



Ceylon Government Gazette

Published by Authority.

No. 6,821 — FRIDAY, SEPTEMBER 1, 1916.

PART I.—General: Minutes, Proclamations, Appointments, and General Government Notifications.
 PART II.—Legal and Judicial.
 PART III.—Provincial Administration.
 PART IV.—Land Settlement.
 PART V.—Mercantile, Marine, Municipal, Local, &c.

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

Part II.—Legal and Judicial.

	PAGE		PAGE
Passed Ordinances	—	Notices in Testamentary Actions	696
Draft Ordinances	663	Notices in Insolvency Cases	700
Notices from Supreme Court Registry	—	Notices of Fiscals' Sales	700
Notices from Council of Legal Education	—	Notices from District and Minor Courts	—
Notifications of Criminal Sessions of Supreme Court	—	Lists of Articled Clerks	—
Lists of Jurors and Assessors	—		

DRAFT ORDINANCES.

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 so entitled.

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

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

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

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.

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

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,

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.

TABLE OF SECTIONS.

CHAPTER I.

Preliminary.

Preamble.

Section

- 1 Short title and commencement.
- 2 Repeal.
- 3 Interpretation.

CHAPTER II.

Creation of Trusts.

- 4 Lawful purpose.
- 5 Trust of immovable and movable property.
- 6 Creation of trust.
- 7 Who may create trusts.
- 8 Subject of trust.
- 9 Who may be beneficiary; disclaimer by beneficiary.
- 10 Who may be trustee; no one bound to accept trust; acceptance of trust; disclaimer of trust.

CHAPTER III.

Duties and Liabilities of Trustees.

- 11 Trustee to execute trust.
- 12 Trustee to inform himself of state of trust property.
- 13 Trustee to protect title to trust property.
- 14 Trustee not to set up title adverse to beneficiary.
- 15 Care required from trustee.
- 16 Conversion of perishable property.
- 17 Trustee to be impartial.
- 18 Trustee to prevent waste.
- 19 Accounts and information.
- 20 Investment of trust money.
- 21 Saving as to existing investments and investments in Government Savings Bank.

Section

- 22 Sale by trustee directed to sell within specified time.
- 23 Liability for breach of trust.
- 24 No set-off allowed to trustee.
- 25 Non-liability for predecessor's default.
- 26 Non-liability for co-trustee's default; joining in receipt for conformity.
- 27 Several liability of co-trustees; contribution as between co-trustees.
- 28 Non-liability of trustee paying without notice of transfer by beneficiary.
- 29 Liability of trustee where beneficiary's interest is forfeited to Government.
- 30 Indemnity of trustees.
- 31 Relief of trustee from consequences of breach of trust.

CHAPTER IV.

Rights and Powers of Trustees.

- 32 Right to title deed.
- 33 Right to reimbursement of expenses; right to be recouped for erroneous overpayment.
- 34 Right to indemnity from gainer by breach of trust.
- 35 Right to apply to court for opinion in management of trust property.
- 36 Right to settlement of accounts.
- 37 General authority of trustee.
- 38 Power to lease.
- 39 Power to sell in lots, and either by public auction or private contract.
- 40 Power to sell under special conditions; power to buy in and re-sell; time allowed for selling trust property.
- 41 Power to convey.
- 42 Power to vary investments.
- 43 Power to apply property of minors, &c., for their maintenance, &c.
- 44 Power to give receipts.
- 45 Power to compound, &c.
- 46 Power to several trustees of whom one disclaims or dies
- 47 Suspension of trustee's powers by decree.

CHAPTER V.

Disabilities of Trustees.

- 48 Trustee cannot renounce after acceptance.
- 49 Trustee cannot delegate.
- 50 Co-trustees cannot act singly.
- 51 Control of discretionary power.
- 52 Trustee may not charge for services.
- 53 Trustee may not use trust property for his own profit.
- 54 Trustee for sale or his agent may not buy.
- 55 Trustee may not buy beneficiary's interest without permission; trustee for purchase.
- 56 Co-trustees may not lend to one of themselves.

CHAPTER VI.

Rights and Liabilities of the Beneficiary.

- 57 Rights to rents and profits.
- 58 Right to specific execution; right to transfer of possession.
- 59 Right to inspect and take copies of instrument of trust, accounts, &c.
- 60 Right to transfer beneficial interest.
- 61 Right to sue for execution of trust.
- 62 Right to proper trustees.
- 63 Right to compel to any act of duty.
- 64 Wrongful purchase by trustee.
- 65 Following trust property into the hands of third persons; into that into which it has been converted.
- 66 Saving of rights of certain transferees.
- 67 Acquisition by trustee of trust property wrongfully converted.
- 68 Right in case of blended property.
- 69 Wrongful employment by partner trustee of trust property for partnership purposes.
- 70 Liability of beneficiary joining in breach of trust.
- 71 Rights and liabilities of beneficiary's transferee.

CHAPTER VII.

Section *Vacating the Office of Trustee.*

- 72 Office how vacated.
- 73 Discharge of trustee.
- 74 Petition to be discharged from trust.
- 75 Appointment of new trustees on death, &c.
- 76 Appointment by court; rules for selecting new trustees.
- 77 Vesting of trust property in new trustees; powers of new trustees.
- 78 Survival of trust.

CHAPTER VIII.

Extinction of Trusts.

- 79 Trust how extinguished.
- 80 Revocation of trust.
- 81 Revocation not to defeat what trustees have duly done.

CHAPTER IX.

Constructive Trusts.

- 82 Where obligation in nature of trust is created.
- 83 Where it does not appear that transferor intended to dispose of beneficial interest.
- 84 Transfer to one for consideration paid by another.
- 85 Trust incapable of execution or executed without exhausting trust property.
- 86 Transfer for illegal purpose.
- 87 Bequest for illegal purpose; bequest of which revocation is prevented by coercion.
- 88 Transfer pursuant to rescindable contract.
- 89 Debtor becoming creditor's representative.
- 90 Advantage gained by fiduciary.
- 91 Advantage gained by exercise of undue influence.
- 92 Advantage gained by qualified owner.
- 93 Property acquired with notice of existing contract.
- 94 Purchase by person contracting to buy property to be held on trust.
- 95 Advantage secretly gained by one of several compounding creditors.
- 96 Constructive trusts in cases not expressly provided for.
- 97 Obligor's duties, liabilities, and disabilities.
- 98 Saving rights of *bona fide* purchasers.

CHAPTER X.

Charitable Trusts.

- 99 Special definitions.
- 100 General powers of the court.
- 101 Actions for carrying into effect trusts for public charity.
- 102 Suits by persons interested in religious trusts.
- 103 Power to refer matter for arbitration or inquiry.
- 104 Powers of commissioners, &c.
- 105 Power of court as to accounts.
- 106 Application of religious law.
- 107 *De facto* trusts.
- 108 Special powers of court.
- 109 Group of trusts.
- 110 Court may refer parties to remedies under section 102.
- 111 Exclusion of Buddhist trusts.

CHAPTER XI.

Miscellaneous.

- 112 Rule against perpetuities.
- 113 Devolution of trust property.
- 114 Incorporation of trustees.
- 115 Persons may assign property in trust to themselves and others.
- 116 Procedure.
- 117 Costs.
- 118 Application of English law.

**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.

No one is bound to accept a trust.

Acceptance of trust.

A trust is accepted by any words or acts of the trustee indicating with reasonable certainty such acceptance.

Disclaimer of trust.

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.

Power to refer matter for arbitration or inquiry.

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

(b) (original).

- (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.

(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, R. E. STUBBS,
Colombo, August 16, 1916. 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 *Sivapragasam v. Swaminatha Ayar*, 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 these 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.

MINUTE.

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

An Ordinance to amend "The Boats Ordinance, 1900."

Preamble.

WHEREAS it is expedient to amend "The Boats Ordinance, 1900": 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 Boats (Amendment) Ordinance, No. of 1916."

Addition of section 14 A.

2 The following section shall be added to the principal Ordinance immediately after section 14:

14 A. (1) Where any boat in respect of which stamp duty is payable under this Ordinance is ordinarily used or to be used within any limits enumerated in the schedule to this section, such stamp duty shall be payable and shall be disposed of in accordance with the said schedule.

Provided that no owner of a boat shall be required to pay any stamp duty more than once in respect of any one year for the same boat.

(2) In case any question arises as to the authority to which the said stamp duty is payable, such question shall be referred to the Governor for decision, and the decision of the Governor shall be final.

(3) Any provision of the disposal of such stamp duty contained in any Ordinance relating to the powers and duties of local authorities which is inconsistent with any of the provisions of this section is hereby repealed.

SCHEDULE.

Limits.	Authority to whom Stamp Duty is payable.	Fund to which Duty is to be credited.
Municipal town..	Chairman of the Municipal Council	Municipal fund.
Nuwara Eliya Board of Improvement	Chairman of the Board of Improvement	Fund of the Board.
Local Board	Chairman of the Local Board	Local fund.
Sanitary Board..	Chairman of the Sanitary Board	Local fund.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, August 18, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE law as to the application of fees derived from boat licenses being in some confusion, it has been determined to settle the question and systematize the position by inserting in "The Boats Ordinance, 1900," a section similar to clause recently adopted for the same purpose in the Vehicles Ordinance (see section 55 of "The Vehicles Ordinance, No. 4 of 1916").

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

ANTON BERTRAM,
Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. John Daniel Rubaru Samaraweera Guna-
No. 5,638. sekera of Boralessomuwa in the Palle
pattu of Salpiti korale, deceased.

Richard Rubaru Samaraweera Gunasekera of
Boralessomuwa Petitioner.

And

(1) Somawathi Rubaru Samaraweera Guna-
sekera, (2) David Rubaru Samaraweera Guna-
sekera, (3) Don Charles Rubaru, all of Boralessomuwa 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. A. C. Abeywardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated July 28, 1916, having been read:

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

L. M. MAARTENSZ,
District Judge.

July 28, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Willappransiscuge Pedro Soris
No. 5,644. of Kala Eliya in the District of Colombo,
deceased.

(1) Weerasinghe Aratchige Hendrick Fernando
and (2) Balapuwaduge Pelis Mendis both of Kala
Eliya aforesaid Petitioners.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 3, 1916, in the presence of Messrs. Goonewardene and Joseph, Proctors, on the part of the petitioners above named; and the affidavits (1) of the said petitioners dated July 11, 1916, and (2) of the Notary and attesting witnesses dated July 17, 1916, having been read:

It is ordered that the last will of Willappransiscuge Pedro Soris, 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 petitioners are the executors named in the said will, and that they are entitled to have probate thereof issued to them accordingly, unless any 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 3, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Palaniappa Pillai Nara-
No. 5,650. yanaswamy of Dam street, in Colombo,
deceased.

Narayanawamy Thamby Palasandiran of Dam
street, in Colombo Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 14,

1916, in the presence of Messrs. Kandaiya and Somasundaram, Proctors, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated July 27, 1916, and (2) of the attesting Notary dated August 14, 1916, having been read:

It is ordered that the last will of Palaniappa Pillai Narayanawamy, 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 September 14, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
District Judge.

August 14, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Weerawarna Kurukulasuriya Boosa-
No. 5,656. baduge Michaelia Fernando, widow of
Hettiakandagge Fernando, de-
ceased.

Andrew Cyril Jayawardana of Dehiwala Petitioner.

And

(1) Hilda Francis Jayawardana, wife of (2) W.
Pius Fernando, both of Tambarawila Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 15, 1916, in the presence of Mr. L. B. Fernando, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 15, 1916, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as the grandson 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 15, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of the late Maggonage Grigorio Fernando
No. 5,661. of Wellawatta, in Colombo, deceased.

Horanage Ensina Fernando of Wellawatta, in
Colombo Petitioner.

Vs.

(1) Maggonage Mary Magdeline Fernando, wife of
(2) Weerapurage Stanley Fernando, both of
Wellawatta, (3) Maggonage Mary Leslyn
Fernando, wife of (4) Bentotage Peter Fernando,
both of Kochchikade, in Negombo, (5) Mag-
gonage Mary Evelyn Fernando, (6) ditto Mary
Vyelyn Fernando, (7) ditto Winifred Fernando,
and (8) ditto Clarice Myrtle Fernando, all of
Wellawatta Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 17, 1916, in the presence of Mr. C. A. de Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 15, 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 September 14, 1916, show sufficient cause to the satisfaction of this court to the contrary.

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

In the District Court of Colombo.
Order Nisi.
Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Louisa Mary Fernando of Colombo, No. 5,660. deceased.

Wannakuwattewadugey Daniel Francis Conrad Fernando of Skinners road south, Colombo.. Petitioner.

And

(1) Wannakuwattewaduge Aelian George Kingsley Fernando, (2) Wannakuwattewaduge Edgar Ignatius Felix Fernando, both of Skinners road south, Colombo Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 9, 1916, in the presence of Mr. A. Alvis, Proctor, on the part of the petitioner above named ; and the affidavit of the said petitioner dated August 9, 1916, having been read :

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

August 9, 1916. L. M. MAARTENSZ, District Judge.

In the District Court of Colombo.
Order Nisi.
Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Liyanage alias Sembukutti Achchige No. 5,669. Perera of Kottawa, in the Palle pattu of Hewagam korale, deceased.

Liyanage alias Sembukutti Achchige Podi Siman Perera of Kottawa, aforesaid..... Petitioner.

Vs.

(1) Liyanage Menikhami, (2) Liyanage alias Sembukutti Achchige Nonohami, wife of (3) Vithanage Sadris Perera, all of Kottawa, (4) Liyanage alias Sembukutti Achchige Chootihami, wife of (5) Kudaligamage Arnolis Perera, both of Kalalgoda, in the Palle pattu of Hewagam korale, (6) Liyanage alias Sembukutti Achchige Selahami, wife of (7) Subaweerage Awaneris Dias, both of Diulpitiya, in the Palle pattu of Hewagam korale, (8) Liyanage alias Sembukutti Achchige John Perera, (9) Liyanage alias Sembukutti Achchige Aron Perera, (10) Liyanage alias Sembukutti Achchige Merohami, all of Kottawa, aforesaid..... Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 21, 1916, in the presence of Messrs. Ranasinghe and Perera, Proctors, on the part of the petitioner above named ; and the affidavit of the said petitioner dated August 17, 1916, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as the son of the above-named deceased, to have letters of administration to the estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before September 21, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 21, 1916. L. M. MAARTENSZ, District Judge.

In the District Court of Colombo.
Order Nisi.
Testamentary In the Matter of the Intestate Estate of Jurisdiction. Joseph Paul Alvares of Chekku street No. 5,664. Colombo, deceased.
Flory Juana Alvares of Chekku street, Colombo... Petitioner.

And

(1) Justinian Marshall Alvares, (2) William Pasqual Alvares, (3) Albert Valentine Alvares, all of Chekku street, Colombo, (4) Jeoffrey Alvares of Karwar, Bombay, (5) Matilda Alvares, at present an inmate of the Lunatic Asylum, Poona, Spinster Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., District Judge of Colombo, on August 18, 1916, in the presence of Messrs. de Vos and Gratiaen, Proctors, on the part of the petitioner above named ; and the affidavit of the said petitioner dated August 7, 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 September 14, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 18, 1916. L. M. MAARTENSZ, District Judge.

In the District Court of Negombo.
Order Nisi declaring Will proved.
Testamentary In the Matter of the Last Will and Testament of Jayaweerage Harmanis Francis No. 1,609. Fernando Gurunanse of Andiambalama, deceased.

THIS matter coming on for disposal before M. S. Sreshta, Esq., District Judge of Negombo, on August 17, 1916, in the presence of Mr. T. Ranasinghe, Proctor, on the part of the petitioner, Jayawardenalage Pavistina Perera of Andiambalama ; and the affidavit (1) of the petitioner, (2) of the attesting Notary, T. H. de Silva of Negombo, dated August 15, 1916, having been read :

It is ordered that the will of Jayaweerage Harmanis Francis Fernando Gurunanse of Andiambalama, deceased, dated January 10, 1914, and now deposited in this court be and the same is hereby declared proved, unless the respondents—(1) Jayaweerage Dona Rosana Fernando, (2) Jayaweerage Dona Jane Maraya Fernando, (3) Jayaweerage Salamon Fernando, (4) Jayaweerage Henry Fernando, (5) Jayaweerage William Peter Fernando, (6) Jayaweerage Joseph Fernando, all of Andiambalama, minors, by their guardian *ad litem* Jayaweerage Abilinu Fernando of Andiambalama—shall, on or before September 7, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Jayawardenalage Pavistina Perera of Andiambalama is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless the respondents above named shall, on or before September 7, 1916, show sufficient cause to the satisfaction of this court to the contrary.

And it is further ordered that the said Jayaweerage Abilinu Fernando be appointed guardian *ad litem* over the said minors for the purpose of this action.

August 17, 1916. M. S. SRESHTA, District Judge.

In the District Court of Kandy.
Order Nisi.
Testamentary In the Matter of the Estate of the late Jurisdiction. Danagamagedera Punchi Naide, Vidana, No. 3,261. deceased, of Gampola.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge of Kandy, on August 17, 1916, in the presence of Messrs. Silva and Somanathapillai,

Proctors, on the part of the petitioner, Ihaladanagama-gedera Menik Ettana of Pusulpitiya, in Kotmale; and the affidavit of the said petitioner dated July 14, 1916, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled to letters of administration to the estate of the said deceased, as his widow, unless (1) Danagamagedera Sangaranaide, (2) ditto Kuda Ettana, (3) Ran Naide, (4) Punchi Ettana, (5) Sonmandera, (6) Punchi Appoo, (7) Mohandirama, (8) Appoo Ettana, (9) Kiri Ettana, (10) Wijaya Hamy, and (11) Nandoris Hamy, all of Pusulpitiya, in Kotmale—the 5th, 6th, 7th, 8th, 9th, 10th, and 11th by their guardian *ad litem* the 1st respondent—shall, on or before September 14, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 17, 1916.

FELIX R. DIAS,
District Judge.

In the District Court of Matara.

Order Nisi.

Amount Rs. 1,407.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Josina Dodampe Ratnaiké, deceased, of
No. 2,289. Pandithaporuwa.

Don Pawlis Weerabaddana Dissanaiké of Panditha-
poruwa Petitioner.

Vs.

(1) William Leopold Weerabaddana, (2) Annie Weerabaddana Dissanaiké, (3) Andrew Weerabaddana Dissanaiké, (4) Harry Weerabaddana Dissanaiké, (5) Allie Weerabaddana Dissanaiké, (6) Regina Weerabaddana Dissanaiké, (7) Sammy Weerabaddana Dissanaiké, (8) Dhammasa Weerabaddana Dissanaiké, all of Pandithaporuwa, (9) Don David Dodampe Ratnaiké, Police Officer of Kongala Respondents.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on June 5, 1916, in the presence of Messrs. Keuneman on the part of the petitioner Don Pawlis Weerabaddana Dissanaiké of Pandithaporuwa; and the affidavit of the said petitioner dated November 19, 1915, having been read: It is ordered that the said petitioner, as husband of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents shall, on or before July 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 9th respondent be appointed guardian *ad litem* of the 1st to 8th respondents, unless respondents above named shall, on or before July 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

June 5, 1916.

J. C. W. ROCK,
District Judge.

Extended till September 7, 1916.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Wijeweera Kankanange *alias* Wengap-
No. 2,296. puli Arachchige Seadoris, deceased, of
Denipitiya.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on August 3, 1916, in the presence of Mr. G. Weeratunga, Proctor, on the part of the petitioners (1) Wijeweera Kankanange *alias* Wengappuli Arachchige Kirihamy of Diddenipota, and husband (2) Edirisingha Kapugama Arachchige Kirigoris of ditto; and the affidavit of said petitioners dated June 22, 1916, having been read: It is ordered that the letters of administration be issued to 2nd respondent, Egodaheewage Den Peneris of Diddenipota, unless respondent, Wijeweera Kankanange *alias* Wengappuli Arachchige Podyhamy of ditto shall, on or before September 5, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 3, 1916.

J. C. W. ROCK,
District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Intestate Estate and
Jurisdiction. Effects of the late Ahmadul Lebbe
No. 2,299. Maricar Abdul Raheem of Batavia,
deceased.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on July 3, 1916, in the presence of Mr. J. S. Weerasingha, Proctor, on the part of the petitioner Asena Maricar Muhammadu Ali of Kade-weediya; and the affidavit of the said petitioner dated June 17, 1916, having been read: It is decreed that the said petitioner, as uncle of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents—(1) Abubacker Lebbe Maricar Rahi Hanath Umma, (2) Abdul Rahiman Jeenath Umma, (3) Abdul Rahiman Mahamat Raheem, (4) ditto Saffer Doon, (5) Ossen Saibu Muhammadu Ali—shall, on or before August 8, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 5th respondent be appointed guardian of the minors 2nd to 4th respondents, unless the respondents above named shall, on or about August 8, 1916, show sufficient cause to the satisfaction of this court to the contrary.

J. C. W. ROCK,
District Judge.

The above Order Nisi is extended and re-issued for September 13, 1916.

J. A. BASTIANSZ,
Secretary.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Nanayakkara Lokukuttige Don Bastian,
No. 2,309. late of Polhena.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on August 3, 1916, in the presence of his own person on the part of the petitioner, Kurunduwa Hewage Baisappu of Polhena; and the affidavit of the said petitioner dated August 3, 1916, having been read: It is ordered that the said petitioner, as son-in-law of the said deceased, is entitled to have letters of administration issued to him accordingly, unless the respondents—(1) Nanayakkara Lokukuttige Don Davith, (2) ditto Balahamy, (3) ditto Don Lewis, (4) ditto Babunhami, (5) ditto Cottan, and (6) ditto Babahami, all of Polhena—shall, on or before September 5, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 3, 1916.

J. C. W. ROCK,
District Judge.

In the District Court of Mannar.

Order Nisi.

Testamentary In the Matter of the Estate of Kappansina
Jurisdiction. Neinamohammadolevva marakaer, late
No. 198. of Mathenveli in Musaly North, deceased.

Neinamohammadomaraakaer Mohaideen Saibomara-
marakaer of Thambaddamuthalikaddu in
Musaly South Petitioner.

(1) Matharuveevee, widow of Segupillanai of Puthuveli in Musaly South, (2) Mohammadomariam, wife of Mohaideen Saibomaraakaer of Thambaddamuthalikaddu in Musaly South, (3) Mohammadomariam, widow of Neinamohammadolevva Marakaer of Pandaravelli Respondents.

THIS matter of the petition of the above-named petitioner praying for letters of administration to the estate of the above-named deceased coming on for disposal before J. D. Brown, Esq., District Judge of Mannar, on August 23, 1916, in the presence of Mr. S. Mudr. Anantham, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated August 22, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as the husband of one of the heirs 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 September 20, 1916, show sufficient cause to the satisfaction of this court to the contrary.

J. D. BROWN,
District Judge.

August 23, 1916.

In the District Court of Jaffna.
Order Nisi.
Testamentary In the Matter of the Estate of the late Jurisdiction. Kadiravelu Chinniah of Puloly East, No. 3,257. deceased.
Chinnappillai, widow of Kadiravelu Chinniah of Puloly East, Petitioner.

Vs.

(1) Chinniah Thangarajah, (2) Pakiam, daughter of Chinniah, (3) Kathiramalai, daughter of Chinniah, (4) Chinniah Kanthasamy, (5) Parupatipillai, daughter of Chinniah, (6) Thangaratnam, daughter of Chinniah, (7) Elstchinnappillai, daughter of Chinniah, (8) Walliammai, widow of Kanapatipillai, all of Puloly East, the 1st to 7th respondents are minors by their guardian *ad litem* the 8th respondent. Respondents.

THIS matter of the petition of Chinnappillai, widow of Kadiravelu Chinniah of Puloly East, praying for letters of administration to the estate of the above-named deceased, Kadiravelu Chinniah of Puloly East, coming on for disposal before P. E. Pieris, Esq., District Judge, on August 23, 1916, in the presence of Mr. V. Ganapatipillai, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated March 15, 1916, having been read: It is ordered that the petitioner be and she is hereby declared entitled, as widow of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to her accordingly, unless the respondents above named or any other person shall, on or before September 12, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 25, 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. Thankam, wife of Kulanthaiyar Velu of No. 3,247. Meesalai, deceased.
Arunachalam Chellappa of Meesalai Petitioner.

(1) Chellam, widow of Kantaiyah of Meesalai, (2) Kantaiyah Arumugam of ditto, (3) Kantaiyah Supiramaniam of ditto, (4) Kasippillai, daughter of Kantaiyah of ditto, and (5) Ponnamma, wife of Chellappa *alias* Annamuttu, wife of Chellappa of ditto; the 2nd, 3rd, and 4th respondents are minors, and appear by their guardian *ad litem* the 1st respondent. Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, Thankam, wife of Kulanthaiyar Velu, coming on for disposal before P. E. Pieris, Esq., District Judge, on July 19, 1916, in the presence of Messrs. Casippillai and Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated May 22, 1916, having been read: It is declared that the petitioner is the husband of one of the heirs 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 September 12, 1916, show sufficient cause to the satisfaction of this court to the contrary.

July 27, 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. Ampalavanar Ramalingam of Mirusuvil, No. 3,281. deceased.
Aiyampillai Kanapathiar of Mirusuvil. Petitioner.

Vs.

Vinasitampy Kanapathippillai of ditto Respondent.
THIS matter of the petition of Aiyampillai Kanapathiar of Mirusuvil, praying for letters of administration to the

estate of the above-named deceased, Ampalavanar Ramalingam, coming on for disposal before P. E. Pieris, Esq., District Judge, on August 7, 1916, in the presence of Mr. C. R. Tambiah, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated August 5, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as one of the heirs 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 September 12, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 10, 1916.

PAUL E. PIERIS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Murukesu Arumugam of Vannarponnai East, No. 3,268. deceased.

Arumugam Murukesu of Thavady Petitioner.
Vs.

(1) Parupathipillai, widow of Murukesu Arumugam of Vannarponnai East, (2) Arumugam Namasiyayam of ditto, the 2nd respondent is a minor by his guardian *ad litem* the 1st respondent. Respondents.

THIS matter of the petition of Arumugam Murukesu of Thavady, praying for letters of administration to the estate of the above-named deceased, Murukesu Arumugam, coming on for disposal before P. E. Pieris, Esq., District Judge, on August 9, 1916, in the presence of Mr. K. Sivapirakasam, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated June 28, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the father 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 September 5, 1916, show sufficient cause to the satisfaction of this court to the contrary.

August 12, 1916.

P. E. PIERIS,
District Judge.

In the District Court of Mullaittivu.

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

Mailvagana Mudaliyar Cuttytamby of Mullaittivu. Petitioner.

And

(1) Kartikesu Veluppillai, Udayiar, 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.

August 8, 1916.

W. L. MURPHY,
District Judge.

In the District Court of Batticaloa.
 Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Tambimuttu Retnammah of Chettukudah, deceased.
 No. 890.
 Kanapathipillai Ilaiyatampi of Eravur..... Petitioner.
 And
 (1) Seenitampi Tambimuthu of Kammaturai, (2) Savirimuthu Rosamaria of Chettukudah.... Respondents.
 THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Batticaloa, on June 5, 1916, in the presence of Mr. Canagasabay, Proctor, on the part of the

petitioner above-named; and the affidavit of the said petitioner dated June 5, 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 June 29, 1916, show sufficient cause to the satisfaction of this court to the contrary.
 T. B. RUSSELL,
 District Judge.
 June 5, 1916.
 Order Nisi extended to September 7, 1916.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.
 No. 2,622. In the matter of the insolvency of of Ana Keena Soona Parāmasiven Pillai of No. 17, Fourth Cross street, Pettah, 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 14, 1916, to consider the assignee's application to cause the book-debts, judgments and decrees, and promissory notes mentioned in the balance sheet to be sold by H. Martin Pieris, auctioneer.
 By order of court,
 D. M. JANSZ,
 Secretary.
 Colombo, August 30, 1916.

In the District Court of Chilaw.
 No. 18. In the matter of the insolvency of Colombage Sandiogo Fernando of Tambarawila.
 NOTICE is hereby given that the second sitting fixed for to-day has been adjourned to October 4, 1916.
 By order of court,
 C. B. PAULICKPULLE,
 Secretary.
 August 21, 1916.

In the District Court of Colombo.
 No. 2,731. In the matter of the insolvency of James Gilford de Silva of No. 115, Hulftsdorp, 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 14, 1916, for the appointment of an assignee.
 By order of court,
 D. M. JANSZ,
 Secretary.
 Colombo, August 29, 1916.

In the District Court of Kegalla.
 No. 41. In the matter of the insolvency of Graham Collin Ward Brohier, Kegalla.
 NOTICE is hereby given that a certificate of conformity has been refused by the above court to the above-named insolvent, of which the creditors are hereby required to take notice.
 By order of court,
 C. P. W. GUNASEKERA,
 Secretary.
 Kegalla, August 18, 1916.

In the District Court of Matara.
 No. 11. In the matter of the insolvency of Mohamadu Markar Mohamadu Cassim of Watagederamulla.
 NOTICE is hereby given that there will be a sitting of this court on September 25, 1916, for the appointment of an assignee.
 By order of court,
 J. A. BASTIANSZ,
 Secretary.
 Matara, August 24, 1916.

In the District Court of Kegalla.
 No. 43. In the matter of the insolvency of Whydaratne Herat Mudiyanse of Siyambalapitiya, Kegalla.
 NOTICE is hereby given that a sitting of the above court will take place on Thursday, October 5, 1916, re the grant of a certificate of conformity to the above-named insolvent, of which the creditors are hereby required to take notice.
 By order of court,
 C. P. W. GUNASEKERA,
 Secretary.
 Kegalla, August 22, 1916.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Negombo.
 Seena Nana Seena Sinniah Chetty of Negombo .. Plaintiff.
 No. 8,807. Vs.
 (1) Jayamanna Mohottige Don Rokus Appuhamy, (2) ditto Don Ugus Appuhamy, both of Pamunugama, (3) Hettiarachchige Don William Appuhamy of Maha Hunupitiya Defendants.
 NOTICE is hereby given that on Saturday, September 23, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the premises the following property ordered and decreed to be sold by the decree entered in the above action;

for the recovery of the sum of Rs. 1,014.50, with interest thereon at the rate of 9 per cent. per annum from July 2, 1913, till payment, less a sum of Rs. 400 paid by the defendant to plaintiff, viz:
 The residing land of the 1st and 2nd defendants and the buildings standing thereon, situated at Pamunugama, in the Ragam pattu of Alutkuru kofala, and bounded on the north by the field belonging to G. E. Perera, east by the land belonging to G. Juan Perera, south by the land belonging to G. Jusay Perera Appuhamy, and on the west by the land belonging to Mathes Appo; containing in extent about 1 acre.
 Fiscal's Office,
 Colombo, August 28, 1916.
 W. DE LIVERA,
 Deputy Fiscal.

In the District Court of Colombo.

M. P. L. Palaniappa Chetty of Sea street,
Colombo..... Plaintiff.
No. 42,267. Vs.

(1) Bartholomeusz Philip James Gomes Wijeratna Jayatillaka of Kaluwella, Galle, administrator of the estate of B. M. G. Wijeratna Jayatillaka, deceased, and (2) B. O. Gomes of Silversmith street, Colombo Defendants.

NOTICE is hereby given that on Monday, September 25, 1916, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property, for the recovery of the sum of Rs. 1,303.75, with interest on Rs. 1,000 at 9 per cent. per annum from July 26, 1915, till payment in full, viz. :—

At 2.30 P.M.

An undivided $\frac{1}{2}$ of the following properties :—

(1) Half part of the garden, with the building standing thereon, bearing assessment No. 87, situated at Silversmith street, within the Municipality of Colombo; bounded on the north by Silversmith street, on the east by the premises bearing assessment No. 86, on the south by the property of Kaduruvelu Chetty bearing No. 5, Silversmith lane, and on the west by the other $\frac{1}{2}$ part of the premises No. 87; containing in extent $14\frac{1}{2}$ square perches.

At 3 P.M.

(2) Half part of the garden, with the building thereon, bearing assessment No. 87, situated at Silversmith street, within the Municipality of Colombo; bounded on the north by Silversmith street, on the east by the other $\frac{1}{2}$ part of the same property, on the south by the property of Kaduruvelu Chetty, and on the west by Roman Catholic church property; containing in extent $22\frac{1}{2}$ perches.

At 3.30 P.M.

(3) An undivided $\frac{1}{2}$ part or share of the house and garden bearing assessment No. 86, and situated at Silversmith street, within the Municipality of Colombo; and bounded on the north by Silversmith street, on the east the premises called St. Lukes bearing assessment No. 85, on the south by the property of Velu Chetty bearing No. 6, Silversmith lane, and on the west by the property bearing No. 87; containing in extent 16 square perches.

At 4 P.M.

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

Fiscal's Office,
Colombo, August 28, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

And Runa Suna Olaganadan Chetty of Wolfendahl street, Colombo Plaintiff.
No. 34,669. Vs.

(1) William Francis Holmes and his wife (2) Wellage Isabella alias Elizabeth Perera, (3) Alice Elizabeth Kelly, and her husband Ernest Perceival Kelly, all of Dematagoda, Colombo. Defendants.

NOTICE is hereby given that on Saturday, September 23, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the premises 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 10, 1916, for the recovery of the sum of Rs. 1,104.96, with interest on Rs. 750 at 24 per cent. per annum from July 13, 1912 (up to the date of final decree) to May 24, 1916, and thereafter

further interest on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, viz. :—

All that allotment of land called Munamalghawatta, situated at Dematagoda, within the Municipality and District of Colombo, Western Province, with the buildings thereon bearing assessment No. 163; bounded on the north and west by road, on the east by the garden of Robert Adolphus Perera and now of Lasendu Grego, on the south by the property belonging to the estate of the late Robert Gomes Abeyasing Jayawardana and the property of Omattage Dona Maria and Willorage Jeronis Dias and the property of Wickramaratchige Charles de Silva; containing in extent 2 roods and 3 perches and $\frac{9}{100}$ square perches.

Fiscal's Office,
Colombo, August 29, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

Payna Reena Nanā Kana Runa Nalla Caruppen Chetty of Sea street, Colombo Plaintiff.
No. 36,527. Vs.

Dompayalage John Fernando of Hunupitiya, in the Adicari pattu of Cena korale Defendant.

NOTICE is hereby given that on Thursday, September 28, 1916, will be sold by public auction at the respective premises the following property, declared bound and executable under the decree entered in the above action, for the recovery of the sum of Rs. 2,082.15 with interest on Rs. 1,977.50 at 18 per cent. per annum from June 10, 1913, to July 16, 1913, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full, viz. :—

At 3 P.M.

(1) All that lot marked B in the plan dated July 14, 1906, made by H. G. Dias, Licensed Surveyor, situated at Hunupitiya in Adicari pattu of Cina korale; bounded on the north by Gorakagahawatta formerly of Selenchi Fernando now belonging to Jusey Fernando and another, on the east by the lot A allotted to Bulathwelege Leonis Fernando, on the south by Nillagahawatta formerly of L. Singee Fernando and another now belonging to M. Pedodis Fernando and another and the Commercial Company, and on the west by lot C allotted to Guruhewilage Andris Fernando, B. Ego Fernando, B. Podina (wife of M. Dionis Fernando), B. Albana Fernando, B. Jacolis Fernando, Suwaris Fernando, and the legal representative of Haramanis and Dotchehy, containing in extent 1 rood and 35 perches, being a divided $\frac{1}{2}$ part of all that allotment of land called Deulgahawatta, situated at Hunupitiya, in the Adicari pattu of Cena korale; and bounded on the east by the road, on the south by the garden belonging to Liyanadurage Singee Fernando and another, on the west by the railway line, and on the north by the garden of Guruhewilage Selenchy Fernando; containing about 3 bushels of paddy sowing extent, which said entire premises in the plan dated July 14, 1906, made by the said H. G. Dias described as an allotment of land called Deulgahawatta, situated at Hunupitiya, in the Adicari pattu of Cena korale, in the District of Colombo, Western Province; bounded on the north by Gorakagahawatta formerly of G. Selenchy Fernando and now belonging to J. A. Abeysekara Mudaliyar and H. Jusay Fernando and another, on the east by a road, on the south by Millagahawatta formerly of L. Singee Fernando and another now belonging to M. Pedoris Fernando and others and Commercial Company, and on the west by railway reservation; containing in extent 1 acre 1 rood and 25 perches.

At 3.30 P.M.

(2) All that allotment of land 42 yards from north to south and 21 yards from east to west of and from a $\frac{1}{2}$ share of Millagahawatta, situated at Hunupitiya as aforesaid; and bounded on the north by the garden of Bastian Rodrigo, on the east by the cart road, on the south by the garden of G. William Fernando, and on the west by the garden of G. Dotchechi Fernando and others; containing in extent about 3 bushels of paddy sowing, together with the buildings and plantations standing thereon.

Fiscal's Office,
Colombo, August 29, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.
Walter Dias Bandaranayake of Colombo..... Plaintiff.
No. 40,074. Vs.

(1) Samsudeen Hādjiar Mohamed Maharooft, (2) ditto Jahafor, (3) ditto Nakeen, all of 33, Layard's Broadway, in Colombo..... Defendants.

NOTICE is hereby given that on Thursday, September 28, 1916, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following mortgaged property declared bound and executable under the decree entered in the above action, for the recovery of the sum of Rs. 1,883·75, with interest thereon at the rate of 10 per cent. per annum from November 26, 1914, till payment in full, and costs of suit, less Rs. 1,125, viz. :—

All that portion of land, together with the plantations thereon, marked lot 7D1 in the plan hereinafter mentioned, situated at Kanatta, within the Municipality and District of Colombo, Western Province; bounded on the north by lot 7D2 apportioned to S. H. M. Sadoon, being another portion of the same land, and on the east by lot No. 7E apportioned to S. H. M. Nelara, being another portion of the same land, on the south by Castle street, and on the west by Kanatta road; containing in extent 2 roods and 15 square perches according to the plan No. M/146 dated February 27, 1910, made by A. R. Savundranayagam, Special Licensed Surveyor and Leveller.

Fiscal's Office,
Colombo, August 30 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.
R. P. Balasooriya of Layard's Broadway,
Colombo Plaintiff.
No. 44,320. Vs.

J. E. P. Samarasekara of Halpe, Mirigama, now of Veyangoda Defendant.

NOTICE is hereby given that on Tuesday, September 26, 1916, 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, for the recovery of the sum of Rs. 500, with interest thereon at 30 per cent. per annum from February 7, 1915, to June 21, 1916, and on the aggregate amount of the decree at 9 per cent. per annum till payment in full and costs of suit, viz. :—

All that property called Agalahenewatta, situated at Dewalapola at Veyangoda, in the Siyane korale east, with the plantations standing thereon; and bounded on the north by the property belonging to Marasinghe Balagalage Piloris Appoo, on the east by the property belonging to Henry P. Samarasekara, on the south by the high road, and on the west by the property belonging to Don Wellon; containing in extent about 9½ acres.

Fiscal's Office,
Colombo, August 28, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.
N. P. L. Caruppen Chetty of Sea street, Colombo.. Plaintiff.
No. 44,814. Vs.

M. G. Fernando of Angulana Defendant.

NOTICE is hereby given that on Wednesday, September 27, 1916, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 4,618·77, with interest thereon at 9 per cent. per annum from March 29, 1916, till payment in full and costs, viz. :—

An undivided ¼ part of the soil and trees and of the building standing thereon of the land called Madangahawatta *alias* Etambagahawatta, situated at Kaldemulla, in Moratuwa, in the Palle pattu of Salpiti korale; and bounded on the north by the land of Juwanis de Mel, on the east by the Cinnamon garden, on the south by the garden of Juwanis de Mel and others, and on the west by the cart road; containing in extent about 1½ acres.

Fiscal's Office,
Colombo, August 28, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.
Muna Suppiah Pulle of Kochchikade in Colombo. Plaintiff.
No. 45,113. Vs.

W. M. Naina Marikar of No. 70, Silversmith street in Colombo..... Defendant.

NOTICE is hereby given that on Tuesday, September 26, 1916, will be sold by public auction at the respective premises the life interest of the said defendant for two years in the following property for the recovery of the sum of Rs. 563·40 together with legal interest thereon from May 19, 1916, till payment in full and costs of suit, viz. :—

At 3 P.M.

(1) All those 2 in 1 annexed parts of a garden with the buildings thereon bearing assessment Nos. 55 to 63 (exclusive of the mosque standing on the said premises and the 3 rooms set apart for the use in connection with the said Mosque), situated at Kochchikade street; within the Municipality and the District of Colombo, Western Province, now forming one property (which can be included in one survey), and comprising (1) one quarter part of a garden with the buildings thereon; bounded on the north by the other part of the same land belonging to Satambage Daniel Perera, on the east by the garden of A. Anthony Fernando Savurimuttu, on the south by the other portion of the property of Ana Silva, widow of Gabriel Fernando, and on the west by Kochchikade street; containing in extent 2 square roods and 22 6/25 square perches.

At 3.30 P.M.

(2) Quarter of a garden, with the buildings constructed therein, situated at Kochchikade street; bounded on the north by the other part, on the east by a large drain, on the south by the garden of Sapira, and on the west by Kochchikade street; containing in extent 2 square roods and 23 9/10 square perches, and held and possessed upon deed No. 1,896 dated June 1, 1896, and attested by John Cadiraman of Colombo, Notary Public.

Fiscal's Office,
Colombo, August 29, 1916.

W. DE LIVERA,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Hakini Seneris Silva of Welitara..... Plaintiff.
No. 11,099. Vs.

Davit Mendis Wickremesinghe Appuhami and 4 others, all of Weliwata in Welitara Defendants.

NOTICE is hereby given that on Monday, September 25, 1916, at 2 o'clock in the afternoon, will be sold by public auction at the spot the following mortgaged property, viz. :—

An undivided ½ part of the soil and trees and the produce of the islet called Meeradoowa *alias* Miriettadoowa, containing in extent 99 acres 3 roods and 11 perches at the middle of the river called Madu-ganga, in Welitara, in Bentota-Walallawiti korale; bounded on the north, east, south, and west by Madu-ganga aforesaid.

Writ amount Rs. 2,568·09, with interest on Rs. 2,251·02 at 9 per cent. per annum from the date of decree.

Fiscal's Office,
Galle, August 24, 1916.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Colombo.
Anthony Nicholas de Silva of Alwis place, Plaintiff.
hena, in Colombo
No. 37,584. Vs.

Nambukarahelambage Don Hendrick Abraham Appuhamy of Bentota in Bentota-Walallawiti korale, in the District of Galle, and two others Defendants.

NOTICE is hereby given that on Wednesday, September 27, 1916, at 12 o'clock noon, will be sold by public auction

at the premises in the following mortgaged property, viz. :—

1. All that allotment of land called Marthawita, situated at Alawatugoda, in Bentota-Walallawiti korale, in the District of Galle; and bounded on the north by T. P. 180,592, on the east by lot H 502, in P. P. 4,723, on the south by lot F 502, in P. P. 4,723, and on the west by lot B 502 in P. P. 4,723; containing in extent 1 acre and 34 perches, as per Crown grant dated March 28, 1908, and registered in H 91/34.

2. An allotment of land called Kongahawatta, situated at Angagoda, in Bentota-Walallawiti korale aforesaid; and bounded on the north by lot L 498 in P. P. 4,723, on the east by lot No. 498 in P. P. 4,723, on the south by lot K 499 in P. P. 4,723, and on the west by lot K 498 in P. P. 4,723; containing in extent 2 roods and 26 perches as per Crown grant dated June 10, 1908, and registered in H 91/39.

3. All that allotment of land called Helambageirawella, situated at Angagoda aforesaid; and bounded on the north by lot J 498 in P. P. 4,723, on the east by lots Z 498, M 498, and K 499 in P. P. 4,723, on the south by lot J 499 in P. P. 4,723, on the west by lots F 499 and I 498 in P. P. 4,723; containing in extent 1 acre 1 rood and 8 perches as per Crown grant dated June 10, 1908, and registered in H 91/37.

4. All that allotment of land called Kumarageliyadda, situated at Alawatugoda aforesaid; and bounded on the north by T. P. 180,591 and lot C 502 in P. P. 4,723, on the east by lot H 502 in P. P. 4,723, on the south by lot E 502 in P. P. 4,723, and on the west by lot B 502 in P. P. 4,723; containing in extent 3 roods and 5 perches as per deed of rectification of Crown grant dated March 31, 1901, and registered in H 24/371.

7. All that divided half part of the land called Puswelbokkewatta, situated at Bolgoda, in Bentota-Walallawiti korale aforesaid; bounded on the north by Dedu-ganga, east by Kirigewatta and Kajuandewatta comprising Pinwatta *alias* Wannigewatta, on the south by Paragahatoganga, and on the west by the half part of Puswelbokkewatta; containing in extent 15 acres 2 roods and 30 50/100 perches, which said premises being a part of the land called Puswelbokkewatta and the adjoining kumbura, situated at Bolgoda aforesaid; bounded on the north by river, east by Kirigewatta, south by Wanigewatta, and on the west by river; containing in extent land 29 acres 3 roods and 36 33/100 perches and the field 6 acres 3 roods 26 22/100 perches.

Writ amount Rs. 2,699.36, with interest on Rs. 2,319.13 at the rate of 18 per cent. per annum from November 28, 1913, to December 4, 1914, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit.

Fiscal's Office,
Galle, August 24, 1916.

J. A. LOURENSZ,
Deputy Fiscal.

In the District Court of Matara.
Francis Wimalasuriya of Matara Plaintiff.
No. 6,354. Vs.

Cornelius Munasinha Dissanaiké of Palolpitiya.. Defendant.

NOTICE is hereby given that on Wednesday, September 27, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 1,866.12, and also Fiscal's charges, viz. :—

1. Ihalawewadeniyethmaga *alias* Pottedeniyeathmaga bearing No. 10,812, Ihalawewadeniyethmaga *alias* Pottedeniyeathmaga bearing No. 10,813, Ihalawewadeniyethmaga *alias* Pottedeniyeathmaga bearing No. 10,814, Ihalawewadeniyethmaga *alias* Pottedeniyeathmaga bearing W No. 461, Ihaladeniyedumulla bearing No. 10,815, and Ihaladeniyaudumulla-athmaga bearing No. 10,816, all adjoining one another, in extent 9 acres 1 rood 14 perches, situated at Vitiyala, in the Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by Crown land called Keddammullekanda, east by Crown land Galendehena, Dolakeddemullakanda, Potudeniya, claimed by H. L. Don Abaran and others, and another dola, south by Crown land Galendehena, west by Ihalawewadeniya claimed by H. L. Don Abaran and others, Ihalawewa and

Pahalawewa claimed by P. Wijehami and others, Pahalawewawatta claimed by P. Don Hendrick, Maragahawatta claimed by P. Don Hendrick, the Crown land called Ihaladeniyaudumulleathmaga, Ihaladeniya claimed by P. Hendrick, and Pansala claimed by H. D. Andris. Rs. 1000.

2. Beddedeniya bearing No. 10,861, Hindakaraldeniyeathmaga No. 10,862, Kampottegahahena No. 10,864, all adjoining one another forming one land, in extent 11 acres 2 roods 4 perches, situate at ditto; and bounded on the north by Kanagangodayakumbura claimed by A. Don Methias and others, Kanagangodayadeniya claimed by H. Seadoris, the land mentioned in plan No. 168,712, Egodahawatta claimed by D. Abaran, and Pahalawewa claimed by R. Siman and others, east by Hindakaraldeniya claimed by W. Don Adirian and others, Pansalegodellewatta claimed by W. Punchiappu, and land mentioned in plan No. 168,717, south by lands given in plans Nos. 168,717 and 158,243, a dola, Halgamuwegewewa claimed by Illangkoon Mudaliyar, and Halgamuwege Pinliyadda belonging to temple, west by Mahakumbura claimed by Illangkoon Mudaliyar. Rs. 10,200.

3. All the fruit trees and soil of Puhulhena, in extent 9 acres and 27 perches, situate at ditto; and bounded on the north by lands given in plans Nos. 168,715 and 168,716, east by Pansalagodellawatta, Beragamagewattakoratuwa, Beragamagewatta claimed by W. Punchiappu, Bibulegewatta claimed by W. D. Adirian, Bibulegewatta claimed by H. D. Carolis, Bulugahakanattewatta claimed by W. Adirian, and Gasinnaidegewatta claimed by H. Jamis Appu, south by Walagewatta claimed by E. D. Costan, west by Phulhena belonging to Crown, lands given in plans Nos. 158,240, 158,243, and the land reserved for Crown. Rs. 900.

4. All the fruit trees and soil of Kendaketiya *alias* Delgahakoratuwa, in extent 2 acres 2 roods and 4 perches, at Urapola, in the said Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by Pansalewatta, east by Rubasingewatta, Batuwitagedarawatta, and Potuwilagodawatta, south by Rubasingedeniya, west by Jambughaliyadda, Kohilaketiya, and Wadiyadeniya. Rs. 300.

5. The undivided $\frac{1}{2}$ part of all the fruit trees and of soil (exclusive of the roads running through the centre) of the land Arambegodakanda, in extent 19 acres 2 roods 26 perches, situate at Ihalavitiyala, in the said Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by lands mentioned in plans Nos. 212,305 and 208,011, lands reserved, lands claimed by Arambegoda Pansala and the villagers, a pond, a road, ground reserved along the road, and Crown land, east by land claimed by villagers, and lot No. 21347 of the original plan No. 7,502, south by land claimed by villagers, portions of land bearing No. 241,708, west by land claimed by villagers, land mentioned in plan No. 208,012, and Crown land. Rs. 1,000.

6. The undivided $\frac{1}{2}$ part of all the fruit trees and of soil of Arambegodakanda, in extent 27 perches at ditto; and bounded on the west by land claimed by villagers, north, east, and south by lands given in plan No. 241,707. Rs. 50.

On Wednesday, October 4, 1916, at 1 P.M.

7. All the fruit trees and soil (exclusive of a water-course) of the land Deramedeniyeathmaga, in extent 2 acres and 11 perches, situate at Batuwita, in the said Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by lot No. 10700 of the original plan No. 4,123, east by lot No. 10700 in preliminary plan 4,123, and a stream, south by a stream, land claimed by villagers, and Crown land, west by lot No. 10700 of original plan No. 4,123, and a stream. Rs. 165.

8. All the fruit trees and soil of Deromedeniya-athmaga (exclusive of the stream running through the centre), in extent 2 acres 3 roods 16 perches, situate at ditto; and bounded on the north by lot No. 10700 in preliminary plan No. 4,123, and a stream, east by lot No. 10700 in preliminary plan No. 4,123, south by Crown land, land claimed by villagers, and a stream, west by a stream and lot No. 10700 in preliminary plan No. 4,123. Rs. 230.

9. All the fruit trees and soil of Diambamedeniyeathmaga, in extent 37 perches at ditto; and bounded on the north by plan No. 239,345 furnished by Surveyor-General, east by lot No. 10700 in preliminary plan No. 4,123, south by Crown land and footpath, west by lot No. W 463, in preliminary plan No. 4,120. Rs. 20.

10. All the fruit trees and soil of Olimulla-athmaga, in extent 3 acres 2 roods and 21 perches at ditto; and bounded on the north by lot No. 26499 in preliminary plan No. 8,882, and land claimed by villagers, east by land claimed by villagers, south by land mentioned in plan No. 163,623, and lot No. 26500 in preliminary plan No. 8,882, west by land mentioned in plan No. 168,740. Rs. 325. Total Rs. 14,190.

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

In the District Court of Matara.

G. H. P. Siman Appu of Kotuwegoda Plaintiff.
No. 7,074. Vs.

Dawu Neinda Marikar Mohamed Jamaldeen of
Kotuwegoda Defendant.

NOTICE is hereby given that on Monday, October 2, 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, for the recovery of Rs. 416.01, and also Fiscal's charges, viz. :-

1. All the soil and trees of the land called Janpingewatta *alias* Kammalamestrigewatta, situate at Kotuwegoda, in the Four Gravets of the Matara District, Southern Province; and bounded on the north by road, east by road, south by Babinisgewatta, west by Kollearamba. Rs. 2,000.

2. The boutique No. 114 standing on the eastern side, and facing the high road of the land called Wijjeaddarawatta, situate at ditto; and bounded on the north by high road, east by Bedaratayanaolokkupara, south by kitchen of the same land, west by adjoining boutique. Rs. 1,000. Total Rs. 3,000.

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

Northern Province.

In the District Court of Jaffna.

Annappillai, widow of Nakanathar of Kokkuvil,
administratrix of the estate of the late Tiru-
gnanappillai, widow of Arunasalam of Vannar-
ponnai West Plaintiff.

No. 10,710. Vs.

(1) Arumugam Thamocharampillai and wife (2)
Annappillai of Vannarponnai West Defendants.

NOTICE is hereby given that on Tuesday, September 26, 1916, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of Rs. 125, and costs of suit being Rs. 77.12, and charges, viz. :-

A piece of land situated at Vannarponnai West called Andichechipallam, containing or reputed to contain in extent 14 lachams varagu culture and 11 kulies, with house, portico, and well; bounded or reputed to be bounded on the east by the property belonging to the temple called Kaddutaraiyilpillaiyar Koil and by the property belonging to the heirs of the late Ramalingam Katiravelu, north by the property of Yokamma, widow of Visuvanatar, and others, west by the property of Naganatar Sabaratnam, and on the south by road.

Fiscal's Office, S. SABARATNAM,
Jaffna, August 29, 1916. Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

Kanapathiar Sinnappu of Batticaloa Plaintiff.
No. 4,249. Vs.

(1) Sinnar Seenitamby and wife (2) Vyramuttu
Tangamma of Puliantivu Defendants.

NOTICE is hereby given that on Friday, September 22, 1916, at about 9 o'clock in the morning, will be sold by

public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :-

All that southern share of the garden called Singalavan-
totam, situated at Puliantivu in Mannunai pattu, Batticaloa,
Eastern Province, together with the house and $\frac{1}{2}$ share
of the well, plantations, and other appurtenances, excluding
the northern $\frac{1}{2}$ share and $\frac{1}{4}$ share of the well on the southern
share and the right of passage to and from the well;
and which southern share is bounded on the east by small
lane, west by the garden belonging to O' Grady and others,
north by the garden of Mylvaganam and others, in extent
from east to west on the northern side 43 fathoms,
southern side 49 $\frac{1}{2}$ fathoms from north to south, eastern side
12 $\frac{1}{2}$ fathoms, western side 23 $\frac{1}{4}$ fathoms, and from the centre
18 $\frac{1}{2}$ fathoms, with coconut trees (24).

Judgment, Rs. 2,110.

Fiscal's Office, S. O. CANAGARATNAM,
Batticaloa, August 25, 1916. Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

Vidanelage Selestina Natchire of Katuneriya, in
Chilaw District Plaintiff.
Nos. 2,771 and 2,771. Vs.

(40) H. G. Fonseka of Moratuwa, (41) B. H. Henry
John Peris, (42) B. H. Arnold Peris, both of
Moratuwa Defendants.

NOTICE is hereby given that on Wednesday, September 27, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property, viz. :-

An undivided $\frac{1}{7}$ share of the village Udawela Badal-
gama, in extent of about 131 acres 3 roods 8 perches,
excluding therefrom all the land west of lot No. 3, and the
paddy field which falls within the survey of Iluppagomuwa
estate on the figure of survey made by Mr. Daniels, dated
September 27, 1913; and bounded on the north by Crown
land now belonging to Mr. Peris and Iluppagomuwa estate,
on the north-east and south-east by Gansabhawa road and
Dewatagahawatta belonging to Korala, south-west by
garden of Arachchiappu and Ambagahamulawatta of
Ranmenika.

Amount to be recovered Rs. 573.50 under D. C., Kurune-
gala, writ No. 2,771, and Rs. 635.37 under D. C., Kuru-
negala, writ No. 2,771.

Fiscal's Office, S. D. SAMARASINGHE,
Kurunegala, August 29, 1916. Deputy Fiscal.

In the District Court of Kurunegala.

Sena Muna Kawenna Neina Hadji Sheik Slath
Lebbe of Colombo, now of Walakumburamulla Plaintiff.

No. 5,739. Vs.

Adikari Mudiyansele Siyatuhamy, Arachchi of
Walakumbura, in Katugampola korale south. Defendant.

NOTICE is hereby given that on Monday, September 25, 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, The first lot is mortgaged by bond No. 6,317, dated July 18, 1912, and attested by T. H. de Silva, Notary Public :-

1. An undivided $\frac{1}{4}$ share of Bogahamulawatta of about 8 kurunies of kurakkan sowing extent, situate at Weralu-
gama, in Katugampola korale; and bounded on the north
by the field belonging to the defendant and others, on the
east by the bo-tree, on the south by fence of the garden
belonging to Mituruhamy, and on the west by the field
belonging to the defendant and others.

2. Bogahamulawatta *alias* Moragahahenyaya (presently
residing and mortgaged) about 8 kurunies in extent, situate
in the village Weralugama; bounded on the east by the
live fence on Meegahamulawatta, on the south by the
fence standing on the lands belonging to the deceased,
Herathamy and Mudalihamy, on the north by the field

belonging to Herathamy and others, and on the west by the garden belonging to Peter Vidane; containing in extent of about 10 acres of high land and the field of about 1 pela of paddy sowing within the said boundaries, including the building standing thereon.

3. Kongahamula and Kahatagahamulahenyaya, situate at Veralugama; and bounded on the north by land claimed by Warusa Mohammodu Sehu Abdul Cadar, and Muna Kana Muna Mohammodu Asana Lebbe, on the south by field, on the east by the high road, and on the west by the land belonging to Warusa Mohammodu Sehu Abdul Cadar, Muna Kana Muna Mohammodu Asana Lebbe; containing in extent about 3 acres.

4. An undivided $\frac{1}{2}$ share of Nagahamulawatta of about 6 lahas of kurakkan sowing extent; and bounded on the east by the field belonging to Arachchi, on the south by the field belonging to Mudalihamy and the endaru fence standing on the high land, on the north by the field belonging to Herathami, deceased, and on the west by the live fence standing on the garden where the Arachchi is residing, situate at Veralugama as aforesaid.

5. Meegalahakumbura of about 2 pelas of paddy sowing extent; and bounded on the east by the land belonging to Gurumnanse and the limitary ridge of the field belonging to Appuhamy, deceased, on the north by the limitary ridge of the field belonging to Peter Vidane, on the west by Nagahamulawatta, and on the south by the limitary ridge of the field belonging to Appuhamy, deceased.

6. Melapitiyehenyaya of about 1 pela of kurakkan sowing extent; and bounded on the east by the land belonging to Mudalihamy, on the south by the land belonging to Hadjiar Mudalali, on the north by the land belonging to Mudalihamy and the land called Habayayewatta belonging to Hadjiar Mudalali, and on the west by the village limit of Parakadamulla and Talkudige land.

7. An undivided $\frac{1}{2}$ share of Wadakahakotuwa of about 1 pela of paddy sowing extent; and bounded on the east by the high road, on the south by the garden belonging to Peter Vidane, on the west by the field belonging to Saiappu, and on the north by the presently claimed lands called Kongahamula and Kahatagahamulahenyaya, situate at Veralugama as aforesaid.

8. An undivided $\frac{1}{2}$ share of Ihala-agarekumbura of about 2 pelas of paddy sowing extent; and bounded on the east by Ihala Agarewatta, on the south by the field belonging to Arnolis Appu, on the west by the field belonging to Velun Mahatmaya, and on the north by the garden belonging to Singhappu, Wadurala.

9. An undivided $\frac{1}{2}$ share and an undivided $\frac{1}{4}$ share of Mahawatta of about 4 acres in extent; and bounded on the east by lands belonging to Arnolis Appu and others, on the south by the garden belonging to Hendrick Sinno, on the west by the garden belonging to Hadjiar Mudalali, and on the north by the lands belonging to Ramba Etana and others.

Amount to be levied, Rs. 1,629.37, with further interest on Rs. 825 at 30 per cent. per annum from October 18, 1915, till April 5, 1916, and thereafter on the aggregate amount at 9 per cent. per annum till payment.

Fiscal's Office,
Kurunegala, August 23, 1916.

S. D. SAMARASINHA,
Deputy Fiscal.

In the District Court of Kurunegala.

Rangayake Mudiyanseelage Kiri Banda of Yati-
kula Plaintiff.

Nos. 5,773 and 5,794. Vs.

Wijesundera Mudiyanseelage Mudiyanse of Yale-
gama, in Gandahe korale, presently of Mathawa,
in Tiragandahe korale Defendant.

NOTICE is hereby given that on Friday, September 29, 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. An undivided $\frac{1}{2}$ share of the field called Dorakumbura of 15 lahas paddy sowing extent, situate at Dahamuna, in Gandahaya korale and the adjoining pillewa towards the south of $\frac{1}{2}$ seer kurakkan sowing; and bounded on the east by field of Punchi Menika, south by wella, west by inniyara of the field of Puchirala, and on the north by inniyara of the field of Ukkumenika.

2. An undivided $\frac{1}{2}$ share of the field called Dorakumbura of 5 lahas paddy sowing extent and its adjoining pillewa of of $\frac{1}{2}$ seer kurakkan sowing extent, situate at Dahamuna aforesaid; and bounded on the east by field of Sonuththara Unnanse, south by the fence of the garden of Mudiyanse, on the west by fence of the garden of Ukkumenika, and on the north by field of Olingekumbura.

3. An undivided $\frac{5}{12}$ of Diyasunnathakumbura of 12 lahas paddy sowing extent, situate at Welikande, in Gandahaye korale; and bounded on the east by ela, on the south by inniyara of the field of Appuhamy, on the west by inniyara of the field of Ukkubanda, ex-Arachchi, and on the north by inniyara of the field of Ranmenika.

4. An undivided $\frac{5}{12}$ of Kurukosgahamula of 2 acres 1 rood and 33 perches, situate at Yalagama, in Gandahaye korale; and bounded on the north by Crown land and Mala-ela, east by gardens of villagers, south by Arambe-ela, and on the west by lands appearing in the plan C. V. D. 180,273 and the lands appearing in the plans C. V. D. 2,152 and 10,592 $\frac{1}{2}$.

5. An undivided $\frac{1}{24}$ share of the field called Barawakakiyanakumbura of 15 lahas of paddy sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by 8 fields of Puchimenika, south by field of Bandirala, Arachchi, on the west by field of Mudalihamy, and on the north by elawella.

6. An undivided $\frac{1}{24}$ share of the field called Paragahaliyadda, situate at Yalagama, in Gandahaye korale; and bounded on the east by the field of Bandirala, ex-Arachchi south by the field of Dingiri Menika, on the west by inniyara of the field of Mudiyanse, and on the north by road.

7. An undivided $\frac{1}{2}$ share of Hitinawatta of 2 lahas kurakkan sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by fence of the garden of Kiri Banda, on the south by the chena of Bandirala, ex-Arachchi, west by garden of Dimiriappu, and on the north by the fence of the garden of Mudalihamy.

8. An undivided $\frac{1}{2}$ share of Kitulgallepahalahena of 2 lahas kurakkan sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by chena of Ungurala, south by ela, on the west by chena of Ungurala and Dingiriappu, and on the north by ela.

9. An undivided $\frac{1}{2}$ share of Telabugahamulahena of 2 seers of kurakkan sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by chena of Mudalihamy, south by ela, on the west by chena of Ungurala, and on the north by chena of Appuhamy.

10. An undivided $\frac{1}{2}$ share of the field called Banpiliakianakumbura of 8 lahas of paddy sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by ela, south by inniyara of the field of Walawwakkumbura, west by field of Mudiyanse, and on the north by the field of Bandirala and others.

11. An undivided $\frac{1}{2}$ share of Kosgahamulawatta of 1 laha of kurakkan sowing, exclusive of 2 seers kurakkan towards the west, situate at Yalagama, in Gandahaye korale; and bounded on the east by garden of Kirihamy, south by garden of Ranpola Puchimenika and others, west by the remaining half share of this land, and on the north by garden of Bandirala and others.

12. An undivided $\frac{1}{12}$ share of Andagalahena of 1 seer kurakkan sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by galvetiya, south by ela, west by the limitary ridge of the field of Puchimenika, and on the north by the endaru fence.

13. Munamalakiyanakumbura, 2 pelas paddy sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by koragaha and Berawakke inniyara, south by fence of the garden of Ukkuamma, west by the inniyara of the field of Kiri Banda, on the north by the fence of the Bodenagodawatta.

14. Badalepilakiyanakumbura of 1 pela of paddy sowing extent, situate at Yalagama, in Gandahaye korale; and bounded on the east by inniyara of the field of Paragahaliyadda, on the south by the inniyara of Hulbathekumbura, west by inniyara of the field of Appuhamy, on the north by elawella.

15. An undivided $\frac{1}{2}$ share of Karandeketha, 3 acres 3 roods 20 perches, situate at Meetenwala, in Gandahaye korale; and bounded on the east by field called Wallasmullagawakumbura and field called Madurupalakiyanakumbura, south by Kongahakumbura and the garden called Walakumbura, west by Wattedgamakumbura and the

garden called Katuwamadekumbura, north by Ankutta-kumbura.

On Saturday, September 30, 1916, at 1 P.M.

16. An undivided $\frac{1}{2}$ share of Karapanakandahena, Kahatagahamulahena, Dunumadalagahamulahena, Palugahamulahena, Kandewatta, Pattinigehena, Kongahamulahena, Palugahamulahena, and Hapugahamulahena of 30 acres 2 roods and 39 perches; and bounded on the north by high road and path, east by footpath, Pattinigewela, and hena of Sonuththara Unnanse and Welekanda, south by garden Matowawalauwa and Hitinawatta of Rannaide and others and garden of Dingiriappu, and on the west by garden of Gunatileke and others, situate at Mathawa.

17. An undivided $\frac{1}{2}$ share of Mathawapattinigewatta of about 7 acres and undivided; on the north by the chena of walawwa, east by small rock, south by chena of walawwa, on the west by cart road; situate at Mathawa.

Amount to be levied, under D. C., Kurunegala, writ No. 5,773, Rs. 1,120.50, with legal interest from December 8, 1915, till payment in full; and under D. C., Kurunegala, writ No. 5,794, Rs. 2,855, with legal interest from December 15, 1915, till payment in full.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, August 22, 1916. Deputy Fiscal.

In the District Court of Chilaw.

Don Saviel Saparamado of Katana and another Plaintiffs.

No. 4,977. Vs.

Don Sebastian Wijetunga of Bandirippuwa and another Defendants.

NOTICE is hereby given that on Saturday, September 30, 1916, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz:—

An undivided $\frac{1}{2}$ share of the portion of land appearing in plan No. 79,827 and of the tiled house standing thereon, situate at Banderippuwa in Otara palata of Pitigal korale south, in the District of Chilaw; containing in extent about 14 acres.

Amount to be levied Rs. 1,647.16 and poundage.

Deputy Fiscal's Office, A. V. HERAT,
Chilaw, August 28, 1916. Deputy Fiscal.

In the District Court of Negombo.

N. K. N. T. Nachchi Appa Chetty of Negombo.... Plaintiff.

No. 10,569. Vs.

Ratnayaka Mudiyansele, Goonetilleke Aron Appuhamy of Metikotuwa and another..... Defendants.

NOTICE is hereby given that on Tuesday, September 19, 1916, at 10.30 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. An undivided $\frac{1}{2}$ share of the land called Bogahawatta, situate at Jankurawela, in Otara palata of Pitigal korale south, in the District of Chilaw; containing in extent about 2 acres.

2. The land called Madawelawatta alias Marketekewatta, situate at Metikotuwa, in Otara palata aforesaid; containing in extent about 2 $\frac{1}{2}$ acres.

Amount to be levied Rs. 948.81, with interest on Rs. 842.44 at 9 per cent. per annum from August 20, 1915, till payment in full and poundage.

Deputy Fiscal's Office, A. V. HERAT,
Chilaw, August 22, 1916. Deputy Fiscal.

In the Court of Requests of Chilaw.

Kadiramen Iyan Perumal Pulle of Udappu Plaintiff.

No. 17,443. Vs.

Avakkar, son of Segu Thaguthu Meera Saibo of Kiriyanakalliya Defendant.

NOTICE is hereby given that on Saturday, September 23, 1916, at 2 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:—

An undivided $\frac{1}{2}$ share of the land called Wavuntottam, and of the plantations standing thereon, situate at Kiriyanakalliya in Anaivilundan pattu of Pitigal korale north, in the District of Chilaw; containing in extent about 18 acres.

Amount to be levied Rs. 95.52, with interest on Rs. 80.77 at the rate of 9 per cent. per annum from June 21, 1916, till payment in full and poundage.

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

A. V. HERAT,
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

(1) Welegederawatte Acharige Singho Naide, Wadurala, (2) Sinnatamby Machchittan Sinnadore, (3) Mamina Lebbe Saribu Lebbe of Kendangomuwa Plaintiffs.

No. 2,240. Vs.

(1) The Sunderland Ceylon Rubber Co., Ltd., (2) J. S. Scott of Sunderland estate, Bulugahapitiya Defendants.

NOTICE is hereby given that on September 23, 1916, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiffs in the following property for the recovery of the sum of Rs. 1,031.37 and poundage, viz:—

1. An undivided $\frac{1}{2}$ share of Moragalahanewatta; bounded on the north by land belonging to Uduma Lebbe and others, east by high road, south by Ambagahakotuwewatta, and west by Vidanadurayagewatta, with the tiled house of about 4 measures of kurahan sowing in extent, with the plantations thereon, situate at Kendangomuwa Thalagama.

2. An undivided $\frac{1}{2}$ share of Machchittangewatta; bounded on the north by Ambagahakotuwewatta, east by high road, south by Panawalagewatta, and west by Ambagahakotuwewatta; about 6 seers kurahan sowing in extent, with the plantations, situate at ditto.

3. An undivided $\frac{1}{2}$ share of Malgomuwa; bounded on the north by Medamalgomuwa, east by Mahakameinnyara, south by Yodayagekumbureinnyara and Dehiganageliyadda, and west by water-course; of 2 pelas of paddy sowing, situate at ditto.

4. Welikanuwagewatta; bounded on the north by pelainiwetiya and a ditch, east by pelainiwetiya, south by pelainiwetiya, and west by ditch; containing in extent about 3 acres, and also the tiled house and plantations standing thereon, situate at Bulugahapitiya, only the life interest of Sinnö Naide, 1st plaintiff, in this land.

5. An undivided $\frac{1}{2}$ share of Otukumbura; bounded on the north and east by Godakele, south by Meragalakumbura, and west by Nugagahaliyadda; containing in extent about 10 pelas paddy sowing, and situate at ditto.

Fiscal's Office, R. E. D. ABBYRATNA,
Ratnapura, August 28, 1916. Deputy Fiscal.

In the District Court of Ratnapura.

U. A. Abdu of Ratnapura Plaintiff

No. 2,489. Vs.

Moona Sheik Ismail and Moona Unis, both of Kuruwita Defendants.

NOTICE is hereby given that on September 25, 1916, commencing 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 the sum of Rs. 997.33, with legal interest on Rs. 879.46 from February 27, 1915, and poundage, viz:—

1. The whole of Pitakadamullehena; bounded on the north by Paradeniyemahakele, east by keenagaha and puwakgaha, south by deniya, and on the west by Pitakadawatteagala; containing in extent within the said boundaries 10 seers of kurahan sowing, and situate at Walandene.

2. An undivided $\frac{1}{2}$ share of Gamaralagewatta ; bounded on the north by land belonging to Kaluhami and another, east by Ranhawadiyalaye Udumullekumbura, south by Midellaketiyeowita, and on the west by Kiribanda's land ; containing in extent within the said boundaries 8 seers kurahan, and situate at Tembilyana.

3. An undivided $\frac{1}{2}$ share of Nilmahitapuwatta ; bounded on the north by Siriwardanahamy's garden, east by Weraherapitiyekumbura, south by Siriwardana's owita, and on the west by Mudiyansegeowita ; containing in extent within the said boundaries 1 pela paddy, situate at ditto.

4. An undivided $\frac{1}{12}$ share of Weraherapitiyekumbura ; bounded on the north by Ranhawadiyalayekumbure inniyara, east by Mudiyansegeowita, south by ela, and on the west by Gamaralagewatta ; containing in extent within the said boundaries 3 pelas and 5 lahas paddy, situate at ditto.

5. An undivided $\frac{1}{12}$ share of Halgaswele-engiliyakumbura ; bounded on the north by ganga, east by Mudiyansegeowita, south by Samelnaidegewatta and Atukorallayewatta, and on the west by Atukorallayewatta ; containing in extent within the said boundaries 2 pelas paddy, situate at ditto.

6. An undivided $\frac{1}{12}$ share of Kitulapitiyekumbura ; bounded on the north by wella, east by Meragalayewatta, south by ela, and on the west by Manannayekumbure inniyara ; containing in extent within the said boundaries 1 amunam paddy, situate at ditto.

7. An undivided $\frac{1}{12}$ share of Ibegoda-aswedduma ; bounded on the north by ela, east by Meragalayehena, and on the south and west by ela ; containing in extent within the said boundaries 3 pelas of paddy, situate at ditto.

8. An undivided $\frac{1}{2}$ share of Koholaheaswedduma ; bounded on the north by Koholana, east by Kitulapitiye inniyara, south by ela, and on the west by Mahakoholana ; containing in extent within the said boundaries 8 lahas paddy, situate at ditto.

9. An undivided $\frac{1}{12}$ share of Hendapolakumbura ; bounded on the north by Wel-irra, east by Meragalaye and Mannannalayekumbura, south and west by ela ; containing in extent within the said boundaries 2 pelas 5 lahas paddy, situate at ditto.

10. An undivided $\frac{1}{12}$ share of Keledeniya ; bounded on the north by ela, east by Walandenegamima, south by Meragalayehena, and on the west by Pahaladurayagehena ; containing in extent within the said boundaries 3 pelas paddy, situate at ditto.

11. An undivided $\frac{1}{12}$ share of Kanuketiye Jambolagahaowita ; bounded on the north by Meragalayeowita, east by Vidanenaidegeowita, south by Kekulayeowita, and on the west by Pahaladurayagehena ; containing in extent within the said boundaries 1 amunam paddy, situate at ditto.

12. An undivided $\frac{1}{12}$ share of Koholanwelaowita ; bounded on the north by Meragalayeowita, east by deniye inniyara, south by Pinsondegeaswedduma, and on the west by Ilukpelessa ; containing in extent within the said boundaries 3 pelas paddy, situate at ditto.

13. An undivided $\frac{1}{12}$ share of Ambalameowita ; bounded on the north by wella, east by Bandaraowite inniyara, south by ela, and on the west by Weraherapitiye-asweddume inniyara ; containing in extent within the said boundaries 1 amunam paddy, situate at ditto.

14. An undivided $\frac{1}{12}$ share of Beraliyadda ; bounded on the north by Pahaladurayalagewatta, east by Sinnonaidegewatta, south by Otuliyadda, and on the west by Dangahakumburegodella ; containing in extent within the said boundaries 3 pelas paddy, situate at ditto.

The above fourteen lands are to be sold subject to mortgage bond No. 3,484 in favour of Uduma Lebbe Marikar Mohamadu Hassim Marikar.

15. The tiled house standing on the land opposite to Kuruwita Receiving Post Office; bounded on the north by agala, east by high road, south by ela, and on the west by Dawatagaha-ela, situate at ditto.

Fiscal's Office,
Ratanapura, August 28, 1916.

R. E. D. ABEYRATNE,
Deputy Fiscal.

In the District Court of Kegalla.

K. M. N. M. Arunasalam Chetty of Kurunegala.. Plaintiff.

No. 3,976.

Vs.

S. D. Batinnonahamy of YatapawalaDefendant.

NOTICE is hereby given that on September 23, 1916, commencing 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 $\frac{1}{2}$ shares of Pollegolleambagahamulahena, Liyan-gahamulahena, and Gaskadurugahamulahena, of 62 acres 3 roods and 22 perches, all adjoining each other ; and bounded on the north by Madamodahena claimed by W. Sabapathi, and Pangahapela claimed by Megel Appuhamy, on the east by Muttettuwakumbura, Udakanperiyakumbura, and Kanuketiyeakumbura all claimed by Megel Appuhamy, Alupathdeniya, Henayagedeniya, Adikarikumbura, Kekiripelakumbura claimed by Megel Appuhamy, Kaluwetigodella, Assedduma, Bogahamulahena claimed by Sirimalhamy and others, Bandarakumbura claimed by Pitiyegama Appu Vedarala, the stream, and Delgahamulahena claimed by Emanis Fernando, on the south by Maha-oya, on the west by the Crown land and the land shown in plan No. 171,707, situated at Yatapawala.

2. The undivided $\frac{1}{2}$ shares of the land called Kahata-gahamulahena, of 9 acres 1 rood and 24 perches, situated at Yatapawala ; and bounded on the north by Welilullekele claimed by P. Bandirala, on the east by the land appearing in plan No. 68,139, on the south by Dodanmulahena claimed by W. Sabapathi, on the west by Kanuketiyeakumbura claimed by Megel Appuhamy, Muttettuwakumbura claimed by M. Appuhamy, the land appearing in plan No. 171,708, and Kankanandeniya claimed by K. M. Appuhamy.

3. The Adikariyageasseddumakumbura, of 1 pela paddy sowing in extent, situated at Yatapawala ; and bounded on the north by elawella, on the east by inniyara between this field and the field called Kekiripela, on the south by eura, and on the west by big culvert.

4. Alupathdeniyakumbura of 16 lahas, Kanuketiya-kumbura of 2 pelas and 5 lahas, Udukamberiyakumbura of 1 amunam of paddy, Heenikumbura of 2 pelas, Kankanydolollaha of 16 lahas, Achariyagekumbura of 3 pelas, Achariyagepurankumbura of 1 pela, Pathgahapelapurankumbura of 1 pela, situated at Yatapawala in the District of Kegalla ; and bounded on the north by Pinkumburainniyara, Heenikumburenniyara, and Ganwetiya, on the east by elawella and endaru fence, on the south by endaru fence of Kalawitigodella, on the west by the endaru fence, wetakeiya bush, and inniyara of Madagodakumbura.

To levy balance Rs. 636.62, with further interest at 9 per cent. per annum.

Deputy Fiscal's Office,
Kegalla, August 28, 1916.

R. G. WIJETUNGA,
Deputy Fiscal.

I, CHARLES RUSSELL CUMBERLAND, Fiscal of the North-Western Province, do hereby appoint Mr. Charles A. Peries, J.P., U.P.M., of Marawila, to be Marshal for the divisions of Pitigal korale central and Pitigal korale south, in the District of Chilaw, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal for July 28 and 29, 1916, for which this shall be his warrant.

July 28, 1916.

C. R. CUMBERLAND,
Fiscal.