



Ceylon Government Gazette

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and General Government Notifications.

PART II.—Legal and Judicial.

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PART IV.—Marine and Mercantile.

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MUNICIPAL COUNCIL NOTICES.

MUNICIPALITY OF KANDY.

Supplemental Budget No. 3 for 1897, as approved by the Standing Committee.

	Rs.	c.	Rs.	c.
Cash balance at end of 1896	—	—	9,562	34
Estimated balance for 1897	—	—	7,582	26
Probable savings on Public Works vote for 1897	—	—	8,500	0
			25,644	60
Amount of Supplemental Budget No. 1	6,693	85		
Do. No. 2	10,588	10		
			17,281	95
			8,362	65
Additional work on Hantana road	—	—	451	50
Scavenging account	—	—	600	0
Drainage scheme (on account)	—	—	1,045	68
Two public latrines	Rs. 540	00		
Concrete platforms for eight latrines	Rs. 2,400	00		
			2,940	0
Cutting off corner below parsonage grounds and renewing roadway	—	—	400	0
Further extension of culvert below parsonage	—	—	384	0
Drain in market premises	—	—	154	0
Horse allowance to Heath Officer	Rs. 80	00		
Do. (additional) to Chief Inspector	Rs. 20	00		
			100	0
			6,075	18
			2,287	47

Kandy, December 18, 1897.

851

ALLANSON BAILEY,
Chairman.

E 1

ROAD COMMITTEE NOTICES.

NOTICE is hereby given that the Governor, with the advice and consent of the Legislative Council, having agreed to grant the under-mentioned sum for the maintenance of the under-mentioned road for 1897, the Provincial Road Committee, acting under the provisions of "The Branch Roads Ordinance, 1896," have assessed the proportion due by each estate in the district interested in the repair of the said road, as follows:—

RANGALLA-NITRE CAVE ROAD.

Government moiety	Rs. 563
Private contributions	Rs. 563

1st and 2nd sections.

Total acreage, 3,074—Moiety of cost, Rs. 171-04—

Sectional rate, '0556c.—Total rate, '0556c.

Proprietors or Agents.	Estates.	Acreage.	Rs.	c.
The Rangalla Tea Co., Ltd. (Wm. Sinclair); Agents Whittall & Co.	Rangalla	130	7	23

1st to 3rd section.

Total acreage, 2,944—Moiety of cost, Rs. 119-48—

Sectional rate, '0406c.—Total rate, '0962c.

The Rangalla Tea Co., Ltd. (Wm. Sinclair); Agents Whittall & Co.	Poodelgödde	331	31	86
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1st to 4th section.

Total acreage, 2,613—Moiety of cost, Rs. 119-48—

Sectional rate, '0457c.—Total rate, '1419c.

The Rangalla Tea Co., Ltd. (Wm. Sinclair); Agents Whittall & Co.	Madultenne	202	28	68
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1st to 5th section.

Total acreage, 2,411—Moiety of cost, Rs. 38-10—

Sectional rate, '0158c.—Total rate, '1577c.

The Rangalla Tea Co., Ltd. (Wm. Sinclair); Agents Whittall & Co.	Kaladuriya	216	34	8
Executors of the late F. Bowle Evans and H. V. Masefield	Ferndale	310	48	91
Miss Piachaud (H. P. Rudd)	Leangapella	321	50	64
C. J. Pattenson	Peru	138	21	78
Baker and Hall (E. W. Thomson)	Esperanza and Loolooowatta	832	131	23
Arthur L. Wyllie and R. H. Ellis	St. Martin's	594	93	69
			448	10

Which sums the proprietors, managers, or agents of the several estates are hereby required to pay into the Colonial Treasury, Colombo, on or before January 7, 1898.

	Rs. c.	Rs. c.
N.B.—Planters' moiety	—	563 0
Deduct unexpended balance, 1896	105 66	
Bank interest, 1st quarter	1 90	
Do. 2nd quarter	7 34	
		114 90
		448 10

F. BOWES,
for ALLANSON BAILEY,
Chairman.

Provincial Road Committee's Office,
Kandy, December 16, 1897.

NOTICE is hereby given that the Governor, with the advice and consent of the Legislative Council, having agreed to grant the under-mentioned sum for the construction of the under-mentioned road, the Provincial Road Committee, acting under the provisions of "The Branch Roads Ordinance of 1896," have assessed the proportion due by each estate in the district interested in the construction of the said road, as follows:—

PASSARA-MADÜLSIMA ROAD EXTENSION.

Calculation of contribution towards construction of section from Doomoo Gap to Forest Hill, 2½ miles.

Part of 4th section, second ¼ mile.

	Rs.	c.	Rs.	c.
Cost of construction	4,612	0		
Moiety	2,306	0		
One-fifth instalment	—		461	20
Payments to estates:				
Doomoo: length of roadway, 1,320 ft.:				
Cost of land ..	520	46		
Compensation for spoil (in sections 4, 5, 6)	3,362	25		
	3,882	71		
Deduct value of benefit	200	0		
			3,682	71
Amount of contribution	—		4,143	91

5th section, half a mile.

Cost of construction	12,183	0		
Moiety	6,091	50		
One-fifth instalment	—		1,218	30
Payments to estates:				
Doomoo: length of roadway, 2,640 ft.:				
Cost of land...	—		1,040	19
Amount of contribution	—		2,258	49

6th section, half a mile.

Cost of construction	22,631	0		
Moiety	11,315	50		
One-fifth instalment	—		2,263	10
Payments to estates:				
Doomoo: length of roadway, 860 ft.:				
Cost of land	339	10		
Batawatta: length of roadway, 1,780 ft.:				
Cost of land ..	340	68		
			679	78
Compensation to Batawatta and Forest Hill (in sections 6, 7, 8, and 9)	1,356	71		
Deduct value of benefit	1,000	0		
			356	71
Amount of contribution	—		3,299	59

7th section, half a mile.

Cost of construction	9,826	0		
Moiety	4,913	0		
One-fifth instalment	—		982	60
Payments to estates:				
Batawatta: length of roadway, 2,640 ft.:				
Cost of land...	—		511	18
Amount of contribution	—		1,493	78

	Rs. c.	Rs. c.		Rs. c.	Rs. c.
8th section, half a mile.			One-fifth instalment	...	860 0
Cost of construction	13,748 0		Payments to estates :		
Moiety	6,874 0		Forest Hill : length of roadway,		
			1,320 ft. :		
			Cost of land	...	259 59
Fifth instalment	—	1,374 80	Amount of contribution	...	1,119 59
Payments to estates :					
Batawatta : length of roadway,			<i>Assessment of Estates.</i>		
560 ft. :			4th to 6th section.		
Cost of land...	108 43		Amount of estates contribution	Rs. 9,701-99	
Forest Hill : length of roadway,			Total acreage 2,436—Rate per acre 3-9887c.		
2,080 ft. :			Proprietors or Agents. Estates. Acreage. Rs. c.		
Cost of land	402 75	511 18	J. M. Robertson & Co. Doomoo	298 ...	1,186 84
Amount of contribution	—	1,885 98	4th to 9th section, minus Doomoo.		
			Amount of estates contribution	Rs. 13,014-50	
			Total acreage 2,138—Rate per acre 6-08723c.		
9th section, first $\frac{1}{4}$ mile.			Whittall & Co. ... Batawatta	364 ...	2,215 75
Cost of construction	8,600 0		Do. ... Forest Hill	387 ...	2,355 75
Moiety	4,300 0		Boanquet & Co. ... Wewebadda	334 ...	2,033 13
			Cumberhatch & Co. Cocagalla	1,053 ...	6,409 87
				2,138	13,014 50

Summary showing Amounts due from and to Estates.

Estates.	Total Assessment.	Cost of Land and Compensation, less Benefit.	Refund due to each Estate.	Balance due from Estate.
	Rs. c.	Rs. c.	Rs. c.	Rs. c.
Doomoo	1,186 84	5,062 0	3,875 16	—
Batawatta and Forest Hill	4,571 50	1,979 34	—	2,592 16.
Wewebadda	2,033 13	—	—	2,033 13
Cocagalla	6,409 87	—	7,160 0*	6,409 87
			11,035 16	11,035 16

* One-fifth moiety.

Which sums the proprietors, managers, or agents of the several estates are hereby required to pay into the Colonial Treasury, Colombo, on or before January 15, 1898.

Provincial Road Committee,
Badulla, December 8, 1897.

L. W. C. SCHRADER,
for Chairman.

MR. Gerard Wijekoon, Mohandiram, has been duly elected Native Member of the District Road Committee of Matale for the years 1898, 1899, and 1900.

ALLANSON BAILEY,
Provincial Road Committee's Office, Chairman.
Kandy, December 21, 1897.

resident managers of estates interested in the Deltota road, within the Deltota district, for the purpose of electing a Local Committee to perform the duties imposed upon such Committee by the said Ordinance.

The meeting will be held at the Club Pavilion at Patiagama at 1 P.M. on January 15, 1898.

F. BOWES,
for Chairman.

Provincial Road Committee's Office,
Kandy, December 29, 1897.

HEREBY give notice, in terms of section 11 of "The Branch Roads Ordinance, 1896," of my intention to hold a General Meeting of the proprietors or

UNOFFICIAL ANNOUNCEMENTS.

MEMORANDUM OF ASSOCIATION OF THE LANKA GENERAL STORES COMPANY, LIMITED

1. The name of the Company is "The Lanka General Stores Company, Limited."
2. The registered office of the Company is to be established in Colombo.
3. The objects for which the Company is established are :—

(a) To import or buy locally and sell wines, liquors, oilmanstores, boots, shoes, clothing, medicine, books, stationery, lamps, electroplatedwares, hardwares, glassware, crockery, cutlery, cement, &c., and generally to carry on the trade of wine merchants, shopkeepers, tailors, dressmakers, chemists and druggists, photographers, hotelkeepers, carriage builders, saddlers, horse trainers, painters, undertakers, and shippers of Ceylon produce.

(b) To buy and sell locally or ship for sale beyond the seas any Ceylon produce.

(c) To buy or take on lease any lands and houses, stores, shops, hotels, &c., for the storage and sale of the goods of the said Company.

(d) To do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

4. The liability of the Shareholders is limited.

5. The nominal capital of the Company is Rs. 200,000, divided into 2,000 shares of Rs. 100 each.

We, the several persons whose names and addresses are subscribed, are desirous of being formed into a Company in pursuance of this Memorandum of Association, and we respectively agree to take the number of shares in the capital of the Company set opposite our respective names :—

Names and Addresses of Subscribers.	Number of Shares taken by each Subscriber.
N. D. P. SILVA, Bellesrhue, Kollupitiya	One
JNO. CLOVIS DE SILVA, Lynn Bank, Cinnamon Gardens, Colombo	One
D. S. SENANAYEKE, Woodlands, Kanatta road	One
A. E. DE SILVA, The Bower, Kotte road	One
W. D'ABREW, No. 7, Brownrigg street, Cinnamon Gardens	One
D. P. TAMPOE, Montrose, Cinnamon Gardens	One
A. N. DE SILVA, No. 22, Maliban street, Pettah	One
H. J. PEIRIS, Sunnyside, Moratuwa	One
S. SIVASANGRAM, 25, Jail road, Maradana	One

Witness to the above signatures :

JOHN J. L. OHLMUS,

Proctor, Supreme Court.

Colombo, November 29, 1897.

ARTICLES OF ASSOCIATION OF THE LANKA GENERAL STORES COMPANY, LIMITED.

THE regulations contained in Table C in the Schedule annexed to "The Joint Stock Companies' Ordinance, 1861," shall be the regulations of the Company, subject to the modifications hereinafter mentioned :—

In the construction of the Memorandum and Articles of Association, unless the contrary be expressed or is to be inferred from the context—

Words signifying the singular number only shall include the plural and *vice versa*.

Words signifying males only shall extend to and include females.

Words signifying persons shall apply *mutatis mutandis* to corporations.

The word "month" shall mean calendar month.

The words "special resolution" shall mean a special resolution passed in accordance with clause 47 of "The Joint Stock Companies' Ordinance, 1861."

The modifications are as follows :—

CAPITAL AND SHARES.

The capital of the Company shall be Rs. 200,000, divided into 2,000 shares of Rs. 100 each.

If several persons are registered as joint holders of any share, they shall be liable severally as well as jointly for the payment of all instalments and calls due in respect of such share.

If several persons are registered as joint-holders of any share, any one of such persons may give effectual receipts for any dividend payable in respect of such share.

CALLS ON SHARES.

The Directors shall have power in their discretion to give time to any one or more Shareholders, exclusive of the others, for payment of any call or part thereof on such terms as the Directors may determine. But no Shareholder shall be entitled to any such extension or consideration except as a matter of grace.

FORFEITURE OF SHARES.

The Directors may in their discretion at any time remit any forfeiture, which shall have been incurred either before or after such forfeiture shall have been actually declared, upon such terms and conditions as they may think proper, and thereupon the holder of such shares shall be restored to his full rights in respect of the same shares, and be subject to the same liabilities in relation thereto as if such forfeiture had not been incurred. Provided always that no remission of a forfeiture shall be made after the forfeited shares shall have been sold or otherwise disposed of, nor after two calendar months from the declaration of forfeiture, nor so as to prejudice or disturb any dividend which may have been declared.

TRANSFER OF SHARES.

Every instrument of transfer of any share shall be executed both by the transferrer and transferee, and the transferrer shall be deemed to be the holder of such share until the name of the transferee is entered in the register book in respect thereof. Every such instrument shall be left at the office of the Company for approval by the

Directors, accompanied by such evidence as may be required by the Directors to prove the title of the transfer. If the transfer be approved, such approval shall be certified in writing under the hand of two of the Directors endorsed on such instrument of transfer, and the Company shall thereupon register the transferee as a Shareholder. If the transfer be not approved, the same shall be absolutely null and void as if the same had not been executed, and notice of non-approval shall be sent to the Shareholder who purported to have made the transfer of his share. If no notice of non-approval shall be sent to the Shareholder within thirty days from the date the transfer was left at the office of the Company, the transfer shall be taken and deemed to have been approved.

The Directors may on their own absolute and uncontrolled discretion decline, without assigning any reason, to approve or register the transfer of share or shares held by a Shareholder which, in the interest of the Company, they consider it undesirable or inexpedient to register.

INCREASE OF CAPITAL.

The Directors may, with the sanction of a special resolution of the Company previously given in General Meeting, increase its capital by the issue of new shares; such aggregate increase to be of such amount, and to be divided into shares of such respective amounts as the Company in General Meeting directs, or if no direction is given, as the Directors think expedient.

Subject to any direction to the contrary that may be given by the meeting that sanctions the increase of capital, all new shares shall be offered to the members in proportion to the existing shares held by them, and such offer shall be made by notice specifying the number of shares to which the member is entitled, and limiting a time within which the offer, if not accepted, will be deemed to be declined; and after the expiration of such time, or on the receipt of an intimation from the member to whom such notice is given that he declines to accept the shares offered, the Directors may dispose of the same in such manner as they think most beneficial to the Company.

Any capital raised by the creation of new shares shall be considered as part of the original capital, and shall be subject to the same provisions with reference to the payment of calls or otherwise as if it had been part of the original capital.

GENERAL MEETING.

The first General Meeting shall be held at such time, not being more than six months after the incorporation of the Company, and at such place as the Directors may determine.

Subsequent General Meetings shall be held once a year at least at such time and place as may be prescribed by the Company in General Meeting, and if no other time and place be prescribed, a General Meeting shall be held during the month of February in every year at such time and place as the Directors may appoint.

PROCEEDINGS AT GENERAL MEETINGS.

Seven days' notice at the least, specifying the place, the day and time of meeting, and the purpose for which the meeting is to be held, shall be given either by advertisement or in such other manner as may be prescribed by the Directors; and no business shall be transacted at such meeting other than what is specified in such notice. All business shall be deemed special that is transacted at an extraordinary meeting, and also all that is transacted at an ordinary meeting, with the exception of receiving and considering the profit and loss account and the balance sheet, the reports of the Directors and of the Auditors, the election of Directors and other officers in the place of those retiring by rotation, declaring and sanctioning dividends, and transacting any other business which under these presents ought to be transacted at an ordinary meeting, and any business which is brought under consideration by the report of the Directors issued with the notice convening such meeting.

No business shall be transacted at any General Meeting, except the declaration of a dividend, unless ten members be personally present at the commencement of such business.

If within one hour from the time appointed for the meeting the required number of members be not present, the meeting, if convened upon the requisition of members, shall be dissolved; in any other case it shall stand adjourned for one week at the same time and place; and if it at such adjourned meeting the required number of members shall not be present, the meeting shall be adjourned *sine die*.

In case of an equality of votes at any General Meeting, or upon the result of any poll, the Chairman shall have a second or casting vote.

VOTE OF SHAREHOLDERS.

Any representative by power of attorney of any absent Shareholder duly authorized shall be entitled to vote at the meeting of the Company, and shall also have power to appoint a proxy to represent his interests at such meeting; provided always that no person can be appointed to act as proxy who is not a Shareholder in the Company, and provided also that the power of attorney or proxies are produced and deposited at the registered office of the Company not less than seventy-two hours before the time of holding the meeting by the Shareholders holding the same.

DIRECTORS.

The number of the Directors shall not be less than five nor more than eight.

The following persons shall be the first Directors of the Company, namely, N. D. P. Silva, John Clovis de Silva, D. S. Senanayake, A. E. de Silva, William de Abrew, D. P. Tampoe, A. N. de Silva, and H. J. Peiris.

The qualification of every Director shall be the holding in his own right at least twenty-five shares; upon which all calls for the time being made shall have been fully paid up.

The office of Director shall be vacated—

If he ceases to hold twenty-five shares in the Company.

If he holds any office or place of profit under the Company except that of Managing Director.

If he becomes bankrupt, or compounds with his creditors, or becomes lunatic, or of unsound mind.

If he absents himself from the Directors' Board Meeting for six successive months without the consent of the Directors.

If he is concerned in or participates in the profits of any contract with or any work done for the Company; provided always that no Director shall vacate his office by reason of his being a member of any Company which has entered into contracts with or done any work for the Company of which he is a Director. Nevertheless, he shall not vote in respect of such contract or work, and if he does so vote, his vote shall not be counted.

If a Director shall desire to resign his office, he shall leave a notice in writing of such his desire at the registered office of the Company, and on the acceptance of his resignation by the Board, but not before, his office shall be vacant.

If any Director shall be requested in writing signed by all his co-Directors to resign his office, he shall resign the same accordingly; and if he shall fail so to do for the space of forty-eight hours after he shall receive such request, or after the same shall have been left at his usual or last known place of abode or business, such of his co-Directors as may be present at a Special Board Meeting may remove such Director from his office, provided they are unanimous therein.

The Company in General Meeting may by a special resolution remove any Director before the expiration of his period of office, and may by an ordinary resolution appoint another person in his stead; the person so appointed shall hold office during such time only as the Director in whose place he is appointed would have held the same if he had not been removed.

The amount to be paid to the Directors as remuneration for their services shall be determined at the first Ordinary General Meeting of the Company.

A Managing Director may from time to time (with the same sanction of a General Meeting) be appointed by the Directors from one of their body, on such terms and conditions as to special remuneration and tenure of office as he and the Directors may agree on; and such Managing Director may from time to time be removed or dismissed from office and another appointed in his place.

A Managing Director shall not, while he continues to hold that office, be subject to retirement by rotation, and he shall not be taken into account in determining the rotation of retirement of Directors, but he shall, subject to any provisions of any contract between him and the Company, be subject to the same provisions as to resignation and removal as the other Directors of the Company; and if he cease to hold the office of the Director from any cause, he shall *ipso facto* and immediately cease to be a Managing Director.

The remuneration of a Managing Director shall from time to time be fixed by the Company in General Meeting, and may be by way of salary or commission or participation in profits or by any or all of these modes.

The Directors may from time to time entrust to and confer upon a Managing Director for the time being such of the powers exercisable under these presents by the Directors as they may think fit, and may confer such powers for such time and to be exercised for such objects and purposes and upon such terms and conditions and with such restrictions as they think expedient; and they may confer such powers either collaterally with, or to the exclusion of, and in substitution for all or any of the powers of the Directors in that behalf; and may from time to time revoke, withdraw, alter, or vary all or any of such powers.

POWERS OF DIRECTORS.

To purchase, take on lease, or otherwise acquire any lands, houses, or other property upon such terms and conditions in all respects as the Directors may think fit or may deem necessary and requisite for the purposes of the business of the said Company.

To erect any buildings for the purposes of the Company.

To indent for and import or buy locally all goods, articles, wares, and merchandise required for the purposes of the said Company, and to pay for same out of the funds of the Company. To manage the business of the Company either by themselves or through a Managing Director chosen from among them, or with the assistance of an agent or agents and secretary or secretaries to be appointed by them.

To pay out of the funds of the Company all costs and expenses, preliminary or otherwise paid or incurred in and about the formation and registration of the Company, and in connection with the placing of the shares of the Company.

From time to time to appoint one or more of their number as Managing Director or Directors, and from time to time to appoint secretary, officers or other servants, bankers, proctor and solicitor to the Company, for such period or periods and with such remuneration and at such salaries and upon such terms and conditions as they may consider advisable; and from time to time to suspend or remove all or any of them for such reasons as they may think proper and advisable.

From time to time to appoint an attorney or attorneys under the seal of the Company to act specially when necessary on behalf of the Company out of the Island, and to revoke such appointment.

To execute all deeds, receipts, and other documents they may deem necessary, and for that purpose to use when required the Company's seal.

To refer disputes to arbitration, to compromise any debt or claims due to or from the Company, to give time to any debtor for payment of his debt.

To make, accept, and endorse any bill of exchange or promissory note that may, by a meeting of the Board of Directors, be considered necessary for the purposes of the business of the Company.

To borrow on behalf of the Company any sum of money they may deem expedient and necessary either for the purpose of extension of the business of the Company, or for any other purpose connected with the business and object of the Company; to give security for money so borrowed or any part thereof, debentures, or mortgages, or debentures secured by mortgages, such mortgages being the whole or any part of the property of the Company, bonds, bills of exchange, promissory notes, or such other securities as they may think fit.

Provided, however, that the whole amount of moneys due in respect of loans at any one time does not exceed half of the nominal capital of the Company, unless by consent of the Company given at a General Meeting of the Shareholders after due notice of an intended resolution to increase the amount of loans specifying the amount of existing loans and debts.

To bring or defend or abandon any action, suit, or prosecution, or other legal proceedings, civil or criminal.

To carry into effect all or any of the objects of the Company as expressed in the Memorandum of Association, and to exercise all or any of the powers thereby given to the Company.

To exercise in the name of and on behalf of the Company all such powers of the Company as are not expressly required to be exercised by the Company.

Provided, however, that the seal of the Company shall not be affixed to an instrument except in the presence of at least two Directors, who shall attest the sealing thereof; and provided, further, that all moneys, except the moneys required for current expenses, shall from time to time be deposited by the Directors with the bankers of the Company to the accounts of "The Lanka General Stores Company, Limited," and that cheques must be signed and all bills drawn, accepted, and endorsed by at least one Director and the Secretary. Provided, further, that the Directors shall not have the power to purchase shares of the Company on behalf of the Company with its funds.

In witness whereof the Subscribers to the Memorandum of Association have hereto set and subscribed their names at Colombo, this Twenty-ninth day of November, in the year One Thousand Eight hundred and Ninety-seven of the Christian era.

N. D. P. SILVA.
JNO. CLOVIS DE SILVA.
D. S. SENANAYEKE.
A. E. DE SILVA.
W. D'ABREW.
D. P. TAMPOE.
A. N. DE SILVA.
H. J. PEIRIS.
S. SIVASANGRAM.

Witness to the above signatures:

JOHN J. L. OHLMUS,
Proctor, Supreme Court.

Colombo, November 29, 1897.

