

## No. 14 of 1877.

**An Ordinance to empower the Trustees of the Sailors' Home in Colombo to raise money for the completion of the building required for the same, and to make provision for the regulation and management in certain respects of the Trusts thereof, and for the sale, mortgage, and lease of the property belonging thereto.**

**W**HEREAS it was some years ago deemed expedient to establish a sailors' home in the city of Colombo, and divers sums of money were voluntarily subscribed by sundry persons towards such object, and the Legislative Council of this island voted the sum of ten thousand rupees towards the same purpose, which said sum was duly paid to the trustees of the said home from the General Treasury: And whereas the Principal Collector of Customs for the time being, the Master Attendant of Colombo for the time being, and Frank Mitchell Mackwood of Colombo, merchant, were, by a resolution of a committee of the subscribers to the said sailors' home, appointed trustees thereof and have since acted in the said trusts: And whereas by a deed bearing

Preamble.

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date the 28th day of November, 1874, and expressed to be made between Bamberandigey Harmanis Perera of the one part and William Dumaresq Wright, Principal Collector of Customs, James Donnan, Master Attendant of Colombo, and the said Frank Mitchell Mackwood of the other part, the lands and tenements described in the first part of the schedule hereto annexed were granted and transferred to the said William Dumaresq Wright, James Donnan, and Frank Mitchell Mackwood, as trustees of the said sailors' home: And whereas by a deed also bearing date the 28th day of November, 1874, and expressed to be made between Wikiremecarloaratchigey Domingo Fernando of the one part and the said William Dumaresq Wright, James Donnan, and Frank Mitchell Mackwood of the other part, the land and tenements described in the second part of the said schedule hereto were granted and transferred unto the said William Dumaresq Wright, James Donnan, and Frank Mitchell Mackwood, as such trustees as aforesaid: And whereas by a deed also bearing date the 28th day of November, 1874, and expressed to be made between Andrew Barthomeusz Nugara of the one part and the said William Dumaresq Wright, James Donnan, and Frank Mitchell Mackwood of the other part, the land and tenements described in the third part of the said schedule hereto were granted and transferred unto the said William Dumaresq Wright, James Donnan, and Frank Mitchell Mackwood, as such trustees as aforesaid: And whereas by a Crown grant dated the 28th day of August, 1876, under the public seal of the island and under the hand of the Right Honourable Sir William Henry Gregory, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, then Governor of the said island, all the title and interest of the Crown to and in the land and tenements described in the fourth part of the said schedule hereto were granted and assigned unto the said William Dumaresq Wright, James Donnan, and Frank Mitchell Mackwood, as such trustees as aforesaid, for the use and purposes of the said sailors' home: And whereas the said trustees have commenced the erection on the said lands and premises, or part thereof, of a building to be used as a sailors' home, but have not sufficient funds to complete the same and to pay off certain liabilities already incurred in respect thereof: And whereas it is expedient to enable the trustees to raise such funds as may be necessary for the completion of the said building and for the payment of such liabilities, and generally to make provision for the regulation and management of the trusts of the said sailors' home and for the sale, mortgage, and lease of the property belonging thereto: It is hereby enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited for all purposes as "The Colombo Sailors' Home Ordinance, 1877."

Appointment of trustees.

2 The persons lawfully discharging the duties of Principal Collector of Customs of this colony and of Master Attendant of the port of Colombo for the time being

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respectively shall henceforth be *ex-officio* trustees of the said Colombo Sailors' Home; and it shall be lawful for the Governor to appoint from time to time, as he shall think fit, a third trustee to act with the said *ex-officio* trustees in the execution of the trusts of the said home; and such third trustee from time to time to remove and to appoint another in his place.

**3** All the lands, buildings, tenements, and property described in the said schedule hereto and all other property, whether movable or immovable, at present vested in the said William Dumaresq Wright, James Donnan, and Frank Mitchell Mackwood, as trustees of the said home, shall henceforth be deemed for all purposes to be vested in the trustees for the time being of the said sailors' home, to be held upon the trusts and subject to the powers and provisions hereinafter declared.

Property vested  
in the trustees.

**4** The general control and management of the property, subject to the trusts of the said sailors' home, and of the rents, profits, and income thereof, shall be vested in the said trustees for the time being.

Management of  
home to be  
vested in  
trustees.

**5** It shall be lawful for the said trustees at any time or from time to time to sell, mortgage, demise, lease, or otherwise dispose of all or any of the property at any time vested in or belonging to them, as such trustees, upon such terms and subject to such conditions as they shall deem expedient, and from and out of the moneys raised or procured by means of any such sale, mortgage, lease, or other disposition to defray all or any of the expenses or liabilities already incurred, or which may hereafter be incurred, for or in respect of the completion of the said home or otherwise in the execution of the trusts thereof, and from and out of such moneys to purchase any other lands or tenements to be held upon the trusts and for the purposes of the said home, or to invest such moneys or any part thereof for the purposes of the said home or in the execution of the trusts thereof in such manner as they shall deem expedient. Provided always that no person, board, corporation, or association of persons, who may advance or pay any money to the said trustees for or in respect or on account of any such sale, mortgage, lease, or other disposition, shall be liable to see to the proper application of such money or accountable for the misapplication thereof.

Power of sale  
and mortgage.

**6** As soon as all the liabilities incurred in respect of the home shall have been defrayed, or sooner, if the said trustees for the time being shall deem it expedient, the said home shall be opened for the admission and entertainment of sailors, and shall be thenceforth managed and governed by the said trustees in accordance with such rules and regulations as the said trustees shall from time to time establish. Provided, however, that it shall be lawful for the said trustees to defer the opening of the said home for such time as they shall deem expedient.

When home to  
be opened for  
sailors.

*Sailors' Home.*

## SCHEDULE.

## First Part.

All that lot of ground with all the buildings constructed thereon situated and lying at the Front street in the Pettah of Colombo, bounded on the north by the property of Domingo Fernando, on the east by the house of Mr. John Frederick Nugara, on the south by the Norris road, and on the west by the Front street, containing in extent two and ninety one-hundredths square perches, according to the figure of survey bearing date the 23rd day of May, 1848, and attached to the said deed.

## Second Part.

All that lot of ground with the buildings constructed thereon situated at Front street in the Pettah, bounded on the north by the property of Salman Fernando, on the east by the house of Mr. J. F. Nugara, on the south by the property of Cancaniradagey Juanis Fernando, and on the west by Front street, containing in extent one and seven one-hundredths square perches, according to the figure of survey dated 23rd May, 1848, and attached to the said deed.

## Third Part.

A portion of land with the buildings standing thereon situated at Land street in the Pettah, bearing assessment No. 105, and bounded as follows:—On the north by the other portion of the same property, on the east by the house of Hendrick Fernando, on the south by Norris road and Government ground, and on the west by house of widow Nicolle, containing in extent six and twenty-five one-hundredths square perches (0A. 0R. 6·25P.), according to the figure of survey bearing date the — October, 1874, made by C. H. Ludovici, and attached to the title deeds thereof.

## Fourth Part.

An allotment of land situated in Front street, Pettah, in Ward No. 2, within the Municipality of Colombo, Western Province, bounded on the north by lands claimed by Philip Nicolle and the widow J. H. Gerliam, on the east by land claimed by Andrew Nugara and by land purchased by the Sailors' Home Committee, on the south by land purchased by the Sailors' Home Committee, and on the west by land described in plan No. 100,831, containing in extent five perches and twelve-hundredths of a perch (0A. 0R. 5·12P.), according to the survey plan No. 100,830, bearing date the 16th August, 1875, authenticated by A. B. Fyers, Lieutenant-Colonel R.E., Surveyor-General, annexed to the said grant.

2. An allotment of land situated in Front street, Pettah, in Ward No. 2, within the Municipality of Colombo, Western Province, bounded on the north by land claimed by Philip Nicolle, on the east by land described in plan No. 100,830, on the south by land purchased by the Sailors' Home Committee, and on the west by Front street, containing in extent seventy-five hundredths of a perch (0A. 0R. 0·75P.), according to the survey plan No. 100,831, bearing date the 16th August, 1875, and authenticated by A. B. Fyers, Lieutenant-Colonel R.E., Surveyor-General, and annexed to the said grant.

28th November, 1877.