutkuru korale; and bounded on the north by land of Mariya Waas and others, east by land of the heirs of Nekulan Fernando, south by land of Paulu Fernando, and west by the old canal; containing in extent about 1 acre.

2. The land called Kongahawatta, situate at Porutota, in Dunagaha pattu aforesaid; and bounded on the north by land of Anthoni Kurera, east by land of Abdulla and others, south by land of Mohamadu Ossen and others, and west by dewata road; containing in extent about 1 acre, with the cadjan thatched house standing thereon.

3. The land which the defendant resides, together with the tiled house standing thereon, situate at Porutota aforesaid; and bounded on the north and west by land of the heirs of Lewis Fernando Pinno, east by road, and south by land of Segu Ismail Lebbe; containing in extent about 1 acre.

Amount to be levied Rs. 257·25, with interest on Rs. 100 at 30 per cent. per annum from March 30, 1916, till May 12, 1916, and thereafter at 9 per cent. per annum till payment.

Deputy Fiscal's Office,
Negombo, August 22, 1916.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

In the Court of Requests of Negombo.

Sena Ana Mohamadu Meera Lebbe of Minuwana-
goda. . . . Plaintiff.
No. 24,076. Vs.

Yagamodi Sadahami of Palugahawela. . . . Defendant.

NOTICE is hereby given that on September 19, 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, which the defendant resides situate at Dagonna, in Dunagaha pattu of Alutkuru korale;

and bounded on the north by land of Mrs. Benjamine, east by Pansalawatta, south by high road, and west by dewata road; containing in extent 4 acres more or less.

Amount to be levied Rs. 196·25, with interest on Rs. 171 at 9 per cent. per annum from June 26, 1916, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, August 22, 1916. Deputy Fiscal.

In the Court of Requests of Kalutara.

(1) Kamburawalakankanange Carolis de Alwis
and (2) ditto George de Alwis, both of Dodan-
goda..... Plaintiffs.

No. 6,885. Vs.

(1) Tanapathlianerallage John de Silva and (2)
ditto Peter de Silva, both of Paiyagala..... Defendants.

NOTICE is hereby given that on Saturday, September 16, 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 defendants in the following property for the recovery of Rs. 130·25, with legal interest on Rs. 110 from July 22, 1914, till payment in full, viz. :—

Undivided $\frac{1}{2}$ and $\frac{1}{27}$ shares of the soil and of the remaining produce after excluding the planter's $\frac{1}{4}$ share of the 2nd plantation standing thereon of the land called Maduruduwe-watta, situate at Maduruduwa, in Paiyagalbada; and bounded on the north and east by Danwele-oya, on the south and west by Crown field; and containing in extent about 10 acres 3 roods and 14 perches.

Deputy Fiscal's Office, H. SAMARESINGHA,
Kalutara, August 22, 1916. Deputy Fiscal.

Central Province.
In the District Court of Kandy.

W. G. G. Abeysinghe of Gampola Plaintiff.
No. 22,577. Vs.

(d) Ramasamy Seruvaran's daughter Rakamma of Kurugalla estate, Gampola, (2) Agnes Lemercier (dead) by substituted defendant, C. E. Ferdinand, Secretary, District Court, Kandy, (3) Paul Lemercier of Lower Dangan estate, Matale, (4) Eleanor Downall and (5) her husband Reginald Henry Downall of Bethworth estate, Galagedara, (6) Arthur Thomas Hawke, (7) Beatrice Macdonald (dead) by the substituted defendant C. E. Ferdinand, Secretary District Court, Kandy, and (8) Robert Macdonald of Kurugalla estate, Gampola Defendants.

NOTICE is hereby given that on Tuesday, September 26, 1916, commencing at 12 o'clock noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property mortgaged upon bond No. 202, dated July 7 and 14, 1912, and attested by T. B. Panabokke, Notary Public of Gampola, for the recovery of the sum of Rs. 14,055 with legal interest from March 23, 1916, till payment in full, and costs of suit, viz. :—

An undivided $\frac{1}{2}$ share from and out of all that estate called Kurugalla, now called Maryland, situated in the villages of Uda Aludeniya, and Wegiriya, in the Medapalata of Uduwara, and in the village of Kirinde, in Gangapahala korale, Udapalata, all in the District of Kandy, Central Province, and comprising of the following allotments of land :—

(a) All that land called Mulletahena, situate at Uda Aludeniya, in Medapalata, Uduwara, Kandy District, Central Province; and bounded on the north by land claimed by natives, on the north-east by land described in plan No. 55,896 and by land claimed by natives, on the east and south-east by land described in plan No. 50,089, on the south-west by land described in plan No. 53,764, and on the west by land said to belong to the Crown and by land claimed by natives, and on the north-west by land described in plan No. 55,896 and by lands claimed by natives; and containing in extent (exclusive of the path passing through the land) 9 acres 3 roods and 17 perches.

(b) All that tract of land, situate at Uda Aludeniya aforesaid and at Kirinde, in Gangapahala korale, Udapalata, Kandy District aforesaid; and bounded on the north-west by land said to belong to the temple, and on all other sides by land claimed by natives; and containing in extent 45 acres 2 roods more or less.

(c) All that allotment of land called Gangumahena (Ganimehena according to the seizure report), situate at Wegiriya in Medapalata aforesaid; and bounded on the north and north-east by paddy fields claimed by natives, and land said to belong to the temple, on the south-east and east by land described in plan No. 50,089, and south and south-west by land claimed by natives, and on the north-west by land claimed by natives and by paddy fields claimed by natives; and containing in extent 4 acres 1 rood and 25 perches more or less.

(d) All that chena land called Kurugallahena alias Gallanahena of 2 pelias in extent, situate at Kurugalla, in Gangapahala korale, Uduwara aforesaid; and bounded on the east by mango tree standing on ganima of Uduwara, on the south by the galdetta, on the west by the stone fence, and on the north by the coffee estate owned by John James.

(e) All that chena land called Kurugallahena alias Gallanahena of 2 pelias in extent; and bounded on the east by the stone fence, on the south by the Galdetta, on the west by the demada of Gamagedarahena, and on the north by the coffee estate which was owned by John James; situate at Kurugalla aforesaid, and all the right, title, interest and claim whatsoever of the said defendants in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,
Kandy, August 21, 1916.

A. V. WOUTERSZ,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Sophia Dias Abeyasingha of Kumbalwella Plaintiff.
No. 13,647. Vs.

Cader Mohidin Abdul Rahiman of Kumbalwella Defendant.

NOTICE is hereby given that on Saturday, September 16, 1916, at 2 o'clock in the afternoon, will be sold by public auction at the spot the following mortgaged property :—

All the soil and trees of the land called defined lot A of the land called Porakagodellewatta alias Kaluwellewatta, together with the tiled house standing thereon bearing Municipal assessment No. 142A and all other buildings standing thereon, situate at Kaluwella, Ward No. 2, containing in extent 20·35 perches; bounded on the north by Kaluwellewatta, east by Allapuwattagederatanapara or the convent wall, south by Templer's road, and west by Porakagodellewatta, property of Kaluwelle Tamby Meera Lebbe.

Writ amount Rs. 2,337·99, with interest on Rs. 2,170 at 9 per cent. per annum from September 17, 1915, till payment,

Fiscal's Office,
Galle, August 16, 1916.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Galle.

S. M. R. M. S. V. Sidamberam Chetty of Sea street, Colombo Plaintiff.
No. 39,882. Vs.

(1) J. S. Jayawardana of Grandpass, Colombo, (2)
D. S. P. Abayawardana of Barber street,
Colombo Defendants.

NOTICE is hereby given that on Monday, September 18, 1916, at 12 o'clock in the noon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property, viz. :—

(1) Lot marked No. 1,622 of the lands called Akulehena, Pashawulhena, Horahenekandemukalana, situate at Udumalagala; and bounded on the north by land described

in title plan No. 180,820 and lot No. 1623 of the same lands, east by lots Nos. 82 and 83 in preliminary plan No. 8,924, and Horahenkanda, south by lots 1624, 1625, 1627 of the same lands and Ukdandeduwekanda, and west by lot No. 1629 of the same lands, in extent 90 acres.

(2) Lot marked 1621 of the lands called Akulehena, Pashawulhena, Horahenekandamukalana, situate at Udumalagala; bounded on the north by lot No. 1634 of the same lands, lot No. 26457 in preliminary plan No. 8,874, and Nakiyadeniya jungle, and Pashawulhena, east by Nakiyadeniya jungle, Pashawulhenekele, and lot No. 1636 of the same lands, south by lot No. 1623 of the same lands, and west by lands described in plan No. 180,820, lots Nos. 1632 and 1634 of the same lands, in extent 23 acres 2 roods and 26 perches.

(3) The land called Dawatagahaduwa, situate at Udumalagala; bounded on the north and west by reservation along the road and land described in title plan No. 206,223, south by lots Nos. 1639 and 1634 in preliminary plan No. 9,320, in extent 1 acre 1 rood and 12 perches.

Amount of writ, Rs. 1,250 together with interest thereon at 9 per cent. per annum from November 11, 1914.

Fiscal's Office,
Galle, August 21, 1916.

J. A. LOURENZ,
Deputy Fiscal.

In the District Court of Matara.

Charles William Abewardena, overseer, of Kade-wediya Plaintiff.

No. 6,650. Vs.

Parana Hewahenege Don Samel *alias* Sedo Appu and another, both of Weragampita Defendants.

NOTICE is hereby given that on Tuesday, September 19, 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 defendants in the following property, for the recovery of Rs. 282.58 and also Fiscal's charges, viz. :—

1. An undivided 7/12 shares of all the fruit trees and of the soil of the eastern $\frac{1}{2}$ portion and all the buildings standing thereon of the contiguous land Beligaskoratuwa, bearing assessment No. 19, situate at Weragampita; in the Four Gravets of the Matara District, Southern Province; and bounded on the north by Baduwatta, east by Davitegewatta *alias* Vidanegewatta and Uswatta, south by Benahena, west by remaining $\frac{1}{2}$ portion of the said contiguous land, Rs. 900.

On Tuesday, September 26, 1916, at 1 P.M.

2. An undivided 7/16 shares of the land called Ahapoptha, situate at Dewalemulla, in the Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by ela, east by Amarakoonmulana, south by Wela-addarawatta, west by Karunketiyeiyadda, Rs. 252; total Rs. 1,152.

Deputy Fiscal's Office,
Matara, August 18, 1916.

J. S. DE SARAM,
Deputy Fiscal.

In the District Court of Matara.

James Alexander Wickremaratna, Mudaliyar of Matara Plaintiff.

No. 7,077. Vs.

Ranawakage Don Theodoris de Silva of Polwatta Defendant.

NOTICE is hereby given that on Wednesday, September 20, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property, for the recovery of Rs. 1,152.58, and Fiscal's charges, viz. :—

1. All the soil and trees of the lot marked K of Muttettuwatta, situate at Denepitiya, in the Weligam korale of Matara, in extent 6.2 perches; and bounded north by lot L of the same land, east by road and lot T, south by lot T, and west by Okanda and lot I, valued at Rs. 200.

2. All the soil, buildings, and plantations of the lot marked F of Muttettuwatta at ditto, in extent 5.4 perches; and bounded north by Crown land, east by lot E, south by lot I, and west by Crown land, valued at Rs. 1,250.

3. The boutiques bearing assessment Nos. 28 and 29 adjoining each other standing on Muttettuwatta at ditto, in extent 480 square feet; and bounded north by boutique No. 27, east by boutique of Don Theodoris de Silva, west by Muttettuwatta, south by boutique No. 30, valued at Rs. 500.

4. All the soil, plantations, and buildings on Lanumoderawatta at Polwatta, in ditto, in extent about 4 acres; and bounded north by Rendagewatta and Vidana Ralalawatta, and Gedarawatta, east by Sinhalegewatta, south by Mulahagewatta and Bogahawatta, and west by Bandara-watta, valued at Rs. 250.

5. An undivided $\frac{1}{2}$ share of Mulahagewatta at ditto, in extent about 4 acres; and bounded north by Lanumoderawatta, east by Bogahawatta, south by Harangahawatta, and west Munawaragewatta and Dombagahakoratuwa, valued at Rs. 50.

6. An undivided $\frac{2}{3}$ shares of Setungederawatta and Punchibogahawatta adjoining each other at ditto, in extent about 2 $\frac{1}{2}$ acres; and bounded north by Gedarawatta, east by Kurunakiawatta, south by Bogahawatta, and west by Lanumoderawatta, valued at Rs. 200.

7. An undivided $\frac{2}{3}$ shares of Poddugewatta, in extent about 1 acre at ditto; and bounded north by Nabageissarawatta, east by Pelenelokulamayagewatta, south by Kurunakiawatta, and west by Punchigeissarawatta, valued at Rs. 100.

8. An undivided $\frac{2}{3}$ shares of Bamunagedarawatta at ditto; and bounded north by Gonnagahakoratuwa and Pelenelokulamayagewatta, east by Dewelwatta, south by land called Koratuwa, and west by Meegahawatta *alias* Lindawatta, valued at Rs. 150.

9. An undivided $\frac{2}{3}$ shares of Ambalamagawapittaniya at ditto; and bounded on the north by Mutuwaduragekoratuwa, east by Leana-arachchigewatta, south by Pettawatta and Honduwawatta, and west by Deyanne-watta, valued at Rs. 115; total Rs. 2,815.

Deputy Fiscal's Office,
Matara, August 19, 1916.

J. S. DE SARAM,
Deputy Fiscal.

In the District Court of Matara.

L. A. Wickremaratne and another Plaintiff.

No. 7,078. Vs.

Ranawakage Don Theodoris de Silva of Polwatta Defendant.

NOTICE is hereby given that on Wednesday, September 20, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following mortgaged property, for the recovery of Rs. 1,221.35, and Fiscal's charges, viz. :—

1. All the soil and trees of the lot marked K of Muttettuwatta, situate at Denepitiya, in the Weligam korale of Matara, in extent 36.2 perches; and bounded north by lot L of the same land, east by road and lot T, south by lot T, and west by Okanda and lot I; valued at Rs. 200.

2. All the soil, buildings, and plantations of the lot marked F of Muttettuwatta at ditto; and bounded north by Crown land, east by lot E, south by lot I, and west by Crown land, in extent 5.4 perches; valued at Rs. 1,250.

3. The boutiques bearing assessment Nos. 28 and 29 adjoining each other standing on Muttettuwatta at ditto, in extent 480 square feet; and bounded north by boutique No. 27, east by boutique of Don Theodoris de Silva, west by Muttettuwatta, south by boutique No. 30; valued at Rs. 500.

4. All the soil, plantations, and buildings on Lanumoderawatta at Polwatta, in ditto, in extent about 4 acres; and bounded north by Rendagewatta and Vidanaralalawatta and Gedarawatta, east by Sinhalegewatta, south by Mulahagewatta and Bogahawatta, and west by Bandara-watta; valued at Rs. 250.

5. An undivided $\frac{1}{2}$ share of the soil and plantations of Mahageissarawatta at ditto, in extent about 4 acres; and bounded north by river, east by Hambantotawatta and Okanda, south by Poddugewatta and Pelenelokulamayagewatta, and west by Punchigeissarawatta and Okanda; valued at Rs. 375.

6. An undivided $\frac{1}{2}$ share of Mulahagowatta at ditto, in extent about 4 acres; and bounded north by Lanumoderawatta, east by Bogahawatta, south by Narangahawatta, and west by Munawaragewatta and Dombagahakoratuwa; valued at Rs. 50.

7. An undivided $\frac{2}{3}$ shares of Setungedarawatta and Punchibogahawatta adjoining each other at ditto, in extent about $2\frac{1}{2}$ acres; and bounded north by Gedarawatta, east by Kurumakiawatta, south by Bogahawatta, and west by Lanumoderawatta; valued at Rs. 200.

8. An undivided $\frac{2}{3}$ shares of Poddugewatta, in extent about 1 acre at ditto; and bounded north by Mahageissarawatta, east by Pelenelokulamayagewatta, south by Kurunakiawatta, and west by Punchigeissarawatta; valued at Rs. 100.

9. An undivided $\frac{2}{3}$ shares of Bamunugedarawatta at ditto; and bounded north by Gonnagahakoratuwa and Pelenelokulamayagewatta, east by Develwatta, south by land called Koratuwa, and west by Meegahawatta *alias* Lindawatta; valued at Rs. 150.

10. An undivided $\frac{2}{3}$ shares of Ambalamagawapittaniya at ditto; and bounded north by Mutuwaduragekoratuwa, east by Leana-arachchigewatta, south by Pettawatta and Honduwawatta, and west by Deyannevatta; valued at Rs. 115. Total Rs. 3,190.

Deputy Fiscal's Office,
Matara, August 19, 1916.

J. S. DE SARAM,
Deputy Fiscal.

In the District Court of Tangalla.

Patabendiwasan Galapattibaduge Allis de Silva
Mudalali of Hambantota Plaintiff.

No. 1,457. Vs.

(1) Usuph Ayinon, wife of (2) Sadakku Lebbe
Abdul Latif, both of Hambantota Defendants.

NOTICE is hereby given that on Thursday, September 14, 1916, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property, viz. :—

An allotment of land containing in extent 3 perches, and the buildings and all things appertaining thereto, situated at Hambantota; and bounded on the north by the lands described in plans Nos. 53,053 and 53,060, on the east by the lands claimed by Mahamat Mowlana, on the south by the land described in plan No. 67,092, and on the west by the reservation along the Bazaar street.

Writ amount Rs. 960·77, together with further legal interest on Rs. 770·88 from May 24, 1916, till payment.

Deputy Fiscal's Office,
Hambantota, August 21, 1916.

A. W. METZELING,
Deputy Fiscal.

North-Western Province.

In the Additional Court of Requests of Kurunegala.

K. M. P. R. Muttu Ramen Chetty, by attorney
Muna Ramen Chetty of Kurunegala Plaintiff.

No. 22,332. Vs.

Kana Kailasen Pillai of Kuliypatiya in Yatikaha
korale Defendant.

NOTICE is hereby given that on Saturday, September 16, 1916, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

(1) The land called Kadurugahamulawatta *alias* Polisiyewatta, in extent about 2 lahas of kurakkan sowing, situate at Kuliypatiya in Yatikaha korale south; and bounded on the east by the land of Kiri Menika and others, south by high road, west by the court premises, and on the north by the land of Kiri Menika and others; with the Police Station and all the other buildings and the plantations standing thereon.

On Saturday, September 16, 1916, at 2 P.M.

(2) The land called Kahatagahamulahena, in extent about $2\frac{1}{2}$ kurunies kurakkan sowing; and bounded on the east by the land of Appuhamy and others and Memumpara, south by cart road, west by land of K. B. Karunaratne, Notary, and others, and on the north by the land of Mudalihamy Arachchi and others; with the plantations thereon, situate at Embowa in Yatikaha korale.

Amount to be levied Rs. 287·25, with further interest on Rs. 220 at 30 per cent. per annum from March 4, 1915, to March 29, 1915, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full.

Fiscal's Office,
Kurunegala, August 17, 1916.

S. D. SAMARASINHE,
Deputy Fiscal.

In the Additional Court of Requests of Kurunegala.

Muna Ramen Chetty of Narammala Plaintiff.
No. 22,846. Vs.

Haturusinghe Mudiyansele Sirimalhamy of Galakumbura in Yatikaha korale Defendant.

NOTICE is hereby given that on Saturday, September 23, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. Ketakalagahamulawatta of about 4 lahas of kurakkan sowing extent; and bounded on the east by the land owned by Ranhamy and others, south by the garden owned by Mudalihamy, on the west by the village limit of Delama, and on the north by the garden owned by Kalla Naidie; together with the plantations and buildings standing thereon, situate at Galakumbura in Yatikaha korale.

2. Weraluattapitiyekumbura of about 1 pela of paddy sowing extent; and bounded on the east by the garden owned by Appuhamy and others, south by the field owned by Appuhamy and others, on the west by Godakela, and on the north by the wela owned by Mudelihamy and others; situate at Galakumbura in Yatikaha korale.

3. Kongahamulawatta and Lindagawahena of about 2 lahas of kurakkan sowing extent; and bounded on the east by Godakele owned by Hithamy, on the south by Godakele owned by Rosahamy, on the west by the land of Elias Appu of Bohingomua, and on the north by the Gansabhawa road; with the plantations thereon, situate at Delana in Yatikaha korale.

Amount to be levied, Rs. 153·96, with interest on Rs. 10⁰ at 30 per cent. per annum from March 1, 1916, till March 16, 1916, and thereafter on the aggregate at 9 per cent per annum till payment in full.

Fiscal's Office,
Kurunegala, August 21, 1916.

S. D. SAMARASINHE,
Deputy Fiscal.

In the District Court of Puttalam.

M. Thambidurai, Surveyor Plaintiff.
No. 2,399/2,400. Vs.

Peter Wilmot de Rosairo Defendant.

NOTICE is hereby given that on Saturday, September 16, 1916, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the defendant in the following property, viz. :—

Undivided $\frac{1}{9}$ share of the coconut garden called Maruthai Pagudi, in extent 34 acres 3 roods, situate at Manjady Cholai, in Akkarai pattu, Puttalam District; bounded on the north by land claimed by villagers, east by land shown in plan No. 50,564, south by land reserved for the road, west by common fence of the garden belonging to David Marian de Rosairo, Mudaliyar.

Amount of writ No. 2,399, Rs. 206·10, and No. 2,400, Rs. 14·50.

Deputy Fiscal's Office,
Puttalam, August 21, 1916.

S. M. P. VANDEKOEEN,
Deputy Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

Return of Testamentary Cases under Official Administration in the District Court of Chilaw for the Half-Year ended June 30, 1916.

No. of Case.	Date of Institution.	Whose Estate.	Value of Estate. Rs. c.	Date of Letters/A.	To whom Issued.
1,001	Aug. 13, 1913	Unguralage Wannihamy of Anavilundawa	1,265 0	April 24, 1915	The Secretary, District Court
1,013	Nov. 18, 1913	M. K. K. Rayappan of Maikulama	2,499 0	July 28, 1915	do.
1,082	Feb. 26, 1915	Muttiah Sellamma of Puliechakulam	4,104 25	Dec. 16, 1915	do.
1,091	May 24, 1915	Allan Reginald Koch of Rajakadalawa	1,418 0	Aug. 25, 1915	do.

District Court,
Chilaw, August 22, 1916.

W. H. B. CARBERY,
District Judge.

List of Uncertificated Insolvents in the District Court of Chilaw on June 30, 1916.

No. of Case.	Date of Institution.	Name of Insolvent.	Remarks.
18	Aug. 5, 1915	Colambage Sandiagio Fernando of Tambarawila	Second sitting adjourned to August 21, 1916
19	May 25, 1916	Charles Munasinha of Chilaw	Second sitting adjourned to September 22, 1916

District Court,
Chilaw, August 17, 1916.

W. H. B. CARBERY,
District Judge.

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 Southern Circuit, 1916, will be holden at the Court-house at Galle, on Friday, September 15, 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,
Galle, August 18, 1916.

J. A. LOURENSZ,
Deputy Fiscal.

LIST OF JURORS AND ASSESSORS.

WESTERN PROVINCE.

NEGOMBO DISTRICT.

LIST of Persons in the District of Negombo qualified to serve as Jurors and Assessors, under the provisions of section 254 of "The Criminal Procedure Code, 1898," as amended by sections 4 and 5 of "The Criminal Procedure Code (Amendment) Ordinance, 1910," for the year July, 1916, to June, 1917.

[N.B.—The Jurors numbered in a separate series on the left of those indicating Ordinary Jurors are qualified to serve as Special Jurors.]

ENGLISH-SPEAKING JURORS.

1.. 1 Adkins, H. J., manager, Hunupitiya Mills, Negombo	15 Croos, Marianu Lazarus, landed proprietor, Hunupitiya Negombo
2.. 2 Amerasekera, Daniel Herat, landed proprietor, Madampe, Chilaw.	16 Dassanayake, Richard S., landed proprietor, Katuwellegama, Negombo
3.. 3 Amerasekera, John Albert, landed proprietor, Madampe, Chilaw	17 De Alwis, William Charles, treasury officer, Negombo
4 Amerasekera, J. H. Ernest, landed proprietor, Nattandiya, Chilaw	9.. 18 De Livera, Isaac, landed proprietor, Madampe, Chilaw
5 Amerasekera, A. R., conductor, Mawatta, Kochchikade, Negombo	19 De Zylva, Lionel, planter, Pallansena, Negombo
4.. 6 Appuhamy, D. Don Elaris, landed proprietor, Chilaw road, Negombo	20 Ekenayake, Austin, superintendent, Letchimi estate, Nattandiya, Chilaw
7 Arulampalam, M., cashier, Hunupitiya Mills, Negombo	10.. 21 Fernandez, Peter, landed proprietor, Main street, Negombo
8 Balasooria, D. J. P., merchant, Main street, Negombo	11.. 22 Fernando, Gonnage Peter, landed proprietor, Main street, Negombo
5.. 9 Beven, Arthur Wilfred, Hunupitiya, Negombo	12.. 23 Fernando, John X., landed proprietor, Main street, Negombo
6.. 10 Braine, C. S., planter, Mawatta, Kochchikade, Negombo	13.. 24 Fernando, Kurukulesuriya Manual, landed proprietor, Kadawala, Negombo
11 Cassim, W. M., bookkeeper, Hunupitiya Mills, Negombo	25 Fernando, Kurukulesuriya M. Philip, St. Joseph's street, Negombo
7.. 12 Cook, Montague, planter, Veyangoda	14.. 26 Fernando, Kurukulesuriya David Henry, merchant, Negombo
13 Corea, Peter Allen, landed proprietor, Karukkuwa, Chilaw	
8.. 14 Corea, Alfred Winizer, landed proprietor, Kurana, Negombo	

- 15..27 Fernando, Kurukulesuryai Francis Xavier, merchant, Sea street, Negombo
- 16..28 Fernando, Kurukulesuriya John Emmanuel, landed proprietor, Canal Bank, Negombo
- 17..29 Fernando, Mihidukulesuriya Anthony, landed proprietor, Main street, Negombo
- 18..30 Fernando, Mihidukulesuriya John, landed proprietor, Kadirane, Negombo
- 19..31 Fernando, Mihidukulesuriya William Peter, merchant, Rose Bank, Negombo
- 20..32 Fernando, Waranakulesuriya Bonaventure, landed proprietor, Waradala estate, Negombo
- 33 Fernando, Sebastiar Cyril, merchant, Rose Bank, Negombo
- 21..34 Fernando, Waranakulesuriya Mahatselge Eugene, landed proprietor, Wennappuwa, Chilaw
- 22..35 Fernando, Waranakulesuriya Kalugamage William, landed proprietor, Wennappuwa, Chilaw
- 23..36 Fernando, Waranakulesuriya Pius, Tambarawila, Chilaw
- 24..37 Fernando, Waranakulesuriya Albert, merchant, Nainamadama, Chilaw
- 25..38 Fernando, Waranakulesuriya Timothy, landed proprietor, Marawila, Chilaw
- 26..39 Fernando, L. Arthur Cyril, landed proprietor, Katana, Negombo
- 27..40 Fernando, L. Solomon, landed proprietor, Katana, Negombo
- 41 Felsing, F. W., Wattarama estate, Badalgama, Negombo
- 42 Goonawardena, Matthew, agent, Petroleum Stores, Negombo
- 43 Goonewardena, Sembukuttiaratchige Thomas Silva, landed proprietor, Minuwangoda, Negombo
- 44 Gomez, Felix, merchant, M. P. Gomez & Co., Negombo
- 45 Gunasekera, Stephen Peter de Silva, landed proprietor, Mukalangomuwa, Negombo
- 28..46 Herft, Cecil, district engineer, Negombo
- 47 Jayawardena, Alexander Primrose, landed proprietor, Mudukatuwa, Chilaw
- 48 Jayawardena, Francis, landed proprietor, Madampe, Chilaw
- 49 Jenner, Louis, superintendent, Hunupitiya Mills, Hunupitiya, Negombo
- 29..50 Joseph, K. Don, landed proprietor, Temple road, Negombo
- 30..51 Karunaratne, Andrew Peter, Katuahena, Veyangoda
- 52 Kurera, M. Peter, auctioneer and broker, Negombo
- 53 Laurentz, J. B., manager, Tissera & Co., Negombo
- 54 Mendis, John, landed proprietor, Negombo
- 31..55 Mendis, J. W., landed proprietor, Bombugammana estate, Divulapitiya, Negombo
- 32..56 Pereira, John Henry, planter, Johnsland, Katana, Negombo
- 57 Perera, K. Lawrence, landed proprietor and merchant, Boralessa, Chilaw
- 58 Pietersz, Lawrence Henry, notary public, Ulhitiyawa, Chilaw
- 59 Pinto, Mihidukulesuriya Johr, landed proprietor, Taladuwa, Negombo
- 33..60 Rajapakse, Alexander Edmund de Silva, planter, Negombo
- 61 Ranasinghe, David Perera, landed proprietor, Ja-ela, Negombo
- 34..62 Samaraweera, J. W., landed proprietor, Ja-ela estate, Negombo
- 35..63 Saparamadu, P. Don Joseph, landed proprietor, Kaluwairippuwa, Negombo
- 64 Sansoni, Henri Milliani, estate superintendent, Tabbawa, Chilaw
- 65 Sansoni, Dudley, secretary, Local Board, Negombo
- 66 Schrader, Frederick Campbell, planter, Kimbulapitiya, Negombo
- 67 Schrader, R. H. S., Wester Seaton, Negombo
- 36..68 Seneviratne, Arthur F., Carl's Villa, Kadirana, Negombo
- 37..69 Seneviratne, James Edward, landed proprietor, Matammana, Negombo
- 38..70 Sereviratne, Richard Charles, landed proprietor, Matammana, Negombo
- 39..71 Seneviratne, Edmund Jacob Ferrando, merchant, Kadirana, Negombo
- 40..72 Seneviratne, Lionel Alwin Fernando, planter, Katana, Negombo
- 73 Seneviratne, Rolard, landed proprietor, Marawila, Chilaw
- 74 Senanayake, Don Marthelis Perera Rajapakse, notary public, Minuwangoda, Negombo
- 41..75 Silva, James de, landed proprietor, Mudukatuwa, Chilaw
- 42..76 Silva, Sembukuttiaratchige Paul, landed proprietor, Katana, Negombo
- 77 Silva, Pettagan Samuel, landed proprietor, Mukalangomuwa, Negombo
- 43..78 Silva, Sembukuttiaratchige Jokino, landed proprietor, Katana, Negombo
- 79 Silva, Sembukuttiaratchige Allen, landed proprietor, Katana East, Negombo
- 80 Silva, Sembukuttiaratchige James, landed proprietor, Katana East, Negombo
- 81 Silva, Sembukuttiaratchige James, landed proprietor, Mayfield, Katana East, Negombo
- 82 Sirimanne, E. W., registrar of lands, Negombo
- 44..83 Soysa, Samuel W., landed proprietor, Kandewatta, Ja-ela, Negombo
- 84 Soysa, Reginald, landed proprietor, Nilpanagoda, Negombo
- 85 Vandert, E. M., Negombo
- 86 Van Langenberg, Lucian Aloysius, head master, St. Mary's College, Negombo
- 87 Waas, Mihidukulesuriya Anthony, landed proprietor, Bolawalana, Negombo
- 88 Xavier, Don Francis, landed proprietor, Talahena, Negombo
- 89 Zylva, Hundiran Reynold, landed proprietor, 4th Division, Udayartoppu, Negombo
- 90 Zylva, Harold de, superintendent, Mukalangomuwa estate, Mukalangomuwa, Negombo

SINHALESE-SPEAKING JURORS.

- 1 Abeyagunaratne, Don John Lucas, landed proprietor, Udugampola, Negombo
- 2 Appuhamy, Kalubowillege Migel, landed proprietor, Talahena, Negombo
- 3 Appuhamy, Sembukuttiaratchige Cornelis, landed proprietor, Andiambalama, Negombo
- 4 Appuhamy, Sembukuttiaratchige Simon, landed proprietor, Andiambalama, Negombo
- 5 Appuhamy, Irugal Bandarage John Paul William, trader, Asgiriya, Negombo
- 6 Appuhamy, Mellawa-aratchige Julis Perera, landed proprietor, Katuwellegama, Negombo
- 7 Appuhamy, Arthanayake Appuhamilage Jan Singho, trader, Dombawala, Negombo
- 8 Appuhamy, Henerath Goonesekera Vidaneralage Jan Singho, trader, Goigama, Negombo
- 9 Appuhamy, Mutukuda Wijesuriya Arachchige James Wijesuriya, trader, Udugampola, Negombo
- 10 Appuhamy, Jayasekera Pohonsuria Appuhamilage Brampy Perera, landed proprietor, Matammana, Negombo
- 11 Appuhamy, Saparamadu Hiralupathirannehelage Abraham Perera Jayawardena, landed proprietor, Matammana, Negombo
- 12 Appuhamy, Solangearachchige Don Charles, landed proprietor, Kaluwairippuwa, Negombo
- 13 Appuhamy, Solangearachchige Don Marselin, landed proprietor, Kaluwairippuwa, Negombo
- 14 Appuhamy, Don Simon Karunasekera Wijeratne, trader, Doranegoda, Negombo
- 15 Appuhamy, Halahakonge Abilinu, trader, Pahala Madampella, Negombo
- 16 Appuhamy, Halahakonge Marthinu Appuhamy, trader, Pahala Madampella, Negombo
- 17 Appuhamy, Jayasuriyahinguruwanage Suwaris, cultivator, Medemulla, Negombo
- 18 Appuhamy, Kahandawa Appuhamilage Hendrick, trader, Doranegoda, Negombo
- 19 Appuhamy, Maipalamudalige Augustino Paaris, trader, Kattuwa, Negombo
- 20 Appuhamy, Mellawa-arachchige Juwanis Perera, trader, Matammana, Negombo
- 21 Appuhamy, Panelparangige Don Lorensu, trader, Kurana, Bolawalana, Negombo
- 22 Appuhamy, Sembukuttiaratchige Jeronis Silva, planter, Katana, Negombo
- 23 Appuhamy, Sembukuttiaratchige Carolis Silva, planter, Katana, Negombo
- 24 Appuhamy, Sembukuttiaratchige Hendrick Silva, planter, Pahala Madampella, Negombo
- 25 Appuhamy, Solangearachchige Don Marsel, trader, Kaluwairippuwa, Negombo
- 26 Appuhamy, Balesurikankanamelage Thepanis, trader, Dewalepola, Negombo
- 27 Appu Singho, Ranatunge Arachchige, trader, Megoda Tammitta, Negombo
- 28 Chandrasekera, Coranelis Perera, landed proprietor, Kehella, Negombo
- 29 David, Pasqualge Don, trader, Siduwa, Negombo

- 30 Fernando, Bolalage Pemianu, trader, Siduwa, Negombo
 31 Fernando, Botalege Allis, trader, Siduwa, Negombo
 32 Fernando, Arachchige Charles, trader, Andiambalama, Negombo
 33 Fernando, Arachchige Paulu, trader, Kurara Katunayaka, Negombo
 34 Fernando, Bolalage Juan, trader, Siduwa, Negombo
 35 Fernando, Gurubobilige Anthony, trader, Pitipana, Negombo
 36 Fernando, Henalaliyanage Romel, trader, Siduwa, Negombo
 37 Fernando, Kowilege Gracianu, cultivator, Bandarawatta, Negombo
 38 Fernando, Liyanegé Selestinu, trader, Siduwa, Negombo
 39 Fernando, Liyanage Franciscu, trader, Pitipana, Negombo
 40 Fernando, Lintotage Gracianu, landed proprietor, Katana, Negombo
 41 Fernando, Liyanage Gabriel, trader, Pitipana, Negombo
 42 Fernando, Mihidukulesuriya Arachchige Peduru, trader, Duwa, Negombo
 43 Fernando, Waranakulesuriya Anathasius, landed proprietor, Sea street, Negombo
 44 Fernando, Mihidukulesuriya Arachchige Estagu Lazar, trader, Duwa, Negombo
 45 Fernando, Pattage Mannal, trader, Kimbulapitiya, Negombo
 46 Fernando, Pattage Abraham, trader, Kimbulapitiya, Negombo
 47 Fernando, Pattage Harmanis, trader, Kimbulapitiya, Negombo
 48 Fernando, Lintotage Pelis, planter, Katana, Negombo
 49 Fernando, Panamborege Juan, trader, Pallansena, Negombo
 50 Fernando, Panamberege Paulu, trader, Pallansena, Negombo
 51 Fernando, Wewelege Alwino, trader, Siduwa, Negombo
 52 Fernando, Waranakulesuriya Julian, landed proprietor, Marawila, Chilaw
 53 Fernando, Waranakulesuriya Gregoris, landed proprietor, Marawila, Chilaw
 54 Fernando, Waranakulesuriya Elaris, landed proprietor, Marawila, Chilaw
 55 Fernando, Warnakulesuriya John, landed proprietor, Marawila, Chilaw
 56 Fernando, Waranakulesuriya Clemento, landed proprietor, Weerahena, Chilaw
 57 Fernando, Waranakulesuriya Urban, landed proprietor, Marawila, Chilaw
 58 Fernando, Waranakulesuriya John, landed proprietor, Nainamadama, Chilaw
 59 Fernando, K. J. Jagarias, annavirala, landed proprietor, Wennappuwa, Chilaw
 60 Fernando, Botalege Romel, trader, Bandarawatta, Negombo
 61 Fernando, Wowelege Allino, trader, Siduwa, Negombo
 62 Fernando, Panamberege Hendrick, landed proprietor, Kochchikade, Negombo
 63 Fernando, Panamberege Pius, landed proprietor, Kochchikade, Negombo
 64 Fernando, Kariakarawanage Ponsianu, landed proprietor, Pallansena, Negombo
 65 Goonasekera, Matukuda-aratchige Don Agoris Samarawikreme, notary public, Negombo
 66 Goonewardena, Hettipatirannehelage Don Bastian, cultivator, Udugampola, Negombo
 67 Gunawardena, Piloris Perera, landed proprietor, Alutepola, Negombo
 68 Jayasinghe, Subesinghe Arachchige Don Carolis, cultivator, Udugampola, Negombo
 69 Jayatileka, Subesinghe Arachchige Don Carolis, trader, Udugampola, Negombo
 70 Jayatileka, Don Carolis, cultivator, Udugampola, Negombo
 71 Jayatileka, Don Marthinu, overseer, Udugampola, Negombo
 72 Karunanayake, Patirannehelage Don Juwanis, Tammita Egoda, Negombo
 73 Kodikara Arachchige Babappu, vedarala, Nilpanagoda, Negombo
 74 Karunatileka, Lintotage James Fernando, landed proprietor, Katana, Negombo
 75 Kurera, Mihidukulesuriya Joseph, shopkeeper, Main street, Negombo
 76 Kurera, Mihidukulesuriya John, trader, Kadirana, Negombo
 77 Lowanis, Ranatunge Jayasekerakanamelage Don, vedarala, Udugampola, Negombo
 78 Lowe, Waranakula Aditta Arasanilaitta Don Raphael, landed proprietor, Marawila, Chilaw
 79 Madawalege Daniel, vedarala, Doranegoda, Negombo
 80 Mahamutugalege Isaac Fernando, trader, Fansilgoda, Negombo
 81 Noris, Kalukanakanamelage Don, trader, Siduwa, Negombo
 82 Nonis, Charles, watcher, Mawatta, Kochchikade, Negombo
 83 Nonis, Senanayake Edwin, landed proprietor, Wattegedera, Negombo
 84 Perera, Dehiwalege Marthinu, trader, Kochchikade, Negombo
 85 Perera, Galkandearachchige Peregrinu, trader, Katurayaka, Negombo
 86 Perera, Hendaleliyanage Walariyanu, trader, Siduwa, Negombo
 87 Perera, Kalugamege Lazarus, muppu, superintendent, Potuwatawana, Chilaw
 88 Perera, Kodikara-arachchige Francisu, Tudella, Negombo
 89 Pasqualge Don Coranelis, trader, Siduwa, Negombo
 90 Pathirano, Charles, notary public, Dankotuwa, Chilaw
 91 Perera, Kalingemudalige Matheus, landed proprietor, Kochchikade, Negombo
 92 Perera, Mihidukulesuriya Arachchige Celestinu, trader, Duwa, Negombo
 93 Perera, Wickremesinghe Senanayake Pedrick, cultivator, Ganemulla, Negombo
 94 Perera, Ranasinghe Arachchige Nemanis, landed proprietor, Yatiyana, Negombo
 95 Perera, Gallegoy Gabriel, trader, Dalukotuwa, Negombo
 96 Perera, Tammitage Solestinu, trader, Kotugoda, Negombo
 97 Perera, Waranakula Aditta Arasanilaitta Don Elaris, landed proprietor, Marawila, Chilaw
 98 Perera, Liyanage Hendrick, Pallansena North, Negombo
 99 Perera, Henalaliyanage Jokinu, trader, Amandoluwa, Negombo
 100 Perera, Kurukulesuriya Peter, landed proprietor, Wattegedera, Negombo
 101 Perera, Ambegahage Samel, landed proprietor, Burullapitiya, Negombo
 102 Ambegahage Waraliyanu, landed proprietor, Wattegedera, Negombo
 103 Perera, Liyanage Hendrick, landed proprietor, Wattegedera, Negombo
 104 Peter, Senadirage Don, shopkeeper, Boragodawatta, Negombo
 105 Paivo, Borgorge Alisandiri, trader, Main street, Negombo
 106 Perera, Sinhalegurunansolage Elaris, landed proprietor, Pallansena, Negombo
 107 Ratnayake, Jan Singho Appuhamy, trader, Dombawala, Negombo
 108 Rodrigo, Witharanage Marisal, trader, Bandarawatta, Negombo
 109 Rodrigo, Witharanage William, trader, Mukalangomuwa, Negombo
 110 Rodrigo, Vitaranage Abraham, trader, Mukalangomuwa, Negombo
 111 Rodrigo, Vitaranage Samel, trader, Mukalangomuwa, Negombo
 112 Ranasinghe, Don David Perera, landed proprietor, Tudella, Negombo
 113 Saparamado, Ameresinghe Aratchige Elaris, planter, Katana, Negombo
 114 Saparamado, Ameresinghe Aratchige Issan, planter, Katana West, Negombo
 115 Senaviratne, Don William Perera, trader, Dewalepola, Negombo
 116 Silva, Kowilege Coranelis, trader, Amandoluwa, Negombo
 117 Sinno, Ranatunge Aratchige Herat, vedarala, cultivator, Wapitamulla, Negombo
 118 Samarasekera, John William Perera, notary public, Udugampola, Negombo
 119 Samaraturge, Heeralupathirannehelage Geelis Perera, trader, Ganemulla, Negombo
 120 Senanayake, John Perera, landed proprietor, Kehellela, Negombo
 121 Senaviratne, Maipalemudalige Henry Thomas Perera, Dunagaha, Negombo
 122 Silva, Kowilege Fidelis, trader, Liyanegemulla, Negombo
 123 Silva, Walitimgi William de, landed proprietor, Maha Hunupitiya, Negombo
 124 Subesinghe Aratchige Don Arnolis, vel-vidane, Udugampola, Negombo
 125 Silva, Tenahandi Coranelis, trader, Kaluwairippuwa, Negombo
 126 Silva, Wisidagamege Thimbirisianu, trader, Pallansena, Negombo
 127 Silva, Sembukuttiaratchige Romel, landed proprietor, Andiambalama, Negombo
 128 Silva, Sembukuttiaratchige John, landed proprietor, Andiambalama, Negombo
 129 Silva, Sembukuttiaratchige Isack, trader, Andiambalama, Negombo
 130 Silva, Kowilege Marthelis, trader, Amandoluwa, Negombo
 131 Silva, Sembukuttiaratchige Coranelis, landed proprietor, Kaluwairippuwa, Negombo
 132 Senadirage Don Juakino, landed proprietor, Minuwangoda, Negombo
 133 Silvester, Senadirage Don, landed proprietor, Minuwangoda, Negombo
 134 Vaas, Moderage Pedro, cultivator, Nainamadama, Chilaw
 135 Wijeyagunasekera, Don Johannes Lucius, trader, Makewita, Negombo
 136 Waas, Wihidukulesuriya Romel de, vedarala, 2nd Division, Hunupitiya, Negombo
 137 Wijesinghe, Don Hondrick, 2nd Division, Bolawalana, Negombo
 138 Wijesekera, Nathaniel James Cook, rotary public, Negombo
 139 Zylva, T. K., Charles de, vedarala, Udayartoppu, Negombo

TAMIL-SPEAKING JURORS.

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| <p>1 Anthony Fernando Pedra Pullai, landed proprietor, Heimmulla, Negombo</p> <p>2 Anthony Nicholas Waas, trader, Kochchikade, Negombo</p> <p>3 Anthony Fernando Sawariel Pulle, planter Etgala, Negombo</p> <p>4 Anthony Peeris Christogu Pulle, landed proprietor, Etgala, Negombo</p> <p>5 Anthony Fernando Gabriel Pulle, cultivator, Heimmulla, Negombo</p> <p>6 Arunugan Chetty, Seena Nana Kuna Pana, money lender and landowner, Negombo</p> <p>7 Avu Lebbe Marikkar Saibo Dore, trader, Kamachchode, Negombo</p> <p>8 Casi Lebbe Marikkar Ibrahim Lebbe, trader, Kamachchode, Negombo</p> <p>9 Croos, Charles de, shopkeeper, Negombo</p> <p>10 Emmannel Mathes Miranda, shopkeeper, Negombo</p> <p>11 Fernando, Kurukulesuriya Jafferin, stamp vendor, Main street, Negombo</p> <p>12 Fernando, Waranakulesuriya Egelius, trader, Sea street, Negombo</p> <p>13 Fernando, Waranakulesuriya Nicholange, Bastian, cultivator, Anganpitiya, Chilaw</p> <p>14 Fernando, Waranakulesuriya Abilino, cultivator, Dummaldeniya, Chilaw</p> <p>15 Fernando, Waranakulesuriya Anthony, trader, Waikkal, Chilaw</p> <p>16 Fernando, Waranakulesuriya Comisal Suse, trader, Sea street, Negombo</p> <p>17 Fernando, Waranakulesuriya Anthony, trader, 3rd Division, Humupitiya, Negombo</p> <p>18 Fernando, Waranakulesuriya Pelis, trader, Palagature, Negombo</p> <p>19 Hadji Marikkar, Cassi Lebbe Marikkar, trader, Sea street, Negombo</p> <p>20 Isi Lebbe Casi Lebbe Marikkar, trader, 2nd Division, Campu, Negombo</p> | <p>21 Joseph Fernando Anthony Pulle, landed proprietor, Heimmulla, Negombo</p> <p>22 Kaithan Croos, trader, 1st Division, Udayartoppu, Negombo</p> <p>23 Letchchimanan Chetty, Sawanna Thana Tena, money lender and landowner, Negombo</p> <p>24 Muttaiya Chetty, Muna Pena Kana Rana, money lender and landowner, Negombo</p> <p>25 Narayanan Chetty, Sina Wana Ana Nana, money lender, Main street, Negombo</p> <p>26 Peris, Kurukulesuriya Hugo, trader, St. Joseph's street, Negombo</p> <p>27 Ramanathan Chetty, Sina Thana Kana Nana Sena Rawanna Mana, money lender, Main street, Negombo</p> <p>28 Sanmugam Kadirawel, trader, Sea street, Negombo</p> <p>29 Santiago Pullai, teacher, Ulhitiyawa, Chilaw</p> <p>30 Sathappa Chetty, Muna Muna Sawanna Thana, money lender, Main street, Negombo</p> <p>31 Seenappa Aiya Durei, trader, Sea street, Negombo</p> <p>32 Sinniah Chetty, Sina Nana Sina, money lender and landowner, Negombo</p> <p>33 Supperamaniam Chetty, Sena Pana Rawanna Mana, money lender, Main street, Negombo</p> <p>34 Sawari Fernando Bastian Pulle, trader, Harakgalegama, Negombo</p> <p>35 Taverera, Waranakulesuriya Davido, landed proprietor, Kammal, Chilaw</p> <p>36 Tissera, Waranakulesuriya Suse, cultivator, Waikkal, Chilaw</p> <p>37 Tissera, Waranakulesuriya Pelis, cultivator, Waikkal, Chilaw</p> <p>38 Tissera, Waranakulesuriya Santiago, cultivator, Bolawatta, Chilaw</p> <p>39 Veerasingam, Sathanather, conductor, Siringapatha estate, Negombo</p> <p>40 Weerappa Chetty, Sawanna Thana Sina Wana, money lender and landowner, Negombo</p> |
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Deputy Fiscal's Office,
Negombo, August 11, 1916.

FRED. G. HEPPONSTALL,
Deputy Fiscal.