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DRAFT ORDINANCES

MINUTE

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

L.D.—O 25/39

An Ordinance to provide for the registration of mosques and the election of trustees of mosques, to prescribe the powers, duties and functions of such trustees, to amend and consolidate the law relating to Muslim charitable trusts or *wakfs*, and to make provision for matters connected with or incidental to the matters aforesaid

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An Ordinance to provide for the registration of mosques and the election of trustees of mosques, to prescribe the powers, duties and functions of such trustees, to amend and consolidate the law relating to Muslim charitable trusts or *wakfs*, and to make provision for matters connected with or incidental to the matters aforesaid

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

Short title
and date of
operation

1. This Ordinance may be cited as the Muslim Mosques and Charitable Trusts Ordinance, No. of 1941, and shall come into operation on such date (hereinafter referred to as "the appointed date") as the Governor may appoint by Proclamation published in the *Gazette*

PART I*Appointment, Duties, etc., of Advisory Board*

Constitution
of Advisory
Board

2 (1) For the purposes of this Ordinance, there shall be an Advisory Board consisting of the Public Trustee as Chairman, and of seven other members appointed by the Governor

(2) No person, other than a Muslim, shall be eligible for appointment by the Governor as a member of the Advisory Board

(3) Every person who is appointed by the Governor to be a member of the Advisory Board shall, unless he earlier vacates the office or is removed therefrom by the Governor, hold office for a period of three years from the date of his appointment. Every member vacating the office by effluxion of time shall be eligible for re-appointment

Duties of
Advisory
Board

3 (1) It shall be the duty of the Advisory Board—

- (a) to perform all such duties as may be imposed on the Board by or under this Ordinance,
- (b) to advise the Public Trustee on all such matters as may be referred by him to the Board for advice,
- (c) generally to advise and assist the Public Trustee in the exercise, performance and discharge of the powers, duties and functions vested in, imposed upon or assigned to the Public Trustee by or under this Ordinance

(2) Regulations may be made for the conduct of business by the Advisory Board and prescribing the procedure to be followed at meetings of the Board Subject to such regulations, the Board may regulate its own procedure

(3) In the absence of the Public Trustee from any meeting of the Advisory Board, a person appointed to be or to act as a deputy to the Public Trustee shall preside at that meeting and shall for the purpose of the meeting, be deemed to be a member of the Board

(4) Regulations may be made authorising the payment of the travelling expenses of members of the Board, and prescribing the scales according to which such payments may be made

PART II

Registration of Mosques

4 Subject as hereinafter provided, the provisions of this Part shall apply to every mosque in Ceylon, the annual income of which is not less than one hundred rupees

Provided, however, that nothing in this Part shall apply in the case of—

- (a) the Maradana Mosque referred to in the Maradana Mosque Ordinance, or
- (b) any other mosque which may for the time being be exempted by the Governor by Proclamation published in the *Gazette* from the provisions of this Part

5 The person for the time being in charge of any mosque the annual income of which is not less than one hundred rupees, or any person for the time being in charge of any property belonging or otherwise appertaining to or appropriated for the use of any such mosque or any person holding any property in trust for any such mosque may apply to the Public Trustee for the registration of that mosque under this Ordinance

6 The Public Trustee may, where he has reason to believe that the annual income of any mosque is not less than one hundred rupees, by notice served in the prescribed manner call upon any person for the time being in charge of the mosque or of any property belonging or otherwise appertaining to the mosque, or any person holding any property in trust for the benefit of the mosque, to furnish to the Public Trustee, before such date as may be specified in the notice, all such information relating to the mosque or to the annual income thereof as the Public Trustee may require

7 (1) Upon application made to him in that behalf under section 5 or upon receipt by him of any information under section 6, in respect of any mosque, the Public Trustee shall register the mosque if he is satisfied, after such inquiry as he may deem necessary and after consultation with the Advisory Board, that the annual income of the mosque is not less than one hundred rupees

(2) Where application for the registration of any mosque is made under section 5, the Public Trustee shall not refuse to register that mosque except after consultation with the Advisory Board

8 (1) The Public Trustee shall maintain or cause to be maintained a Register of Mosques in the prescribed form containing all such particulars as may be prescribed relating to registered mosques and to the property belonging or otherwise appertaining to or appropriated for the use of such mosques

(2) The Register of Mosques shall, on payment of the prescribed fee, be open to inspection by any person at any time during which the office of the Public Trustee is open for the transaction of business

PART III

Election of trustees of registered mosques, registration of congregations, etc

9 (1) There shall be for every registered mosque a trustee elected from time to time at a meeting of the members of the congregation of the mosque in accordance with the provisions of this Ordinance

(2) Every person elected to be the trustee of any registered mosque shall, unless he earlier vacates the office or is suspended or removed therefrom under the provisions of this Ordinance, hold office for a period of three years commencing on the date of his election

Provided, however, that—

- (a) any such person retiring from office by effluxion of time shall be eligible for re election,

Mosques to which Part II shall apply

Cap 241

Application for registration of mosque

Power to call for information as to mosques and income of mosques

Registration of mosques

Register of Mosques

Trustees to be elected for all registered mosques

(b) any person elected in place of a trustee retiring from office by effluxion of time shall hold office for a period of three years from the date of the retirement of that trustee

(3) In any case where the person elected to be the trustee of a registered mosque refuses to accept office, or dies or vacates the office, or is removed therefrom under the provisions of this Ordinance, a new trustee shall be elected for that mosque in accordance with the provisions of this Ordinance

(4) Subject as hereinafter provided, every meeting for the election of the trustee of a registered mosque in place of a person who is due to retire from office by effluxion of time shall be held at some time during the period of three months immediately preceding the date of such retirement

Provided, however, that nothing in the preceding provisions of this sub section shall be deemed to prevent the Public Trustee from fixing any later date for such meeting or to invalidate any election held on any date so fixed

Qualifications
for election
as trustee

10 (1) No person shall be eligible for election as the trustee of a registered mosque unless—

(a) he is for the time being registered as a member of the congregation of the mosque, and

(b) he is the owner of immovable property of the value (after allowing for any mortgage debts thereon) of not less than one thousand rupees, or is in receipt of a clear annual income of not less than five hundred rupees

(2) No person shall be eligible for election as the trustee of a registered mosque, or, if so elected, shall act as trustee—

(a) if he is employed in the Government service, or

(b) if he has previously been removed under this Ordinance from the office of trustee of any registered mosque, or

(c) if he is under the age of twenty-one years or over the age of sixty-five years, or

(d) if he has been convicted of any crime within the meaning of the Prevention of Crimes Ordinance

Cap 18

Preparation
and revision of
registers of
congregations
of mosques

11 (1) The Public Trustee shall, as soon as may be after the date on which any mosque is registered under this Ordinance, cause a register to be prepared containing the names of the members of the congregation of the mosque

(2) For the purpose of advising and assisting him in the preparation of the register of the members of the congregation of any registered mosque, the Public Trustee may appoint a registration committee consisting of not more than three persons who are, in the opinion of the Public Trustee, entitled to be registered under the provisions of this Ordinance as members of that congregation

(3) For the purpose of the preparation under this section of the register of the members of the congregation of any registered mosque, the Public Trustee shall, by notice published in the prescribed manner, fix a date for the commencement of the preparation of the register and call upon all persons desirous of being registered as members of that congregation to make application for the purpose before the date so fixed

(4) The register of the members of the congregation of a registered mosque shall be revised before each occasion on which an election (other than the first election) of a trustee of that mosque is held under this Ordinance, and the Public Trustee shall for the purpose of such revision, by notice published in the prescribed manner, specify the period during which applications for registration as members of that congregation may be made to the Public Trustee

Application for
registration as
a member of a
congregation

12 (1) Every application for the registration of any person as a member of the congregation of a registered mosque shall—

(a) be made to the Public Trustee in writing in the English, Sinhalese or Tamil language on a form provided by the Public Trustee for the purpose,

(b) be signed by the applicant, or have affixed thereto the impression of the left thumb of the applicant,

(c) contain such particulars as may be prescribed, and

(d) specify the paragraph of section 13 (2) under which the applicant claims to be qualified for registration

(2) No person shall, at any time before the first election held under this Ordinance of the trustee of any registered mosque, be registered as a member of the congregation of that mosque, unless application has been duly made by that person for the purpose before the date fixed by notice under section 11 (3) for the commencement of the preparation of the register relating to that mosque

(3) No person shall, at any time after the first election held under this Ordinance of the trustee of any registered

mosque, be registered as a member of the congregation of that mosque, unless application has been duly made by that person for the purpose during such period as may be specified in that behalf in any notice published under section 11 (4)

(4) Where application is made under sub-section (1), by any person who claims to be eligible for election as the trustee of any mosque, the application shall contain all such particulars as may be prescribed relating to his eligibility for election as such trustee

13 (1) No person shall be qualified to be registered as a member of the congregation of any registered mosque unless—

Qualifications
for registration

- (a) that person is a Muslim of the male sex and has attained the age of eighteen years, and
- (b) he has, at some time during the period of twelve months immediately preceding the date of his application, contributed a sum of at least twenty five cents to the funds of that mosque

(2) No person shall be qualified to be registered as a member of the congregation of any registered mosque unless—

- (a) he was born in the area within the administrative limits of the Municipality, town or village in which mosque is situated, or
- (b) he was married in that area, or
- (c) he carries on business in that area

Provided, however, that where any person is registered for the time being as a member of the congregation of any mosque by reason of the fact that he is qualified under any one of the paragraphs (a), (b) and (c) to be so registered, that person shall not be qualified, under that one of those paragraphs, to be registered as a member of the congregation of any other mosque

(3) For the purpose of sub-section (2), "town" means any town as defined in section 258 of the Urban Councils Ordinance, No 61 of 1939, and includes any town or village which is for the time being under the operation of the Local Boards Ordinance or the Sanitary Boards Ordinance

Cap 196
Cap 197

14 The name of every person who is under section 10 eligible for election as the trustee of any registered mosque shall be marked in the register of the members of the congregation with such mark (hereinafter referred to as "the special qualification mark") as may, in the opinion of the Public Trustee, be sufficient to indicate that that person is eligible for election as trustee of that mosque

Special
qualification
mark

15 (1) Where notice has been published under section 11 (4), for the purposes of the revision of the register relating to any mosque, the Public Trustee, if he is satisfied that any person whose name is on that register—

Removal of
names from
register, etc

- (a) has not, during the period of twelve months immediately preceding the date of the publication of the notice, contributed a sum of at least twenty-five cents to the funds of that mosque, or
- (b) had claimed in his application for registration to be qualified under paragraph (c) of section 13 (2), and has ceased to be so qualified, or
- (c) has requested in writing that his name be removed from the register,

shall remove the name of that person from the register

(2) Where notice has been published under section 11 (4) for the purposes of the revision of the register relating to any mosque, the Public Trustee, if he is satisfied that any person whose name has been marked in the register with the special qualification mark is not eligible for election as trustee of that mosque, shall alter the register by the removal of that mark

16 (1) The Public Trustee shall, before any date is fixed under section 18 for any meeting of the members of the congregation of any mosque, give public notice in the prescribed manner—

Claims and
objections
relating to
register of
congregation

- (a) that an election is due to be held,
- (b) that the register of the members of the congregation of that mosque will be open for inspection during office hours at such place as may be specified in the notice,
- (c) that at a time and date specified in the notice, (not being earlier than one month after the date of the publication of the notice), an inquiry will be held for the purpose of hearing all claims for the insertion of any name in the register or the marking of any name with the special qualification mark, and of all objections to any name included therein, or to the marking of any such name with the special qualification mark

(2) The Public Trustee or some person authorised by him in that behalf in writing shall attend at the time and place indicated in the notice published under sub section (1) and decide on all claims and objections referred to in that sub-section in a summary manner after such inquiry as he may deem necessary, either on that date or within the period of fourteen days next succeeding that date

(3) No claim made by any person for the insertion of his name in the register or for the marking of his name with the special qualification mark, shall be entertained unless application has been duly made in that behalf by that person in accordance with the provisions of section 12

(4) For the purpose of deciding upon any claim or objection under this section, the Public Trustee or the person authorised by him in that behalf under sub-section (2) may administer an oath or affirmation, and any person knowingly making any false statement upon such oath or affirmation shall be guilty of an offence and shall be liable to a fine not exceeding fifty rupees

(5) The decision of the Public Trustee or of the officer authorised by him for the purpose, upon any claim or objection shall be final

(6) Upon the determination of all claims and objections made under this section in respect of any register, the Public Trustee shall make or cause to be made in the register all such corrections, alterations or insertions as may be necessary, shall certify the register to be correct and shall cause copies of the register to be exhibited at his office and at the mosque to which the register relates and at such other places as may be prescribed

(7) Nothing in this section shall apply in any case to which section 20 applies

Register to be conclusive for purposes of elections.

17 Where notice has been published under section 16 that an election of the trustee of any mosque is due to be held, the register relating to that mosque, when certified under that section by the Public Trustee shall for the purposes of that election be final and conclusive and be the sole evidence—

(a) of the due qualification of each of the persons whose names are included therein to vote at that election and

(b) of the due qualification of each of the persons whose names are marked therein with the special qualification mark to be a candidate for election

Date for holding elections

18 (1) Every meeting of the members of the congregation of any registered mosque for the purpose of the election of a trustee for that mosque shall be held on such date and at such time and place as may be fixed by the Public Trustee by notice in that behalf published in the prescribed manner. The date fixed in any such notice shall be a date not earlier than one month after the date of the publication of the notice

(2) The date of any meeting for the election of the trustee of any mosque shall not be fixed under sub section (1) until a notice that the election is due to be held has been published in accordance with the provisions of section 16 and the register of the members of that congregation has been duly certified under that section

Procedure, etc., at meetings for election of trustees

19 (1) The Public Trustee or some person authorised by him in writing in that behalf shall preside at every meeting held for the election of a trustee of any mosque

(2) No person shall be entitled to vote at any meeting held for any election unless his name is included in the register which is declared by section 17 to be conclusive for the purposes of that election

(3) No person shall be entitled to be a candidate at any such election—

(a) unless his name is included in the register which is declared by section 17 to be conclusive for the purposes of that election, and is marked on that register with the special qualification mark,

(b) unless his name is proposed for election by a person entitled to vote at that election, and the proposal is seconded by another person so entitled

(4) Where the name of one person only is proposed for election and seconded, the Public Trustee or other person presiding at the meeting shall declare that person to be elected

(5) Where the names of two or more persons are proposed for election and seconded, the meeting shall proceed to elect the trustee by secret ballot

(6) Regulations may be made providing for the procedure to be observed at meetings held for the election of trustees of mosques, and for the conduct of ballots at such meetings

Such regulations may contain, *inter alia*, such provisions as may be necessary for the purpose of securing that no candidate shall be elected unless he obtains an absolute majority of the votes cast at any ballot

20 In any case where no candidate is duly proposed for election as the trustee of a mosque, or where by reason of any failure or neglect, an election is not held or is found not to have been duly held, or where any person declared to be elected at any such election is subsequently found not to have been duly elected, or fails to give security in accordance with the provisions of section 22, the Public Trustee shall as soon as may be thereafter, declare any election that may have been held to be null and void, and shall hold another election in the manner hereinbefore provided, and the register which is declared by section 17 to be conclusive for the purposes of the election which was not so held or which is declared to be null and void, shall, notwithstanding anything to the contrary in this Ordinance, be conclusive for the purposes of the other election held in pursuance of the provisions of this section

Special provision for cases of irregular elections, etc

21. (1) In the case of the refusal of the trustee of any registered mosque to accept office or of the death, vacation of office, incapacity, disqualification, suspension or removal from office of any such trustee, it shall be lawful for the Public Trustee to make provisional arrangements for the performance of the duties of the office pending the election of a successor to such trustee, and to appoint any person to act as trustee pending such election

Provisional appointment of trustee during vacancy, etc

(2) Any person appointed under sub section (1) to act as the trustee of any registered mosque shall have all the powers, and be bound to perform the duties, of a trustee elected under this Ordinance

(3) The Public Trustee shall not appoint any person to act as the trustee of any registered mosque except after consultation with the Advisory Board

Property, powers and duties of trustees, legal proceedings, etc

22 (1) Every trustee of a registered mosque shall, before entering upon or carrying out the duties and functions of his office, give such security for the due exercise, discharge and performance of the powers, functions and duties of a trustee as the Public Trustee may in each case direct

Trustee to give security

Provided that the Public Trustee may authorise any such trustee in writing under his hand to exercise, discharge or perform such powers, duties or functions before giving such security

(2) Any trustee who fails within three months of his election to give security as hereinbefore provided shall be deemed to have vacated his office, and the provisions of sections 20 and 21 shall apply accordingly

(3) Any person who exercises, discharges or performs, or attempts to exercise, discharge or perform the powers, functions or duties of the trustee of a registered mosque before giving security as hereinbefore provided, shall, unless specially authorised in that behalf by the Public Trustee, be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five hundred rupees

23 Every trustee of a registered mosque shall, to the extent authorised by the provisions of this Ordinance, be subject to the general supervision and control of the Public Trustee

General control by Public Trustee

24 (1) All property whatsoever, movable and immovable, belonging or in any wise appertaining to or appropriated to the use of any registered mosque, or held in trust by or in the name of any person or persons exclusively for the benefit of the registered mosque, together with all the issues, rents, moneys and profits of such property, and all offerings or contributions made for the use of the mosque or to the funds of the mosque or for the performance of religious ceremonies at the mosque shall vest in the trustee for the time being elected for that mosque under this Ordinance, subject, however, to any leases, charges and incumbrances already affecting any such property

Vesting of property in trustee

(2) Where any property which is vested by sub section (1) in the trustee of any mosque is subject to any trust, the trustee of the mosque shall, as far as may be, hold such property subject to all such terms, conditions and restrictions as may be imposed by the instrument of trust

25 All contracts made at any time before the first election of a trustee for any registered mosque in favour of that mosque or of any person on behalf of the mosque, may, notwithstanding that such contracts may have been made before the appointed date, be enforced by the trustee so

Enforcement of contracts, etc, made prior to first election of trustee

- electd, as though such contract had been made by him, and all persons who, at the date of such election owe any moneys to the mosque or to any person on behalf of the mosque shall be bound to pay such moneys to the trustee so elected
- 26** (1) It shall be the duty of the trustee of a registered mosque, if the Public Trustee by writing under his hand so directs, to deposit all moneys received as income of the mosque in a separate account in a bank approved by the Public Trustee
- (2) The bank pass books of any such account shall be open for inspection by the auditor referred to in section 36, or by any officer authorised in that behalf by the Public Trustee
- (3) Where any direction has been issued by the Public Trustee under sub-section (1) to any trustee for the deposit of any moneys in an account in a bank, the trustee shall not retain in his possession at any time any such moneys in excess of the sum of one hundred rupees
- 27** The income of a registered mosque may, with the sanction of the Public Trustee, be appropriated by the trustee of the mosque for any of the following purposes—
- the proper repair, maintenance and upkeep of the mosque and of the roads, buildings and premises belonging thereto,
 - the maintenance of the priests and ministerial officers attached to the mosque,
 - the due performance of religious worship and of all customary religious observances ordinarily performed in the mosque,
 - the promotion of religious or secular education at any school maintained in connexion with the mosque and the relief of poor students at any such school,
 - the relief of the poor, the giving of alms in accordance with custom and the burial of poor persons,
 - the remuneration of the trustee and the payment of all expenses incurred by the trustee in carrying out or giving effect to the provisions of this Ordinance,
 - the payment of compensation awarded under section 29 or section 31 and the payment of all fees due under this Ordinance in respect of that mosque,
 - any other purposes which may be approved by the Public Trustee in writing under his hand, after consultation with the Advisory Board
- 28** No mortgage, sale or other alienation of any immovable property which by section 24 is vested in the trustee of a registered mosque shall be valid or of any effect in law
- Provided, however, that nothing in the preceding provisions of this section shall be deemed to invalidate any sale in execution of any decree of a competent court if the writ for the seizure thereof was issued after written notice of three months to the Public Trustee
- 29** (1) Where the Public Trustee is satisfied—
- that any immovable property belonging to or held in trust for any mosque has, before the first election under this Ordinance of a trustee of that mosque been mortgaged, sold or alienated to the detriment of that mosque, or
 - that any immovable property which is vested by section 24 in the trustee of a registered mosque has been mortgaged, sold or alienated contrary to the provisions of this Ordinance,
- it shall be the duty of the Public Trustee to direct the trustee of the mosque to institute legal proceedings to set aside the mortgage, sale or alienation and to recover possession of the property
- Provided, however, that in the absence of collusion between the parties, the court, in setting aside any such mortgage, sale or alienation, shall award compensation to the mortgagee, vendee or alienee for any permanent improvements made by him to or upon such property
- (2) If the trustee of any registered mosque fails or neglects to institute or prosecute proceedings in accordance with any direction issued by the Public Trustee under sub-section (1), the Public Trustee or any other person authorised in that behalf in writing under the hand of the Public Trustee shall be entitled to institute or prosecute such proceedings
- 30** (1) It shall be lawful for the trustee of a registered mosque from time to time to lease all or any of the immovable property vested in him by section 24 for such rent and upon such conditions as he may deem reasonable
- Provided, however, that—
- no such property which is more than five acres in extent or which is of a value exceeding five hundred rupees

Deposit of mosque moneys in approved bank

Application of income of mosques

Mortgage or alienation of immovable property to be invalid

Recovery of property improperly alienated

Power to lease mosque property

shall be leased for a period of more than one year except with the prior approval of the Public Trustee, and

(b) no lease shall be granted under this section for any period exceeding ten years,

(c) no such lease shall be granted in favour of the trustee

(2) Any lease granted in contravention of the provisions of sub section (1) shall be null and void and of no effect in law

31 (1) A competent court may, if satisfied upon application made in that behalf by the trustee of a registered mosque, or by any person authorised in that behalf by the Public Trustee in writing, that any immovable property has been leased in contravention of the provisions of section 30—

Cancellation
of leases

(a) set aside the lease and restore possession of the property to the trustee, or

(b) alter or modify the conditions upon which the lease was granted

(2) Every application under sub-section (1) shall be made by way of summary procedure, unless the court otherwise directs

(3) The court which sets aside any lease under this section shall, where it is satisfied that there has been no collusion between the parties to the lease, award compensation to the lessee for permanent improvements effected by him in or upon the property

32 (1) In any case where any person who has vacated or is removed from the office of trustee of a registered mosque from any cause whatsoever under the provisions of this Ordinance, refuses or neglects to deliver any property held or possessed by him for or on behalf of the mosque, the trustee for the time being of that mosque or any other person authorised in writing in that behalf by the Public Trustee, may make application to a competent court by way of summary procedure for a writ for the delivery of possession of such property to the applicant

Recovery of
possession of
property from
trustee vacating
office

(2) Upon the hearing of any application under sub-section (1) the court may issue its writ to the Fiscal or Deputy Fiscal and give possession of the property, in like manner as though the writ were issued in the execution of a decree of the court

(3) For the purposes of any application under this section, a certificate under the hand of the Public Trustee to the effect that any person has vacated or been removed from the office of trustee shall be conclusive evidence of the facts stated in the certificate

33 (1) It shall be lawful for the trustee of any registered mosque to sue as the trustee of that mosque for the recovery of any property vested in him under this Ordinance or of the possession thereof or for any other purpose connected with or incidental to the exercise and discharge of the powers and duties vested in or imposed upon him by this Ordinance

Trustee may
sue and be
sued as such

(2) The trustee of a registered mosque may be sued as the trustee of that mosque, but shall not be personally liable in costs for any act *bona fide* done by him for the purpose of carrying out the provisions of this Ordinance

34 It shall be the duty of the trustee of a registered mosque—

Duty of trustee
to keep
accounts and
inventory

(a) to keep in such form as the Public Trustee may direct full and detailed accounts of the income of the mosque and of all expenditure incurred by him under section 27,

(b) to keep in such form as the Public Trustee may direct an inventory of all property for the time being vested in the trustee by section 24, and

(c) to make such accounts and inventory available for inspection at any reasonable time during the day by the Public Trustee or any person authorised by him in writing for the purpose

35 (1) It shall be the duty of the trustee of a registered mosque—

Half yearly
statements of
accounts to be
sent to Public
Trustee

(a) to prepare in duplicate in such form as the Public Trustee may direct a statement of the accounts of the mosque for each half year ending on the thirtieth day of June and the thirty first day of December, and to sign a declaration at the end thereof that the accounts are true and correct,

(b) to transmit the statement to the Public Trustee before the expiry of a period of thirty day after the end of the half year to which the accounts relate, and

(c) to exhibit the statement for a period of thirty days in a conspicuous position in the premises of the mosque

(2) Every statement of accounts furnished under sub-section (1) shall be in the language in which the accounts of the mosque are usually kept

Provided, however, that the Public Trustee may, in any case where the statement is in any language other than English, call upon the person by whom the statement was furnished, to transmit to the Public Trustee a translation in English of such statement

Audit of accounts

36 (1) The Public Trustee may cause any statement of accounts furnished to him under section 35 to be audited by an officer of the Public Trustee's Department or by any other person authorised by him for the purpose

(2) Where any statement of accounts is audited by an officer of any Department of Government, it shall be the duty of the trustee to pay to the Public Trustee a fee the amount of which shall be determined in accordance with such scales as may be prescribed

(3) Where any statement of accounts is audited by any person other than an officer of a Department of Government, the amount of the fee to be paid to that person shall be determined by the Public Trustee, and it shall be the duty of the trustee to pay the amount so determined to the Public Trustee

(4) Any fee payable to the Public Trustee under sub-section (2) or sub-section (3) shall be recoverable in the same manner as a fee payable under section 60

(5) Regulations may be made prescribing the powers and duties of officers and persons authorised under this section to audit statements of accounts

Offences, etc

37 (1) Any trustee of a registered mosque who fails to comply with any of the provisions of section 34 or section 35 shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding two hundred rupees

(2) Where the Public Trustee, after such inquiry as he may consider necessary, is satisfied or has reason to suspect that any trustee of a registered mosque has committed the offence of criminal breach of trust, it shall be the duty of the Public Trustee to cause a prosecution for that offence to be instituted against that trustee

Suspension or removal of trustees of mosque

38 (1) Upon the complaint of any five persons interested in any registered mosque or of his own motion, it shall be lawful for the Public Trustee or for any person authorised by him in writing in that behalf, to hold an inquiry into any alleged misfeasance, breach of trust or neglect of duty committed by the trustee of that mosque in respect of any property vested in the trustee by section 24, and where the Public Trustee is, after such inquiry, of opinion that proceedings should be instituted as hereinafter provided for the removal of the trustee, he may, by order, in writing, suspend the trustee from office

(2) The Public Trustee or any five persons interested in any registered mosque may, without joining as plaintiff any other person so interested, institute an action against the trustee of that mosque in the District Court having jurisdiction in the place in which the mosque is situated to obtain a decree—

- (a) for the specific performance of any act by the trustee,
- (b) for the payment by the trustee of any sum to the funds of the mosque by way of damages,
- (c) for the removal from office of the trustee,
- (d) for such further or other relief as the circumstances of the case may require

Provided, however, that the court shall not accept any plaint in any such action instituted otherwise than by the Public Trustee unless it is accompanied by a certificate under the hand of the Public Trustee to the effect that a complaint has been made to him in relation to the subject matter of the action and that the complaint is in his opinion suitable for consideration by the court

(3) For the purposes of this section, any person who is for the time being registered as a member of the congregation of any registered mosque shall be deemed to be a person interested in the mosque

Effect of provisions of Part III

39. The provisions of this Part shall, save as expressly provided in this Ordinance, have effect notwithstanding anything contained in any deed or other instrument—

- (a) relating to the constitution of the office of trustee of any mosque, or to the period during which any such trustee shall hold office, or to the powers and duties of any such trustee, or
- (b) prescribing the purposes for which and the manner in which the income from any property held in trust for the benefit of any mosque may be applied

PART IV

Muslim Charitable Trusts

40 Subject as hereinafter provided, the provisions of this Part shall apply in the case of every trust or *wakf* for any one or more of the following purposes —

Application
of Part IV

- (a) the relief of poverty among Muslims or the members of any section of the Muslim public,
- (b) the advancement of the education of Muslims or the members of any section of the Muslim public,
- (c) the advancement of the Muslim religion generally,
- (d) the benefit of any mosque or the performance of religious rites or practices at any mosque,

Provided, however, that notwithstanding anything in paragraph (d), nothing in this Part shall apply in the case of any trust or *wakf* exclusively—

- (i) for the benefit of any registered mosque or the performance of religious rites and practices at any registered mosque, or
- (ii) for the benefit of the Maradana Mosque referred to in the Maradana Mosque Ordinance or for the performance of religious rites and practices at the Maradana Mosque

Cap 241

41. (1) It shall be the duty of every person who is, at the appointed date, the trustee of a Muslim charitable trust to furnish to the Public Trustee, before the expiry of a period of six months from that date, a statement setting out the particulars specified in section 42 in respect of the charitable trust

Duty of
trustees of
charitable
trusts to
furnish
statements

(2) It shall be the duty of every person who, on or after the appointed date, accepts any Muslim charitable trust, to furnish to the Public Trustee, before the expiry of six months from the date of such acceptance, a statement setting out the particulars specified in section 42 in respect of the charitable trust

(3) Notwithstanding anything contained in sub section (1) or sub section (2), it shall be lawful for the Public Trustee to extend the period before the expiry of which a statement is required in any case to be furnished under any of those sub-sections, if he is satisfied that, having regard to all the circumstances of the case, there is reasonable ground for so extending the period

42. (1) Every statement required to be furnished under section 41 by any person in respect of any Muslim charitable trust shall contain the following particulars —

Particulars
in statements
concerning
charitable
trusts

- (a) the name of every person who is a trustee of that charitable trust, and the title upon which each such person is entitled to be a trustee,
- (b) a description of all the property subject to the trust,
- (c) the gross amount of the income from such property for the period of twelve months ending on the date on which the statement is furnished, or, where the trust was created within that period, the gross amount of the income from such property after the creation of the trust,
- (d) the amount of all rates and taxes annually payable to the Crown or to any local authority in respect of the property subject to the trust,
- (e) an estimate of the average annual expenditure necessary for the realization of the income from the property subject to the trust,
- (f) the amount or amounts, if any, set apart under the trust for each of the following purposes —
 - (i) the salary of the trustee or trustees and the payment of allowances to any other persons,
 - (ii) religious purposes,
 - (iii) charitable purposes,
 - (iv) other purposes,
- (g) such other particulars as may be prescribed

(2) Every statement of particulars required to be furnished under section 41, in respect of any Muslim charitable trust shall be accompanied by a certified copy of the deed or other instruments, if any, by which the trust was created

Provided, however, that where no such deed or instrument has been executed or where no such copy can be procured, the statement of particulars shall contain all such information as may be within the knowledge of the trustee, relating to the origin, nature and objects of the trust

(3) Every such statement of particulars shall be signed by the person or persons by whom the statement is furnished and shall contain a declaration that the particulars contained therein are true and accurate. Every such declaration shall be free of stamp duty

Duty of trustees to furnish statements of accounts

43 (1) It shall be the duty of every trustee of a Muslim charitable trust to furnish to the Public Trustee before the first day of June in each year a statement of accounts in such form as may be prescribed containing the prescribed particulars relating to all moneys received and expended in respect of the trust during the period of twelve months ending on the thirty first day of March in that year

Provided, however, that in any case where the Public Trustee is satisfied that any trustee is unable to furnish any such statement before the first day of June in that year, the Public Trustee may fix a date later than the said day as the date before which the statement shall be furnished

(2) Every statement of accounts furnished under this section shall be signed by the person or persons by whom the statement is furnished and shall contain a declaration that the particulars set out therein are true and accurate. Every such declaration shall be free of stamp duty

(3) Every statement of accounts furnished under this section, in respect of any Muslim charitable trust, shall be in the language in which the accounts of the trust are usually kept

Provided, however, that the Public Trustee may, in any case where any such statement is in any language other than English, call upon the person by whom the statement was furnished, to transmit to the Public Trustee a translation in English of such statement

Audit of accounts of trustees

44. Every statement of accounts referred to in section 43 shall, before being furnished to the Public Trustee, be audited by a person approved by the Public Trustee in that behalf, and shall be accompanied by the report of the auditor upon such statement

Inspection, etc of statements furnished under this Part

45 (1) Every statement of particulars or accounts relating to any registered mosque which is furnished to the Public Trustee under this Part, and every report by an auditor thereon, shall, on payment of the prescribed fee, be open to inspection during such period as may be prescribed, by any person who is for the time being registered as a member of the congregation of that mosque

(2) Regulations may be made providing for the inspection of statements and reports under sub-section (1), and the conditions including conditions for the payment of fees, subject to which copies may be taken or given of any particulars in any such statement or report

Right of Public Trustee to call for information from trustees

46 Where any statement of particulars or accounts is furnished to the Public Trustee under this Part, the Public Trustee may, by notice, require the person by whom the statement was furnished to furnish such further information or such documents as the Public Trustee may require for the purpose of enabling him to examine the statement or to verify the particulars set out therein

Offences as to furnishing of statements

47 (1) Any person who—

(a) fails or refuses to furnish any statement, information or document when required so to do by or under the provisions of this Part, or

(b) makes in any such statement or in furnishing such information any statement which he knows or has reason to believe to be false or incorrect in any material respect,

shall be guilty of an offence and shall be liable, on conviction after summary trial before a Magistrate, to a fine not exceeding five hundred rupees

(2) Where any statement in respect of any Muslim charitable trust is not furnished to the Public Trustee in accordance with the provisions of section 41 or section 43, each of the persons who is for the time being a trustee of the trust shall be guilty of the offence of failing to furnish the statement

(3) Where any two or more persons are the trustees of any Muslim charitable trust, any statement required by section 41 or section 43 to be furnished in respect of that trust may be furnished by any one or more of such persons, and where the statement is so furnished, nothing in the preceding provisions of this Part shall be deemed to require any other such trustee to furnish such statement

Action for carrying into effect any Muslim charitable trust

48 (1) Subject to the provisions of sub-section (2), the Public Trustee or any five persons interested in any Muslim charitable trust may, without joining as plaintiff any other person or persons so interested, institute an action in the District Court of the district in which the whole or any part of the subject-matter of the trust is situate, to obtain a decree—

(a) removing any trustee or trustees of the trust, and, if necessary, appointing any new trustee or trustees, and

(b) directing accounts and inquiries,

- (c) declaring what proportion of the trust property or of the interest therein shall be allocated to any specified object of the trust,
- (d) settling a scheme for the management of the trust,
- (e) directing the specific performance of any act by any trustee or trustees,
- (f) directing the payment by any trustee or trustees of damages and costs in respect of any misfeasance, breach of trust or neglect of duty,
- (g) granting such further or other relief as the nature of the case may require

(2) No action, other than an action instituted by the Public Trustee, shall be entertained by any District Court under this section unless the plaint in the action is accompanied by a certificate under the hand of the Public Trustee—

- (a) that a complaint has been made to him in relation to the subject-matter of the plaint,
- (b) that he has held an inquiry into the complaint or has caused such an inquiry to be held, and
- (c) that the subject-matter of the plaint is suitable for consideration by the court

(3) The interest required in order to entitle any person to be one of the plaintiffs in any action instituted under this section need not be a pecuniary or immediate interest, or such an interest as would entitle the person to take any part in the management or superintendence of the trust

(4) For the purposes of any action to be instituted on any date under this section, any person who—

- (i) is the donor of any property subject to any trust, or is a direct male descendant of the donor, or
- (ii) in the case of any trust which is partly for the benefit of a registered mosque, is registered at that date as a member of the congregation of that mosque,
- (iii) in the case of any trust which is wholly or partly for the benefit of any mosque, other than a registered mosque, has been in the habit of attending at the performance of worship or service at the mosque during the period of twelve months immediately preceding that date, or
- (iv) has, during the period of twelve months preceding that date, partaken in the benefit of any distribution of alms in connection with a trust or otherwise enjoyed the benefits of a trust,

shall be deemed to be a person interested in the trust.

PART V

Powers of courts, Central Fund, regulations and supplementary provisions

49 Where any action is instituted in any competent District Court under section 38 or section 48, it shall be lawful to the court to enter decree for any one or more of the purposes mentioned in section 38 or section 48, as the case may be, and without prejudice to the preceding provisions of this section, the court may in any such case—

Orders of court in actions

- (a) order any trustee of the registered mosque or of the Muslim charitable trust to which the action relates to file accounts for any period not exceeding three years prior to the date on which such order is made,
- (b) hold an inquiry, or direct an inquiry to be held, into the subject-matter of the action, or upon any accounts ordered to be filed under paragraph (a),
- (c) surcharge and falsify any item in any such accounts,
- (d) require any such trustee to make good any defalcation, irregular payment or deficiency,
- (e) where proper accounts cannot be filed by any trustee by reason of the fact that no such accounts have been kept or for any other cause, order that the trustee shall, as a condition precedent to his continuing in office, deposit for the purposes of the trust a specified sum not exceeding such sum as the court may, after inquiry into all the circumstances of the case, fix as the sum for which the trustee may reasonably be held to be responsible in respect of the period of three years prior to the date of the order

50 In any action instituted under section 38 or section 48, it shall be lawful for the court—

Power to refer matter for arbitration or inquiry.

- (a) on the joint application of the parties, to order any matter in dispute between them to be referred for decision to one or more arbitrators, or

(b) to appoint a committee for the purpose of making an inquiry and reporting to the court with reference to the settlement or adjustment of any matter involved in the action or arising in the course thereof or for the purpose of assisting the court in the exercise of its powers under section 48

Powers of committee, arbitrators, &c

51 (1) Any person directed to make inquiries under section 49 and any arbitrator or committee appointed under section 50 shall, in addition to any other powers necessary for the effective discharge of the duties imposed upon such person, arbitrator, or committee, have the power—

- (a) to summon witnesses,
- (b) to administer oaths or affirmations,
- (c) to require any trustee or witness summoned for the purpose to give all particulars that may be within his knowledge relating to any immovable property which is or ought to be held in trust for the mosque, or subject to the charitable trust to which the action relates, the offerings received for the purposes of the mosque or trust, the expenses incidental to the administration of the mosque or trust and the manner in which the mosque or trust is managed

(2) Every person who, without reasonable cause—

- (a) makes default in complying with any summons authorised under sub-section (1), or
- (b) refuses to answer to the best of his ability any question or inquiry addressed to him under the provisions of that sub-section,

shall be guilty of an offence and shall be liable on conviction after summary trial before a Magistrate to a fine not exceeding two hundred rupees

Settlement of schemes for Muslim charitable trusts

52. In settling any scheme as hereinbefore provided for the management of any Muslim charitable trust, the court may—

- (a) provide that any institution maintained for the purposes of or in connexion with the trust shall be visited from time to time by persons authorised in that behalf,
- (b) make order fixing as the amount of the annual remuneration of any trustee, any amount not exceeding ten per centum of the gross annual income of the trust,
- (c) make order directing that any surplus, remaining out of the income of the trust after reasonable provision has been made for carrying out the objects of the trust, shall be applied for such purposes as the court may consider appropriate

Application of religious law in settlement of schemes

53. In settling any scheme for the management of any Muslim charitable trust or in determining any question relating to the constitution or existence of any such trust, the devolution of the trusteeship or the administration of the trust—

- (a) the court shall have regard to the instrument of trust (if any), the religious law and custom of the sect of the Muslim community concerned, and the local custom or practice with reference to the particular trust concerned, and
- (b) the court may have regard to any arrangement which may have been in fact in force for the purpose of the administration of the trust

De facto trusts

54 In dealing with any property alleged to be subject to a Muslim charitable trust, the court shall not be debarred from exercising any of its powers by the absence of evidence of the formal constitution of the charitable trust, if it shall be of opinion from all the circumstances of the case that a trust in fact exists or ought to be deemed to exist

General powers of court in respect of Muslim charitable trusts

55 In any action instituted under section 47 in relation to any Muslim charitable trust, the court shall have and may exercise all such powers for the regulation, protection and adaptation of the trust as may for the time being be exercised by the High Court of Justice in England in respect of charitable trusts within the meaning of any written or other law for the time being in force in England

Actions not to bar or be suspended by criminal proceedings

56. No action instituted under section 38 or section 48 shall be a bar to, or be suspended by, any criminal proceedings in any court

Saving for right of trustee to apply to court for directions or assistance
Cap 72

57 Nothing in this Ordinance shall be deemed to preclude the trustee or author of any Muslim charitable trust, or the trustee of any registered mosque, from applying to a competent court under any provision of the Trusts Ordinance, other than

a provision in Chapter X of that Ordinance, for such directions or relief as he may be entitled to obtain under any such provision, or for securing the assistance of the court for better securing the objects of any trust, or regulating the administration thereof, or except in the case of a registered mosque, for regulating the succession to the trusteeship.

58 (1) There shall be a fund which shall be called the Muslim Charities Fund and be administered by the Public Trustee in consultation with the Advisory Board

Muslim
Charities Fund

(2) Subject as hereinafter provided, it shall be the duty of the trustee of every registered mosque to pay to the Public Trustee, on or before the prescribed date in each year, a contribution equal to one per centum of the amount of the gross annual income of the mosque for the preceding year, and all such contributions shall be credited to the Fund

Provided, however, that the Public Trustee may, in such circumstances as may be prescribed and after consultation with the Advisory Board, exempt any registered mosque from the operation of the preceding provisions of this section.

(3) In addition to the sums credited to the Fund under sub-section (2), there shall be credited to the Fund all such sums as may from time to time be paid or bequeathed to the Public Trustee as contributions to the Fund

(4) Any contribution payable to the Public Trustee under sub-section (2) shall be recoverable in the same manner as a fee payable to the Public Trustee under section 60

59 (1) It shall be lawful for the Public Trustee from time to time, after consultation with the Advisory Board, to invest the moneys in the Fund—

Investment and
expenditure of
moneys in the
Fund

- (a) in promissory notes, debentures, stock or other securities which are issued by the Government of Ceylon, or the payment of the principal which is guaranteed by the Government of Ceylon, or
- (b) in the Ceylon Savings Bank or the Ceylon Post Office Savings Bank

(2) The Public Trustee may, after consultation with the Advisory Board, keep in hand, or in fixed deposit or current account in any bank or banks in Ceylon, such sums out of the moneys in the Fund as may be required for expenditure upon the purposes mentioned in sub-section (3)

(3) It shall be lawful for the Public Trustee from time to time, after consultation with the Advisory Board to expend the moneys in the Fund for any one or more of the following purposes —

- (a) the relief of poverty among Muslims or any section of the Muslim public,
- (b) the award of scholarships, grants or other contributions to poor Muslim students for the purposes of encouraging or assisting in their education,
- (c) the advancement of the Muslim religion, and the social or educational advancement of the Muslim community in general,
- (d) any other purpose which may be approved by the Executive Committee upon the recommendation of the Advisory Board

(4) All expenditure incurred by the Public Trustee in the management and administration of the Fund or in the payment of travelling expenses to members of the Board in accordance with regulations shall be defrayed out of the moneys in the Fund

60 (1) For the purpose of defraying the expenses incurred by the Public Trustee in the exercise, performance and discharge of the powers, duties and functions vested in, imposed upon or assigned to the Public Trustee by or under this Ordinance in relation to registered mosques and Muslim charitable trusts, it shall be the duty of the trustee of every registered mosque and of every Muslim charitable trust to pay to the Public Trustee from time to time such fees as may be fixed by regulations. The amount of any such fee may in any such regulation be fixed by reference to the annual income of the mosque or trust in respect of which the fee is payable, or by reference to the nature and extent of the work required to be performed by the Public Trustee in relation to any such mosque or trust

Fees payable
to Public
Trustee

(2) Any regulation made for the purposes of sub-section (1) may contain all such provisions as may be necessary for the payment, collection and summary recovery of the fees imposed thereby

61 (1) The Executive Committee of Home Affairs may make regulations for or in respect of all matters stated or required in this Ordinance to be prescribed or in respect of which regulations are authorised or required to be made under

Regulations

this Ordinance, and generally for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance

(2) No regulation shall have effect unless it is approved by the State Council and ratified by the Governor, nor until notification of the approval and ratification of that regulation is published in the *Gazette*

(3) Every regulation shall, upon the publication in the *Gazette* of a notification of the approval and ratification of that regulation, be as valid and effectual as though it were herein enacted

Powers, &c,
of deputies
to Public
Trustee

62 Any power, duty or function vested in, imposed upon or assigned to the Public Trustee by or under this Ordinance, may, subject to the general direction and control of the Public Trustee, be exercised, performed or discharged by any person for the time being appointed to be or to act as a deputy to assist the Public Trustee

Provided, however, that nothing in the preceding provisions of this section shall apply in the case of any power vested in the Public Trustee by section 20, section 21, or section 38 (1), or section 58 or section 59

Interpretation

63 In this Ordinance, unless the context otherwise requires—

“Advisory Board” means the Advisory Board constituted by section 2,

“annual income”, when used with reference to a registered mosque, means the gross amount of all the rents, issues, moneys and profits of all movable and immovable property belonging or appertaining to or appropriated to the use of or held in trust for that mosque, and of all offerings, donations and contributions whatsoever, which are in any year received by any person or persons for, or on behalf of, or for the purposes of, that mosque,

“Fund” means the Muslim Charities Fund established under this Ordinance,

“mosque” includes any *takkiya* or other Muslim shrine, but does not include a *zavia*

“Muslim charitable trust” means any trust or *wakf* in the case of which the provisions of Part IV apply,

“prescribed” means prescribed by regulation,

“regulation” means a regulation made under section 61,

“trustee”—

(a) when used with reference to a Muslim charitable trust, includes every person for the time being appointed to be a trustee of that trust, whether orally or by written instrument or by order of a competent court, and

(b) when used with reference to a registered mosque, means the person for the time being elected under this Ordinance to be the trustee of that mosque, and includes any person for the time being appointed under this Ordinance to act as the trustee of that mosque,

“zavia” means a place of worship maintained by the members of any Muslim religious order for the observance of the tenets and practices of that order

Chapter X of
the Trusts
Ordinance to
have no effect

64 The provisions of sections 100 to 109 of the Trusts Ordinance (Chapter 72) shall have no application—

(a) in the case of any trust of any property which is vested by section 24 of this Ordinance in the trustee of a registered mosque,

(b) in the case of any Muslim charitable trust within the meaning of this Ordinance

Repeals
Cap 50

65 Sections 5 to 24 of the Muslim Intestate Succession and Wakfs Ordinance are hereby repealed

Objects and Reasons

The principal purpose of this Bill is to provide for the registration by the Public Trustee of mosques having an annual income which is not less than one hundred rupees, for the election of a trustee for every registered mosque, and for the control and supervision of such trustees in the exercise of their powers and duties

The Muslim Intestate Succession and Wakfs Ordinance (Chapter 50) already contains provisions which require trustees of Muslim charitable trusts to furnish accounts and other particulars to District Courts and which enable such Courts to supervise and control the administration of such trusts, under the existing law the trustee of a mosque who holds any property in trust for the mosque is bound by the provisions of the Muslim Intestate Succession and Wakfs Ordinance.

It is proposed to repeal the provisions of the Muslim Intestate Succession and Wakfs Ordinance which are referred to above, and to include in the new measure separate provisions which will apply in the case of trustees of Muslim charitable trusts which are not exclusively for the benefit of mosques registered by the Public Trustee

2 An Advisory Board consisting of the Public Trustee as Chairman and seven other persons being Muslims, will be constituted for the purpose of advising and assisting the Public Trustee in the exercise and performance of his powers and duties relating to mosques and Muslim charitable trusts

3 In any case where the Public Trustee is satisfied that the annual income of a mosque is not less than one hundred rupees, he will register that mosque and will, in accordance with the provisions of Part III of the Bill, prepare a register of the members of the congregation of the mosque and take the steps necessary for the election of a trustee of that mosque

Clause 10 provides that a person will only be eligible for election as the trustee of a registered mosque if he is the owner of immovable property of the value of not less than one thousand rupees or is in receipt of an annual income of not less than five hundred rupees, and is registered as a member of the congregation of the mosque. In order to be eligible for registration as a member of the congregation of any registered mosque, a person must be a Muslim of the male sex who has attained the age of 18 years and who was born or married, or who carries on business in the municipality, town or village in which the mosque is situated, evidence will also be required that such person has contributed a sum of at least twenty-five cents to the funds of the mosque at some time in the period of twelve months preceding the date of his application for registration (Clause 13)

The register of the members of the congregation of a registered mosque will be prepared by the Public Trustee after the publication of a notice requiring persons desirous of being registered to make application before a fixed date (Clause 12 (2)). The register so prepared will be open for inspection by persons interested, and, after due notice, an inquiry will be held for the purpose of hearing claims regarding the insertion of names in the register and objections to names included therein (Clause 16)

The Bill contains provision to the effect that in any case where the office of trustee of a registered mosque becomes vacant, a meeting of the members of the congregation will be summoned for the purpose of holding an election and that the register of the members of the congregation of the mosque will be revised, save in exceptional cases, before any such subsequent election is held (Clause 11 (4)). The register as revised by the Public Trustee after hearing claims and objections will be final for the purpose of the election before which such revision is made

The Public Trustee or some person authorised by him in that behalf will preside at every meeting which is held for the purpose of the election of the trustee of a registered mosque, and provision will be made, if necessary, by regulations for securing that no candidate can be elected to be the trustee of a mosque unless he obtains an absolute majority of the votes cast at a ballot held for the purpose of the election (Clause 19)

A trustee elected under the new law will normally hold office for a period of three years

4 Clauses 22 to 38 contain provisions based substantially on corresponding provisions in the Buddhist Temporalities Ordinance (Chapter 222) relating to the security to be given by trustees of registered mosques, to the vesting of properties in such trustees and to the mortgage, sale or lease of property vested in such trustees. As in the case of the Buddhist Temporalities Ordinance, power will be conferred on a competent court to set aside not only mortgages, leases or alienations made contrary to the provisions of the new law, but also mortgages, leases and other alienations, detrimental to the interests of the mosque, which have been made prior to the registration of the mosque

Clause 27 specifies the purposes for which the income of a registered mosque may be appropriated. The special or general sanction of the Public Trustee will be required for all expenditure which may be incurred by the trustee of a registered mosque

Clauses 34 and 35 will require the trustee of a registered mosque to keep accounts of income and expenditure and an inventory of the property vested in him, and to transmit half yearly statements of accounts to the Public Trustee. The failure to comply with these provisions will be an offence

Clause 38 contains the necessary provision authorising the Public Trustee and other persons to institute an action against

the trustee of a mosque for the specific performance of any acts by the trustee, for the recovery of damages, and for the removal of the trustee from office

5 Part IV of the Bill deals specially with Muslim charitable trusts. For the purposes of this Part, "Muslim charitable trust" will include any trust or *wakf* for the relief of poverty among Muslims, the advancement of the education of Muslims or the advancement of the Muslim religion, but the provisions of this Part will not apply in the case of a trust or *wakf* which is exclusively for the benefit of any registered mosque or of the Maradana Mosque referred to in the Maradana Mosque Ordinance (Chapter 241)

Clauses 41 to 48 of the Bill reproduce the corresponding provisions relating to trusts which are at present contained in the Muslim Intestate Succession and Wakfs Ordinance (Chapter 50), but one important change will be that the particulars relating to Muslim charitable trusts and the statement of accounts by trustees will be transmitted to the Public Trustee and not to the District Court

Clause 48 will confer on the Public Trustee or on any five persons interested in a Muslim charitable trust the right to institute an action in a District Court to obtain a decree for the removal of any trustee or trustees of a trust, for the settlement of a scheme for the management of the trust and for other purposes connected with the management and administration of the trust, but no such action may be instituted by any persons so interested unless the plaint is accompanied by a certificate under the hand of the Public Trustee to the effect that the subject matter of the plaint is suitable for consideration by the court

6 Clause 49 sets out the powers which may be exercised by a court in a case where an action is instituted in respect of a registered mosque or of a Muslim charitable trust. Clauses 50 and 51 reproduce the provisions of sections 19 and 20 of the existing Ordinance relating to the appointment by the court of arbitrators and to the powers of such arbitrators. Clause 57 of the Bill will preserve the right of the trustee or author of a Muslim charitable trust or of the trustee of a registered mosque to apply to a competent court under any provisions of the Trusts Ordinance (Chapter 72), other than a provision in Chapter X of that Ordinance, for securing the assistance of the court in regard to the administration of the trust and to other such matters

7 Section 58 provides for the constitution of a Muslim Charities Fund which will be administered by the Public Trustee in consultation with the Advisory Board. A contribution equal to one per centum of the amount of the gross annual income of every registered mosque will be payable annually to the Fund and it is expected that contributions from other sources will also be made to the Fund

The Public Trustee will be empowered to expend moneys in the Fund for the relief of poverty among Muslims, for the advancement of the Muslim religion and for the encouragement of the education of poor Muslim students

Clause 60 contains provision requiring that the trustee of every registered mosque and of every charitable trust shall pay the prescribed fees to the Public Trustee in order to defray the expenses incurred by him in the administration of the Ordinance

A MAHADEVA,
Minister for Home Affairs.

Colombo, August 14, 1943

(Continued on page 425)

PASSED ORDINANCES

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

No. 21 of 1943.

L D—O 24/43

An Ordinance to amend the Tea Control (Extension) Ordinance, No 3 of 1943

A CALDECOTT

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

Short title

1. This Ordinance may be cited as the Tea Control (Extension) Amendment Ordinance, No 21 of 1943

2. The Tea Control (Extension) Ordinance, No 3 of 1943, is hereby amended by the addition, immediately after section 2 of that Ordinance, of the following new section —

Addition of new section 3 to Ordinance No 3 of 1943

3 Notwithstanding anything in sub-section (2) of section 27 of the Tea Control Ordinance, the total area of land the planting of which may be permitted in all such special cases as are referred to in paragraph (c) of sub-section (1) of that section, together with any excess area referred to in section 30 (6) of that Ordinance, shall not in the aggregate exceed 15,803 acres

Increase of extent on which new planting is permitted under section 27 (2) of Chapter 299

Passed in Council the Fifth day of August, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council.

Assented to by His Excellency the Governor the Seventeenth day of August, One thousand Nine hundred and Forty-three

H A C DOBBS,
Acting Secretary to the Governor.

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

No. 23 of 1943.

L D—O 15/43

An Ordinance to amend the Railways Ordinance.

Chapter 153
(Vol IV, p 90)

A CALDECOTT

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 Railways Amendment Ordinance, No 23 of 1943

Short title

2 Section 7 of the Railways Ordinance is hereby repealed and the following new section substituted therefor —

Substitution of new section for section 7 of Chapter 153

7 Any person who—

Penalties for certain offences.

(a) travels or attempts to travel upon the railway without having previously paid his fare or with a ticket which is out of date, or rides in or upon a carriage of a higher class than that for which he has paid his fare, or continues his journey in or upon any carriage beyond the station for which he has paid his fare without having previously either paid the fare for the additional distance or obtained the sanction of the guard of the train, or

(b) knowingly and wilfully refuses or neglects, on arriving at the station to which he has paid his fare, to quit the station and the railway premises, or

(c) in any manner whatsoever attempts to evade the payment of his fare,

shall be guilty of an offence, and shall on conviction be liable to a fine not exceeding fifty rupees

Provided, however, that no prosecution shall be instituted or maintained against any person in respect of any offence under the foregoing paragraph (a) if such person pays to a station master, or to a railway official duly authorised to receive such payments, a penalty of two rupees and fifty cents together with twice his fare or twice the additional or excess fare due from him, as the case may be

Passed in Council the Fifth day of August, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Nineteenth day of August, One thousand Nine hundred and Forty-three

H A C DOBBS,
Acting Secretary to the Governor

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

No. 24 of 1943.

Cap 236
(Vol V, p 771)

An Ordinance to amend the Roman Catholic Archbishop
and Bishops of Ceylon Incorporation Ordinance.

A CALDECOTT

Preamble

WHEREAS a portion of the area hitherto under the Ecclesiastical Jurisdiction of the Roman Catholic Archbishop of Colombo has now been erected into a new Diocese called the Diocese of Chilaw, and the Right Reverend Edmund Peiris has been duly appointed Bishop of Chilaw to administer the same

AND WHEREAS it is expedient to amend the Roman Catholic Archbishop and Bishops of Ceylon Incorporation Ordinance to provide for the incorporation of the Bishop of Chilaw, and in other respects

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

Short title

1 This Ordinance may be cited as the Roman Catholic Archbishop and Bishops of Ceylon Incorporation (Amendment) Ordinance, No 24 of 1943

Insertion of
new section 2A
in Chapter 236

2 The Roman Catholic Archbishop and Bishops of Ceylon Incorporation Ordinance, (hereinafter referred to as "the principal Ordinance"), is hereby amended, by the insertion, immediately after section 2 of that Ordinance, of the following new section, which shall have effect as section 2A of the principal Ordinance —

Incorporation
of the Bishop
of Chilaw

2A The Roman Catholic Bishop of Chilaw, to wit, the Right Reverend Edmund Peiris, and his successors duly appointed according to the laws and usages of the Roman Catholic Church, shall be a body corporate and shall, for all the purposes of this Ordinance, have the name of the Bishop of Chilaw, and by such name shall have perpetual succession and shall have full power to acquire, purchase, take, hold and enjoy movable and immovable property of every description and to sell or otherwise dispose of the same, and may sue or be sued in respect of such property in all Courts of Justice

Insertion of
new sections
3A and 3B
in the principal
Ordinance

3 The following sections shall be inserted immediately after section 3 of the principal Ordinance and shall have effect as sections 3A and 3B, respectively, of that Ordinance —

Vesting of
property in
the Bishop
of Chilaw

3A All property, both movable and immovable, already acquired, held or possessed by the said Right Reverend Edmund Peiris in his official capacity shall, subject to any trust or condition affecting the same, vest in the said Bishop of Chilaw

Stamp duty
on Convey-
ances, &c

3B Any instrument of conveyance, transfer or assignment executed by the Archbishop of Colombo in favour of the Bishop of Chilaw of all the property movable or immovable which by reason of the erection of the Diocese of Chilaw becomes, subject to the administration of the Bishop of Chilaw, shall be deemed to be an instrument chargeable under Part I, item 23 (5) of the Stamp Ordinance

Cap 189

Amendment of
section 4 of
the principal
Ordinance

4 Section 4 of the principal Ordinance is hereby amended by the addition, at the end of that section, of the following —

" Provided, further, that the temporary absence from Ceylon of any of them, the said Archbishop and Bishops, shall be deemed to create a temporary vacancy in the See until the return to the Island of the absent Archbishop or Bishop, as the case may be, and the person temporarily administering such Diocese shall during the period of absence be deemed to be the Successor of the said Archbishop or Bishop for all the purposes of this Ordinance "

Saving of
rights of the
Crown, &c

5 Nothing in this Ordinance contained shall affect or be deemed to affect the rights of His Majesty the King, His heirs and successors, or of any body politic or corporate, or of any other person except such as are mentioned in this Ordinance and those claiming by, from or under them

Passed in Council the Fourth day of August, One thousand Nine hundred and Forty-three

D C R GUNAWARDANA,
Clerk of the Council

Assented to by His Excellency the Governor the Nineteenth day of August, One thousand Nine hundred and Forty-three

H A C DOBBS,
Acting Secretary to the Governor.

NOTICES OF INSOLVENCY

In the District Court of Kandy

No 1,107 In the matter of the insolvency of S Kandiah of 426, Peradenya 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 September 21, 1943, for the examination of the above named insolvent

August 18, 1943

By order of court, B. B. RATNAIKA, Secretary.

NOTICES OF FISCALS' SALES

Western Province

In the District Court of Colombo

Udawattage Don Paules Appuhamy of Suwarapola Plaintiff
No 5,059/MB Vs

(1) Moratuwage Emmanuel Fernando of Katubedda, (2) Mahamarakkala Kurukulasuriya Patabendige Samuel William Perera of Rawatawatta Defendants

NOTICE is hereby given that on Monday, September 20, 1943, at 3 P.M., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No 5905 dated December 8, 1930 attested by W. F. Wijesekera, Notary Public, and declared specially found and executable under the decree entered in the above action and ordered to be sold by the order of court dated June 22, July 8, 1943, for the recovery of the sum of Rs 1,049 90 together with interest on Rs 700 at the rate of 14 per cent per annum from April 16, 1936, to date hereof (September 18, 1943), and hereafter on the aggregate amount of the decree at the rate of 9 per cent per annum till payment in full and costs of suit taxed at Rs 193 24 to wit—Rs 145 04 being incurred costs and Rs 47 50 being prospective costs, viz—

An undivided one half share of Walakadayawatta, Milagaha watta, half share of Walakadayakumbura *alias* owita, 1/3 shares of Walakadayakumbura *alias* owita and a portion of Walakadaya watta owita, five lots of land adjoining each other forming one property with the entirety of the buildings standing thereon erected by Jorals Fernando and a half share of all the plantations and other buildings standing thereon situated at Molpe in the Palle pattu of Salpitiy korale in the District of Colombo, Western Province, bounded on the north by land belonging to Hettiyakandige Gabriel Fernando, by a portion of Walakadayawatta belonging to Balapu waduge Francisu Mendis and Ana Silva and by land belonging to Balapuwaduge Gordrannu Mendis, on the east by the river, on the south by half share and 1/3 share of Walakadayakumbura *alias* owita by land belonging to the children of Andris Mendis, by a portion of Walakadayawatta belonging to Francisu Mendis and Ana Silva, and west by another land and high road by land belonging to the children of Andris Mendis, by a portion of Walakadayawatta belonging to Francisu Mendis and Ana Silva, by land belonging to the children of Joseph Perera, containing in extent within these boundaries 2 acres 3 roods and 7 perches, subject however to the life interest of Maggonanunige Rosa Fernando in the said undivided 1/3 share of the land herebefore described and registered under title M 298/299 in the Colombo District Land Registry Office

Fiscal's Office,
Colombo, August 24, 1943V ALLI RAJAH,
for Fiscal

In the District Court of Colombo

Transport and General Finance Company, Ltd Plaintiff
No 12,610/M Vs

(1) D Walaratne, Proctor, Kalkawala, Induruwa, (2) Y D Victor, Church street, Nugegoda or Panadure Defendants

NOTICE is hereby given that on Monday, September 27, 1943, at 2 o'clock in the afternoon will be sold by public auction at the premises the right, title, and interest of the 1st defendant in the following property for the recovery of Rs 254 55 being taxed costs and the value of the car Rs 300 if possession thereof cannot be recovered. An undivided 1/3 share of lot B of the land called Kosahalanda *alias* watta, situated at Hirana in Panadure badda of Panadure totamune in the District of Kalutara, Western Province, and bounded on the north by Elhentudumawatta and cart road, east by lots D and E of this land, south by the land belonging to the heirs of Dr C P de Fonseka, deceased, and on the west by a portion of this property belonging to the heirs of Don Marthelis Aberyaratne, containing in extent of about 6 acres 2 roods and 10 perches

Deputy Fiscal's Office,
Kalutara, August 21, 1943P D WEERAMAN,
Deputy Fiscal

Southern Province

In the District Court of Galle sitting at Balapitiya

Medibe Dolly de Zoysa Rajapaksa Gunatilaka Kamme of Walagedera, Balapitiya Plaintiff-Creditor
No B 140 Vs

Garumuni Arthur de Zoysa of Balapitiya, as administrator of the estate of late Mr G. Robert de Zoysa, deceased Defendant-Debtor

NOTICE is hereby given that on Tuesday, September 21, 1943, at 11 o'clock in the forenoon will be sold by public auction at the premises the right, title and interest of the said defendant in the following property for the recovery of the sum of Rs 200 damages already sustained and further damages at the rate of Rs 100 per

month from November 4, 1939, until restoration of possession of the decreed premises, and writ costs Rs 28 19 less Rs 866 22 recovered, viz—

An undivided 1/3 or the defined middle portion together with everything standing thereon of the high and low land called Dik duwa an islet situated in the river called Maduganga in Bentota, Walallawiti korale of Galle District, Southern Province, and surrounded by the river and containing in extent about 60 acres, and which said defined middle portion of this land is bounded on the north by the portion possessed by Bedin Karunanayake and previously possessed by Gabriel Rodrigo, east by river, south by portion formerly owned by Mr H Sri Nissanka, Advocate, and presently by B Piyason de Silva, and west by river, and containing in extent about 20 acres

Deputy Fiscal's Office,
Balapitiya, August 23, 1943SAM RANASOORIYA,
Additional Deputy Fiscal.

In the District Court of Galle

Hallinne Lokuge Marsian de Silva of Hirimbure and another Plaintiffs
No 25,494 Vs

(1) C E W Karunaratne of Hinduma and others Defendants

NOTICE is hereby given that on Saturday, September 18, 1943, commencing at 4 30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 13th, 14th, 16th, 21st, 22nd, 24th, 27th and 3rd defendants in the following property, viz—

Against 13th, 14th, 16th, 21st defendants Writ Amount Rs 339 50

1 All that undivided 8/9 parts or shares of the contiguous lots 7, 7A, and 7B of Ampagodahena, situated at Hinduma, Hindumi pattu, Galle District, Southern Province, and bounded on the north by land said to be Crown, east by lots 8, 8A and 18, south by lot 3, and west by lot 6A, containing in extent 2 acres 3 roods and 20 perches as per plan No 3072C dated April 25, 24, 25, 1937

Against 3rd Defendant Writ Amount Rs 241 00

2 All those contiguous lots 9 and 17 of Ampagodahena, situated at Hinduma aforesaid, and bounded on the north by land said to be Crown and lots 14 and 15, east and south by Ampagoda ela, and west by lots 18, 8A and 8, containing in extent 9 acres 2 roods and 27 perches

Against 22nd to 24th Defendants Writ Amount Rs 62 25

3 (a) All that lot No 10 of Ampagodahena, situated at Hinduma aforesaid, and bounded on the north by lot 1, east by lot 2A, south by lot 3c, and west by lot 11 (b) All those contiguous lots 12 and 13 of Ampagodahena, situated at Hinduma aforesaid, and bounded on the north by lots 11 and 3c and 3b, east, south and west by Ampagoda ela (c) All that lot 14 of Ampagodahena, situated at Hinduma aforesaid, and bounded on the north by land said to be Crown, east by lot 15, south by lot 17, and west by lot 9 All the above lots are in extent 9 acres 2 roods and 27 perches

Fiscal's Office,
Galle, August 20, 1943A H H DE SILVA,
Deputy Fiscal

Province of Sabaragamuwa

In the District Court of Ratnapura

Delwala Muttettuwagama Kumarihamy, executrix of the last will of Nellwala Siriwardena Mudyanse Kalahamillage Punched Bandara Muttettuwagama of Pussella, deceased Plaintiff
No 6,661 Vs

Watuyaye Gamaetrillage Yasawardana of Watuyaya, Kuruwita Defendant

NOTICE is hereby given that on Tuesday, September 28, 1943, at 10 o'clock in the forenoon will be sold by public auction at the respective premises commencing from the 1st and the right, title, and interest of the said defendant in the following property, viz—

1 An undivided 1/3 share of lot 7 of Watuyaya Gama Masama and of the tiled house standing thereon, situated at Watuyaya in the Uda pattu of Kuruwita korale in the District of Ratnapura of the Province of Sabaragamuwa, and bounded on the north by lot 17, east by lot 6, south by Gansabhawa road, west by lots 8 and 2, and containing in extent, 6 acres 3 roods and 20 perches, and registered in A 176/288

2 An undivided 1/12 share of the lands called Halimbura and Thaledetawala, situated at Watuyaya aforesaid, and bounded on the north by Kanawinne Inuyara and Dekethadada, east by Palle Aswedduma, south by Palledetawala and Mahawella, west by Lindagawawatta, and containing in extent about 7 pelas and 2 lahas of paddy sowing, and registered in A 79/335

3 An undivided 1/12 share of the lands called Uda Assedduma and Palle Assedduma, situated at Watuyaya aforesaid, and bounded on the north by Keeragalela, east by Katuattawalakumbura and Bogahawalakumbura, south by Halimbura, west by Halimbura and Karawinna, and containing in extent about 1 amunam and 7 lahas of paddy sowing, and registered in A 79/336

4 An undivided 1/3 share of the land called Lindagawawatta, situated at Watuyaya aforesaid, and bounded on the north and east by Walyaya, south by Menikralagewatte agala, west by Mahawella, and containing in extent about 5 seers of kurakkan sowing, and registered in A 79/344

For the recovery of Rs 2,000, with interest on Rs 1,000 at 15 per cent per annum from September 16, 1938, till November 7, 1938, and thereafter legal interest on the aggregate till payment in full and costs and poundage

Fiscal's Office,
Ratnapura, August 24 1943.A B KARALLADDE,
Additional Deputy Fiscal

NOTICES OF TESTAMENTARY ACTIONS

In the District Court of Colombo

Order Nisi

No 9,680 In the Matter of the Last Will and Testament of
 Testamentary Kariwasangamage Aron Singho of Bopagama in
 Jurisdiction the Udugaha pattu of Seyane korale, deceased
 Adhkan Aratchige Don Deons of Bopagama aforesaid Petitioner

And

Manchanayake Jayawardene, Mudalge, Dona Catherina
 Hamme Respondent

THIS matter coming on for disposal before James Joseph, Esq.,
 Additional District Judge of Colombo, on August 3, 1943, in the
 presence of Mr. D. E. Weerasooria, Proctor, on the part of the
 petitioner above named, and the affidavit of the petitioner dated
 July 29, 1943, having been read

It is ordered that the petitioner above named, as the executor of
 the last will and testament of Adhkan Aratchige Dona Kalo Nona,
 deceased, the executrix of the last will and testament of the deceased
 above named, be and he is hereby declared entitled to have letters of
 administration to the above estate with the will annexed issued to
 him accordingly, unless the respondent above named or any other
 person or persons interested shall, on or before September 16, 1943,
 show sufficient cause to the satisfaction of this court to the contrary

August 16, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Paul
 Jurisdiction Joseph of 2, Division, Trincomalee, deceased
 No 10,306

Joseph Mariyanayagam of Mull street, Trincomalee Petitioner

THIS matter coming on for disposal before James Joseph, Esq.,
 Additional District Judge of Colombo, on January 19, 1943, in the
 presence of Mr. J. H. M. Fernando, Proctor, on the part of the
 petitioner above named, and the affidavit of the petitioner dated
 January 18, 1943, having been read

It is ordered that the petitioner above named be and he is hereby
 declared entitled, as the son and heir of the deceased above named,
 to have letters of administration to the above estate issued to him
 accordingly, unless any person or persons interested shall, on or
 before April 15, 1943, show sufficient cause to the satisfaction of
 this court to the contrary

March 16, 1943

JAMES JOSEPH,
Additional District Judge

Vide S C Order transferring the case to this Court Order Nisi
 extended till July 22, 1943

June 21, 1943

T F C ROBERTS,
District Judge, Trincomalee

Order Nisi extended till August 12, 1943

July 22, 1943

T F C ROBERTS,
District Judge

Order Nisi extended till September 2, 1943

August 12, 1943

T F, C, ROBERTS,
District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
 Jurisdiction Sumtraaratchige Don William Robert Nanayakk
 No 10,511 kara of 91, Mayfield lane, Kotahena in Colombo,
 deceased

Alco Evelyn Nanayakkara of 91, Mayfield lane, Kotahena in Colombo Petitioner

THIS matter coming on for disposal before James Joseph, Esq.,
 Additional District Judge of Colombo, on July 9, 1943, in the presence
 of Mr. W. H. W. Perera, Proctor, on the part of the petitioner above
 named, and the affidavit of (1) the petitioner dated June 30, 1943,
 and (2) the attesting notary public dated July 8, 1943, having been
 read

It is ordered that the last will and testament of Sumtraaratchige
 Don William Robert Nanayakkara, deceased, the original of which
 has been produced and is now deposited in this court, be and the
 same is hereby declared proved and that the petitioner above
 named is the executrix named in the said will and she is hereby
 declared entitled to have probate thereof issued to her accordingly,
 unless any person or persons interested shall, on or before August 19,
 1943, show sufficient cause to the contrary

July 14, 1943

JAMES JOSEPH,
Additional District Judge

This Order Nisi is extended for September 9, 1943, for showing
 cause

August 19, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Nema
 Jurisdiction Mohamedu Cassim of 135, Colombo street,
 No 10,524 Kandy

S D Cassim of C W Station, Panadura / Petitioner

(1) Avula Umma of 131/78, Dematagoda road, Colombo
 (2) Amuna Umma of New Moor street, Colombo (3) M R
 Cassim of C G R, Mannar, (4) J D, Cassim, (5) M B, Cassim,
 both of Hafira Trading Company, Ameen buildings, Pettah,
 Colombo, (6) Sithi Johara Umma, (7) A M Abdul Hameed,
 both of 131/78, Dematagoda road, Colombo Respondents

THIS matter coming on for disposal before James Joseph, Esq.,
 Additional District Judge of Colombo, on August 9, 1943, in the

presence of Mr. W. D. N. Selvadurai, Proctor, on the part of the
 petitioner above named, and the affidavit of the petitioner dated
 April 17, 1943 having been read

It is ordered that the 7th respondent above named be and he is
 hereby appointed guardian *ad litem* of the minor, the 6th respondent,
 to represent her for all the purposes of this action and that the
 petitioner above named be and he is hereby declared entitled, as
 the oldest son of the deceased above named, to have letters of
 administration to the above estate issued to him accordingly, unless
 the respondents above named or any other person or persons
 interested shall, on or before September 9, 1943, show sufficient cause
 to the satisfaction of this court to the contrary

August 10, 1943

W SANSONI,
Additional District Judge

In the District Court of Colombo

Order Nisi

No 10,528 In the Matter of the Intestate Estate of the late
 Testamentary Letchumi Vilasam Veladen Gangatharan of
 Meyyanad, Travancore, deceased

Ottiyil Ayappan Gopalan, presently of Peterson lane, Wella
watta, Colombo Petitioner

Vs

(1) Kunjappi, mother of Letchumi Vilasam Veladen Gangatha
 ran of Meyyanad, Travancore, (2) Sumathi, sister of Letchumi
 Vilasam Veladen Gangatharan and wife of Kalariyil Kizhak
 kethil Ayappan Gangatharan of Meyyanad, Travancore Respondents

THIS matter coming on for disposal before W. D. Sansoni, Esq.,
 Additional District Judge, Colombo, on August 9, 1943, in the
 presence of Mr. H. V. Ram Iswara, Proctor, on the part of the
 petitioner above named, and (1) the affidavit of the petitioner
 dated July 19, 1943, and (2) the power of attorney dated May 15,
 1943, having been read

It is ordered that the petitioner above named be and he is hereby
 declared entitled, as the attorney in Ceylon of the mother of the
 deceased above named, to have letters of administration to the above
 estate issued to him accordingly, unless the respondents above
 named or any other person or persons interested shall, on or before
 September 2, 1943, show sufficient cause to the satisfaction of this
 court to the contrary

August 16, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

No 10,529 In the Matter of the Intestate Estate of Rahaman
 Testamentary Hussien of Slave Island, Colombo, deceased
 Jurisdiction

Nona Devan of 40/10, Church street, Slave Island,
Colombo Petitioner

THIS matter coming on for disposal before James Joseph, Esq.,
 Additional District Judge, Colombo, on July 20, 1943, in the
 presence of Mr. H. V. Ram Iswara, Proctor, on the part of the
 petitioner above named, and the affidavit of the petitioner dated
 July 18, 1943, having been read

It is ordered that the petitioner above named be and she is hereby
 declared entitled, as the widow of the deceased above named, to have
 letters of administration to the above estate issued to her accordingly,
 unless any person or persons interested shall, on or before September
 2, 1943, show sufficient cause to the satisfaction of this court to the
 contrary

July 24, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late
 Jurisdiction Mottakage Carlina Perera Hamme, deceased,
 No 10,532 of 145, Kalubowila West, aforesaid

Wannachchige Simen Fonseka of 345, Kalubowila West in
Dehwala Petitioner

Vs

(1) Wannachchige Leonora Fonseka of Panadura, (2) Wanni
 achchige Martol Francis Fonseka, (3) Wannachchige Merya
 Fonseka, (4) Wannachchige Rosalina Fonseka, all of 345,
 Kalubowila West in Dehwala Respondents

THIS matter coming on for disposal before James Joseph, Esq.,
 Additional District Judge, Colombo, on July 22, 1943, in the
 presence of Mr. H. E. Wyetunge, Proctor, on the part of the
 petitioner, and the affidavit of the above mentioned petitioner
 dated July 16, 1943, having been read

It is ordered that the above mentioned petitioner be and he is
 hereby declared entitled, as son of the above named deceased,
 to have letters of administration to the above estate issued to him
 accordingly, unless the respondents or any other person or persons
 interested shall, on or before September 2, 1943, show sufficient
 cause to the satisfaction of this court to the contrary

August 12, 1943

S C SWAN,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Kottage Dona Selestina Hamme of Sriyambala
No 10,533 goda in Wetara in Udugaha pattu, deceased

Chandrapala Masinghe *alias* Don Charles Illeperuma, also of
Wetara aforesaid Petitioner.

Vs

(1) Pavistma Wijetunga Hamme of Suwarapola, (2) Kottage Don Salman pi Halpita, Horetuduwa, (3) Kottage Don Peter of Suwarapola, (4) Kottage Don Abraham of Suwarapola, (5) Kottage Dona Nononamy of Mampe, Kesbewa, (6) Kottage Dona Isabelahamy of Nampapurawwa Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on July 22, 1943, in the presence of Mr Fred G. de Silva, Proctor, on the part of the petitioner above named and the affidavit of (1) petitioner dated July 21, 1943, and (2) the attesting witnesses dated July 7, 1943, having been read

It is ordered that the last will and testament of Kottage Dona Selestina Hamme, deceased, the original of which has been produced, and is now deposited in this court, be and the same is hereby declared proved, and that the petitioner above named is the executor named in the said will and he is hereby declared entitled to have probate thereof issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 28, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Intestate Estate of Nama
Jurisdiction Lebbe Munhandiram Hamdoon Marikar of Math
No 10,550 thamagoda, deceased

Abdul Caffoor Ummu Sakeena of Maththamagoda in Dehgampal korale in Kegalla District Petitioner

(1) Hamdoon Marikar Fauze *named* Shafi, (2) ditto Niyas Mohamed Shafi, (3) ditto Zurook Mohamed Shafi, (4) ditto Jehufer Mohamed Shafi, (5) ditto Ashuraf Mohamed Shafi, (6) ditto Sithu Bafeela, (7) ditto Sampul Makaya, (8) ditto Nazim Mohamed Shafi, all of Maththamagoda aforesaid, (9) Abdul Caffoor Mohamed Junaid of Dehgampal in Alutgampal korale Respondents

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on August 7, 1943, in the presence of Mr M. M. Burhan, Proctor, on the part of the petitioner above named, and the affidavit of the petitioner dated August 1, 1943, having been read

It is ordered that the petitioner above named be and she is hereby declared entitled, as the widow of the deceased above named, to have letters of administration to the above estate issued to her accordingly, unless the respondents above named or any other person or persons interested, shall, on or before September 16, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 9th respondent above named be and he is hereby appointed guardian *ad litem* of the minors, the 1st, 2nd, 3rd, 4th, 5th, 6th 7th and the 8th respondents, to represent them for all the purposes of this action

August 17, 1943

JAMES JOSEPH,
Additional District Judge.

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Estate of the late Alfred
Jurisdiction Constantine Wijeyesekere, deceased, of Rose
No 10,552 wood, Buona Vista, Galle

Edwin Joseph Wijeyesekere of 34, Hildon place, Bambala pitiya in Colombo Petitioner

Vs

(1) Mrs Cornelia Wijeyesekere, (2) Mrs Theadora Amalia Angela Wijeyatunga Goonewardene *nee* Wijeyesekere, (3) Miss Cecilia Maria Wijeyesekere, (4) Miss Beatrice Julia Wijeyesekere, all of Rosewood, Buona Vista, Galle Respondents

THIS matter coming on for disposal before V. L. St. Clair Swan, Esq., Additional District Judge, Colombo, on August 11, 1943, in the presence of Mr A. C. L. Abeyesundere, Proctor, on the part of the petitioner, and the affidavit of the above mentioned petitioner dated August 6, 1943, having been read

It is ordered that the above named petitioner be and he is hereby declared entitled, as a brother of the above named deceased, to have letters of administration to the above estate issued to him accordingly, unless the respondents or any other person or persons interested shall, on or before September 9, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 14, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo.

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Grace Dawson, late of 17, Crimea street, St. Kilda
No 10,557 in the State of Victoria, widow, deceased

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on August 15, 1943, in the presence of Messrs Julius & Greasy, Proctors, on the part of the petitioner, John Maxwell Glass of Colombo, and the affidavit of the said petitioner dated August 9, 1943, exemplification of

probate of the will of the above named deceased, power of attorney in favour of the petitioner and Supreme Court's Order dated July 29, 1943, having been read It is ordered that the will of the said deceased dated July 1, 1941, of which an exemplification of probate 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 executor 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 September 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 18, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Colombo

Order Nisi

Testamentary In the Matter of the Last Will and Testament of
Jurisdiction Jerbai Jal Kapadia, formerly of Flower road,
No 10,558 Colpetty, Colombo, in the Island of Ceylon, but late of Sacklat House, New Queens road, Bombay, India, Parsi Inhabitant, widow, deceased

THIS matter coming on for disposal before James Joseph, Esq., Additional District Judge of Colombo, on August 13, 1943, in the presence of John Peter Edmund Gregprey of Colombo, Proctor, on the part of the petitioner, Geoffrey Thomas Hale of Colombo, and the affidavit of the said petitioner dated August 7, 1943, original grant of probate of the will of the above named deceased, power of attorney in favour of the petitioner and Supreme Court's Order dated August 2, 1943, having been read It is ordered that the will of the said deceased dated February 5, 1943, of which the original grant of probate 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 three 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 persons or person interested shall, on or before September 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 17, 1943

JAMES JOSEPH,
Additional District Judge

In the District Court of Negombo

Order Nisi

No 3,206 In the Matter of the Intestate Estate of Edirisin-
Testamentary pedge Poduna of Horampella, deceased

Between

Horathalpedige David Dharmawansara of Hirupitiya Petitioner

Vs

(1) Edirisinpedige Omiya, (2) Horathalpedige Pathma Hema wathie, (3) ditto Kusma Seelawathie, (4) ditto Suwarnipale, all of Horampella, (5) ditto Amaraselli of Hirupitiya, (6) ditto Nipanasoma Nandusena Respondents

THIS matter coming on for disposal before Spencer Rajaratnam, Esq., District Judge on Negombo, on June 4, 1943, in the presence of Mr E. W. de Zoysa, Proctor, on the part of the petitioner, C. V. Dias, Proctor, on the part of the 1st respondent, and the petition and affidavit of the said petitioner dated June 4, 1943, and May 7, 1943, respectively, having been read It is ordered that the 1st respondent above named be and he is hereby appointed guardian *ad litem* of the 2nd to 6th respondents who are minors, to represent them for all the purpose of this action, and (b) that the said petitioner be and he is hereby declared entitled, as widow of the above named deceased, to have letters of administration to her estate issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before June 25, 1943, show sufficient cause to the satisfaction of this court to the contrary

June 4, 1943

S RAJARATNAM,
District Judge

Time for showing cause against thereon is extended to August 30, 1943

August 2, 1943

S RAJARATNAM,
District Judge

In the District Court of Kalutara

Order Absolute declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Wijayatunga
Jurisdiction Patabendige Stephen Silva, deceased, of Diyala
No 3,101 goda

Wijayatunga Patabendige Aloysius Silva of Diyala Petitioner

Vs

Ponnmbaduge Dona Marthina Noms Manral of Diyala Respondent

THIS matter coming on for disposal before F. C. Perera, Esq., Acting District Judge, Kalutara, on August 7, 1943, in the presence of Messrs Perera & Walter, Proctors, on the part of the petitioner, and the affidavit of the notary and witness dated August 3, 1943, along with that of the petitioner dated July 29, 1943, together with last will No 31,640 dated October 31, 1941, having been read

It is ordered that the will of Wijayatunga Patabendige Stephen Silva, deceased, dated October 31, 1941, and numbered 31640 be and the same is hereby declared proved, unless the respondent or person or persons interested in the estate shall, on or before September 8, 1943, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Wijayatunga Patabendige Aloysius Silva, the petitioner, is the executor named in the said will and that he is entitled to have probate of the same issued to him accordingly, unless the respondent or others interested in the estate shall, on or before September 8, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 7, 1943

F CONRAD PERERA,
Acting District Judge

In the District Court of Kalutara

Order Nisi

Testamentary In the Matter of the Estate of the late Sattambirallage Dona Ana Arsecularatne, deceased, of No 3,102 Maggona

Madanakonda Aratchirallage Don Adraffi Arsecularatne of Maggona Petitioner

Vs.

(1) Madanakonda Aratchirallage Dona Justina Arsecularatne, (2) Madanakonda Aratchirallage Dona Margaret Arsecularatne of Maggona Respondents

THIS matter coming on for disposal before F C Perera, Esq., Acting District Judge, Kalutara, on August 10, 1943, in the presence of Messrs Perera & Walter, Proctors, on the part of the petitioner, and the affidavit of the above named petitioner dated August 10, 1943, having been read

It is ordered that the petitioner is entitled to have letters of administration issued to him, as son of the deceased, unless the respondents or any person or persons interested in the estate shall, on or before September 8, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 10, 1943

F CONRAD PERERA,
Acting District Judge

In the District Court of Kalutara

Order Nisi

Testamentary In the Matter of the Estate of the late Weedyage Jurisdiction Charles Fernando, deceased, of Kalutara No 3,103

(1) Weedyage Mons Fernando of Desastra, Kalutara, (2) Jayawijaya Matcho Fernando, (2) Weedyage Jana Fernando, both of Desastra, Kalutara Respondents

THIS matter coming on for disposal before F Conrad Perera, Esq., Acting District Judge of Kalutara, on August 11, 1943, in the presence of Mr W B M Abeysekera, Proctor, on the part of the petitioner, and the affidavit of the above mentioned petitioner dated August 10, 1943, having been read

It is ordered that the petitioner be declared entitled, as son of the deceased above named, to have letters of administration issued to him, unless the respondents of any person or persons interested in the estate shall, on or before September 8, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 11, 1943

F CONRAD PERERA,
Acting District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Wali Jurisdiction sundera Mudianselage Mudyansela Walsundera, No T 375 deceased, of Kehelwela in Kiribathkumbura

Tennakoon Mudianselage Ukku Amma Tennakoon of Kehelwela Petitioner

And

(1) Walsundera Mudianselage Jayawathie Menike, (2) ditto Seneviratne Banda, (3) ditto Nandra Manika, (4) ditto Jothu Ratna, all of Kehelwela, (5) Tennakoon Mudianselage Juvans Appuhamy of Udumeyya Respondents

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on July 20, 1943, in the presence of Messrs De Silva & Karunaratne, Proctors, on the part of the petitioner, Tennakoon Mudianselage Ukku Amma Tennakoon of Kehelwela, and the affidavit of the said petitioner dated June 21, 1943, having been read

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above named deceased, to have letters of administration to the estate of the deceased issued to her, unless the respondents or any other person or persons interested shall, on or before September 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further ordered that the 5th respondent be appointed guardian *ad litem* over the minors, the 1st to 4th respondents, unless the respondents or any other person or persons interested shall, on or before September 2, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 20, 1943

C NAGALINGAM,
District Judge

In the District Court of Kandy

Order Nisi

Testamentary In the Matter of the Estate of the late Ellawatta Jurisdiction gederata alaha Welikumburegedera Panchanamy, No T 377 deceased, of Hedeniya

THIS matter coming on for disposal before C Nagalingam, Esq., District Judge, Kandy, on July 22, 1943, in the presence of Messrs

Coomaraswamy & Vijayarajnam, Proctors, on the part of the petitioner, Alakeswararam Dingiri Amma of Hedeniya, and the affidavit of the said petitioner dated July 10, 1943, having been read It is ordered that the petitioner be and she is hereby declared entitled, as the daughter of the above named deceased, to have letters of administration to the estate of the deceased issued to her, unless any person interested shall, on or before September 13, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 22, 1943

C NAGALINGAM,
District Judge

In the District Court of Galle

Order Nisi

No 8,051T In the Matter of the Intestate Estate of Martha Catharine Kodippilly, late of Gonapinuwala, deceased

Marjorie Avril Kodippilly of Gonapinuwala Petitioner

And

(1) Eeryl Anna Kodippilly, (2) Christobel Stephen Kodippilly, (3) Emd Florence Kodippilly, (4) Lakshman, Kodippilly all of Gonapinuwala, (5) F W A Soysa of Weligama Respondents

THIS matter coming on for disposal before M A Samarakoon, Esq., District Judge of Galle, on July 23, 1943, in the presence of Mr H de S Kulathunga, Proctor, on the part of the petitioner, and the affidavit of the said petitioner

It is ordered and decreed that the said petitioner be appointed administratrix of the estate of the above deceased Martha Catharine Kodippilly, and the said 5th respondent be appointed, as guardian *ad litem* over the said 3rd and 4th named minor respondents, unless respondents or some other person or persons interested shall, on or before August 27, 1943, show sufficient cause to the satisfaction of the court to the contrary

M A SAMARAKOON,
District Judge

In the District Court of Galle

Order Nisi

Testamentary In the Matter of the Intestate Estate of the late Jurisdiction Idroos Lebbe Marikar Mohamed Ismail of Talapitiya, Galle, deceased No 8,052

Mohamed Ismail Mohamed Cassim of Talapitiya, Galle Petitioner

And

(1) Mustafa Marikar Pattu Muttu Umma, (2) Mohamed Ismail Siddath Umma, (3) Mohamed Ismail Rukiy, (4) Mohamed Ismail Mohamed Samsam, (5) Mohamed Ismail Habeeb, (6) Mohamed Ismail Thasim, (7) Paekul Bawa Mohamed, all of Talapitiya, Galle Respondents

THIS matter coming on for disposal before M A Samarakoon, Esq., District Judge of Galle, on July 26, 1943, in the presence of Messrs Saheed & Thahir, Proctors, on the part of the petitioner, and the petition and affidavit of the said petitioner having been read

It is ordered that the 7th respondent above named be appointed guardian *ad litem* over the 3rd to 6th respondents, unless the respondents above named shall, on or before September 3, 1943, show sufficient cause to the satisfaction of this court to the contrary

It is further declared that the said petitioner, as son of the said deceased, is entitled to have letters of administration issued to him accordingly, unless the respondents above named shall, on or before September 3, 1943, show sufficient cause to the satisfaction of this court to the contrary

July 26, 1943

P M JAYAWARDENA,
District Judge

In the District Court of Ratnapura

Order Nisi

Testamentary In the Matter of the Intestate Estate of Gammassam Jurisdiction Gamaetige Appuhamy of Dodampe, deceased No 1,138

Gammassam Gamaetige Panchmahatmaya of Dodampe Petitioner

Vs

(1) Imiyahamillage Ranmenike, (2) Gammassam Gamaetige Herat Appuhamy, both of Dodampe, and (3) Gammassam Gamaetige Dingurmenike of Handurangala Respondents

THIS matter coming on for disposal before V E Rajakarier, Esq., District Judge, Ratnapura, on August 9, 1943, in the presence of Mr P A Dharmadasa, Proctor, on the part of the petitioner, and the petition and affidavit of Gammassam Gamaetige Panchmahatmaya of Dodampe, the petitioner above named dated August 3, 1943, having been read It is ordered that the said petitioner above named is the second son of the deceased above named, and that he is entitled to have letters of administration to the estate of the said deceased issued to him accordingly, unless the respondents above named or any other person or persons interested shall, on or before September 14, 1943, show sufficient cause to the satisfaction of this court to the contrary

August 9, 1943

V E RAJAKARIER,
District Judge

DRAFT ORDINANCES

(Continued from page 418)

MINUTE

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

M L A — G 33/42/L D — O 35/43

An Ordinance to amend the Village Communities Ordinance

(Cap 198—1941
Supplement,
Vol I, p 122)

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 Village Communities Amendment Ordinance, No of 1943

Short title

2 Section 11 of the Village Communities Ordinance, (hereinafter referred to as “the principal Ordinance”), is hereby amended in the second proviso to sub-section (1) thereof, by the substitution, for the words “into two or more wards”, of the words “or the combined area of two or more such divisions into two or more wards”

Amendment of
section 11 of
Chapter 198

3 Section 17 of the principal Ordinance is hereby amended in sub-section (1) thereof by the substitution, in paragraph (c), for the words “the termination of the period, or”, of the words “the termination of the period”

Amendment of
section 17 of
the principal
Ordinance

4 Section 41 of the principal Ordinance is hereby amended as follows —

Amendment of
section 41 of
the principal
Ordinance

(1) in sub section (1) thereof—

(a) in paragraph (c) by the substitution, for the words “so apportioned or assigned, and” of the words “so apportioned or assigned, ”,

(b) by the insertion, immediately after paragraph (d), of the following new paragraphs —

“(e) give directions as to the collection and recovery of moneys due to the Board from the inhabitants of that town or village (whether as rates, taxes, licence duties or otherwise) and as to the payment of such moneys, when so collected and recovered, to the aforesaid Village Committee, and

(f) make such other provision as may appear to the Governor to be necessary or expedient”

(2) by the re-numbering of sub-section (3) thereof, as sub-section (4),

(3) by the insertion, immediately after sub-section (2), of the following new sub section —

“(3) Where any town excluded from the operation of the Local Boards Ordinance by Proclamation under section 2 of that Ordinance, or any town or village excluded from the operation of the Small Towns Sanitary Ordinance by Proclamation under section 4 of that Ordinance, is brought within the operation of this Ordinance and constituted into a separate village area, every by-law in force in that

Cap 196

Cap 197

town or village on the day immediately preceding the date of such constitution shall, so far as it is not in conflict with the provisions of this Ordinance, be deemed to be a by law made under this Ordinance and shall continue in force within that village area until it is rescinded by the Village Committee”

Amendment of section 43 of the principal Ordinance

5 Section 43 of the principal Ordinance is hereby amended by the insertion, immediately after paragraph (b), of the following new paragraph .—

“(bb) to establish or maintain (subject to the extent of its resources) any public service which is required for the welfare, comfort or convenience of the public and which it is authorised by the Executive Committee to establish or maintain under this Ordinance, and, with the sanction of the Executive Committee, to levy a special rate upon the area benefited by such service, subject to such limits and exemptions as may be prescribed by by-laws ,”

Amendment of section 49 of the principal Ordinance

6 Section 49 of the principal Ordinance is hereby amended in sub-section (2) thereof as follows —

(1) in paragraph (xii) relating to water supply, by the insertion, immediately after clause (c), of the following new clause —

“(d) the regulation, control, protection and maintenance of the supply of water from any waterworks established or maintained by the Committee” ,

(2) in paragraph (xiii) relating to Public Services, by the substitution, for the words “recovery of charges”, of the words “imposition and recovery of charges”

Objects and Reasons

On January 1, 1944, certain towns will be removed from the operation of the Small Towns Sanitary Ordinance (Chapter 197) and brought within the operation of the Village Communities Ordinance (Chapter 198) and constituted into separate village areas. The Village Committees of these new areas will take some time to pass their own by-laws, and until such by-laws are passed it is necessary to declare that the existing by-laws, made under the Small Towns Sanitary Ordinance, shall apply.

The principal object of this Bill is to provide that the by-laws in force in each such town immediately before the date of its conversion into a village area shall be in force within that village area until they are rescinded by the Village Committee (Clause 4)

Clauses 5 and 6 will enable the Village Committees of the new village areas to maintain certain public services which have been established within those towns by the Sanitary Board or to establish new public services

By Clauses 2 and 3 it is proposed to make two minor amendments in the principal Ordinance

S W R D BANDARANAIKE,
Minister for Local Administration

Colombo, August 24, 1943