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PART II.—LEGAL.

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

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PASSED ORDINANCES.

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

No. 53 of 1938.

An Ordinance to provide for the establishment and regulation of a State-aided Bank in Ceylon.

[Assented to by His Majesty the King: See Proclamation dated November 18, 1938, published in Government Gazette No. 8,415 of November 25, 1938.]

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An Ordinance to provide for the establishment and regulation of a State-aided Bank in Ceylon.

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 Bank of Ceylon Ordinance, No. 53 of 1938, and shall come into operation on such date as may be appointed by the Governor by proclamation in the Gazette. | Short title and date of operation. |
| 2 A bank to be called the Bank of Ceylon is hereby established. | Establishment of bank. |
| 3 The bank shall be a body corporate with perpetual succession and a common seal and may sue and be sued in its corporate name. | Incorporation of bank. |
| 4 The head office of the bank shall be at Colombo in Ceylon. | Head office. |
| 5 The bank may establish and maintain—
(a) agencies in any part of the world ;
(b) branches in Ceylon or elsewhere : | Branches and agencies. |

Provided that for ten years from the date of commencement of business by the bank no branch shall be established without the previous sanction of the Governor.

Financial assistance to bank in respect of branches.

6 The Government shall, in respect of each branch established in Ceylon, as soon as may be after the date of establishment of such branch, either—

- (a) deposit with the bank a sum of one hundred thousand rupees repayable without interest at the end of ten years from the date of deposit ; or
- (b) in lieu of making the said deposit make, out of the revenue of the Island, a grant of three thousand rupees per annum for a period of ten years commencing from the date of establishment of such branch :

Provided that no deposit or annual grant shall be made in respect of any branch established, in Ceylon, after the first five branches.

Constitution of the Board.

7 (1) The Board shall, subject to the provisions of section II, consist of not more than five directors.

(2) So long as the Government holds not less than twenty per centum of the issued capital for the time being of the bank, the Governor shall have the right to nominate two of the directors, hereinafter referred to as the "nominated directors".

(3) The first directors shall be nominated by the Governor.

(4) The nomination of a director shall be made by an instrument in writing, hereinafter called the "instrument of nomination" signed by or on behalf of the Governor and shall take effect upon the signing of the instrument of nomination.

(5) The Governor shall specify in the instrument of nomination of the first directors which two of such directors are the nominated directors.

(6) The other three first directors shall for all purposes be regarded as if they had been elected on the date on which they were nominated and shall be deemed to be elected directors.

Chairman and Deputy Chairman of the Board.

8 The directors shall from amongst their number elect—

- (a) a Chairman, and
- (b) if they think necessary, a Deputy Chairman :

Provided however that, so long as the Government is the holder of at least twenty per centum of the issued capital for the time being of the bank, only nominated directors and such other directors as shall have been approved previously in writing by the Governor shall be eligible for election to either office.

Qualifications of director.

9 No person shall be qualified to be a director unless—

- (a) he is a British subject and has been resident in Ceylon whether continuously or otherwise for a period or periods amounting in all to not less than five years out of the ten years immediately preceding the date of his election or nomination ;
- (b) except in the case of a nominated director he holds shares of the bank of the face value of five thousand rupees or more ;
- (c) being a member of the State Council he shall resign therefrom within one month of being elected or nominated a director ;
- (d) except in the case of a nominated director, being a whole-time salaried officer of the Government he shall resign from such post within one month of being elected a director.

Vacation of office of director.

10 The office of director shall be vacated if a director—

- (a) accepts or holds any office or place of profit under the bank ;
- (b) becomes bankrupt or is adjudicated insolvent or compounds with his creditors ;
- (c) becomes lunatic or is adjudged to be of unsound mind ;
- (d) is absent from meetings of the Board for more than three consecutive months without the leave of the Board ;
- (e) except in the case of a nominated director ceases to hold the number of shares required to qualify him to the office ;

- (f) being a member of the State Council at the time of his election or nomination as director fails to resign his seat in such Council within one month of such election or nomination ;
- (g) becomes a member of the State Council ;
- (h) except in the case of a nominated director becomes a whole-time salaried officer of the Government ;
- (i) by a notice in writing to the bank resigns his office.

11 (1) While the Government owns any shares in the bank, the person for the time being holding the office of Financial Secretary shall by virtue of his office be a director of the bank (hereinafter referred to as the "Government director") and shall be a member of the Board in addition to the number of directors prescribed in section 7.

Government director.

- (2) The provisions of this Ordinance relating to—
- (a) the election and nomination of directors ;
 - (b) the qualifications and disqualifications of directors ;
 - (c) the retirement, rotation and removal of directors ;
 - (d) the vacation of office by directors ;

shall not apply to the Government director.

12 The Government director shall be entitled to attend—

Rights of Government director.

- (a) all meetings of the directors, and to submit matters for discussion, and to discuss and take part in all or any of the business at such meetings ;
- (b) all meetings of the shareholders and take part in the proceedings thereof.

13 (1) The Government director may in writing generally or specially authorise, by name or by office, the Deputy Financial Secretary to attend in his place—

Deputy Financial Secretary may be authorised to attend meetings.

- (a) any meeting of the Board ;
- (b) any meeting of shareholders.

(2) The Deputy Financial Secretary shall, at any meeting which he is authorised to attend in place of the Government director, be entitled to all the privileges and rights of the Government director, and may at such meeting exercise such privileges and rights as if he were the Government director.

14 The Government director shall not be entitled to vote—

Government director not entitled to vote.

- (a) at any meeting of the directors ; or
- (b) at any meeting of the shareholders, except in the exercise of his right to vote in respect of any shares held by the Government.

15 A nominated director shall be entitled to attend any general meeting and to take part in the proceedings.

Right of nominated director to attend general meeting.

16 At the ordinary general meeting in 1939, and every year thereafter at the annual general meeting one out of the directors for the time being including the nominated directors shall retire from office.

Retirement of directors.

17 (1) The directors retiring in the years 1939 and 1940 shall be the nominated directors. Thereafter the directors retiring from office shall be those who have been longest in office since their last election or nomination.

Order of retirement of directors.

(2) As between directors elected or nominated on the same day those to retire shall, unless they otherwise agree among themselves, be determined by lot.

18 A retiring director shall be eligible for re-election or re-nomination.

Re-election or re-nomination of director.

19 A director retiring at a meeting shall retain office until the close or adjournment of the meeting.

Termination of office.

20 Upon the retirement of an elected director the shareholders shall fill up the vacated office by electing a qualified person thereto and in default the retiring director shall be deemed to have been re-elected unless at such meeting with a view to reducing the number of directors it is expressly resolved not to fill up such vacated office.

Filling up of vacancy in office of elected director.

21 Upon the retirement of a nominated director the Governor shall fill up the vacated office by re-nominating the retiring director or nominating any other person.

Filling up of vacancy in office of nominated director.

22 On re-election or re-nomination a retiring director shall at once become a director without any further formality.

Effect of re-election or re-nomination.

Who may be proposed for election as director.

23 (1) A shareholder shall not propose for election as director any person other than—

- (a) a retiring director ;
- (b) a qualified shareholder recommended by the Board ; or
- (c) a qualified shareholder whose name has been duly notified in writing to the Secretary of the Board.

(2) The name of a shareholder shall not be deemed to have been duly notified for the purpose of paragraph (c) of subsection (1) unless a written instrument setting out the name of the shareholder who is to be proposed for election, signed by the shareholder giving the notice, together with the written consent of the shareholder whose name is set out in such instrument is delivered to the Secretary of the Board not less than four nor more than twenty-eight clear days before the date of the meeting at which the election is to take place.

(3) A shareholder shall not be qualified to give any notice under this section nor propose any person for election as director at any meeting unless he is entitled to be present and to vote at the meeting at which the election takes place.

Casual vacancies among nominated directors.

24 (1) If a nominated director dies or vacates his office the Governor shall have power at any time to nominate another person in place of the director so dying or vacating his office.

(2) The director so nominated shall be subject to retirement at the same time as the director in whose place he has been nominated would have retired had he remained in office.

Casual vacancies among elected directors.

25 (1) If any elected director dies or vacates his office the Board may appoint any other person to be a director in place of the director so dying or vacating his office.

(2) The director so appointed shall hold office until the next following ordinary meeting.

Acting appointment in case nominated director unable to discharge his duties owing to illness, &c.

26 If it appears to the Governor that a nominated director is unlikely to be able to discharge the duties of his office for a period of one year by reason of absence from Ceylon, illness, ill-health, or any other cause whatsoever, he may appoint another person to act in the place of such director for such period as he may deem fit.

Acting appointment in case elected director unable to discharge his duties owing to illness, &c.

27 If it appears to the Board that an elected director is unlikely to be able to discharge the duties of his office for a period exceeding one month by reason of absence from Ceylon, illness, ill-health, or any other cause whatsoever, the Board may appoint a person qualified to be a director to act until the resumption of duties by such director :

Provided that in no case may the Board appoint a person to act as director for a period exceeding twelve months.

Additional directors.

28 (1) The Board may at any time and from time to time appoint any person to be a director as an addition to the existing Board :

Provided that the total number of directors shall not at any time exceed the maximum number prescribed by this Ordinance.

(2) Any person so appointed shall hold office until the next following ordinary meeting and shall be eligible for re-election.

Removal of nominated directors.

29 (1) The Governor may from time to time remove either of the nominated directors or both of them, and nominate any other person or persons to fill the vacancy or vacancies caused by such removal.

(2) The removal of a nominated director shall be effected by an instrument in writing signed by or on behalf of the Governor and shall take effect upon the signing of such instrument.

Removal of elected directors.

30 The shareholders may by extraordinary resolution remove from office any elected director, and at the same or a subsequent meeting by an ordinary resolution elect any other person in his stead :

Provided that a resolution under this section shall not be moved in the first five years from the date of commencement of business by the bank except with the previous sanction of the Governor.

Capital.

31 (1) The capital of the bank shall be seven million five hundred thousand rupees divided into thirty thousand convertible preference shares of fifty rupees each and one hundred and twenty thousand ordinary shares of fifty rupees each.

(2) The whole of the preference shares shall be allotted to the Government and the nominal amount thereof together with a premium of one hundred per centum shall be paid by the Government.

(3) Of the ordinary shares thirty thousand shall be offered, for public subscription, by the Minister on such date as he shall deem fit, and shall be allotted by the Minister in such manner as he may in his discretion determine.

- 32 The capital of the ordinary shares shall be payable—
- (a) as to ten per centum on application ;
 - (b) as to a further fifteen per centum on allotment ;
 - (c) as to a further twenty-five per centum within three months after the date of allotment ; and
 - (d) as to the unpaid balance by such further calls as the directors may from time to time deem necessary.

Capital of the ordinary shares how paid.

33 The one hundred per centum premium payable by the Government under this Ordinance shall be set aside and carried—

Premiums how dealt with.

- (a) as to one half thereof to a fund called the permanent published reserve fund of the bank ;
- (b) as to the other half to a fund called the contingency fund.

34 (1) For a period of five years from the date of the commencement of business by the bank the preference and ordinary shares shall rank for payment *pari passu* according to the capital for the time being paid up thereon respectively :

Preference and ordinary shares.

Provided that in no event shall a dividend be paid on the preference shares at any time exceeding six per centum per annum.

(2) After the expiration of such period of five years the preference shares shall carry the right to a fixed non-cumulative preference dividend at the rate of six per centum per annum on the capital for the time being paid up thereon and in a winding up the preference shares shall rank equally as regards return of capital in priority to the ordinary shares but shall not confer the right to any further participation in profits or to any return of capital in excess of the nominal value.

35 (1) At any time after a dividend or dividends amounting in all in any one year to not less than six per centum have been declared on the ordinary shares of the bank any preference shareholder, including any purchaser or purchasers from, but not the Government, shall, upon giving due notice to the bank, be entitled to exchange the preference shares held by him for an equal number of fully paid ordinary shares.

Conversion of preference shares.

(2) A notice shall not be deemed to be due notice unless the notice—

- (a) is in writing addressed to the bank at its head office ; and
- (b) is sent either by post or otherwise so as to reach the head office within twelve months from the date on which the preference shareholder giving the notice acquired the preference shares in respect of which the notice is given.

(3) A notice if sent by post shall be deemed to be served in the ordinary course of post.

(4) On the receipt of due notice the bank shall with all convenient speed cancel the preference share or shares in respect of which the notice is given and in lieu thereof issue to the holder thereof an ordinary share or ordinary shares which shall from the date of issue rank in every respect *pari passu* with the existing ordinary shares due regard being had to any difference in the amount paid up on any such shares.

(5) The provisions of subsection (1) shall not apply to any preference shares created under section 37.

36 The shareholders may at any time by special resolution subdivide the capital or any part thereof by the division of the existing shares or any of them into shares of smaller amounts :

Sub-division of shares.

Provided that the proportion between the amount which is paid and the amount if any which is unpaid on each share of reduced amount shall be the same as it was in the case of the existing share or shares from which the share or reduced amount is derived.

37 (1) The Board may from time to time when authorised by special resolution issue any of the capital of the bank for the time being unissued or increase the capital of the bank by the creation of new shares or reduce the capital in the manner provided for in any law which may be declared to be applicable to the bank :

Increase and reduction of capital.

Provided that so long as the Government holds not less than twenty per centum of the issued capital for the time being of the bank no such issue, increase or reduction of capital shall take place or be effective without the prior consent in writing of the Governor.

(2) Any unissued capital and any new capital raised by the creation of new shares shall be issued by the Board on such terms and conditions as shall be previously approved in writing by the Minister.

(3) In the allotment of shares issued or created under this section the Board shall observe such general or special written directions as the Minister may give in that behalf.

Liability
of shareholder.
Contracts.

38 The liability of a shareholder shall be limited.

39 (1) Contracts on behalf of the bank may be made as follows :—

- (a) a contract which if made between private persons would be by law required to be in writing, may be made on behalf of the bank in writing under the common seal of the bank ;
- (b) a contract which if made between private persons which is by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the bank in writing signed by any person acting under its authority, expressed or implied ; and
- (c) a contract which if made between private persons would by law be valid although made by parol only and not reduced into writing, may be made by parol on behalf of the bank by any person acting under its authority, expressed or implied.

(2) A contract made according to this section shall be effectual in law and shall bind the bank and all other parties thereto and their legal representatives.

(3) A contract made according to this section may be varied or discharged in the same manner in which it is authorised by this section to be made.

Bills of
exchange
and
promissory
notes.

40 A bill of exchange or promissory note shall be deemed to have been made, executed, or endorsed on behalf of the bank, if made, executed, or endorsed in the name of, or by or on behalf or on account of the bank by any person acting under its authority.

Execution of
deeds abroad.

41 (1) The bank may, by writing under its common seal, empower any person either generally or in respect of any specific matter, as its attorney, to execute deeds on its behalf in any place not situate in the Island.

(2) A deed signed by such an attorney on behalf of the bank and under his signature or seal shall bind the bank and have the same effect as if it were under its common seal.

Commencement
of business.

42 The bank shall not commence business until—

- (a) thirty thousand of the ordinary shares have been subscribed by and allotted to the public ;
- (b) thirty thousand of the preference shares have been subscribed by and allotted to the Government at a premium of one hundred per centum and paid for in full with the premium ; and
- (c) a certificate signed by the Governor authorising the bank to commence business has been given.

Financial aid
from
Government.

43 As soon as may be after the certificate authorising the bank to commence business has been given by the Governor the Government shall deposit with the bank a sum of three hundred and fifty thousand rupees repayable without interest at the end of ten years from the date of such deposit :

Provided that the Government may in lieu of depositing such sum make, out of the revenue of the Island, a grant to the bank of ten thousand rupees per annum for a period of ten years from the date of commencement of business by the bank.

Withdrawal of
deposit and
substitution
of grant.

44 The Government may at any time during the said period of ten years withdraw the said deposit and make, out of the revenue of the Island, a grant of ten thousand rupees per annum during the unexpired remainder of the said period of ten years.

Government
grant towards
the
preliminary
expenses.

45 (1) The Government shall also make, out of the revenue of the Island, a grant of two hundred and seventy-five thousand rupees towards the preliminary and other costs and expenses in connexion with the formation of the bank.

(2) Out of the said sum of two hundred and seventy-five thousand rupees such sums as may be required, from time to time, by the Minister towards the preliminary expenses in connexion with the formation of the bank, shall be paid to him.

(3) Upon the commencement of business by the bank any balance remaining out of the said sum of two hundred and seventy-five thousand rupees shall be paid to the bank and such balance shall, after meeting all further expenses and costs in connexion with the formation of the bank, remain the property of the bank and be carried to the credit of the contingency fund.

46 The Minister may, upon this Ordinance being brought into operation and until the commencement of business by the bank—

- (a) invite and receive applications for shares ;
- (b) allot shares ;
- (c) do or perform any of the acts which the Board is by this Ordinance empowered to do or perform ; and
- (d) do all other acts whatsoever as he may deem necessary for the formation of the bank.

47 (1) Any act done or performed by the Minister by virtue of section 46 shall, for all purposes, have the same effect as if such act had been done or performed by the Board.

(2) The Board may continue any action or thing commenced by the Minister, remaining unfinished or incomplete at the date of commencement of business by the bank, as if such action or thing had been commenced by the Board.

48 The Financial Secretary on being authorised in that behalf by the Board of Ministers may from time to time sell shares held by the Government at not less than par :

Provided that the Board of Ministers shall not authorise the sale of any shares held by Government without the previous consent of the State Council.

49 The Financial Secretary is hereby authorised to sign and execute all documents which are required to be executed by the Government as shareholder of the bank or otherwise.

50 All sums of money whatsoever required to be paid, granted, or deposited by the Government under this Ordinance, shall, where it is not expressly provided by this Ordinance that such sums should be paid out of the revenue of the Island, be paid out of such fund or funds of the Island as the Governor shall with the advice of the Board of Ministers determine.

51 (1) The Financial Secretary is hereby authorised and empowered to make or cause to be made all payments, grants, and deposits required by this Ordinance to be made to or in the bank—

- (a) out of the revenue of the Island where it is so provided by this Ordinance ; and
- (b) in any other case out of such funds as may be determined by the Governor under section 50.

(2) In any case in which the Government is under this Ordinance entitled to withdraw any deposit and substitute therefor a grant, the Financial Secretary may withdraw any such deposit and substitute therefor the prescribed grant.

52 All payments and deposits out of such funds as may be determined by the Governor under section 50 shall be shown in every statement of assets and liabilities of the Island in such manner as the Governor with the advice of the Board of Ministers shall determine.

53 The Board shall have power to appoint the staff of the Bank including the subordinate staff :

Provided that so long as the Government holds not less than twenty per centum of the issued capital for the time being of the bank the appointment of the General Manager, Assistant General Manager, Secretary and Accountant shall not be made without the previous approval in writing of the Governor.

54 (1) Every officer, not being a member of the subordinate staff, shall give security to the satisfaction of the Board for the due and faithful performance of his duties.

(2) The expression "subordinate staff" for the purposes of section 53 and of subsection (1) shall include only such officers as are by the Board deemed to be members of the subordinate staff.

55 No General Manager, Assistant General Manager, Secretary or Accountant shall be dismissed except on a resolution of the Board passed by a majority of the Directors for the time being :

Provided that for a period of five years from the date of commencement of business by the bank no such resolution shall take effect unless and until it has been approved by the Governor.

Powers of Minister until commencement of business by the bank.

Acts commenced by the Minister may be continued by the Board.

Sale of Government shares.

Person who may execute documents and make payments on behalf of Government.

Funds from which moneys payable under this Ordinance are to be paid.

Payment of moneys authorised by this Ordinance to be made.

Payments and deposits how shown in the Island's statement of assets and liabilities.

Appointment of officers.

Officers to furnish security.

Dismissal of officers.

Protection for acts in good faith.

56 No Director, Auditor, Manager, Secretary, or other officer of the bank, acting in good faith and within the scope of his duties, or what he in good faith believes to be the scope of his duties, shall be liable for any loss, damage, or misfortune whatever that may occur, whether the same be occasioned by any mistake, oversight, or omission on his part or not.

Reimbursement for expenses incurred on behalf of the bank.

57 Every Director, Auditor, Manager, Secretary, or other officer of the bank shall be entitled to have reimbursed to him out of the funds of the bank all travelling and other expenses which he may from time to time incur in the discharge or attempted discharge of his duties and be indemnified by the bank against all liabilities whatsoever which he may from time to time take upon himself as agent of the bank or for its benefit or intended benefit.

Declaration of secrecy.

58 Every Director, Manager, Auditor, Officer, Servant, Agent, Accountant, or other person employed in the business of the bank, shall, before entering upon his duties sign a declaration pledging himself to observe strict secrecy respecting all transactions of the bank, its customers, and the state of accounts with individuals and all matters relating thereto, and shall by such declaration pledge himself not to reveal any other matters which may come to his knowledge in the discharge of his duties except—

(a) when required so to do—

- (i) by the Directors, or
- (ii) by any meeting of the shareholders, or
- (iii) by a court of law, or
- (iv) by the person to whom such matters relate ;

(b) in the performance of his duties ; and

(c) in order to comply with any of the provisions of this Ordinance or any other law.

Right to refuse to answer questions.

59 Every Director, Auditor, Manager, Secretary, or other officer of the bank shall, except when required to do so by a court or by any law, decline to answer any question concerning the business of the bank which may be put to him on any occasion whatsoever, if he considers that the answer to such question would disclose or tend to disclose the secrets of the bank or the business or affairs of any customer of the bank.

Receipts when valid.

60 A receipt signed by two Directors or by any person expressly authorised by the Board to give receipts shall be an effectual discharge for moneys paid to the bank.

Inspection of documents.

61 No shareholder, unless he is a Director, Auditor, or Officer, Clerk, Accountant, or other person whose duty requires him to do so, shall be entitled to inspect any of the books, accounts, documents, or writings of the bank, except such as are produced for the purpose of inspection at a general meeting.

Balance sheet, statement of accounts and reports of directors to be furnished to general meeting.

62 (1) At every ordinary meeting the directors shall lay before the meeting a balance sheet and statement of the accounts of the bank made up to a date not more than six months before the meeting from the time when the last preceding statement was made, or in the case of the first balance sheet or statement from the date of commencement of business by the bank.

(2) Every such balance sheet and statement shall be accompanied by a report of the directors as to the state and condition of the bank and as to the amount if any which they recommend to be paid out of the profits by way of dividend or bonus to the shareholders and the amount if any which they recommend to be retained for the reserve fund.

Appointment of auditors.

63 (1) The accounts of the bank shall be audited at such intervals as the Board may decide, not being more than twelve months, by two firms of chartered accountants who shall be elected by the bank in general meeting and shall hold office for one year :

Provided that while and whenever the Government holds any shares of the bank or any money or funds of the Government are deposited with the bank the Governor may from time to time appoint such other accountant as he thinks fit to examine and report to him on the accounts and affairs of the bank and at the cost and expense of the bank.

(2) No firm of accountants shall be proposed for election at any meeting other than those retiring from office, unless notice of an intention to propose that firm shall be given at least five days and not more than one month before that meeting.

(3) A director or any officer of the bank shall not be eligible for the office of auditor.

64 The auditors shall examine the accounts of the bank and ascertain the correctness of the balance sheet and report to the shareholders—

Auditors' report.

- (a) whether or not they have obtained all the information and explanations they have required ; and
- (b) whether in their opinion the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the bank's affairs according to the best of their information and the explanations given to them and as shown by the books of the bank.

65 At least seven days before every ordinary meeting a printed copy of the balance sheet so audited and the auditors' report as aforesaid shall be sent by the Board to every shareholder at his registered address.

Copy of accounts to be sent.

66 (1) Every balance sheet when audited shall after adoption by a general meeting be conclusive except as regards any error discovered therein within three months next after the adoption thereof.

Balance sheet conclusive after approval.

(2) Whenever any such error is discovered within that period the balance sheet shall be forthwith corrected by the auditors and shall thenceforth be conclusive.

67 (1) The provisions of the Joint Stock Companies Ordinance, 1861, and the Joint Stock Banking Ordinance, 1897, or any other Ordinance regulating the incorporation of companies shall not apply to the bank.

Application of the provisions of the Companies Ordinance.

(2) Notwithstanding the provisions of subsection (1) the Governor may, whenever it shall seem to him expedient to do so, by proclamation declare that any one or more or all the provisions of the said Ordinances or any other Ordinance relating to companies for the time being in force shall apply to the bank and such provision or provisions shall thereupon have effect as if such provision or provisions are part of this Ordinance.

68 Subject to the provisions of this Ordinance the business which the bank is authorised to carry on and transact shall be the several kinds of business specified in Part I of the First Schedule subject to the limitations mentioned in Part II thereof.

Business which the bank may transact.

69 The provisions contained in the Second Schedule shall be the by-laws of the bank in regard to the matters to which they relate.

By-laws of the bank.

70 (1) The Board may by resolution alter the provisions of the Second Schedule :

Alteration of Second Schedule.

Provided that no such resolution shall take effect unless and until such resolution is approved by the Governor.

(2) All resolutions made under subsection (1) shall be published in the Gazette.

71 All applications to the Governor by the Board for his approval or sanction for any matter or thing for which the Governor's approval or sanction is by this Ordinance required, shall be made in writing signed by the officer or person authorised in that behalf by the Board and forwarded through the Minister.

Applications to the Governor.

72 (1) Every difference between the bank on the one hand and any of the shareholders, their heirs, executors, or administrators on the other hand, or between any of the shareholders, their heirs, executors, or administrators in any way relating to any of the subject matters of these presents or any claim or demand arising out of or relating to the same shall be referred to arbitration before any proceedings are taken in a court of law.

All disputes to be referred to arbitration.

(2) Each of the parties concerned shall select an arbitrator, and such arbitrators shall before entering on the arbitration select an umpire. The decision or decisions of the arbitrators or of the umpire, as the case may be, shall be final.

73 In this Ordinance (including the Schedules), unless the context otherwise requires—

Interpretation.

“ bank ” means the Bank of Ceylon established by this Ordinance ;

“ Board ” means a duly convened and constituted meeting of the directors of the bank for the time being ;

- “ Board of Ministers ” means the Board of Ministers constituted under the Ceylon (State Council) Order in Council, 1931 ;
- “ capital ” means the capital for the time being of the bank ;
- “ Deputy Financial Secretary ” means the person for the time being performing the functions of the Deputy Financial Secretary of the Government ;
- “ director ” means a person holding the office of a director of the bank ;
- “ elected director ” means a person elected to the office of director by the shareholders and includes the first directors other than the nominated directors ;
- “ extraordinary resolution ” means a resolution passed by a majority of not less than three-fourths of the shareholders entitled to vote, and voting in person or by proxy, at a general meeting of which notice specifying the intention to propose the resolution as an extraordinary resolution has been duly given ;
- “ Financial Secretary ” means the person for the time being performing the functions of the Financial Secretary of the Government ;
- “ general meeting ” includes ordinary meeting and extraordinary meeting ;
- “ Government ” means the Government of Ceylon ;
- “ head office ” means the head office of the bank ;
- “ Minister ” means the Minister for Labour, Industry and Commerce ;
- “ ordinary meeting ” means an ordinary meeting of the shareholders duly called and constituted ;
- “ special resolution ” means a resolution passed by three-fourths in value of the shareholders present in person or by proxy at any meeting of the bank of which notice specifying the intention to propose such resolution has been duly given and confirmed by a majority in value of the shareholders present in person or by proxy at a subsequent meeting of which notice specifying the intention to propose such confirmation has been duly given :
- Provided that the subsequent meeting shall be held at an interval of not less than fourteen days nor more than two months from the date of the meeting at which the resolution was first passed ;
- “ shareholder ” means any duly registered holder from time to time of one or more shares and includes the Government Director.

FIRST SCHEDULE.

Section 68.

PART I.

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| <p>Business which the bank is authorised to carry on and transact.</p> <p>To carry on business of banking.</p> <p>To open accounts.</p> <p>To discount bills.</p> <p>To issue of letters of credit.</p> <p>To deal in bullion and specie.</p> <p>To negotiate loans.</p> <p>To collect money.</p> <p>To transact agency business.</p> | <p>1. The bank is authorised to carry on and transact the several kinds of business hereinafter specified, namely---</p> <p>(a) to establish, carry on, develop and extend in Ceylon the business of banking in all its branches and departments and in particular and without prejudice to the generality of the foregoing to exercise, perform and do all or any of the following powers acts and things subject nevertheless to the restrictions and conditions set out in Part II of this Schedule.</p> <p>(b) (i) To open, maintain and manage current deposit, saving and other accounts ;</p> <p>(ii) to discount, buy, sell and deal in bills of exchange, promissory notes, hoondies, poorjes, coupons, drafts, bills of lading, warrants, debentures, certificates scrip and other instruments and securities, whether transferable or negotiable or not ;</p> <p>(iii) to grant and issue letters of credit and circular notes ;</p> <p>(iv) to buy, sell and deal in bullion and specie and engage in operations in exchange ;</p> <p>(v) to negotiate loans and advances, to receive money securities and valuables on deposit, or for safe custody, or otherwise ;</p> <p>(vi) to collect and transmit money and securities.</p> <p>(c) To manage property and transact all kinds of agency business commonly transacted by bankers.</p> |
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(d) To borrow or raise money in such manner as the Bank shall think fit, and to secure the repayment of any money borrowed, raised or owing by mortgage, charge or lien upon the whole or any part of the bank's property or assets whether present or future including its uncalled capital and also by a similar mortgage, charge or lien to secure and guarantee the performance by the bank of any obligation or liability it may undertake.

To borrow or raise money.

(e) To lend and advance money securities and property or give credit to such persons, firms or companies and on such terms as may seem expedient and either with or without security and if with security upon such security and with such conditions as may from time to time be deemed to be advisable :

To lend and advance money.

Provided, however, that no advances, accommodation or credit shall be made or granted against the primary security of fixed or immovable property of any kind or nature whatsoever.

This proviso shall not affect the right of the bank to take such property as collateral, secondary, or additional security for debts already contracted to the bank in the ordinary course of business.

(f) To buy, sell, invest, underwrite, deal in and dispose of stocks, shares, debentures, mortgages, bonds or securities issued or guaranteed by the Government of Ceylon or by other Governments of the British Empire or any public authority registered or having its principal place of business in Ceylon and to negotiate loans to the Government of Ceylon.

To buy and sell stocks and shares.

(g) To acquire and undertake the whole or any part of the banking and discount business of any person or company carrying on business which the bank is authorised to carry on :

To acquire any other business.

Provided, however, that the power contained in this paragraph shall only be exercised with the approval of a resolution of three-fourths of the directors ratified by a special resolution of the bank, and if the Government holds at least twenty per centum of the issued capital for the time being of the bank, after the written consent of the Governor has been obtained.

(h) To purchase, take on lease or in exchange, hire or otherwise acquire, any immovable or movable property and any rights or privileges which the bank may think necessary or convenient with reference to any of the objects for which the bank is established or the acquisition of which may seem calculated to facilitate the realisation of any securities held by the bank, or to ensure any advantage or to prevent or diminish any apprehended loss or liability.

To acquire property.

(i) To enter into any arrangement for sharing profits, union of interest, co-operation, joint adventure, reciprocal concession or otherwise with any person or company carrying on or engaged in or about to carry on or engage in any business or transaction which the bank is authorised to carry on or engage in.

To enter into arrangement for profit sharing.

(j) To undertake and execute any trusts the undertaking whereof may seem desirable, and also to undertake the office of executor, administrator, receiver, treasurer, or registrar, and to keep for any company, Government, authority, or body, any register relating to any stocks, funds, shares or securities, or to undertake any duties in relation to the registration of transfers, the issue of certificates, or otherwise.

To act as Trustees, Executors, &c.

(k) To establish and support or aid in the establishment and support of associations, institutions, trusts, schemes for the providing of pensions and of guarantee and other funds, and conveniences calculated to benefit employees or *ex-employees* of the bank or the dependants or connections of such persons and to grant pensions and allowances, and to make payments towards insurance, and to subscribe or guarantee money for charitable or benevolent objects or for any exhibition or for any public, general, or useful object.

To provide for employees.

(l) To sell or dispose of the entire undertaking of the bank, or any part thereof, for such consideration as the bank may think fit, and in particular for shares, debentures or securities of any other bank or to amalgamate the bank's business with that of any other bank.

To sell undertaking.

Provided, however, that the powers contained in this paragraph shall only be exercised with the approval of a resolution of three-fourths of the directors ratified by a special resolution of the bank and after the written consent of the Governor has been obtained.

(m) To improve, manage, develop, exchange, lease, mortgage, dispose of, sell, turn to account or otherwise deal with all or any part of the property and rights of the bank, including any property movable or immovable on the security of which the bank may have made advances or over which the bank may have power of disposal.

To deal with the property of the bank.

(n) To do all or any of the above things in any part of the world and as principals, agents, contractors, trustees or otherwise and by or through trustees, agents or otherwise and either alone or in conjunction with others.

To exercise its powers in any part of the world.

(o) To take or concur in taking all such steps and proceedings as may seem best calculated to uphold and support the credit of the bank and to obtain and justify public confidence and to avert and minimise financial disturbances which might affect the bank.

To support the credit of the bank.

To procure recognition of bank abroad. (p) To procure the bank to be registered or recognised in any British or foreign country or place.

To obtain concessions. (q) To give any guarantee or indemnity and to enter into any arrangements with any Government or any local authority in order to obtain any rights, concessions and privileges that may seem conducive to the bank's objects or any of them.

General. (r) To do all things incidental or conducive to the attainment of the above objects or the exercise of the above powers.

Interpretation of objects.

2. The objects set forth in any paragraph of section 1 of this Schedule shall not, except where the context expressly so requires, be in any wise limited or restricted by reference to or inference from the terms of any other paragraph or the objects therein specified, and the powers thereby conferred shall not be deemed merely subsidiary or auxiliary to the objects mentioned in the first paragraph of section 1 of this Schedule but the bank shall, except when the context expressly requires otherwise, have full power to exercise all or any of the powers conferred by any part of section 1 of this Schedule in any part of the world.

PART II.

Restrictions and qualifications.

3. The business of the bank shall be carried on subject to the following restrictions and qualifications:—

Bank not to hold immovable property.

(a) The bank shall not hold any immovable property howsoever acquired (except such as is required for the bank's own use) for any period exceeding five years from the date of acquisition thereof and such property shall be absolutely sold or disposed of within such period so that the bank shall no longer retain any interest therein except such interest as it may have as mortgagee or chargee by the hypothecation as security of such property to the bank.

Provided that if the Board is of opinion that any immovable property cannot be sold within the said period of five years without detriment to the interests of the Bank, the Board may by resolution passed by a majority of not less than two-thirds of the Directors of the Bank for the time being decide that the Bank should continue to hold such property till such time as the property can be sold without detriment to the interests of the Bank.

Funds of bank not to be expended in purchase of its own shares.

(b) The funds of the bank shall not be expended in the purchase of or dealing in its own shares, nor shall such funds be lent upon the security of its own shares.

How funds of bank may be utilised.

(c) Not more than fifty per centum of the funds of the bank shall be utilised in the making of advances and, of the remainder of the funds, at least ten per centum shall at all times be represented by cash, which percentage is to be regarded as an indispensable minimum cash reserve.

Limit of loan.

(d) No loan or accommodation shall be granted for more than ten thousand rupees without security and no loan or accommodation shall be granted for a longer period than six months except in the case of seasonal loans or advances when the period shall not exceed twelve months.

Restriction on granting of loans.

(e) No loan or accommodation shall be granted to any general manager, assistant general manager, or branch manager, or any officer, clerk, or servant of the bank exceeding the sum of five hundred rupees except against appropriate banking security; any loans exceeding five hundred rupees to such persons shall only be granted with the previous approval of the Board.

Restriction on advances.

(f) No advance or accommodation or direct or indirect assistance shall be granted to any director for the time being of the bank or to any parent, wife, brother, sister, child, or stepchild of any director, nor (unless approved security shall be given and two-thirds of the directors present at a Board meeting shall approve) to any firm, company, or corporation of which a director, or the wife of a director is a partner, director, shareholder, or is in any way directly interested.

Against what bills may advances be made.

(g) The only bills of exchange, promissory notes, and similar negotiable or transferable documents against which advances may be made or which may be discounted, negotiated or dealt with by the bank are accepted bills or notes endorsed by the payee and signed by two sureties signing in different capacities.

Restriction on exchange business.

(h) Without the previous written consent of the Governor, during the first three years after the date of the establishment of the bank, no exchange business or dealing in bullion or specie shall be undertaken by the bank other than the drawing, accepting, discounting, buying and selling of bills of exchange and other negotiable securities or telegraphic transfers payable in India:

Provided that the bank may at any time draw bills of exchange and grant letters of credit or sell telegraphic transfers payable in any part of the world for the use of its customers for *bona fide* personal needs and that for the purpose of meeting such bills or letters of credit or telegraphic transfers the bank may buy bills of exchange or other negotiable securities or telegraphic transfers payable out of Ceylon at any usance not exceeding six months.

Nature of underwriting business the bank may undertake.

(i) The only underwriting business which the bank may undertake is the underwriting of issues of the Government and any public authority registered or having its principal place of business in Ceylon.

4. All the powers contained in sections 1 and 2 of this Schedule shall be read and construed subject to the restrictions and qualifications in section 3 of this Schedule and in case of conflict or inconsistency the provisions of section 3 of this Schedule shall prevail.

How may powers be construed.

SECOND SCHEDULE. Section 69.

PART I.

Shares.

1. All applications for shares, signed by or on behalf of the applicant, followed by an allotment of any shares thereon, shall be deemed to be an acceptance of such allotted shares, and the Board shall be entitled to place the name of the allottee on the register in respect thereof; and every person who thus or otherwise accepts any share, and whose name is on the register, shall be a shareholder.

Application for and allotment of shares.

2. Every shareholder shall be entitled to one certificate under the common seal of the bank specifying the shares held by him and the amount paid thereon.

Share certificates.

3. If any share certificate be worn out, lost or destroyed, it may be renewed on payment of such a sum, not exceeding one rupee, as the Board may from time to time prescribe, provided such evidence as the Board deems reasonable be afforded of the title of the party applying for the renewal, and such indemnity be given as the Board thinks fit to require.

Renewal certificate.

4. The Bank shall have a first and paramount lien available at law and in equity upon all the shares of every shareholder, whether held by him solely or jointly with any other person, for all his debts, liabilities, and engagements, of what nature or kind soever, to or with the bank and in case such shareholder becomes bankrupt or compounds with his creditors, the Board may absolutely sell either by private contract or public auction, all the shares registered solely in such shareholder's name, and all his interest in any shares registered in his name jointly with that of any other or others, or such portion thereof, as shall be sufficient to discharge or satisfy such debts, liabilities, and engagements and may apply the proceeds, so far as the same will extend, in discharge or satisfaction of such debts, liabilities, and engagements and upon such sale the Board may, without notice to or consent of such shareholder or any other person whomsoever, transfer all or any of such shares to the purchaser thereof, and may enter such purchaser's name on the register as the holder of such shares.

Bank's lien on shares.

5. If any share shall stand in the names of two or more persons the person first named in the register shall, as regards voting at general meetings, receipt of dividends, service of notices and documents, and all or any other matters connected with the bank except the transfer of the share and the bank's lien thereon and the payment of money in the nature of a return of capital be deemed the sole holder thereof.

Rights of joint holders.

6. The bank shall not be bound by, nor recognise any equitable, contingent, future, or partial interest in any share, nor (except only as is by these by-laws otherwise expressly provided) any other right in respect of a share than an absolute right thereto, in accordance with these presents, in the person for the time being registered as the holder thereof.

Bank not bound to recognise an interest in share other than that of registered holder.

7. No shareholder who shall change his name, or being a female, shall marry, shall be entitled to receive any dividend or to vote until notice of the change of name or marriage be given to the bank.

Notice of change of name or marriage of shareholder.

PART II.

Deposit and Calls.

8. Any moneys which the Board, on allotting any share or shares, requires to be paid by way of deposit or call, or otherwise in respect thereof shall immediately on the entry of the name of the allottee in the register as the holder of such shares become a debt due to and recoverable by the bank.

Moneys payable on allotment.

9. In addition to such deposit and call as last aforesaid, the Board may from time to time, but subject to the conditions, hereinafter mentioned, make such calls upon the shareholders in respect of all moneys unpaid on their shares as the Board thinks fit; and every shareholder shall be liable to pay the amount of every call, made in accordance with these by-laws, to the person and at the time and place appointed by the Board.

Calls.

10. The joint holders of a share or shares shall be jointly and severally liable to pay all sums due in respect of such shares by way of money due on allotment, calls, and interest on calls.

Liability of joint holders.

11. (1) One month's notice at the least shall be given of the time and place appointed by the Board for the payment of every call.

Notice of call.

(2) Such notice shall be given to the persons registered as shareholders at the time when the resolution authorising such call was passed, and such call shall be deemed to be due in the first place from the persons to whom such notice is given.

12. If any shareholder fails to pay the amount payable by him on allotment, or any call due from him on the day appointed for payment thereof, he shall be liable to pay interest on the same at a rate to be fixed by the Board from the day appointed for the payment thereof to the time of actual payment (but

Interest on unpaid calls.

without prejudice to the provisions herein contained for the forfeiture of the share or shares in respect of which any money payable by way of deposit or call as aforesaid shall be payable), and he shall not be entitled to any dividend or bonus that may be payable during the time such call and interest remain unpaid.

Evidence in action for calls.

13. On the trial or hearing of any action to be brought by the bank against any shareholder to recover any money payable on allotment or any call, it shall be sufficient in the case of money payable on allotment to prove that the defendant applied for the number of shares in respect of which such money is claimed, and in the case of a call that the name of the defendant is at the time of commencement of the action, or was at the time the resolution of the Board to make the call was passed, duly entered on the register as the holder of the number of shares in respect of which the action for recovery of the call is made.

Payment in advance of calls.

14. (1) The Board may, if they think fit, receive from any shareholder willing to advance the same, the whole or any part of the amount remaining uncalled and unpaid on any share or shares held by him, and upon the moneys so advanced the Board may pay interest at such a rate as may be agreed upon between the shareholder and the Board.

(2) The moneys so advanced shall be appropriated against calls whenever made;

(3) The bank shall refund any money advanced under subsection (1) remaining unappropriated against calls in the event of—

- (a) the sale of the share or shares in respect of which the advance has been made; or
- (b) in the event of the bank going into liquidation.

PART III.

Transfer and Transmission of Shares.

Register of transfers.

15. The bank shall keep, in addition to the register of shareholders, a book to be called the "Register of Transfers" and therein shall be entered the particulars of every transfer and transmission of any share, and the book may from time to time be authenticated by having the common seal affixed thereto at a general meeting.

Closing of register.

16. The register of shareholders and the register of transfers shall be closed for a period of fourteen days immediately preceding and on the day of the ordinary meeting in every year, and may be closed at such other times as the Board may deem fit:

Provided that the aggregate of the period for which such registers are closed in any year shall not exceed thirty days.

Bank may refuse to register transfers.

17. The bank may refuse to register any transfer of shares while the shareholder making the same is either alone or jointly with any other person indebted to the bank on any account whatsoever, and unless the transferee is approved by the Board. Before registering any transfer the Board may require the certificates of the shares therein mentioned to be left at the office during twenty-four hours for examination.

Title on death of shareholder.

18. Where a shareholder who has not during his lifetime executed a valid transfer of his shares dies leaving an estate requiring administration the only persons recognised by the bank as having any title to the shares shall be the executors or administrators.

Rights of person entitled on death or bankruptcy of shareholder.

19. Any person becoming entitled to a share in consequence of the death, bankruptcy or insolvency of a shareholder shall, upon such evidence being produced as may from time to time be properly required by the Board, have the right either to be registered as a shareholder in respect of the share, or, instead of being registered himself, to make such transfer of the share as the deceased or bankrupt or insolvent person could have made; but the Board shall, in either case, have the same right to decline or suspend registration as it would have had in the case of a transfer of the share by the deceased or bankrupt or insolvent person before the death, bankruptcy or insolvency.

Dividend and voting powers of persons entitled to share on death or bankruptcy.

20. A person becoming entitled to a share by reason of the death or bankruptcy or insolvency of the holder shall be entitled to the same dividends and other advantages to which he would be entitled if he were the registered holder of the share, except that he shall not, before being registered as a shareholder in respect of the share, be entitled to exercise any right conferred on a shareholder in relation to meetings of shareholders.

Transfer how effected.

21. Every transfer of a share shall be in such form as the Board from time to time approve, and shall be presented to and retained by the bank, accompanied by such evidence as the Board may require to prove the title of the transferor. The instrument of transfer shall be executed both by the transferor and transferee, and the transferor shall be deemed to remain the holder of such share until the name of the transferee is inserted in the register in respect thereof.

22. Unless the Board otherwise determines the following shall be the form of the instrument of transfer, and it shall be under the respective hands of the transferor and the transferee :—

Form of
transfer.

I _____ of _____ (in consideration of the sum of Rs. _____ paid to me by _____ of _____)*, do hereby transfer to the said _____ share(s) numbered _____ in the Bank of Ceylon standing in my name in the books of the bank, to hold unto the said _____ his heirs, executors, administrators, and assigns, subject to the several conditions on which I hold the same, and I, the said _____ do hereby agree to take the said share(s) subject to the same conditions.

As witness our hands this _____ day of _____, 19—.

* (The words within brackets to be omitted if no consideration is paid).

23. Every transmission of a share shall be verified in such manner as the Board may require, and the bank may refuse to register any such transmission until the same be so verified.

Board may
require evidence
of transmission.

24. There shall be paid to the bank in respect of the registration of the transfer or transmission of any number of shares to the same person or persons such sum of money not exceeding two rupees and fifty cents as the Board may from time to time prescribe.

Fee on transfer
or transmission.

PART IV.

Forfeiture of Shares.

25. If any person fails to pay any money payable by him to the bank in respect of his shares on the day appointed for payment thereof, the Board may serve a notice on him or his executors or administrators requiring payment of such money, together with any interest accrued thereon, and any expenses that may have been incurred by reason of such non-payment.

Notice to pay
call overdue.

26. The notice shall name a day (not being less than thirteen days from the date of the notice) on or before which such money, interest, and expenses are to be paid, and it shall also state that in the event of the non-payment of such money, interest, and expense at the time appointed, the share in respect of which such money, interest and expenses are payable shall be liable to be forfeited.

Contents of
notice.

27. If the requirements of a notice served under section 25 be not complied with, any shares in respect of which such notice has been given may be forfeited by a resolution of the Board to that effect.

Forfeiture for
non-payment.

28. (1) When any share is declared to be forfeited by a resolution of the Board, notice of the forfeiture shall forthwith be given to the registered holder thereof, and an entry of the forfeiture, with the date thereof, shall forthwith be made in the register of shareholders.

Treatment of
forfeited shares.

(2) Every share which shall be forfeited shall thereupon become the property of the bank, and may be sold, extinguished, re-allotted, or otherwise disposed of, either to the former holder thereof, or to any other person, upon such terms and in such manner as the Board think fit :

Provided always that it shall be lawful for the Board in its discretion to remit or annul the forfeiture of any share upon such terms as they think fit, and to cause the entry of forfeiture in respect thereof in the register of shareholders to be cancelled.

29. Any person whose shares are forfeited, shall notwithstanding the forfeiture, be liable to pay to the bank all calls, interest and expenses payable to the bank in respect of such shares at the time of forfeiture, and payment thereof may be enforced by the Board, notwithstanding and without prejudice to such forfeiture.

Liability on
forfeited shares.

30. The forfeiture of a share shall involve the extinction at the time of such forfeiture of all interest in and all claims and demands whatsoever against the bank in respect of such share, except the right to any dividend declared on such share, and remaining unpaid.

Effect of
forfeiture.

31. (1) A certificate in writing under the common seal of the bank signed by two directors and countersigned by the manager or by such other officer as the Board may appoint, stating that the share therein mentioned has been duly forfeited in pursuance of these presents and the amount paid thereon at the time when it was forfeited, shall be conclusive evidence of such forfeiture as against all persons claiming to be entitled to such share.

Certificate of
forfeiture.

(2) Such certificate and the receipt of any two directors, countersigned by the manager or by such other officer as aforesaid, for the price of such share, shall constitute a good title to such share, and the purchaser shall be deemed to be the holder of such share, and shall be discharged from all calls prior to such purchase (unless otherwise expressly agreed), and his name shall be entered in the register of shareholders, and he shall not be bound to see to the application of the purchase money, nor shall his title to such share be affected by any irregularity in the proceedings in reference to such forfeiture or sale.

PART V.

General Meetings.

- First ordinary meeting.** 32. The first ordinary meeting of the bank shall be held at such place and at such time, within four months, after the date of commencement of business by the bank as the Board may determine.
- Subsequent ordinary meetings.** 33. Subsequent ordinary meetings shall be held once in every year at such time and place as the Board may from time to time determine.
- Business of ordinary meetings.** 34. The business of an ordinary meeting shall be—
 (a) to elect directors and auditors,
 (b) to receive and consider, and either in whole or in part adopt, confirm or reject the accounts and balance sheets,
 (c) to receive the reports of the directors and auditors respectively,
 (d) to decide on any recommendation of the Board with respect to dividend or bonus, and
 (e) subject to the provisions of these by-laws, generally to discuss any affairs of or relating to the bank.
- Extraordinary meetings summoned by Board.** 35. (1) The Board may, whenever they think proper, call an extraordinary meeting, and they shall do so upon receiving a requisition in writing signed—
 (a) by the Governor if and whenever the Government is the holder of twenty per centum of the paid up capital for the time being of the bank, or
 (b) by the holder or holders of not less than one-third of the preference shares, or
 (c) by ten or more shareholders holding in the aggregate not less than one-fifth of the ordinary shares issued on which all calls and other sums then due have been paid.
 (2) Any requisition so made shall express the object of the meeting proposed to be called, and shall be deposited at the head office of the bank.
- Extraordinary meetings summoned by shareholders.** 36. Upon the receipt of any such requisition the Board shall forthwith convene an extraordinary meeting and if they neglect to do so for one month after the deposit of the requisition, the requisitionists may convene such meeting by giving to the shareholders fourteen days' notice thereof at the least, specifying the place, day, and hour of meeting and the objects and business of the meeting.
- Confirmation of resolution passed by extraordinary meeting.** 37. No resolution passed at an extraordinary meeting convened by shareholders as aforesaid shall be binding on the bank, or have any effect, unless and until the same be confirmed by a second extraordinary meeting which shall be convened for the purpose in accordance with the foregoing provisions, except that seven days' notice thereof only shall be given.
- Business of extraordinary meeting.** 38. No business shall be transacted at an extraordinary meeting other than the business specified in the notice of the meeting.
- Notice of general meeting.** 39. (1) Not less than seven nor more than fifteen days' notice of every general meeting specifying the place, time and hour of meeting and (except as regards the business to be transacted without notice at ordinary meetings) the objects and business of the meeting shall be given to the shareholders by circular and by advertisement.
 (2) When it is proposed to pass a special resolution both the meetings required for the purpose of passing such resolution may be convened by one and the same notice and it shall be no objection to such notice that it only convenes the second meeting contingently on the resolution being passed by the requisite majority at the first meeting.
- Notice of adjourned meetings.** 40. When any general meeting is adjourned for seven days or more, the Board shall give not less than four days' notice of the adjournment to all the shareholders in the same manner as notice was given of the original meeting; but when such meeting is adjourned for less than seven days such notice shall when practicable, be served on each shareholder as early as conveniently may be before the day appointed for holding such adjourned meeting.
- By whom notice signed.** 41. Every notice of a general meeting given by the Board shall be signed by the general manager or by such officer as the Board may appoint, and every such notice given by shareholders shall be signed by the shareholder or shareholders convening the meeting. The non-receipt by any shareholder of a notice convening a general meeting shall not invalidate the proceedings at such meeting.
- Quorum.** 42. Except as otherwise provided by these presents no business shall be transacted at any general meeting unless there be present in person at the commencement of the business ten or more shareholders entitled to vote.
- Procedure when quorum not present.** 43. If at the expiration of one half-hour after the time appointed for holding a general meeting the required number of shareholders be not present, the meeting, if convened upon the requisition of shareholders, shall be dissolved, but in any other case it may adjourn to such time on the following day or to such other day and to such place as the shareholders present at the expiration of the half-hour determine

Provided always that if five shareholders entitled to vote be not then present, the meeting shall stand adjourned to the next working day at the same hour and place as were appointed for the original meeting.

44. At any adjourned general meeting the shareholders present, whatever their number, shall have power to decide upon all matters which were on the agenda of the meeting from which the adjournment took place; but no business shall be transacted at any adjourned meeting other than the business which was on such agenda and which, was not taken up, or remained unfinished at the meeting from which the adjournment took place.

Business of adjourned meeting.

45. At every general meeting the Chairman, if any, of the directors, or during his absence the deputy Chairman, if any, or in the case of the absence or unwillingness to act of both, a director chosen by the directors present or, in the case of the absence of all the directors at the expiration of one half-hour from the time appointed for holding the meeting, then a shareholder chosen by the shareholders present shall preside as Chairman.

Chairman of the meeting.

46. The Chairman, with the consent of a majority of the shareholders present at any general meeting may adjourn such meeting from time to time and from place to place.

Chairman's power to adjourn meeting.

47. Every motion submitted to a general meeting except where otherwise provided by law or by this Ordinance shall be decided by a simple majority of the shareholders present and entitled to vote and voting by a show of hands unless a poll is demanded. In case of an equality of votes, the Chairman shall have a second or casting vote.

Voting.

48. If immediately on the declaration by the Chairman of a general meeting of a division on any motion submitted to the meeting, and not relating to the appointment of a Chairman or adjournment of the meeting, a poll be demanded by at least five shareholders present and entitled to vote at the meeting or by the Government representative it shall be taken at such time and place and in such manner as the Chairman shall direct, and for that purpose he shall have power to adjourn the meeting, if he thinks fit to do so, for any time not exceeding fourteen days and the Chairman's declaration of the result of the poll shall be deemed to be the resolution of the meeting at which the poll was demanded. The demand of a poll or any adjournment of a meeting for the taking of a poll shall not prevent the continuance of such meeting for the transaction of any business other than that on which the poll shall have been demanded.

Taking of poll.

49. In case such poll be not taken on the day on which it is demanded, notice shall be given of the time and place of taking it in the same manner as in the case of an adjourned general meeting

Notice of postponed poll.

50. A declaration by the Chairman that a resolution has been carried or in the case of a resolution requiring any particular majority that it has been passed by the requisite majority shall be final and an entry of such declaration in the book of proceedings of the bank shall be conclusive evidence thereof, without proof of the number or proportion of the votes recorded in favour of or against the motion to which such declaration relates.

Chairman's declaration of result conclusive.

51. The proceedings of every general meeting purporting to have been duly called and constituted, and all resolutions and decisions of such meeting shall be valid and binding on the bank, notwithstanding any defect in the mode of convening the meeting or otherwise.

Proceedings and resolutions binding notwithstanding defect in mode of convening meeting.

52. On a show of hands every member, who, being an individual, is present in person or, being a corporation, is present by proxy or representative, shall have one vote. On a poll every member who is present in person or by proxy shall have one vote for every share of which he is the holder:

Votes.

Provided that the preference shares shall not entitle the holder thereof to attend and vote at any ordinary annual meeting but shall entitle such holder to be present and vote at all extraordinary meetings.

53. (1) Any authority or corporation which is a shareholder of the bank may by resolution of its directors or other governing body authorise such person as it thinks fit to act as its representative at any general meeting, and the person so authorised shall be entitled to exercise the same powers on behalf of the corporation which he represents as that corporation would exercise if it were an individual member of the bank, and shall be reckoned in the quorum present at the meeting;

Voting by representative.

(2) The Government director shall by virtue of his office be entitled to exercise all the rights of the Government in respect of any shares held by it.

54. (1) If any shareholder be a lunatic, idiot or of unsound mind, his legally appointed manager may exercise his vote and if any shareholder be a minor, his legally appointed curator or guardian may exercise his vote.

How incapacitated shareholder may vote.

(2) No such manager, curator or guardian shall be entitled to vote unless he shall have deposited at the head office of the bank not less than forty-eight hours before the time of holding the meeting at which he proposes to vote, such evidence as the Board may require that he is in fact the manager, curator or guardian of the shareholder whose vote he claims to exercise.

Shareholder in default may not vote.

55. No shareholder shall be entitled to vote in person or by proxy at any general meeting in respect of any share held by him while any call or interest or an unpaid call due from him remains unpaid.

Chairman to decide validity of vote.

56. No objection shall be taken to the validity of any vote except at the meeting or poll at which such vote shall be tendered, and the Chairman of such meeting shall be the sole judge of the validity of every vote tendered thereat.

Voting in person or by proxy.

57. Votes may be given either in person or by proxy, but every proxy shall be appointed in writing under the hand of the appointor, or in the case of a corporation under the hand of the secretary or other chief officer thereof.

Form of proxy.

58. Until the Board otherwise prescribe, the following form with any requisite modification thereof, shall be the form of instrument of proxy :—

I, A. B. of _____ a shareholder of the Bank of Ceylon, appoint C. D. of _____ or him failing E. F. of _____ both being shareholders of the bank, to vote as my proxy at the general meeting of the bank, to be held at _____ on the _____ 19—.

As witness my hand this _____ day of _____, 19—.

Qualification of proxy holder.

59. No person shall be appointed or act as a proxy unless he be a shareholder qualified to vote, and unless the instrument of his appointment be left at the head office at least forty-eight hours before the hour for holding the meeting at which he is to vote.

PART VI.

Proceedings of Directors.

Meetings of directors.

60. The directors may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit and may determine the quorum necessary for the transaction of business. Until otherwise fixed the quorum shall be three.

Who may preside at meetings.

61. The Board shall be presided over by the Chairman if present, or in his absence, by the deputy Chairman, if any; but if neither a Chairman nor a deputy Chairman shall have been appointed, or if neither the Chairman nor the deputy Chairman be present at the time fixed for holding the meeting of the Board, the directors present shall choose one of their number to preside.

How questions at Board meetings decided.

62. Any question which shall arise at any meeting of the Board shall be decided by a majority of votes of those present, and in the case of an equality of votes the director presiding at the meeting shall have a second or casting vote.

Acts to be valid notwithstanding defects in appointments.

63. All acts done by the Board or by a committee of directors or by a person acting as director, whether solely or as a member of the Board or of a Committee, shall, notwithstanding that it be afterwards discovered that there was a defect in the appointment of the Board, Committee, or person acting as director, or that such person was not qualified to be a director, be as valid as if there had been no such defect and the person acting as director had been duly qualified.

Meetings of Committees.

64. The meetings and proceedings of any committee shall be governed by the provisions of this Schedule for regulating the meetings and proceedings of directors, so far as the same are applicable, thereto and are not superseded by the express terms of the appointment of the Committee. In any matter in which no provisions are made by the Board or by this Schedule a Committee may conduct its business in such manner as it thinks fit.

Minutes of proceedings of directors to be kept.

65. (1) The Board shall cause minutes to be made in books provided for the purposes of the following matters, namely—

- (a) all appointments of officers and Committees made by the Board;
- (b) the name of the directors present at every meeting of the Board, and at every meeting of a Committee;
- (c) the proceedings and resolutions of all meetings of the shareholders, the Board, and Committees.

(2) Such minutes if signed by some person purporting to be the Chairman of the meeting or of the Board or committee to which it refers, or by any two directors present thereat, or by the Chairman of the next succeeding meeting, shall be receivable in evidence without further proof of the matters therein contained or any other proof.

66. (1) The Board shall provide a common seal for the purposes of the bank and may from time to time change the same; and such seal may be kept by such person and in such manner as the Board from time to time may determine, but shall not be used except by the authority of the Board and in the presence of at least two directors, or of one director and the general manager or other officer appointed for that purpose by the Board, who shall sign the document to which the seal is affixed;

Custody and use of common seal.

(2) The Board shall have full power to use the common seal in the execution of all or any of the powers hereby vested in them, or otherwise in relation to the affairs and business of the bank as they in their discretion see fit.

67. No director shall be disqualified by his office from contracting with the bank nor shall any such contract entered into by or on behalf of the bank in which any director shall be in any way interested, be voided, nor shall any director so contracting or being interested be liable to account to the bank for any profit realised by or arising out of any such contract but the fact of his being interested and the nature of his interest shall be disclosed by him at the meeting of the directors at which the contract is considered if his interest then exists, or in any other case at the first meeting of the directors after the acquisition of his interest.

Directors may contract with bank.

68. No director shall as a director vote in respect of any contract in which he is so interested as aforesaid and he shall withdraw from the meeting of the directors while any such contract is under consideration and the vote thereon is being taken.

When director may not vote.

69. If any director does so vote, his vote shall not be counted.

Extent of prohibition on voting.

70. The business of the Bank shall be controlled by the Board, who, in addition to the powers and authorities by law and by this Ordinance expressly conferred upon them, may, without any further power or authority from the shareholders, exercise all such powers, give all such consents, make all such arrangements, and generally do all such acts and things as are or shall be by law or by this Ordinance directed or authorised to be exercised, given, made, or done by the Bank, and are not thereby expressly directed to be exercised, given, made or done by the Bank in general meeting.

Powers of the Board.

71. The Board may delegate any of its powers, other than the power to make calls or to appoint the general manager, assistant general manager, secretary, and accountant, to committees consisting of two or more directors, or to a director, or to the general manager, and they may from time to time revoke any such delegation either wholly or in part and either as to persons or purposes; but every such committee, director or general manager shall, in the exercise of the powers delegated to it, or him, conform to all such regulations as are prescribed by the Board. All acts done by any such committee, director or general manager, in conformity with such regulations and in fulfilment of the purposes of its or his appointment, but not otherwise, shall have the like force and effect as if done by the Board.

Delegation of functions of Board.

PART VII.

Powers and Duties of Directors.

71A. (1) Notwithstanding any delegation of the Board to a director or to any Committee or to the general manager, the general manager shall, subject to the general control of the Board, be deemed to have power to sanction the granting or continuance of loans, advances or other accommodation up to a limit of fifty thousand rupees.

Credits and loans.

(2) Any loan, advance or accommodation in excess of this limit shall only be granted or continued with the approval of the Board.

(3) Such approval shall only be granted if the application is recommended by the general manager or his deputy.

72. Where by reason of forfeiture, surrender, or otherwise the bank acquires an interest in or title to any of its own shares, the Board shall sell, cancel or otherwise dispose of such share as soon as conveniently may be.

Procedure on bank acquiring title to its own shares.

73. (1) A resolution signed by all the directors of the bank for the time being shall be as valid and effectual as if it had been passed at a meeting of the Board.

Resolution without Board meeting valid.

(2) Any such resolution shall be recorded in the minutes book containing the proceedings of the Board as if it had been passed at a meeting of the Board.

PART VIII.

Remuneration of Directors.

74. During the five years commencing from the establishment of the bank the directors shall be paid out of the funds of the bank such remuneration as the Governor from time to time shall fix:

Remuneration of directors.

Provided that such remuneration shall not exceed three hundred rupees per month.

75. The Chairman shall out of the funds of the bank be paid an additional remuneration for his services at the rate of two hundred rupees per month.

Remuneration of Chairman.

- Deduction for absence from meeting. 76. A sum of fifty rupees shall be deducted from the remuneration of the Chairman or any director in respect of each meeting of the Board which he fails to attend.
- Remuneration of acting director. 77. A director in whose place a person has been appointed to act shall not receive the remuneration attached to his office during the continuance of such acting appointment, but such remuneration shall be paid to the person acting in his place.
- Fixing of remuneration after a period of five years. 78. After the period of five years aforesaid the remuneration of the directors shall be determined from time to time by the shareholders in general meeting.
- Remuneration of directors for special services. 79. Where any director is entrusted with any special mission or function or by request performs special services on behalf of the bank, the Board may grant him such additional remuneration as it thinks fit. The directors may be repaid by the bank all such reasonable travelling, hotel and incidental expenses as they may incur in attending meetings of the Board or of Committees of the Board or meetings of shareholders or which they may otherwise incur in or about the business of the bank.

PART IX.

Dividends and Reserve.

- Declaration of dividend or bonus. 80. The directors may, with the sanction of the shareholders in general meeting, declare a dividend or bonus or both a dividend and bonus, to be paid to the shareholders in proportion to the amount from time to time paid on their shares (but exclusive of any amount for the time being paid up in advance of calls and carrying interest at an agreed rate), and subject to any special privileges or priority for the time being subsisting with regard to any particular class of shares.
- Shareholders may not increase dividend. 81. In sanctioning a dividend recommended by the directors the shareholders shall not be entitled to increase such dividend.
- Government entitled to insist on dividend being declared unless auditors certify that dividend should not be declared. 82. (1) If the profits, of any financial year of the bank, available for distribution by way of dividend after providing for contingencies and transferring twenty per centum of the profits to the Reserve Fund but before making any other transfer out of profits to the published reserve or reserves, are sufficient to pay the whole or any part of the dividend on the preference shares but the directors are of opinion that such dividend should not be paid but that such moneys should be retained in order to strengthen the position of the bank, the Financial Secretary may so long as the Government is the holder of at least twenty per centum of the issued capital for the time being of the bank require the distribution of such profits by way of dividend unless the directors furnish him with a certificate from the auditors for the time being of the bank to the effect that in the opinion of such auditors the course proposed to be adopted by the directors is necessary in the interests of the bank ;
(2) The directors shall, in the absence of the certificate provided for in subsection (1), be bound to comply with any request made under this section by the Financial Secretary.
- Half-yearly dividends. 83. If and so long as ordinary meetings are held once a year only, the directors may, without the sanction of a general meeting, declare half-yearly dividends in those half years during which an ordinary meeting is not held :
Provided that the general manager shall have reported to the directors that the profit earned by the bank in the half year justify the payment of such dividends.
- All dividends to be paid out of profits. 84. As soon as may be convenient after the end of each financial year of the bank the general manager shall present to the Board a statement of the bank's profits after making such provision as he considers necessary for all bad and doubtful debts and other contingencies. The Board may increase but shall not reduce such provision and the profits available for payment of dividend shall be calculated after the deduction of the provision finally determined by the Board. No dividend or bonus shall be paid except out of the profits arising from the business of the bank and except after providing for the maintenance of such reserve fund or funds as the Board is bound to establish and maintain and any directors who knowingly and wilfully concur in the declaration or making payable of any dividend or bonus in breach of the provision of this clause shall be jointly and severally liable for the amount of such dividend or bonus as a debt due by them to the bank.
- Reserve fund. 85. (1) The Board shall, out of the profits available for payment of dividend and before any dividend is declared, set aside a sum equivalent to twenty per centum of such profits as a permanent reserve fund.
(2) The Board shall also carry to the credit of such permanent reserve fund any premiums received on the issue of shares until such permanent reserve fund is equivalent to one-half of the paid up capital of the bank for the time being, and shall thereafter and from time to time carry to such permanent reserve fund out of profits such further sum as shall be necessary to maintain such permanent reserve fund at all times at a sum equivalent to one-half of the paid up capital ;

(3) In addition to such permanent reserve fund the Board shall create a contingency fund and shall carry to that fund—

- (a) all premiums received on the issue of shares which are not carried to the permanent reserve fund ; and
- (b) such sums out of the profits of the bank as the Board think proper.

(4) The contingency fund may be applied from time to time in such manner as the Board shall determine—

- (a) for meeting depreciation and losses ;
- (b) for equalising dividends ;
- (c) for repairing, improving or maintaining any of the property of the bank ;
- (d) for any other purposes which the Board may think proper ;

(5) The Board may divide any such contingency fund into such special funds as they think fit, and may consolidate into one fund any special funds or any parts of any special funds into which any such contingency fund may have been divided as they think fit, with full power to employ the whole or any part of the assets constituting any such contingency fund in the business of the bank without being under any obligation to keep the same separate from the other assets of the bank. The Board may also (subject to the provisions of this Ordinance) without placing the same to reserve, carry over any profits which they may think it not prudent to divide.

(6) It shall not be necessary to show the contingency fund separately in the bank's balance sheet.

86. Any amounts standing to the credit of any reserve funds and also any other funds of the bank not for the time being employed in or required for the purposes of the business of the bank shall be invested in stocks, shares, debentures, bonds or securities issued or guaranteed by the Government of Ceylon or by any other Government of the British Empire or any local or public authority in Ceylon.

Investment of Reserve Fund.

87. No unpaid dividend or bonus shall at any time bear interest as against the bank.

Unpaid dividend or bonus not to bear interest.

88. The Board may deduct from the interest, dividends, and bonus payable to any shareholder all sums of money due from him to the bank on account of calls or interest thereon or otherwise.

Board may deduct money due for calls.

89. (1) Notice of all dividends and bonuses and of interest payable on capital paid in advance shall be given to every shareholder entitled thereto. Any such dividend, bonus or interest unclaimed for three years after such notice may be forfeited by the Board for the benefit of the bank ;

Notice of dividends and bonuses.

(2) Notwithstanding such forfeiture the Board may at any time thereafter, if they think fit, authorise the payment thereof to any claimant who shall adduce a title thereto to the satisfaction of the Board.

PART X.

Notices.

90. (1) Any notice, circular or other document required to be served by the bank upon any shareholders may be served either personally or by being sent by post to the shareholder at his registered address, and every notice or document sent through the post shall be deemed to have been served at the time at which it would have been received in the ordinary course of post ;

Service of notices on shareholders.

(2) In proving such service by post it shall be sufficient to prove that the notice or document, or the letter containing it, was duly addressed and posted.

91. Any notice or other document required to be served upon the bank by any shareholder may be served by leaving the same at the head office, or by sending it through the post addressed to the bank at the head office ; and in proving such service by post, it shall be sufficient to prove that the notice or document, or the letter containing it, was duly addressed and posted or left at the head office.

Service of notices by shareholders.

92. All notices required by these presents to be or which may be given by advertisement shall be advertised in the Government Gazette and in one of the daily newspapers published in Colombo, and shall be deemed to have been sufficiently given if so advertised.

Advertisements.

93. Every person who by operation of law, transfer, or other means whatsoever shall become entitled to any share, shall be bound by any and every notice or other document which previous to his name and address being entered in the register in respect of that share, has been given to the person from whom he derives his title.

Shareholders bound by notices given to previous holders.

Service of notice good notwithstanding death of shareholder.

94. When any notice or document is sent in accordance with these regulations to the registered address of a shareholder, then, notwithstanding he be then deceased, and whether or not the bank has notice of his decease, such notice or other document shall, for all the purposes of these regulations be deemed to have been served on his heirs, executors, or administrators, notwithstanding they are not named therein.

Passed in Council the Twenty-ninth day of March, One thousand Nine hundred and Thirty-eight.

E. W. KANNANGARA,
Clerk of the Council.

DISTRICT AND MINOR COURTS NOTICES.

Minor Courts, Badulla-Haldummulla Circuit Sessions, 1939.

NOTICE is hereby given that the sittings of the Minor Courts, Badulla-Haldummulla, will be held at Bandarawela during the year 1939 on the under-mentioned dates:—

January ..	9 to 14	July ..	3 to 8
February ..	6 to 11	August ..	7 to 12
March ..	6 to 11	September ..	4 to 9
April ..	17 to 22	October ..	2 to 7
May ..	8 to 13	November ..	6 to 11
June ..	5 to 10	December ..	4 to 9

R. R. SELVADURAL,
Commissioner of Requests and Police Magistrate,
Badulla-Haldummulla.

Badulla, November 15, 1938.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 5,195. In the matter of the insolvency of Wellawattage Wilfred Peiris of 18th lane, Bambalapitiya, 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 December 13, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
November 15, 1938. Secretary.

In the District Court of Colombo.

No. 5,239. In the matter of the insolvency of Ana Mohamed Haniffa of 24, Vincent street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 20, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
November 15, 1938. Secretary.

In the District Court of Colombo.

No. 5,251. In the matter of the insolvency of Maduwala Hewage William Fernando of 104/21, Skinner's road south, Maradana.

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 December 20, 1938, for the grant of a certificate of conformity to the insolvent.

By order of court, C. EMMANUEL,
November 15, 1938. Secretary.

In the District Court of Colombo.

Insolvency In the matter of the insolvency of Abubucker No. 5,258. Hadjar Mohammed Khalid of 49, Stanley place, Colombo.

NOTICE is hereby given that a meeting of creditors of the above insolvent will take place at a sitting of this court is fixed for December 13, 1938, to prove conditions of sale.

By order of court, C. EMMANUEL,
November 21, 1938. Secretary.

In the District Court of Colombo.

No. 5,261. In the matter of the insolvency of (1) Mohamed Haniffa Mohamed Saleem and (2) Miskin Bawa Mohamed Haniffa, both of 23/4, College street, Kotahena, 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 December 20, 1938, for the grant of a certificate of conformity to the insolvents.

By order of court, C. EMMANUEL,
November 15, 1938. Secretary.

In the District Court of Colombo.

No. 5,293 In the matter of the insolvency of Hewadewage Lawrence Fernando of 272, Main street, Pettah.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will take place at a sitting of this court fixed for December 6, 1938, to approve conditions of sale.

By order of court, C. EMMANUEL,
November 18, 1938. Secretary.

In the District Court of Colombo.

No. 5,303. In the matter of the insolvency of Subbiah Palanikumar Subramanian of 44, 18th lane, Bambalapitiya.

WHEREAS the above-named S. P. Subramanian has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by B. P. Madonza of Coralea, Tickel road, Borella, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Subbiah Palanikumar Subramanian insolvent accordingly; and that two public sittings of the court, to wit, on December 13, 1938, and on January 24, 1939, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C. EMMANUEL,
November 16, 1938. Secretary.

In the District Court of Colombo.

No. 5,304. In the matter of the insolvency of Edger Jayaweera of New road, Kirillapone, Nugegoda.

WHEREAS the above-named Edger Jayaweera has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by K. B. Perera of Pannipitiya, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Edger Jayaweera insolvent accordingly; and that two public sittings of the court, to wit, on January 24, 1939, and on February 14, 1939, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C. EMMANUEL,
November 18, 1938. Secretary.

In the District Court of Kandy.

No. I. 2. In the matter of the insolvency of Andrew Allan Bowie of Peradeniya road, Kandy.

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 January 13, 1939, for the examination of the insolvent.

By order of court, R. MALALGODA,
November 19, 1938. Secretary.

In the District Court of Kandy.

No. I. 3. In the matter of the insolvency of Hubert Arthur Deutrom of Bournbrook estate, Peradeniya.

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 December 9, 1938, for the examination of the insolvent.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Kandy.

No. I. 6. In the matter of the insolvency of Danuwattege Don Paul of 62, Colombo street, Kandy.

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 December 16, 1938, for the examination of the insolvent.

By order of court, R. MALALGODA,
November 14, 1938. Secretary.

In the District Court of Kandy.

No. I. 7. In the matter of the insolvency of Gnam Navam David of Ambalamana estate, Galaha.

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 December 16, 1938, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Kandy.

No. I. 8. In the matter of the insolvency of (1) M. K. M. Madar and (2) K. M. M. Abdul Cader, both carrying on business under the name and style and firm of M. K. M. Madar & Company at 64-66, Galagedera road, Katugastota.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court on December 16, 1938, for the examination of the insolvents.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Kandy.

No. I. 11. In the matter of the insolvency of P. Thambyrajah of 65, Trincomalee street, Matale.

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 December 9, 1938, to appoint an assignee.

By order of court, R. MALALGODA,
November 11, 1938. Secretary.

In the District Court of Kandy.

No. I. 14. In the matter of the insolvency of H. A. Alwis Perera of Mahaiyawa, Kandy.

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 December 9, 1938, to appoint an assignee.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Kandy.

No. I. 17. In the matter of the insolvency of (1) Noor Mohamed Hadji Omer, and (2) Tayoob Hadji Omer carrying on business under the name and style of Tayoob Noor Mohamed of Colombo street, Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court on December 16, 1938, for the examination of the insolvents.

By order of court, R. MALALGODA,
November 19, 1938. Secretary.

In the District Court of Kandy.

No. I. 23. In the matter of the insolvency of Martin Leonard Reiss of 4A, Bahirawakanda, Kandy.

WHEREAS Martin Leonard Reiss has filed a declaration of insolvency, and a petition for the sequestration of his estate under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Martin Leonard Reiss insolvent accordingly; and that two public sittings of the court, to wit, on December 9, 1938, and on December 23, 1938, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Kandy.

No. I. 24. In the Matter of the insolvency of Telge Abraham Pieris of 19, King street, Matale.

WHEREAS Telge Abraham Pieris has filed a declaration of insolvency, and a petition for the sequestration of his estate under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Telge Abraham Pieris insolvent accordingly; and that two public sittings of the court, to wit, on December 10, 1938, and on December 23, 1938, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Kandy.

No. I. 25. In the matter of the insolvency of Muniandy's son Karupiah.

WHEREAS Muniandy's son Karupiah has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Pitehemuttu Pillai under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Muniandy's son Karupiah insolvent accordingly; and that two public sittings of the court, to wit, on December 9, 1938, and on December 23, 1938, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Kandy.

No. 1,997. In the matter of the insolvency of K. M. Cornelis Appuhamy of Ulapane.

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 January 20, 1939, for the examination of the insolvent.

By order of court, R. MALALGODA,
November 16, 1938. Secretary.

In the District Court of Nuwara Eliya holden at
Hatton.

No. 30. In the matter of the insolvency of Kana Runa Muthucarpen Kangany of Talawakele.

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 December 20, 1938, for the examination of the said insolvent.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

In the District Court of Nuwara Eliya holden at
Hatton.

No. 31. In the matter of the insolvency of Sittarawther Mastan Saibo Dawood Saibo of Maskeliya.

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 December 20, 1938, for the examination of the said insolvent.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

In the District Court of Nuwara Eliya holden at
Hatton.

No. 32. In the matter of the insolvency of T. S. M. Sheriff of Agarapatana.

NOTICE is hereby given that a sitting of this court will be held on December 20, 1938, for proving of further claims and appointment of an assignee.

By order of court, E. DE S. GUNAWARDENE,
Secretary.

In the District Court of Kegalla.

Insolvency In the matter of the insolvency of Richard Jurisdiction. Nugawela of Kehelwathugoda.
No. 71.

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 December 21, 1938, for the purpose of declaring dividends.

By order of court, R. B. RATNAIKE,
The District Court, Secretary.
Kegalla, November 18, 1938.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Kalutara.

Jayamuni Grazon de Silva of Mahawaskaduwa . . . Plaintiff.

No. 491 Liquid. Vs.

Wilfred Charles de Soysa of 203/19, Mahawatta road, Grandpass, Colombo Defendant.

NOTICE is hereby given that on Monday, December 19, 1938, at 4 P.M., 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. 1,642.25, with interest on Rs. 1,600 at 6 per cent. per annum from May 31, 1938, till date of decree (June 29, 1938), and thereafter at 9 per cent. per annum on the aggregate sum till payment in full, and costs Rs. 118.77½, viz. :—

All that allotment of land with the buildings called Palm House standing thereon, bearing assessment No. 831, situated at Bloemendahl road, within the Municipality and District of Colombo, Western Province; bounded on the north-east by premises No. 618, Alutnawatta road and assessment No. 841, Bloemendahl road, on the south-east by Bloemendahl road, south-west by premises No. 823, Bloemendahl road and assessment No. 614/5, Alutnawatta road and a lane, and on the north-west by remaining portion of this land bearing assessment No. 614, Alutnawatta road of Mrs. Edwin Wijesekera; and containing in extent 3 roods as per plan No. 1,380/1937 of November 30, 1937, made by P. F. Gunasekera, Licensed Surveyor, and registered in A 248/221.

Fiscal's Office,
Colombo, November 23, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

M. A. L. M. K. R. Sinnakaruppan Chettiar of 167, Sea street, Colombo Plaintiff.

No. 2,515/S. Vs.

(2) K. T. B. Fernando of Siripadmasiri, 33, 77th lane, Kirillapone road in Colombo Defendant.

NOTICE is hereby given that on Saturday, December 17, 1938, at 11 A.M., will be sold by public auction at 34, 77th lane, Kirillapone road, Colombo, the following movable property of the 2nd defendant for the recovery of the sum of Rs. 1,214.06, with further interest on Rs. 1,050 at 9 per cent. per annum from March 26, 1938, till date of decree (May 10, 1938), and thereafter at 9 per cent. per annum on the aggregate amount till payment in full, and costs of suit taxed at Rs. 264.18, to wit :—Rs. 136.38 being incurred costs and Rs. 127.80 being prospective costs, viz. :—

2 teakwood loungers, 2 cushioned settees, 2 ditto large armchairs, 1 cabinet fixed with mirror, 2 cushioned chairs (black), 1 pair tusks with ebony stands, 1 piano, 1 couch (tamarindwood), 1 hat stand, 5 teakwood G. O. H. chairs, 1 sideboard (tamarindwood), 2 teakwood writing tables, 1 ditto glass almirah, 2 arm chairs, 1 revolving book stand.

Fiscal's Office,
Colombo, November 23, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

L. M. Abeyanaike of Mutwal in Colombo Substituted Plaintiff.

No. 35,410. Vs.

(1) Srai Lebbe Pathuma Umma and (2) Mohamed Allie Zainudeen, both of 189, Old Moor street, Colombo Defendants.

And

Samsi Lebbe Marikar, Mohamed Junaid of 15, Hulftsdorp street, Colombo Garnishee.

NOTICE is hereby given that on Tuesday, December 20, 1938, at 4 P.M., will be sold by public auction at the premises the following property for the recovery of the sum of Rs. 1,262.59, viz. :—

The right, title, and interest of Samsi Lebbe Marikar Mohamed Junaid (Garnishee) in and to the following property, to wit :—

All that lot 1 with the buildings and plantations thereon appearing in plan No. 1,575 dated April 21, 1937, made by M. I. L. Marikar, Licensed Surveyor, out of the land called Hendala Farm, situated at Hendala in the Ragam pattu of Alutkuru korale in the District of Colombo, Western Province; bounded on the north by Hendala Farm belonging to C. S. Anthony, on the east by lot 2, on the south by Jawagewatta belonging to Ana Perera, and on the west by Jawagewatta belonging to H. F. Fonseka and Don Jeremias and the sea; containing in extent 21 acres 1 rood and 34 perches.

Fiscal's Office,
Colombo, November 23, 1938.

J. R. TOUSSAINT,
Deputy Fiscal.

In the District Court of Colombo.

Cecily Mendis Wijesinghe, now known as Cecily Seelawathie Peiris Senanayake of 182, Norris Canal road, Borella, Colombo Plaintiff.

No. 28,503. Vs.

Cader Saibo Lebbe Abdul Rahimani presently of 17, De Soysa street, Slave Island, Colombo Defendant.

NOTICE is hereby given that on Wednesday, December 21, 1938, at 3.30 in the afternoon, will be sold by public auction at the respective premises, the following property mortgaged by the defendant with the plaintiff and declared bound and ordered to be sold by the decree entered in the said case for the recovery of Rs. 496, together further interest on Rs. 400 at 18 per cent. per annum from June 20, 1928, till October 16, 1929, and thereafter at 9 per cent. per annum on the aggregate till payment in full, and costs of suit taxed at Rs. 178.80, viz. :—

1. All that garden called Weralugahawatta alias Sapugahawatta, situated at Massalgoda in Beruwalabadda of the Kalutara totamune in the District of Kalutara, Western Province; and bounded on the north by footpath, east by the garden called Sapugahawatta, south by a portion of the garden called Sapugahawatta belonging to Mohamed Lebbe Meera Lebbe Marikar and the garden called Sapugahawatta occupied by Saibo Cando, and on the west

by the garden called Weralugahawatta; containing in extent $1\frac{1}{2}$ acres together with all the buildings, trees, and plantations thereof.

2. All that land called Kandutotam *alias* Pelawatta, together with the trees, plantations, and buildings thereon (exclusive however of the planter's one-third share of the third plantations and the thatched house thereon), situated at Massalgoda aforesaid; and bounded on the north by Kandutotam called Massalwatta, east by the land whereon Kanangi Kankanana had resided, south by Bachamuttutotam, and on the west by Elankuruttawatta and Kandupattiyawatta; containing in extent about 1 acre, which said premises have been held and possessed by the defendant under and by virtue of Deed of Transfer No. 3,282 dated February 23, 1904, attested by J. P. Wijeratne, Notary Public, of Beruwala.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, November 22, 1938. Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Haluwana Mudiyanselegedera Puchiappuhamy of Arangala in Udagampaha of Pata Dumbara . . . Plaintiff,
No. 40,225. Vs. 3 10 20

Udagamarallagedera Tikiri Banda *alias* Tikiri Banda Kandangama of Kandangama in Kandupalata of Yatinuwara Defendants.

NOTICE is hereby given that on Saturday, January 7, 1939, commencing at 12 noon, will be sold by public auction at the respective premises for the recovery of the sum of Rs. 322.54, with interest thereon at 9 per cent. per annum from December 16, 1930, till payment in full and poundage, in the following property, viz. :—

The right, title, and interest of the defendant created by deed No. 2,158 dated August 10, 1937, attested by N. Coomaraswamy of Kandy, Notary Public, in and to the following premises to wit :—

1. All that land called Gederawatta of about 1 pela paddy sowing extent, situate at Kandangama in Kandupalata of Yatinuwara in the District of Kandy, Central Province; and bounded on the east by fence, south by ela, west by fence of Talgahawatta, and north by fence, together with the tiled house and plantations and everything thereon.

(2) An undivided $\frac{1}{2}$ part or share out of Hittaradeniyakumbura of 1 pela paddy sowing extent, situate at Kandangama aforesaid; and the entirety being bounded on the east by Tennegedara Dingiri Banda's field and above the limitary ridge of Marasinpedgedera bandiya's field, south by ela of Nekettalagewatta, west by limitary Uda Hittaradeniyakumbura belonging to Kalu Banda, and north by ela of Gedarawatta belonging to Kalu Banda.

(3) All that northern portion of 2 pelas paddy sowing extent out of Hittaradeniyakumbura of 1 amunam paddy sowing extent, situate at Kandangama aforesaid; which said 2 pelas are bounded on the east by ela of Nekethigedarawatta, south by the limit of Kaluwa's portion of this field, west by Talagahawatte-ella, and north by limitary dam of Sirimala's field.

(4) The eastern 2 pelas paddy sowing in extent out of the land called Arambekabella of 3 pelas paddy sowing extent, situate at Kandangama aforesaid; which said 2 pelas are bounded on the east by the fence of Muttu Menika's garden, south by above wela, west by the remaining portion belonging to James, and north by the ditch of Appuwa's land, together with everything thereon.

(5) All that land called Pallehawatta of 15 lahas paddy sowing extent, situate at Kandangama aforesaid; and bounded on the east by the fence of Dambagahawatta, south by field, west by fence of Puchirala aracci's land, and north by fence of Menika Duraya's land; which said lands numbered 1, 3, 4, and 5 adjoin each other with the share of the land numbered (2) and as to their situation in respect to each other can be included in one survey and now form one property.

(6) The land called Udahawatta *alias* Giripendegedera-watta of 1 pela paddy sowing extent, situate at Kandangama aforesaid; and bounded on the east by the fence of Udahagamedarawatta, south by Talagahawatteagala, west by Murutewatteagala, and north by Udagamedarawatte-ella, together with everything thereon.

(7) All that unallotted portion depicted in plan marked "X" dated June 13, 1931, made by J. C. S. Misso, Licensed Surveyor, out of the land called Nekethigedarawatta, situate at Kandangama aforesaid; which unallotted portion is bounded on the north and west by Hittaradeniyakumbura claimed by T. B. Kandangama, and north-east by Kirinaidegewatta, south and south-east by the remaining

portion which has been allotted to Udahagamarallagedera Koin Menika; and containing in extent 2 roods and 22 perches; which said land forms part and parcel of the land Registered B 38/68.

(8) An undivided $\frac{1}{2}$ part or share out of all that land called Talagahawatta of 6 pelas paddy sowing extent in the whole, situate at Kandangama aforesaid; and bounded on the east by the paddy field, and south, west, and north by ditch, together with the plantations and everything thereon; containing in extent 2 acres 1 rood and 20 perches according to the plan dated December 21, 1931, made by S. A. Soysa, Licensed Surveyor, together with a like share of everything thereon.

(9) All that land called Dambagahawatta *alias* Bogahawatta of 2 pelas paddy sowing extent, situate at Kandangama aforesaid; and bounded on the east by the land belonging to Ukku Banda and others, south by above the ela of Gorakakumbura, west by the land belonging to Tikiri Banda Kandangama, and north by the ditch, together with everything thereon.

Fiscal's Office,
Kandy, November 21, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

In the District Court of Kandy.

Veena Muniandy of Gonawela, Teldeniya Plaintiff.
Dr. A. Rajasingham of Eldelweiss, Colpetty, Colombo Substituted plaintiff.
No. 44,969. Vs. 30

(1) Kana Kathai, (2) Seena Meiappen, both of Aspokune estate, Gonawela, near Teldeniya Defendants.

(1) Kana Kathai, (2) K. Karuppiyah, (3) K. Palani, (4) K. Vadivail, (5) Muthammal, (6) Karuppiyah, and (7) Letchimi, all of Gonawela Substituted defendants.

NOTICE is hereby given that on Wednesday, December 21, 1938, commencing at 2 p.m., will be sold by public auction at the respective premises the right, title, and interest of the 1st defendant and substituted defendants for the recovery of the sum of Rs. 1,630, with legal interest thereon from March 13, 1934, till payment in full and costs and poundage, in and to the following property, viz. :—

1. The western $\frac{1}{2}$ part or share being 15 lahas paddy sowing in extent of and in all that land called Weralugastennewatta of about 3 pelas paddy sowing in extent in the whole, situate at Gonawela in Pallispattu of Pata Dumbara in the District of Kandy, Central Province; and which said western $\frac{1}{2}$ part or share being bounded on the east by the remaining portion of this land, south by the limit of the Crown land, west by the limit of Wedalagedera Thenuwa Vedaralagewatta, and north by Elkandura.

2. An undivided $\frac{1}{2}$ part or share of and in the middle 7 acres in extent out of all that land called Weralugastennewatta, situate at Gonawela aforesaid; and which said middle 7 acres in extent is bounded on the east by water-course and endaru fence, south by the fence of Assena Seyadugewatta, west by the limit of Assena Cadergewatta, and north by the fence of Thenuwarahamy Vedaralagewatta, together with a like share of the buildings, plantations, and everything thereon.

3. An undivided $\frac{1}{2}$ part or share of and in the western $\frac{1}{2}$ part or share being 6 pelas paddy sowing in extent out of all that land called Weralugastennehena of three amunams paddy sowing in extent in the whole, situate at Gonawela aforesaid; which said western $\frac{1}{2}$ part or share is bounded on the east by the remaining portion of this land, south by the limit of the Crown land, west by makul tree on village limit and north by Mala-ela.

4. One undivided $\frac{1}{12}$ part or share of and in all that land called Weralugastennewatta of about 6 acres in extent in the whole, situate at Gonawela aforesaid; and bounded on the north by the limit of Wallipuram Shroff's garden, east and west by the limit of Seena Meiappenge-watta, and south by the drain of Assanakara Mudaligewatta, together with a like of the houses, plantations, and everything thereon.

5. An undivided $\frac{1}{2}$ part or share of and in an undivided 1 acre 2 roods and $4\frac{1}{2}$ perches in extent towards the east and west of stone fence out of Weralugastenne Ambaghamulahena of 6 acres and 18 perches in extent in the whole, situate at Gonawela aforesaid; and bounded on the north by water-course, on the north-east by lands belonging to Wadugedera Ukku Naide and another, south by the property of Vedalathgedera Kannappugammaha and lands described in plans No. 99,477 and No. 52,959, and west by land described in plan No. 99,443.

6. The eastern $\frac{1}{2}$ part or share being 1 amunam paddy sowing in extent lying this side of damunu lunumida trees and anthill and katu imbul stump out of Weralugastennehena of 2 amunams paddy sowing extent in the whole,

situate at Gonawela aforesaid; and which said eastern $\frac{1}{2}$ share being bounded on the east by Manogewatta, south by the limit of Crown land, west by the limit of the remaining portion of this land, and north by the Galheeriya of Vedaralagehena and Moragaha.

7. All that land called Weralugastenneewatta of about 2 pelas paddy sowing in extent, situate at Gonawela aforesaid; and bounded on the east by Galheeriya, south by the limit of Crown land, and north and west by the fence of Selambaramogewatta.

8. Aspokunewatta of 2 acres 1 rood and 32 perches, situate at Gonawela aforesaid; and bounded on the east by Weralugahatenne belonging to Sena Meiyappen and Wadugedera Ranagewatta, south by Aspokune estate belonging to Mr. Wallipuram, west by Sena Meiyappagewatta, north by Aniakaragewatta.

Fiscal's Office,
Kandy, November 22, 1938.

H. C. WIJESINHA,
Deputy Fiscal.

Southern Province.

In the District Court of Colombo.

The United Motor Finance Company, Colombo... Plaintiffs.
No. 8,423. Vs.

D. W. Wickremaratne, cinnamon dealer, of Ambalangoda, and another... Defendants.

NOTICE is hereby given that on Thursday, December 15, 1938, commencing at 2 o'clock in the afternoon, will be sold by public auction at the residence of the Fiscal's Arachchi, Polwatta, Ambalangoda, the right, title, and interest of the said defendants in the following property, viz. :—

Austin Car bearing No. Z 1308.

Writ amount Rs. 1,711.65 together with legal interest thereon from May 17, 1938, to date of payment.

Fiscal's Office,
Galle, November 22, 1938.

T. D. S. DHARMASENA,
Deputy Fiscal.

In the Court of Requests of Balapitiya.

V. P. R. Ponniah Pillai of Ambalangoda... Plaintiff.
No. 21,519. Vs.

K. S. Tilakaratne and another of Ratgama... Defendants.

NOTICE is hereby given that on Monday, December 19, 1938, commencing at 2 o'clock in the afternoon, 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 $\frac{1}{5}$ of $\frac{3}{4}$ parts of the soil and soil share trees of the land called PUNCHINAIDUWA, situated at Ratgama in Wellaboda pattu, Galle District, Southern Province, in extent about 56 acres and 17 perches; and bounded on the north by lands claimed by villagers, east by Panvilakumbura, south by the land whereon Dadallage Arnolisahmy resides, and west by Banduramullakumbura.

Writ amount Rs. 280.50 with legal interest on Rs. 250.75 from March 18, 1938, till payment in full.

Fiscal's Office,
Galle, November 16, 1938.

T. D. S. DHARMASENA,
Deputy Fiscal.

In the District Court of Galle.

Manan Gilbert de Silva Amerasekera of Ahungalla... Plaintiff.
No. 35,547. Vs.

Handunetti Noan de Zoysa, Hamine of Galwehera in Kosgoda, administratrix, in D. C., Galle, case No. 7,732, Wahanuni Eslin Mendis Abeyskera of Galwehera, substituted in place of 1st defendant, deceased... Defendant.

NOTICE is hereby given that on Friday, December 16, 1938, commencing 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. :—

1. All that undivided $\frac{5}{6}$ of $\frac{2}{28}$, $\frac{1}{12}$, $\frac{3}{4}$ parts of the soil and of the soil share trees together with an undivided $\frac{5}{6}$ of $\frac{1}{2}$ of the planters share of the first and second plantations and undivided $\frac{5}{6}$ parts of the undivided planters share of the third, fourth, and fifth plantations of the land called Hopitiyewatta alias Mahawatta wherein Hitanadura Sindohamy resided, situated at Galwehera in Kosgoda in Bentota-Walallawiti korale of Galle District, Southern Province;

and bounded on the north by Paragahawatta and Puwakdungerawatta, east by Salegewatta and Wijemuni Nawes de Silva Padinchiwaunwatta, south by Heen Kendewatta and Duihamy Padinchiwaunwatta and west by Pinkirapadinchiwaunwatta, Bodiyaagewatta and Sanchohamy Padinchiwaunwatta, in extent about 2 acres.

2. All that undivided $\frac{3}{4}$ parts of the soil and of the soil share trees of the land called Jambagewatta whereon Garumuni Harmanis de Zoysa Rajakaruna Aratchi Mahatmaya resided, situated at Bogahapitiya in Galwehera aforesaid; and bounded on the north by Kudatharanga-munigederawatta, east by Mahatharanga-munigederawatta, south by Anadigewatta, and west by Ambrosihendepadinchiwaun Dinesdurahegewatta, in extent about 1 acre.

3. All that undivided $\frac{5}{6}$ of $\frac{1}{5}$, $\frac{1}{12}$, $\frac{1}{20}$, $\frac{11}{80}$, $\frac{2}{120}$ parts of the soil and of the soil share trees, together with $\frac{5}{6}$ of the planters half share of the second and third plantations and of the whitewashed tiled new and old buildings standing thereon of the land called Walimuni Abraham Mendis Abeyskera Padinchiwaun Jasentugewatta, situated at Galwehera aforesaid; and bounded on the north by J. S. de Zoysa Padinchiwaunwatta, east by L. D. Thabrew Padinchiwaunwatta, south by T. O. Mendis Padinchiwaunwatta and Sadiris Mendis Padinchiwaunwatta, and west by lands belonging to A. D. Thabrew and W. Sadiris, in extent about $1\frac{1}{2}$ acres.

Writ amount Rs. 508 with interest thereon at 18 per cent. from January 7, 1937, to March 11, 1937, with interest on the aggregate amount at 9 per cent. per annum from March 11, 1937, till payment full less Rs. 125 paid.

Fiscal's Office,
Galle, November 22, 1938.

T. D. S. DHARMASENA,
Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

M. M. K. Mohammod Meera Lebbe of 79, Bazaar street, Kurunegala... Plaintiff.
No. 18,331. Vs.

K. B. Ratnayake ex-Registrar of Olagama in Madure korale... Defendant.

NOTICE is hereby given that on Saturday, December 17, 1938, commencing at 3.30 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 the sum of Rs. 474.76 and poundage, less Rs. 100.00, viz. :—

1. The portion of land called Kasturigewatta of 2 roods and 20 perches in extent and thereto adjoining Warakakosangewatta of about 5 lahas kurakkan sowing extent, situated at Olagama in Madure korale of Weudawili hatpattu in the District of Kurunegala, North-Western Province; and bounded on the north by the land mentioned in plan No. 101,584 and land formerly of Kiri Banda Vidane and now belonging to Punchirala Aratchi, east by Kaluwa Godayage Idama and the land formerly of Kiri Banda and now belonging to Punchirala Aratchi, south by endaru fence of Warakakosangewatta of Ranhamy, and west by the ditch together with the tiled house and all the houses, buildings, plantations, &c., standing thereon; and registered under A 380/2.

2. The contiguous lands called Dewatagahapitiya, Puswellanda, Olagamawela (said to be known as Olagamawela), Siyambalagahakotuwa, Kotuwekumbura, Bogahamulawatta and Bogahamulakamata, forming one property of 14 acres and 29 perches in extent, with the plantations, houses, &c., standing thereon, situated at Nahalla and Olagama in Madure korale aforesaid; and bounded on the north by the lands claimed by Nahalla Korala, Punchirala, Ranhamy and Kapurala, east by the lands claimed by Kapurala, Nahalla Korala, Mudiyanse, Ukku Rala, Kiri Banda Vidane, Kiri Banda and Ukkuwa, south by the lands claimed by Menikrala Kalu Etana and Kapurala and the land mentioned in plan No. 101,583, and west by the land claimed by Ukkurala, Kiri Banda, Kapurala, Rankira, Appu Singho, and Bandirala and the land mentioned in plan No. 101,580; and registered under A 380/3.

3. The land called Warakakosangewagakumbura of 3 pelas and 6 lahas paddy sowing extent, situated at Olagama aforesaid; and bounded on the east by high road and the fence of Imbulandakumbura, south by Kasturigewatta and the fence of the garden of Avenis Appu, west by Warakakosangewatta and the field of Hatana and Lapaya, and north by the garden of Hatana and the fence of Bogahamulawatta; and registered under A 379/216.

4. The high and low land called Warakakosangewadaha-kumbura of 2 pelas paddy sowing extent and all the

plantations, &c., standing thereon, situated at Olagama aforesaid; and bounded on the east and south by the field of Hatana and Lapaya, west by Warakakosangewatta and the fence of Anukkanayawela, and north by the fence of the garden of Leni; and registered under A 379/217.

5. The land called Edandagawakumbura of 2 pelas paddy sowing extent and thereto adjoining Dikliyaddekumbura of 2 pelas paddy sowing extent, situated at Olagama aforesaid; and bounded on the east by ela, south by the limitary ridge of the field of Ukkuhamy, west by the ridge of the field of PUNCHIRALA, and north by Welweta of Pitakotuwekumbura; and registered under A 379/218.

The above lands are subject to a usufructuary mortgage bond No. 116 dated March 17, 1936, and attested by F. M. Dheen, Notary Public, for Rs. 3,625.

Fiscal's Office, CHARLES DE SILVA,
Kurunegala, November 19, 1938. Deputy Fiscal.

Province of Uva.

In the District Court of Badulla.

P. R. N. Dorasamy of Swinton Estate in Kumugala. Plaintiff.

No. 6,572.

Vs.

Pena Rawenna Palaniyandi of Keenagoda. Defendant.

NOTICE is hereby given that on Wednesday, December 21, 1938, commencing at 2 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 properties, for the recovery of the sum of Rs. 594.26, with further interest on Rs. 326.96 at 18 per cent. per annum from June 4, 1937, till October 26, 1937, and thereafter with legal interest on the aggregate, till payment in full and costs of suit Rs. 133.70, viz. :-

1. An undivided one-fourth share of all that land called Dambakotewatta, containing in extent about 28 acres, situated at Yapamma in Pattipola korale in Yatikinda division in Badulla District of the Province of Uva; and bounded on the north by the boundary of Keenagodewatta, east by oya and boundary of Keenagodewatta, south by Keenagodewatta and oya, and west by the live fence of Sinna Lebbe's land, together with everything standing thereon.

2. An undivided one-fourth share of all that land called Kitulgollewatta, containing in extent about 2 acres, situated at Keenagodagama in Pattipola korale in Yatikinda division in Badulla District of the Province of Uva; and bounded on the north, east, and west by oya, and south by cart road, together with an undivided one-fourth share of the zinc-roofed building and everything standing thereon.

Fiscal's Office, T. J. MENDIS,
Badulla, November 21, 1938. Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Absolute in the First Instance declaring Will proved, &c.
Testamentary In the Matter of the Will and Testament Jurisdiction. of the late Charlis Dissanayake Appuhamy of Weralla in the Morawak korale of the District of Matara, deceased.

THIS matter coming on for final determination before W. Sansoni, Esq., District Judge of Colombo, on October 12, 1938, in the presence of Mr. A. Clive Abeyewardene, Proctor, on the part of the petitioner, Don Thepanis Madarasinghe of Weralla; and the affidavits of the said petitioner and of the attesting Notary dated October 8 and 7, 1938, having been read:

And it appearing to this court that the said petitioner has established his right thereto, it is ordered that probate of the will of the said deceased be issued to Don Thepanis Madarasinghe of Weralla in Matara District.

October 13, 1938.

W. SANSONI,
District Judge.

Date for showing cause against the *Order Absolute* is extended for December 1, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late T. Candiah of 85/8, Green No. 8,620. street, Colombo, deceased.

Candiah Nagammah of 85/8, Green street, Colombo. Petitioner.

And

(1) T. Vallapillai, widow of late Murugesu, (2) Sellamuttu, wife of Kitnapillai, and (3) Ponnammah, wife of Kailasepillai, all of Tellipalai East, Tellipalai Respondents.

THIS matter coming on for final disposal before W. Sansoni, Esq., District Judge of Colombo, on October 27, 1938, in the presence of Messrs. Perumalpillai & Son, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 24, 1938, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as 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 November 10, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 31, 1938.

W. SANSONI,
District Judge.

The date for showing cause against the above-mentioned *Order Nisi* is hereby extended to December 1, 1938.

November 16, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Muththettuwage Ensinna Perera No. 8,629. Hamine of Thimbirigasyaya road in Narahenpita in Colombo, deceased.

Nahalage Dona Nenuwathie Hamine, presently of Kirillanpitiya in the Pallepattu of Salpiti korale. Petitioner.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on November 2, 1938, in the presence of Mr. M. Oliver Fernando, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated October 25, 1938, having been read: It is ordered that the petitioner be and she is hereby declared entitled, as daughter of the above-named deceased, to have letters of administration to his estate issued to her, unless any person or persons interested shall, on or before December 1, 1938, show sufficient cause to the satisfaction of this court to the contrary.

November 23, 1938.

W. SANSONI,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the matter of the Intestate Estate of Jurisdiction. Paul Victor de Zilwa of 142/2, High No. 8637. street, Wellawatta in Colombo, deceased.

Florence de Zilwa of "Homestead", 142/2, High street, Wellawatta in Colombo. Petitioner.

And

(1) Paul William Murray de Zilwa, (2) Arthur Lorenze de Zilwa, (3) Allan Brian de Zilwa, (4) Pauline Florence de Zilwa, all of "Homestead", High street, Wellawatta, 2nd, 3rd, and 4th respondents are minors appearing by their guardian *ad litem* the 1st respondent above named Respondents.

THIS matter coming on for disposal before W. Sansoni, Esq., District Judge of Colombo, on November 10, 1938, in the presence of Mr. C. W. de Silva, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 10, 1938, having been read:

It is ordered (a) that the 1st respondent be and he is hereby appointed guardian *ad litem* of the minors the 2nd, 3rd, and 4th respondents above named to represent them for all the purposes of this action and (b) that the petitioner be and she is hereby declared entitled, as 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 December 1, 1938, show sufficient cause to the satisfaction of this court to the contrary.

November 21, 1938.

W. SANSONI,
District Judge.

28/ In the District Court of Colombo.
Order Nisi.
 Testamentary In the Matter of the Last Will and Testa-
 Jurisdiction. ment of Irvine James Weir of 7, Park-
 No. 8,639. stone avenue, Parkstone, in the Borough
 of Poole in the County of Dorset,
 deceased.

THIS matter coming on for disposal before W. Sansoni,
 District Judge of Colombo, on November 12, 1938, in the
 presence of Patrick Merle Duggan of Colombo, Proctor, on
 the part of the petitioner, Frederick Claude Rowan of
 Colombo; and the affidavit of the said petitioner dated
 November 10, 1938, a certified copy of probate, a certificate,
 copy of the last will and testament of the above-named
 deceased, power of attorney in favour of the petitioner and
 Supreme Court's Order dated November 3, 1938, having
 been read: It is ordered that the will of the said deceased
 dated January 25, 1936, of which a certified copy has been
 produced and is now deposited in this court, be and the same
 is hereby declared proved, and it is further declared that
 the said petitioner is one of the attorneys of the sole executrix
 named in the said will, and that he is entitled to have letters
 of administration with a copy of the said will annexed issued
 to him accordingly, unless any person or persons interested
 shall, on or before December 1, 1938, show sufficient cause
 to the satisfaction of this court to the contrary.

November 12, 1938.

W. SANSONI,
 District Judge.

30/ In the District Court of Colombo.
Order Nisi.
 Testamentary In the Matter of the Last Will and Testa-
 Jurisdiction. ment of Ada Jane Cameron (in the Will
 No. 8,640. called Ada Jane Mackenzie or Cameron),
 late of Platcock House, Fortrose, in the
 County of Ross and Cromarty, Scotland,
 widow, deceased.

THIS matter coming on for disposal before W. Sansoni,
 District Judge of Colombo, on November 12, 1938, in the
 presence of Patrick Merle Duggan of Colombo, Proctor, on
 the part of the petitioner, Frederick Claude Rowan of
 Colombo; and the affidavit of the said petitioner dated
 November 10, 1938, confirmation in favour of the executors,
 a certified copy of the last will and testament of the above-
 named deceased, power of attorney in favour of the
 petitioner and Supreme Court's Order dated November 3,
 1938, having been read: It is ordered that the will of the
 said deceased dated October 22, 1930, of which a certified
 copy has been produced, and is now deposited in this court,
 be and the same is hereby declared proved, and it is further
 declared that the said petitioner is one of the attorneys of
 the executors named in the said will, and that he is entitled
 to have letters of administration with a copy of the said
 will annexed issued to him accordingly, unless any person
 or persons interested shall, on or before December 8, 1938,
 show sufficient cause to the satisfaction of this court to the
 contrary.

November 12, 1938.

W. SANSONI,
 District Judge.

31/ In the District Court of Colombo.
Order Nisi.
 Testamentary In the Matter of the Intestate Estate and
 Jurisdiction. Effects of Hettiaratchige Simon Perera,
 No. 8,641. Proprietor of Fort Motor Works of 207,
 Temple road, Colombo, deceased.

Hettiaratchige Sirisena Perera of 207, Temple road,
 Colombo Petitioner.

And

- (1) Kariawasammilage Engeltina Perera of 207,
 Temple road, Colombo, (2) Hettiaratchige Soma-
 wathie Perera, (3) Hettiaratchige Wimalawathie
 Perera, (4) Hettiaratchige Dharmasena Perera,
 (5) Hettiaratchige Chandrasena Perera, (6) Hetti-
 aratchige Percy Perera, (7) Hettiaratchige Sam
 Perera, and (8) Hettiaratchige Padmini Perera, all
 minors also of 207, Temple road, Maradana,
 Colombo, 2nd to 8th are minors, appearing by their
 guardian *ad litem* the 1st respondent above-
 named Respondents.

THIS matter coming on for disposal before W. Sansoni,
 Esq., District Judge of Colombo, on November 14, 1938, in the
 presence of Mr. C. E. Jayanayake, Proctor, on the part
 of the petitioner above named; and the affidavit of the
 said petitioner dated November 12, 1938, having been read:

It is ordered (a) that the 1st respondent be and she is
 hereby appointed guardian *ad litem* of the minors, the 2nd

to 8th respondents above named to represent them for all
 the purposes of this action, and (b) that the petitioner be
 and he is hereby declared entitled, as eldest 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
 December 1, 1938, show sufficient cause to the satisfaction
 of this court to the contrary.

November 18, 1938.

W. SANSONI,
 District Judge.

31/ In the District Court of Colombo.
Order Nisi.
 Testamentary In the Matter of the Intestate Estate and
 Jurisdiction. Effects of Lily Jane Toussaint, late
 No. 8,642. of Hamer's avenue, Wellawatta in
 Colombo, deceased.

Travice Koch Toussaint of Hamer's avenue,
 Wellawatta, Colombo Petitioner.

And

- (1) Lindy Rosalind Toussaint of Hamer's avenue,
 Wellawatta, Colombo, (2) Muriel Leembruggen *nee*
 Toussaint of Bambalapitiya, Colombo, (3) Trevlyn
 Koch Toussaint of Hamer's avenue, Wellawatta,
 Colombo, (4) Rachel Leembruggen *nee* Toussaint
 of Kandy, presently in England, (5) Miriam Toussaint
 of Hamer's avenue, Wellawatta, Colombo .. Respondents.

THIS matter coming on for disposal before W. Sansoni,
 Esq., District Judge of Colombo, on November 14, 1938,
 in the presence of Mr. J. A. V. Modder, Proctor, on the
 part of the petitioner above named; and the affidavit of
 the said petitioner dated October 10, 1938, having been
 read:

It is ordered that the petitioner be and he is hereby
 declared entitled, as 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 December 1, 1938,
 show sufficient cause to the satisfaction of this court to the
 contrary.

November 17, 1938.

W. SANSONI,
 District Judge.

33/ In the District Court of Negombo.
Order Nisi declaring Will proved.
 No. 3,085 T. In the Matter of the Last Will and Testa-
 ment of Wickramasingha-appuhamillage
 Don Hendrick Appuhamy of Dissage-
 watta, deceased.
 Abeyasingha-aratchige Dona Rosaline Perera *alias*
 Abeyasingha-aratchige Dona Rosaline Wickrama-
 singha Hamina of Dissagewatta in Negombo
 District Petitioner.

Vs.

- (1) Wickramasingha-appuhamillage Nonnohamy of
 Godigomuwa, (2) ditto Babasingho Appuhamy of
 Hapuwalana, (3) ditto Podinona of Divulapitiya,
 (4) ditto Meththanona of Hemptagedera, (5) ditto
 Caronona of Eswella, (6) Abeyasingha-aratchige
 Marthina Perera of Dissagewatta Respondents.

THIS matter coming on for disposal before S. S.
 Jayawickrama, Esq., District Judge of Negombo, on
 November 4, 1938, in the presence of Messrs. Pathirathna
 & Suprayar, Proctors, on the part of the petitioner; and
 the petition and affidavit of the petitioners dated November
 4, 1938, and October 21, 1938, respectively; and the
 affidavit dated November 2, 1938, of L. S. W. Pathirathna
 and Heethaka Samaradewa, the attesting notary, and one
 of the attesting witnesses respectively, having been read:

It is ordered that the last will and testament of the above-
 named deceased, No. 367 dated June 18, 1938, attested by
 L. S. W. Pathirathna, Notary Public, the original of which
 has now been deposited in this court, be and the same is
 hereby declared proved, unless the respondents above
 named or any other person or persons interested shall on or
 before November 28, 1938, show sufficient cause to the
 contrary to the satisfaction of this court.

It is further ordered that the petitioner above named,
 be and she is hereby declared entitled, as executrix named in
 the said last will, to have probate to same to her, unless the
 respondents above named or any other person or persons
 interested, shall, on or before November 28, 1938, show
 sufficient cause to the satisfaction of this court to the
 contrary.

November 4, 1938.

S. S. JAYAWICKRAMA,
 District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Muna Pena Reena Ana Anjappa Kon No. T. 68. *alias* Muna Ana, Anjappa Kon *alias* Ana Anjappa Kon, deceased, of Civil Hospital, Kandy.

THIS matter coming on for disposal before George Crossette Chambiya, Esq., District Judge, Kandy, on November 10, 1938, in the presence of Messrs. Beven & Beven, Proctors, on the part of the petitioner, Ana Lana Alagappa Kon; and the affidavit of the said petitioner dated November 2, 1938, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the son-in-law of the above-named deceased, to have letters of administration to the estate of the deceased issued to him, unless the respondents—(1) Kunna Konar's daughter, Nallalagi, (2) Anjappa Kon's daughter, Anjammai, (3) Anjappa Kon's son, Anjappan, (4) Vena Kuna Adaikappa Kon, the 1st and 2nd of Verapoor Puduoor in Tiruppatoor Taluga Ramnad District, South India, and the 3rd and 4th of Pussellawa—or any other person or persons interested shall, on or before December 15, 1938, show sufficient cause to the satisfaction of this court to the contrary.

November 10, 1938. G. C. THAMBIYAH, District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Katapodi Arachchige Sadiris de Silva, No. 1,284. late of Waharakgoda, deceased.

Katapodi Arachchige Samuel de Silva of Waharakgoda Petitioner.

(1) Wirithamulle Gamage Loncheyhamy of Waharakgoda, (2) Katapodi Arachchige Luyinona of Dondra, (3) Katapodi Arachchige Podinona of Talpe; (4) Katapodi Arachchige Saradias Silva, (5) Katapodi Arachchige Nandawathie, (6) Katapodi Arachchige Punci Nona, (7) Katapodi Arachchige Pemawathie, (8) Katapodi Arachchige Somawathie, (9) Katapodi Arachchige Sirisena, (10) Katapodi Arachchige Sumanawathie (minors), all of Waharakgoda Respondents.

THIS action coming on for disposal before H. J. V. S. Jayawikrama, Esq., District Judge of Tangalla, on October 6, 1938, in the presence of Mr. D. P. Atapattu, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated January 10, 1938, having been read: It is ordered that the petitioner above named be and he is hereby declared entitled, as the eldest son to have letters of administration to the estate of the deceased issued to him, unless the respondents above named or any other person or persons interested shall, on or before October 31, 1938, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent above named be and she is hereby appointed guardian *ad litem* over the 4th to 10th minor respondents for all the purposes of this action, unless the respondents above named or any other person or persons interested shall, on or before October 31, 1938, show sufficient cause to the satisfaction of this court to the contrary.

October 6, 1938. V. S. JAYAWIKRAMA, District Judge.

The above *Order Nisi* extended for December 1, 1938.

October 31, 1938. V. S. JAYAWIKRAMA, District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. the late Annappillai, wife of Ambalavanar Arumugam of Maviddapuram, deceased.

Thampu Veluppillai of Maviddapuram Petitioner.

Vs.

(1) Sangarappillai Kasippillai of Maviddapuram, (2) Thampu Suppramaniam of ditto, (3) Kanthappillai Vinasithamby and wife, (4) Sinnathangam, both of Copay, (5) Kanagapackiam, daughter of Vairavy Thampu of Maviddapuram, (6) Vairavy Thampu of ditto, (7) Ambalavanar Arumugam of ditto Respondents.

THIS matter of the petition of the petitioner coming on for disposal before C. E. A. Samarakkody, Esq., District

Judge, Jaffna August 2, 1938, in the presence of Mr. S. Ilayatambi Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated August 1 and 2, 1938, respectively, having been read:

It is ordered that the above-named 6th respondent be appointed guardian *ad litem* over the above-named 5th respondent (minor), and the petitioner as an heir and a nephew of the said deceased be declared entitled to have letters of administration to the estate of the said deceased, and that the same be issued to him accordingly, unless the respondents or any other person shall, on or before September 16, 1938, appear before this court and show sufficient cause to the satisfaction of this court to the contrary.

August 4, 1938. C. E. A. SAMARAKKODY, District Judge.

Order Nisi extended for December 2, 1938.

October 28, 1938. C. COOMARASWAMY, District Judge.

In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late Jurisdiction. Nagan Sinnathamby of Chunnakam, No. 634. deceased.

Paramanayagam, widow of Nagan Sinnathamby of Chunnakam Petitioner.

(1) Theivanai, widow of Thavithan, (2) Nagan Vairavan, and wife (3) Sivakamj, all of Chunnakam .. Respondents.

THIS matter of the petition of the above-named petitioner, coming on for disposal before C. E. A. Samarakkody, Esq., Additional District Judge, Jaffna, on August 5, 1938, in the presence of Mr. T. S. Kanagaratnam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated August 5, 1938, having been read:

It is ordered that letters of administration in respect of the estate of the above-named deceased be issued to the petitioner, as she is the lawful widow of the deceased, unless the said respondents shall appear before this court on September 30, 1938, and show cause to the contrary.

August 30, 1938. C. COOMARASWAMY, District Judge.

Extended to September 30, 1938.

Extended to November 4, 1938:

Extended to December 19, 1938.

C. C.,
D. J.

C. C.,
D. J.

C. C.,
D. J.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Subramaniam Ponniah of Uduvil, No. 640. deceased.

Pasupathy Ponniah, widow of Subramaniam Ponniah of Uduvil Petitioner.

(1) Ponniah Selvanayagam of Kuala Lumpur, (2) Sukirtham, daughter of Ponniah of Uduvil, (3) Ponniah Ariyanayagam of ditto, (4) Ponniah Satkunasingam of ditto, (5) Vijeyaladchumy, daughter of Ponniah of ditto, (6) Padmawathy, daughter of Ponniah, (7) Poothathamby Sanmugam of Sandirupay Respondents.

THIS matter coming on for disposal before C. E. A. Samarakkody, Esq., Additional District Judge, Jaffna, on August 22, 1938, in the presence of Mr. S. V. Chinniah, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated August 8, 1938, having been read: It is ordered that the 7th respondent be appointed guardian *ad litem* over the minors the 1st to 6th respondents for the purpose of representing them and of acting on their behalf in this case, and that the petitioner be declared entitled to take out letters of administration to the estate of the

deceased, as his lawful widow, unless the respondents shall appear before this court on September 23, 1938, and show sufficient cause to the satisfaction of this court to the contrary.

C. COOMARASWAMY,
District Judge.

September 5, 1938.

The *Order Nisi* is extended to December 2, 1938.

16/ In the District Court of Jaffna.

Order Nisi.

No. 645 T. In the Matter of the Estate of the late Alice Muttamma Kantaya of Van East.

THIS matter of the petitioner, A. J. K. Selvaratnam, praying that letters of administration to the estate of the above-named deceased, coming on for disposal before C. Coomaraswamy, Esq., District Judge, Jaffna, in the presence of Mr. C. T. Kumarasamy, Proctor, it is ordered that letters of administration to the estate of the said deceased be issued to petitioner, as her sole heir, unless the respondents shall show sufficient cause to the contrary on October 26, 1938.

C. COOMARASWAMY,
District Judge.

September 19, 1938.

Order Nisi extended for December 2, 1938.

25/ In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Thaiyalnayagam, wife of Nagamany No. 8,611. Kanapathipillai of Thirunelvely West, deceased.

Thambu Sabaratnam of Thirunelvely West. . . . Petitioner.

Vs.

- (1) Kanapathipillai Selvaratnam (minor) and
(2) Nagamany Kanapathipillai of Thirunelvely West, the 1st is a minor appearing by his guardian *ad litem* the 2nd respondent Respondents.

THIS matter coming on for disposal before S. Rodrigo, Esq., Acting District Judge, Jaffna, on April 12, 1935, in the presence of Mr. J. M. T. Cooke, Proctor, for the petitioner:

It is ordered that letters of administration be issued to the petitioner, unless the respondents show sufficient cause to the satisfaction of this court to the contrary on May 27, 1935.

C. COOMARASWAMY,
District Judge.

May 14, 1935.

Time to show cause extended to November 30, 1938.

Intd. C. C.
District Judge.

In the District Court of Chilaw.

Order Nisi.

30/ Testamentary In the Matter of the Intestate Estate of No. 2,228. the late Rajapakse Mudalige Punchappahmy (deceased), of Paluwegala.

Rajapakse Mudalige Alwis Appuhamy, Police Headman of Paluwegala Petitioner.

And

- (1) Abeysinghe Mudalige Punchi Etana (widow) of Paluwegala, (2) Rajapakse Mudalige James Singho Appuhamy of Kaluwila, Anuradhapura, (3) Rajapakse Mudalige Manelhamy of Maningala, (4) Rajapakse Mudalige Gunarathnam of Atiyawal, (5) Rajapakse Mudalige Nonohamy of Paluwegala, (6) Rajapakse Mudalige Dingirimenikhamy of Mahawewa Respondents.

THIS matter coming on for disposal before M. A. Samarakoon, Esq., District Judge of Chilaw, on November 9, 1938, in the presence of Mr. Albert F. Peries, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 7, 1938, 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 the estate of the said deceased, issued to him, unless the above-named respondents or any other person or persons interested shall, on or before December 9, 1938, show sufficient cause to the satisfaction of this court to the contrary.

M. A. SAMARAKOON,
District Judge.

November 9, 1938.

32/ In the the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Olugala Bellangamage James Singho of No. 1,061. Beranduwa, deceased.

Karawita Dawulkarage Missinona of Beranduwa Petitioner.

And

- (1) Olugala Bellangamage Dharmasena, (2) Olugala Bellangamage Dharmadasa, (3) Olugala Bellangamage Dharmawathi, minors, all of Beranduwa, by their duly appointed guardian *ad litem* (4) Karawita Dawulkarage Goonasinghe of Elapata. Respondents.

THIS matter coming on for disposal before L. H. de Alwis, Esq., District Judge of Ratnapura, on February 2, 1938, in the presence of Mr. W. Jayawardena, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 9, 1935, having been read:

It is declared that the said petitioner above named is the widow of the deceased above named and that she is entitled to have letters of administration to the estate of the said deceased, issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 7, 1938, show sufficient cause to the satisfaction of this court to the contrary.

February 2, 1938.

L. H. DE ALWIS,
District Judge.

The foregoing *Order Nisi* is extended for November 29, 1938.

L. H. DE ALWIS,
District Judge.