



THE  
CEYLON GOVERNMENT  
GAZETTE

EXTRAORDINARY.

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No. 8,150 — TUESDAY, OCTOBER 8, 1935.

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*Published by Authority.*

PART II.—LEGAL.

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

DRAFT ORDINANCES.

MINUTE.

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

**An Ordinance to incorporate a Methodist Trust Association of Ceylon.**

WHEREAS it is proposed and thought expedient to incorporate a Methodist Trust Association of Ceylon with perpetual succession and a common seal and limited liability with full power to acquire purchase take hold and enjoy or lease movable and immovable property on behalf of the people called Methodists in Ceylon in connexion established by the Late Reverend John Wesley of England Master of Arts to do and perform all such acts ownership and possession in respect of and concerning and affecting such property as a private individual would do and perform if he held the same in trust for the said society or church and to sell or otherwise dispose of the same where necessary

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

1 This Ordinance may be cited as the "INCORPORATION OF THE METHODIST TRUST ASSOCIATION OF CEYLON 193

2 Unless anything shall appear in the context or subject repugnant thereto or inconsistent therewith the expression—

- (a) The said Church shall mean the Church of Christian Society in Ceylon called the Methodist Church in Ceylon composed of Christians in the connexion established by the late Reverend John Wesley A.M. of England and shall include all members thereof at present in the two Districts into which as regards the activities and organisation of the work of the said Church the Island of Ceylon is now divided viz. :—
- (1) The North Ceylon District embracing and including the Northern Province, the North-Central Province, and the Eastern Province
  - (2) The South Ceylon District embracing and including the Western Province, the North-Western Province, the Southern Province, the Central Province, and the Provinces of Sabaragamuwa and Uva or in any other District which may hereafter be formed within the said Island
- (b) The said Association shall mean the members of the Methodist Trust Association of Ceylon appointed by the Provincial Synod of the Methodist Church in Ceylon in manner hereinafter appointed
- (c) The Provincial Synod shall mean the Annual Synod composed of delegates lay as well as ministerial chosen by the District Synods of the Districts aforementioned and held in accordance with the constitution law or custom of the said Church
- (d) The District Synod shall mean the annual synod composed of lay representatives and ministers held at present in either of the two Districts or in any other District hereinafter to be formed in accordance with the constitution law or custom of the said Church
- (e) The Chairman of the Provincial Synod shall mean the Chairman of the said Provincial Synod for the time being (until he shall have been relieved of the Chairmanship of the Provincial Synod of the following year by the Chairman elected for the Sessions of the Provincial Synod of such following year.
- (f) The Chairman of the South Ceylon District shall mean the Chairman of the Synod of the South Ceylon District and shall include his deputy, if any, appointed in accordance with the law custom and constitution of the said Church
- (g) The Chairman of the North Ceylon District shall mean the Chairman of the Synod of the North Ceylon District aforesaid and shall include his deputy if any appointed in accordance with the law custom and constitution of the said Church
- (h) The words "Standing Committee" shall mean the Committee appointed by the Provincial Synod of the Methodist Church in Ceylon to act for the said Provincial Synod between two sessions of the said Synod

3 The Reverend Edwin Middleton Weaver, The Reverend Arthur Stanley Beaty, The Reverend Nathaniel Kathirithamby Nalliah, The Reverend George Alfred Fernando Senaratna, The Reverend Samuel George Mendis, Mr. Wesley Duraiappa Niles, Dr. Henry Isaac Fernando, Mr. Bertie Ebenezer de Pinto, Mr. Llewellyn Solomon Fernando, and Mudaliyar George Washington Rasiah Vallipuram are hereby incorporated under the name of the Methodist Trust Association of Ceylon and they and their successors to be appointed in the manner hereinafter to be provided shall for ever hereafter be associated together as the Methodist Trust Association of Ceylon with perpetual succession and a common seal and shall have full power and authority to hold, acquire, purchase, accept, take, take on lease and enjoy movable and immovable property of every description and to sell mortgage alienate lease or otherwise dispose of or deal with the same and by that name to sue and be sued in all courts of justice and to do perform and exercise all acts which a private individual may can or shall do perform or exercise in the pursuance of his right as an owner or lessee or holder of such property and shall be empowered to lend its name and act as a Trustee in respect of any endowment or funds of the said Church and to borrow money where the necessity arises with or without the security of its own property

And as to the constitution of the said Methodist Trust Association of Ceylon

4 The said Methodist Trust Association of Ceylon shall be composed of ten members who shall be appointed annually by the Provincial Synod of the Methodist Church of Ceylon and of the said ten members not less than three shall be Ministers serving in the South Ceylon District or any District which shall in the future organisation of the activities of the Church take its place and not less than three shall be laymen within the said District and not less than two shall be ministers serving in the North Ceylon District or any District which shall in the future organisation of the activities of the Church take its place and not less than two shall be laymen therefrom. One out of the five ministerial members of the said Trust Association shall be the Chairman of the Provincial Synod for the year.

They shall hold office until the next Provincial Synod which shall be holden after such appointment.

5 The said members hereby incorporated shall hold office till the Session of the Provincial Synod of the Methodist Church next to be holden after the enactment of this Ordinance

6 The District Synods of the South Ceylon District and the North Ceylon District shall at the annual District Synods to be holden in each year in the month of January or as soon thereafter as possible elect the representatives both ministerial and lay from each District who shall be six in number from the South Ceylon District and four in number from the North Ceylon District and such Synods shall nominate such persons to the Provincial Synod of the Methodist Church of Ceylon to be holden in the same year for election as members of the said Trust Association and to form the same for the year and upon the appointment of such members or of other members in the discretion of the Provincial Synod they shall thereupon be and form the said Association from the day of such appointment until the next session of the Provincial Synod aforesaid at which the members for the ensuing year shall be elected in manner aforesaid

The appointment of such members to form the said Association under the hand of the Chairman of the Sessions of the Provincial Synod shall be conclusive proof of their appointment and authority

7 No act of the said Methodist Trust Association shall be rendered invalid or of no force or avail in law nor shall the said Trust Association cease to exercise the powers or to discharge the duties devolving on it merely because there is a vacancy created in the said Association by reason of the death or absence from the Island or mental disability of any member thereof unless more than half of the members shall have either died or left the Island or become mentally incapable of acting as members of the said Association in which case the Standing Committee of the Provincial Synod shall have the power and they are hereby empowered to elect members to fill the vacancies which have occurred the appointment of such members to fill such vacancies being in force from the day of their appointments till the date of the next Provincial Synod

8 The said Methodist Trust Association shall be responsible to the Provincial Synod of the Methodist Church of Ceylon but this provision shall not be deemed to interfere with provisions of any particular trust under which any property movable or immovable shall be held by the said Trust Association or curtail the powers or authority of the Trust Association thereunder or under section 3 hereof

Between two Sessions of the Provincial Synod the Chairman of the Provincial Synod in consultation with the Standing Committee is hereby empowered to act for and in the name of the Provincial Synod in giving orders and directions to the Trust Association

9 The Liability of the members of the Trust Association aforesaid shall be limited.

10 The Methodist Trust Association of Ceylon shall have the power to hold possess and use all property movable and immovable of what kind or nature soever and whether in possession expectancy remainder reversion or otherwise and to allow itself to be nominated and appointed and to act as Trustees for any fund endowment bequest legacy or trust for the use of the said Church.

11 The said Trust Association shall every year or as often as it may be convenient appoint a Secretary who shall have

the power to call meetings whenever necessary and at such meetings the Chairman of the Provincial Synod if present shall preside

12 The said Trust Association shall have a registered office and the Common Seal of the said Association shall be in the custody of the Chairman of the South Ceylon District and shall not be affixed to any instrument or document except in the presence of three at least of the Members of the said Trust Association who shall sign their names on the Instrument or document in token of their presence and such signing shall be independent of the signing of any person who may sign the Instrument as a witness

13 Nothing in this Ordinance shall affect the rights of His Majesty the King His heirs and successors.

*Objects and Reasons.*

To provide an incorporated body to hold and deal with lands and property movable and immovable on behalf of the Methodist Church of Ceylon

N. SELVADURAI,  
Mover of the Bill.

MINUTE.

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

502/33 (SB)

No. 2 of 1932.

**An Ordinance to amend the Income Tax Ordinance, 1932.**

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

Short title.

1 This Ordinance may be cited as the Income Tax Amendment Ordinance, No. of 1935.

Amendment of section 20 of Ordinance No. 2 of 1932.

2 Section 20 of the Income Tax Ordinance, 1932, is hereby amended by the addition of the following proviso at the end of sub-section (6) thereof :—

“ Provided that for the year of assessment commencing on the first day of April, 1936, and for each subsequent year of assessment tax shall be charged upon the taxable income of any such company at twice the unit rate only.”

*Objects and Reasons.*

Section 20 (6) of the Income Tax Ordinance, 1932, provides for the imposition of an additional rate of 2 per cent. on the taxable income of non-resident companies. This additional rate was imposed on the recommendation of the Select Committee which considered the provisions of the principal Ordinance because shares in a company are personal property and escape the incidence of estate duty in cases where shares in non-resident companies are owned by persons not domiciled in Ceylon.

2. The abolition of the levy of estate duty renders the imposition of the additional tax unjustifiable in the case of non-resident companies, and the purpose of this Bill is to amend the law so as to make no distinction between resident and non-resident companies in regard to the rate of tax chargeable on their taxable income.

General Treasury,  
Colombo, October 3, 1935.

C. H. COLLINS,  
Acting Financial Secretary.

## MINUTE.

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

613/1 (SB)

**An Ordinance to amend the Stamp Ordinance, 1909.**

No. 22 of 1909.

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

1 This Ordinance may be cited as the Stamp Amendment Ordinance, No. of 1935.

Short title.

2 Schedule B to the Stamp Ordinance, 1909, is hereby amended in Part III. thereof by the substitution in the second proviso to that Part, for the words " in determining ", of the words

Amendment of  
schedule B to  
Ordinance No. 22  
of 1909.

" and of persons dying at any time while the Abolition of Estate Duty Ordinance, No. of 1935, is in force, in determining ".

*Objects and Reasons.*

When the Bill for the Abolition of Estate Duty becomes law, the directions laid down in Part III. of Schedule B to the Stamp Ordinance, 1909, that the stamp duty in certain testamentary proceedings should be calculated on the value of estates as determined for the purposes of estate duty, will become inapplicable. The object of the present amendment is to provide that in such cases the method to be adopted is the method followed in the case of persons who died before the date on which the Estate Duty Ordinance, No. 8 of 1919, came into force.

General Treasury,  
Colombo, October 3, 1935.

C. H. COLLINS,  
Acting Financial Secretary.