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PART III.—Provincial Administration.

PART IV.—Land Settlement.

PART II.—Legal and Judicial.

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Part II.—Legal and Judicial.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend Ordinance No. 4 of 1900 to provide for the Grant of Certificates to the Tindals and Engineers of Launches.

Preamble.

WHEREAS it is expedient to amend Ordinance No. 4 of 1900 in certain particulars and to provide for the grant of certificates to the tindals and engineers of launches licensed under the said Ordinance or under "The Masters Attendant's Ordinances, 1865 to 1905:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Boats Ordinance Amendment Ordinance, 1906," and unless the context otherwise requires shall be construed and read as one with "The Boats Ordinance, 1900," hereinafter referred to as the "principal Ordinance," and unless the context otherwise requires shall also be construed and read as one with "The Masters Attendant's Ordinances, 1865 to 1905."

Repeal of old form D.

2 Form D in the Schedule hereto is substituted for form D in Schedule II. of the principal Ordinance.

Section 4 of Ordinance No. 4 of 1900 amended.

3 For section 4 of the principal Ordinance the following section shall be substituted:

Boat to be licensed.

4. Subject to the provisions contained in section 29 no boat shall be used for carrying goods or passengers for hire or otherwise or for the purpose of towage for hire or

otherwise from any port or place in this island to any other port or place in the island or in any portion of the sea adjacent to this island, or in any river, canal, lake, or inland water within the same, unless the owner thereof shall have obtained a license for the same, from the proper authority having jurisdiction within the province or town in which such owner resides or exercises his calling, under the provisions of this Ordinance.

Section 5 of Ordinance No. 4 of 1900 amended.

Application for license to be supported by certificates of survey.

4 For section 5 of the principal Ordinance the following section shall be substituted :

5. (1) In the case of boats applying to be licensed under this Ordinance any owner of a boat who may be desirous of obtaining a license to use such boat for the purpose of carrying goods or passengers for hire or otherwise or for the purpose of towage for hire or otherwise shall make an application in writing to that effect to such proper authority, which application shall be substantially in the Form D in the schedule hereto, and shall state accurately the cargo capacity of, and the number of passengers (if any) intended to be carried in such boat, the length, breadth, and depth of such boat, the number of the crew to be carried by such boat, and whether such boat is propelled by steam, electric or other motor power, or otherwise, and the class of boat for which such license is desired, and shall contain a true and full description of the names and residences of the owners or owner of the boat. Every such application shall be signed by the applicant, who shall satisfy the proper authority by producing before him—

(a) In the case of boats propelled by sails or oars a certificate from a properly qualified surveyor that such boat is in good order and fit to be used for the purpose of carrying goods or passengers or both, as the case may be ;

(b) In the case of launches a certificate from a properly qualified surveyor that the hull and fittings of such launch are in sound seaworthy order and fit to be used for the purpose of carrying goods or passengers or both, as the case may be ; and a further certificate from a properly qualified surveyor that the steam, electric, or other motor power and the machinery by which such launch is propelled are fit for the purpose for which such launch is to be used and are in good and serviceable working order ; and

(c) In the case of boats, barges, or other vessels fitted with machinery for the purpose of pumping water, oil, or any liquid substance, a certificate from a properly qualified surveyor that the machinery and pumping gear are fit for the purpose intended.

(2) The applicant shall pay such fee for each certificate required hereby as shall be customary within the port or place within which such boat or launch is to ply or be used.

(3) If it shall become necessary to license any boat belonging to two or more persons in partnership, or to a corporate body, or to a joint stock company, such application may be made by one of the partners or by the persons managing the affairs of such partnership, body, or company.

Section 6 amended.

5 Section 6 of the principal Ordinance is hereby amended by inserting the words "licensed under this Ordinance" between the word "boat" and the word "shall" in line 1 of the said section.

Sub-section (4) of section 27 amended.

6 For sub-section (4) of section 27 of the principal Ordinance the following sub-section shall be substituted :

(4) Using a boat for the purpose of carrying goods or passengers without a license or for the purpose of towage without a license or after any such license shall have expired.

- Sub-section (8) of section 27 amended.
- 7 For sub-section 8 of section 27 of the principal Ordinance the following sub-section shall be substituted :
- (8) Plying a boat licensed under this Ordinance in any port which has been declared by Proclamation to have been brought within the provisions of "The Masters Attendant's Ordinance, 1865," without having obtained a license under such Ordinance.
- Section 28 amended.
- 8 Section 28 of the principal Ordinance shall be amended by deleting the words "for hire" wherever they appear, and adding to the end thereof the following proviso :
- Provided that so much of this Ordinance as provides for the grants of certificates to the tindals and engineers of launches and the production of survey certificates from properly qualified surveyors shall apply to launches and other vessels fitted with machinery to be licensed under "The Masters Attendant's Ordinances, 1865 to 1905," anything in this section to the contrary notwithstanding.
- Section 30 amended.
- 9 For section 30 of the principal Ordinance the following section shall be substituted :
30. If in any prosecution or proceeding under this Ordinance any question shall arise as to whether any boat has been used for the conveyance of any passengers or goods or for the purpose of towage without a license, or as to whether a license has been obtained for any boat within the meaning thereof, or as to whether any person has made the declaration required by section 5, the proof that such license has been obtained or the declaration made shall be upon the accused, or the party against whom such prosecution or proceeding shall be had.
- Proof of license to be on the accused.
- Provided that it shall be lawful for the court to award a reasonable sum in lieu of costs to the accused against any person who may have made a vexatious complaint, and such sum shall be recovered in like manner as any fine imposed under the provisions of this Ordinance.
- Section 31 amended.
- 10 For section 31 of the principal Ordinance the following section shall be substituted :
31. Where a person is charged with any offence against sub-section (4) of section 27, and it is established by the prosecution to the satisfaction of the court that there were more persons carried in such boat than were necessary for its working, such person shall be presumed to have used such boat for the purpose of carrying passengers.
- Burden of proof.
- 11 The following chapter shall be added to and form chapter IV. of the principal Ordinance :
35. In this Ordinance, unless the context otherwise requires—
- Definition.
- (1) The term "launch" shall apply to any boat of less than fifty tons burden propelled by steam, electric, or other motor power which ordinarily plies in any port in Ceylon, or in any canal, river, lake, or other inland water in Ceylon.
- (2) The word "tindal" means any person (except a pilot or harbour master) having for the time being charge or control of a launch.
- (3) The word "voyage" includes also the plying of a launch at or about any port or place.
- (4) The word "prescribed" means prescribed by rule made under this Ordinance by the Master Attendant with the approval of the Governor in Executive Council.
- The term "Master Attendant" means the Master Attendant of Colombo.
- Appointment of examiners.
36. The Master Attendant may from time to time appoint persons for the purpose of examining the qualifications of persons desirous of obtaining certificates of competency as tindals or as engineers of launches.

Grant of masters' or engineers' certificates of competency.

37. (1) The Master Attendant shall grant to every person who is reported by the examiners to possess the necessary qualifications a certificate of competency to the effect that he is competent to act as the tindal or as the engineer, as the case may be, of a launch.

(2) Every such certificate shall be in the prescribed form.

Power of Master Attendant to require re-examination or further inquiry.

38. Before granting a certificate under the last foregoing section the Master Attendant may, if he has reason to believe that the report of the examiners regarding any applicant has been unduly made, require a re-examination of the applicant or a further inquiry into his testimonials and character.

Grant of certificate of service.

39. (1) The Master Attendant may in his discretion grant without examination to any person who has served as a tindal or as an engineer of any launch before the First day of January, 1904, a certificate of service to the effect that he may act as a tindal or as an engineer of a launch.

(2) A certificate of service so granted shall have the same effect as a certificate of competency granted under this Ordinance after examination.

Certificate to be made in duplicate.

40. Every certificate of competency or service granted under this Ordinance shall be made in duplicate, and one copy shall be delivered to the person entitled to a certificate and the other shall be kept and recorded in the prescribed form.

Grant of copy of certificate in certain cases.

41. Whenever a tindal or engineer proves to the satisfaction of the Master Attendant that he has without fault on his part lost or been deprived of his original certificate he shall be entitled on payment of a fee of two rupees and fifty cents to be paid to the Master Attendant to a copy of such certificate in lieu of such original.

Nature of certificates necessary for tindals and engineers of steam launches.

42. (1) A launch shall not proceed on any voyage unless she has—

(a) As her tindal a person possessing a tindal's certificate granted under this Ordinance, or a master's certificate granted under Ordinance No. 7 of 1863, or a certificate granted by the Board of Trade that he is competent to act as master, or as first, second, or only mate of a foreign-going ship, or as master of a home-trade passenger ship, or a colonial certificate of competency as master or mate to which the provisions of "The Merchant Shipping Act, 1904," relative to certificates have been made applicable by an order of His Majesty in Council under section 102 of the said Act.

(b) As her engineer a person possessing an engineer's certificate granted under this Ordinance, or an engineer's certificate granted by the Board of Trade, or a colonial certificate of competency as an engineer to which the provisions of the said Act have been made applicable as aforesaid.

Provided that a launch shall be deemed to have complied with this section if she has as her tindal and engineer a person possessing both a tindal's certificate and an engineer's certificate in accordance with this Ordinance.

(2) If any launch proceeds on a voyage in contravention of this section the owner and the master of the launch shall each be liable to a fine, which may extend to one thousand rupees.

Power of Master Attendant to make rules.

43. The Master Attendant may make rules to regulate the granting of certificates of competency under this Ordinance, and may by such rules—

(a) Provide for the conduct of the examination of person desirous of obtaining certificates of competency as tindals or as engineers under this Ordinance.

(b) Prescribe the qualification to be respectively required of persons desirous of obtaining such certificate.

- (c) Fix the fees to be paid by applicants for examination.
 (d) Prescribe the form in which certificates shall be given—

and such rules when approved of by the Governor in Executive Council shall be published in the *Government Gazette*.

The provisions of section 4 of this Ordinance to apply to boats and launches licensed under the Masters Attendant's Ordinances.

12 The provisions of section 4 of this Ordinance, with the exception of the provision as to a special form of application, shall apply *mutatis mutandis* to all boats and launches to be licensed under the provisions of "The Masters Attendant's Ordinances, 1865 to 1905."

SCHEDULE.

Form D.—Application containing Particulars of Boat, Launch, or Vessel.

I, A. B., of ———, do truly declare as follows:—

I am the owner (joint owner or manager, as the case may be) of the boat hereunder described. I reside at ———, and the other owners reside at ———, and I desire a license for the said boat for the conveyance of passengers (or goods or passengers and goods) between ——— and ———, for the period of one year (or as the case may be) from the ——— day of ———, 190—.

The boat for which the license is required is named the ———, will be manned by a crew of not more than ——— or less than ——— persons, is propelled by steam (or as the case may be), has a superficial area of ——— feet, sufficient for the carriage of ——— passengers and ——— crew, or ——— persons in all.

That the class of boat is a boat propelled by oars (a steam launch, vessel fitted with machinery for the purpose of pumping water, or as the case may be), has a cargo capacity of ——— cubic feet by measurement and ——— tons by weight, is ——— feet long from bow to stern, is ——— feet broad amidship, is ——— feet deep amidship.

Declared at ———, the ——— day of ———, 190—.

Signed: A. B.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, August 24, 1906.

A. M. ASHMORE,
Colonial Secretary.

Statement of Objects and Reasons.

THE principal object of this Ordinance is to make provision for securing properly qualified "tindals," or officers in command, of boats and launches plying in any port or in the seaboard waters or inland waters of the Colony.

This is provided for by section 11, which has been added as a separate chapter to Ordinance No. 4 of 1900. This chapter contains eight new sections, viz. :—

Section 36 empowers the Master Attendant of Colombo to appoint examiners.

Sections 37 and 39 authorize the issue of certificates of competency and certificates of service to tindals and engineers.

Section 38 contemplates candidates being re-examined if necessary.

Section 40 requires the certificate to be made in duplicate.

Section 41 empowers the Master Attendant to issue a copy of his certificate to a tindal or engineer who has lost his original certificate.

Section 42 prohibits a steam launch from making a voyage unless provided with a certificated tindal and a certificated engineer.

Section 43 empowers the Master Attendant to make rules regulating the granting of certificates.

In order to give more full effect to this new chapter, the following sections of Ordinance No. 4 of 1900 have all been amended, viz. :—

Section 4, which requires boats to be licensed.

Section 5, which gives the particulars to be furnished on applications for licenses by the proper authority to boats, and its provisions have been extended to launches and vessels fitted with machinery for pumping water or any liquid.

Section 6 has a trifling amendment.

Sub-sections 4 and 8 of section 27 have been slightly amended.

A slight amendment has been made and a proviso added to section 28, and further slight amendments have been made to sections 30 and 31.

And lastly, section 12 of the present Ordinance applies the provisions of section 5 of Ordinance No. 4 of 1900, as amended by section 4 of this Ordinance, to boats and launches licensed under the Masters Attendant's Ordinances.

July 16, 1906.

J. H. TEMPLER,
Acting Attorney-General.

MINUTE.

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

An Ordinance to amend and consolidate the Law relating to Notaries.

Preamble.

WHEREAS it is expedient to amend the law relating to notaries and to make further provision for the proper qualification of notaries and for the more efficient and faithful discharge of the duties appertaining to the office of a notary, and to consolidate the law now in force relative thereto: Be it therefore enacted by the Governor of Ceylon, by and 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 Notaries' Ordinance, 1906."

Repeal of former Ordinances.

2 The Ordinances No. 2 of 1877, No. 10 of 1890, and No. 21 of 1900 are hereby repealed.

Appointment of notary by warrant of the Governor.

3 Every appointment to the office of notary shall be by warrant under the hand and seal of the Governor, and shall specify the area within which, and the language or languages in which, the person appointed is authorized to practise.

Advocates and proctors of the Supreme Court qualified for admission as notaries.

4 (1) All advocates and proctors of the Supreme Court shall be eligible for appointment as notaries to practise in the English language without any further qualifications.

(2) The Governor may appoint advocates and proctors of the said court to practise in the Sinhalese or Tamil language or in both the languages on their passing an examination prescribed by him in such language or languages.

Qualifications of other persons for notarial appointment.

5 The Governor may appoint as notaries persons other than advocates and proctors of the Supreme Court, provided that such persons—

- (a) Are of good character and repute;
- (b) Are of the full age of twenty-one years;
- (c) Have been articled clerks, licensed as hereinafter provided, of an advocate or proctor of the Supreme Court, and have duly served as such for three years; and
- (d) Have passed an examination prescribed by the Governor and are reported to be duly qualified by the Registrar-General.

When the rules as to qualification of notary may be relaxed.

6 The Governor, with the advice of the Executive Council, may grant a warrant empowering a person of good character and repute and full age, who shall pass such an examination as the Governor shall prescribe, to practise as a notary in any area where, from the paucity of duly qualified notaries, it is expedient, with a view to the convenience of the inhabitants thereof, to relax the ordinary rules as to the qualifications of a notary.

Number of articled clerks to be fixed for each district.

7 The number of articled clerks to be licensed for and in each district shall be limited and determined by a Proclamation to be issued from time to time by the Governor with the advice of the Executive Council.

Admission of articled clerks and notaries.

8 The admission of persons to be articled clerks and notaries shall be subject to the rules in the first schedule hereto.

The Governor may make rules for admission of articled clerks and notaries.

9 The Governor, with the advice of the Executive Council, may from time to time make rules for the admission of articled clerks and notaries.

Change of
notaries'
jurisdiction.

10 (1) The Governor may, upon the application of any notary, authorize him to change the area specified in his warrant and grant him a new warrant.

(2) In the case of a notary appointed under section 9, the change shall be to an area subject to the requirements of that section.

Notary bound
to reside within
his jurisdiction.

11 Every notary shall be bound to reside and have his office within the area specified in his warrant; and any notary infringing this rule shall be liable to have his warrant withdrawn by the Governor with the advice of the Executive Council.

Notary to make
declaration and
give security.

12 Every person to whom a warrant has been granted to practise as a notary shall before commencing to practise—

- (a) Make and sign before the district judge having jurisdiction over the area specified in the warrant a declaration in the form C in schedule II. hereto;
- (b) Execute before the said judge a bond to His Majesty, his heirs and successors, in such amount as the said judge shall consider reasonable, not exceeding the sum of one thousand rupees, conditioned for the due and faithful discharge of his duties as a notary, which amount shall be secured to His Majesty, his heirs and successors, either by the hypothecation of immovable property or by deposit of movable property, or by the personal undertaking of two or more sufficient sureties in that behalf to the satisfaction of such district judge; and
- (c) File in the district court of such district an attested copy of his warrant.

Penalty for
practising
without
warrant, &c.

13 If any person shall practise or act as or exercise the office or functions of a notary without having obtained such warrant as aforesaid, or without having made and signed such declaration and given such bond and security as aforesaid, or without having filed an attested copy of his warrant, every such person shall be guilty of an offence, and liable on conviction thereof to a fine not exceeding one thousand rupees, or to simple or rigorous imprisonment for any period not exceeding three years, or to such fine as well as such imprisonment.

Discharge of
surety.

14 (1) Any person bound as a surety for the due and faithful discharge by any notary of his duties as such notary, upon application to the district judge within whose jurisdiction such notary resides, be discharged from any further liability as such surety upon proof to the satisfaction of such court that he has given six weeks' notice to such notary of his intended application.

(2) The court shall thereupon make an order discharging such surety from any liability in respect of any act of such notary done or committed after the date of such order and the order shall be endorsed on the security bond under the hand of the district judge.

When notary to
furnish fresh
security.

15 (1) If at any time the security given by any notary shall perish or be lost, or if the sureties who became bound for him shall die or depart from this island, or become insolvent, or be discharged from their obligation as such sureties, the notary shall report the fact to the district judge, who shall thereupon call upon such notary forthwith to furnish other sufficient security.

(2) If any notary shall fail to report the fact to the district judge as aforesaid, or shall, before furnishing other sufficient security, practise or act as a notary, he shall be liable on conviction thereof to the punishment provided in section 13 of this Ordinance.

Enrolling of
notaries in
the district
court.

16 Upon a notary making and signing the declaration and giving the security required by section 12 the district judge shall, without fee or reward, enrol his name and the date of his admission as a notary in a roll or book to be provided and kept for that purpose in the district court, and shall file the said declaration and bond, together with an attested copy of such warrant, of record in the said court.

List of notaries to be posted in the courts.

17 (1) A list of all notaries authorized to act as such within any such district shall be kept at all times appended in some conspicuous place on the wall of the district court-house for general information.

(2) The secretary of the court shall from time to time, as occasion may require, correct the said list by striking therefrom the names of any notaries who have died or been struck off the roll of notaries, or have left the said district or ceased to practise as notaries therein.

(3) The secretary shall on the thirtieth day of June and the thirty-first day of December in each year forward to the Registrar-General a copy of such list corrected up to date, and to each of the several commissioners of courts of requests within the district a corrected list of notaries entitled to practise within the jurisdiction of such courts of requests respectively.

(4) Each commissioner shall cause the list so received by him to be affixed to some conspicuous place on the wall of his court.

Suspension of notary from office.

18 In any case in which—

(a) A notary has been committed for trial before a district court or the Supreme Court; or

(b) A notary, being an advocate or proctor, has been suspended from the office of advocate or proctor—

the Governor may suspend him from the office of notary pending, in case (a), the notary's trial, and in case (b) during the period of suspension from the office of advocate or proctor; and in either case the person so suspended by the Governor shall, during the period of such suspension, be disqualified for discharging the duties of notary.

Provided that in case (a) if the notary shall not be brought to trial within six months after his suspension, the same shall cease to be in force and shall be deemed to be removed.

Cancellation of notary's warrant.

19 If any notary shall be lawfully convicted of any offence which in the opinion of the Governor, with the advice of the Executive Council, renders him unfit to be entrusted with any responsible office, or if any such person, being an advocate or proctor, shall be duly removed from the office of advocate or proctor, every such person shall become disqualified for the office of notary, and the warrant granted to him shall be cancelled.

Inquiry into notary's misconduct or incapacity.

20 (1) It shall be the duty of the following officers, in this section called Inquiring officers, viz., the Registrar-General, the District Judge, the Commissioner of Requests, the Government Agent, or the Assistant Government Agent within whose jurisdiction a notary resides, upon being satisfied, after due inquiry, that such notary—

(a) Has been guilty of any offence, whether in his capacity of notary or otherwise, which in the opinion of the inquiring officer renders him unfit to be entrusted with the duties of a notary; or

(b) Has grossly misconducted himself in the discharge of the duties of his office; or

(c) Has so conducted himself by repeated breaches of any of the rules made by or under this Ordinance that he ought not to be any longer entrusted with the performance of the said duties; or

(d) Has proved himself by reason of incompetence, age, physical or mental infirmity, or otherwise, incapable of discharging the duties of his office with advantage to the public—

to report the same in writing to the Governor with the evidence taken at the inquiry.

(2) Where the report is to the effect that the notary has been guilty of any such offence or misconduct as is mentioned in clauses (a), (b), or (c) of the last preceding subsection, the Governor, with the advice of the Executive Council, may cancel the warrant of such notary, or may suspend him from office for such period as may appear just. Where the report is to the effect that the notary is incapable

of discharging his duties with advantage to the public, the Governor, with such advice as aforesaid, may cancel his warrant or may require him to resign his office within a specified time, and in default of such resignation may cancel his warrant.

(3) For the purposes of such inquiry the Inquiring officer shall have power to require the attendance before himself of the notary and of any witnesses, and the production of any document that such inquiring officer may deem material, and to examine such witnesses on oath or affirmation, and to examine such notary without oath or affirmation.

(4) Any person required to attend and be examined or to produce a document as aforesaid, who shall without reasonable cause fail to comply with such requirement, shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees.

(5) No statement made by the notary at such inquiry shall be used in any criminal prosecution instituted against him; nor shall the inquiry be held by the person who gives information of the commission of an offence by the notary.

Certificate of cancellation or suspension of warrant to be transmitted to and posted in the local courts.

21 (1) Whenever a notary's warrant has been cancelled or a notary has been suspended, notice thereof shall be given in the *Government Gazette*, and a certificate that such warrant has been cancelled or notary suspended shall be transmitted by the Colonial Secretary to the Registrar-General and to the district judge and several commissioners of requests within whose jurisdiction such notary shall have been authorized to act.

(2) The district judge of the court in which the name of such notary is enrolled shall cause his name to be immediately struck off the roll of notaries.

(3) A copy of such certificate, with a translation in the Sinhalese and Tamil languages subjoined thereto, shall be kept appended in some conspicuous place on the wall of every such district court and court of requests for such period as the court may direct.

Penalty on notary practising after notice of suspension, &c.

22 If any person shall act as or exercise the office or functions of a notary after having received notice of any such suspension as aforesaid, and before the same shall have been removed, or after having been convicted of any offence disqualifying him for the said office, or after having been removed from the office of advocate or proctor, as hereinbefore mentioned, or after having received notice that the warrant granted to him has been cancelled or withdrawn as aforesaid, he shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding one thousand rupees, or to imprisonment, simple or rigorous, for any period not exceeding three years, or to such fine as well as such imprisonment.

Governor may revoke cancellation of warrant.

23 (1) In any case in which a notary's warrant shall have been withdrawn or cancelled under the provisions of this Ordinance, the Governor may, with the advice of the Executive Council, make an order revoking such withdrawal or cancellation, and issue a fresh warrant in place of the one withdrawn or cancelled.

Notice of revocation.

(2) Notice of such order shall be given in the *Government Gazette*, and a copy thereof shall be transmitted by the Colonial Secretary to the Registrar-General and to the district judge and to the several commissioners of requests within whose jurisdiction such notary shall have been authorized to act.

Notary to be re-enrolled.

24 (1) The judge of the court in which the name of a notary shall have been enrolled at the time of the withdrawal or cancellation of his warrant shall forthwith, upon the receipt of such notice as aforesaid, and on the production of a fresh warrant, restore the name of such notary to the roll of notaries.

Notary to practise after re-enrolment.

(2) Every such notary shall, from and after the date on which his name is restored to the roll of notaries as hereinbefore provided, be entitled to execute the office of a notary

Fresh security
to be taken.

Certificates to
be granted
yearly to
notaries.

Notaries
applying for
certificates to
make
declaration

On refusal to
grant any
certificate
application to
be made to the
district court.

Penalty on
notaries
practising
without
certificate.

Rules to be
observed by
notaries.

in conformity with the authority given to him by the fresh warrant of the Governor.

(3) The judge restoring the name of any notary to the roll of notaries kept in his court shall require fresh security to be provided by such notary in terms of section 12 of this Ordinance.

25 (1) It shall be the duty of every secretary of a district court, on the application of any person entitled to practise as a notary within the jurisdiction of such court, to issue to him a certificate that such person is a notary and duly authorized to practise as such therein.

(2) All such certificates shall be applied for and granted on or before the first day of March in every year, and shall be in force for one year and no longer.

Provided, however, that if such certificate shall not be applied for within the time limited, and it shall be shown to the satisfaction of the district judge that such default was not due to any negligence on the part of the notary, the district judge may direct the secretary to issue the required certificate notwithstanding such delay as aforesaid.

(3) Such certificate shall be in the form D in the second schedule, and shall bear a stamp duty of ten rupees.

Provided that it shall be lawful for the Governor, with the advice of the Executive Council, to authorize the issue of any such certificate on unstamped paper in any case in which the circumstances of any district or place appear to him to render such a proceeding necessary or advisable.

26 (1) For the purpose of obtaining such certificate a declaration in writing, signed by such notary, containing his name and place of residence and the area in which he is authorized to practise, shall be delivered to the said secretary, who shall, as soon as conveniently may be after the delivery of such declaration (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the roll of notaries or not authorized to practise as such in such district), deliver to the said notary such certificate as aforesaid.

(2) If any person shall make any false statement in any such declaration, he shall be guilty of an offence, and be liable on conviction to a fine not exceeding five hundred rupees.

27 (1) In case the said secretary shall decline to issue any such certificate to any notary as aforesaid, the notary may apply to the district court, which is hereby authorized to make such order in the matter as shall be just.

(2) Any party aggrieved by any such order may appeal against the same to the Supreme Court.

(3) Such appeal shall be regarded as an appeal from an interlocutory order of a district court.

28 If any person shall act as a notary without having obtained such certificate as aforesaid, he shall for or in respect of every deed executed or acknowledged before him as such notary, whilst he shall have been without such certificate, incur and be liable to a fine not exceeding fifty rupees.

29 It is and shall be the duty of every notary strictly to observe and act in conformity with the following rules and regulations; that is to say:

(1) He shall not divulge the secrets confided to him or of which he becomes possessed in the execution of his office, unless with the express permission of his employer or when required to do so by law.

(2) On receiving instructions for the drawing of any deed he shall—

(a) If such instructions be in writing, carefully file the same, and immediately enter or cause to be entered, in a bound book kept for the purpose, the fact of the receipt of such instructions, with a reference to the file; or

- (b) If the instructions are given orally, immediately enter them or cause them to be entered in the said book, and after satisfying himself of the correctness of such entry, shall himself sign the same.
- (3) He shall enter such instructions, in consecutive order according to the time of the receipt of the instructions, and shall not draw any deed until the instructions in respect of it have been entered and perfected as aforesaid; and when it has been drawn and attested, he shall insert its number and date under the proper entry in the instruction book.
 - (4) He shall not authenticate or attest a deed drawn by any other person unless there shall be endorsed on such deed a certificate signed by a notary certifying that such deed has been drawn by himself.
 - (5) He shall not require, permit, or suffer any party or any witness to any deed executed or to be executed before him to sign his name or make his mark to or acknowledge any such deed or any duplicate or other part thereof or any draft or copy thereof intended to be preserved in his protocol, or to sign his name or make his mark upon any paper or other material intended to be afterwards used for any such purpose, until the whole of such deed shall have been written or engrossed thereon.
 - (6) He shall not authenticate or attest any deed written on paper which is not of a reasonably durable description and suitable for the purpose of such document, nor shall he attest any deed written on oia.
 - (7) He shall not authenticate or attest any deed which is written on more than one entire or undivided sheet or piece of paper, parchment, or other material, (a) unless each of the sheets or pieces used has been previously produced before the registrar of lands for the district in which the notary resides, and has been marked or signed or initialled by such registrar in order to prevent the sheets being used for any other propose, or (b) unless the parties executing the same and the notary shall sign every sheet or piece in which any part of the deed is written.
 - (8) He shall not require, permit, or suffer any person to execute or acknowledge before him any deed which is insufficiently stamped.
 - (9) He shall at the time of the execution or acknowledgment of every deed before him cancel as directed by law the stamps on such deed, and shall write upon each stamp with ink the number of the deed to which such stamp is affixed.
 - (10) He shall not authenticate or attest any deed to which two witnesses at least have not subscribed their signatures in letters.
 - (11) He shall not authenticate or attest any deed unless the person executing the same be known to him or to at least two of the attesting witnesses to the said deed; and in the latter case, he shall satisfy himself, before accepting them as witnesses, that they are well acquainted with the executant and know his proper name, occupation, and residence.
 - (12) He shall not authenticate or attest any deed in any case in which both the person executing the same and the attesting witnesses thereto are unknown to him.
 - (13) He shall not authenticate or attest any deed in any case in which the person executing or acknowledging the same shall be or profess to be unable to read the same, or in which such person shall require him to read over the same, unless and until

he shall have read over and explained the same, or caused the same to be explained, in the presence and hearing of such person and of the attesting witnesses thereto.

- (14) He shall not authenticate or attest any deed unless the person executing the same and the witnesses shall have signed the same in his presence and in the presence of one another.
- (15) He shall before any party or witness signs any deed ascertain the full name of such party or witness, and if the signature of such party or witness differs from the name given by such party or witness, the notary shall, in his attestation of such deed, describe such party or witness by such name and by the name written in the signature.
- (16) If any deed executed or acknowledged before him be signed by any of the parties or witnesses thereto with a mark or with an illegible or imperfect signature, or with a signature in a language other than that in which the notary is authorized to practise, he shall write over such mark or signature in his own handwriting and at the time of execution the words "This is the mark (or signature, as the case may be) of A. B." (*here insert the name of the person signing with the mark or illegible signature*).
- (17) He shall not authenticate or attest any deed affecting land or other immovable property unless the deed embodies therein or in a schedule annexed thereto a description of the said land or other property showing its boundaries, probable extent, and situation (with respect to the town or village, pattu, korale, revenue district, and province), and its name and assessment number if any.

If such property consist of a share of a land or other property, the deed shall state whether it is a divided or undivided share, and the fractional part which it is of the whole. If it be a divided share, such share shall be clearly and accurately defined by its particular boundaries and extent; if it be an undivided share, the boundaries and extent shall be stated of the land of which it is a share.

Provided, however, that this rule shall not apply to any agreement to transfer, to mortgage, or to lease.

- (18) (a) Before any deed affecting any interest in land or other immovable property is executed or acknowledged before him, he shall search or cause to be searched the registers in the land registry to ascertain the state of the title in regard to such land and whether any prior deed affecting any interest in such land has been registered.
- (b) If any such prior deed has been registered, he shall write in ink at the head of the deed the number of the register volume and the page of the folio in which the registration of such prior deed has been entered.

Provided that if the deed executed or acknowledged before him is an agreement to transfer, to mortgage, or to lease, the search of the registers shall not be compulsory, but he shall before the deed is tendered for registration write at the head of the deed the reference to previous registration, if any.

- (19) He shall correctly insert in every deed executed before him the day, month, and year on which and the place where the same is executed, and shall sign such deed.
- (20) He shall not make any erasure, alteration, or interpolation in any deed after the same has been signed by the executing party or parties.

- (21) He shall without delay duly attest every deed which shall be executed or acknowledged before him, and shall sign and seal such attestation.

In such attestation he shall state—

- (a) That the said deed was signed by the party and the witnesses thereto in his presence and in the presence of one another;
 - (b) Whether the person executing or acknowledging the said deed or the attesting witnesses thereto (and in the latter case he shall specify which of the said witnesses) were known to him;
 - (c) The day, month, and year on which and the place where the said deed was executed or acknowledged, and the full names of the attesting witnesses and their residences;
 - (d) Whether the same was read over by the person executing the same, or read and explained by him, the said notary, to the said person in the presence of the attesting witnesses;
 - (e) Whether any money was paid or not in his presence as the consideration or part of the consideration of the deed, and if paid, the actual amount in local currency of such payment;
 - (f) The number of stamps of each denomination affixed to such deed and to the duplicate thereof, and the name of the person by whom such stamp was supplied;
 - (g) Specifically the erasures, alterations, and interpolations which have been made in such deed, and whether they were made before the deed was read over as aforesaid, and the erasures, alterations, and interpolations, if any, made in the signatures to the deed, in its serial number, and in the writing on the stamp affixed to the deed.
- (22) Every such attestation shall be substantially in the form E in schedule II. hereto, and shall be legibly signed by him in the language in which the deed is written, and also with his usual signature if the language or form of that signature be different from that in which such deed is written. Every erasure, alteration, or interpolation in the attestation shall be authenticated by the notary with the initial letters of his name.
- (23) He shall not authenticate or attest any deed in any area other than that in which he is authorized to practise, nor in any language other than that in which he is authorized to practise, nor authenticate or attest any deed drawn in any language other than that in which he is authorized to practise.
- (24) He shall number with consecutive integral numbers the documents attested by him, including last wills and codicils, according to the order in which they are executed before him. If he shall change his area, as provided by section 10 of this Ordinance, he shall number consecutively the documents attested by him in the new area, commencing with number "1."
- (25) He shall carefully preserve as his protocol a draft or copy of every deed executed or acknowledged before him, to which shall be attached his signature and those of the party and witnesses to the original deed or instrument, and he shall keep a register thereof with a convenient index for the purpose of easy reference; and every such register shall be substantially in the form F in schedule II. hereto.

- (26) He shall on or before the fifteenth day of every month deliver or transmit to the registrar of lands of the district in which he resides the duplicate of every deed (except wills and codicils) executed or acknowledged before or attested by him during the preceding month, together with a list in duplicate, signed by him, of all such deeds, which list shall be substantially in the form F in schedule II. hereto, and he shall at the same time forward a similar list so signed by him to the Registrar-General. Provided, however, that in the case of last wills and codicils only the number and date of the document shall be inserted in such list.

If no deed has been executed before any notary in any month, the notary shall furnish a nil list for that month on or before the fifteenth day of the following month.

- (27) He shall deliver or transmit on or before every Wednesday to the registrar of lands of the district within which he resides a list of the work done by him as notary in the week ending the previous Saturday. Every such list shall be substantially in the form G in schedule II. hereto, provided that in the case of a will or codicil the names of the person or persons executing or acknowledging the instrument shall not be inserted.
- (28) Where any deed shall be executed or acknowledged by two or more parties residing in different revenue districts and before different notaries, the duplicate of such deed shall be delivered or transmitted by the notary by whom the same was drawn up to the registrar of lands of the district in which he resides; and it shall not be necessary for the other notary or notaries employed in the execution of such deed to deliver or transmit any duplicate thereof to such registrar.
- (29) If the deed affects a land situated in a district other than that in which the notary before whom the deed is signed, and by whom the same is attested, shall reside, such notary, or in case such deed is attested by two or more notaries, then the notary upon whom is cast the duty of transmitting to the registrar of lands the duplicate of such deed, shall on or before the fifteenth day of the month next following that in which the same was executed (besides transmitting the duplicate in manner aforesaid) deliver or transmit to the registrar of the district in which such land shall be situated a copy thereof certified by him as correct, together with a list in duplicate in the form F in schedule II. hereto, signed by him, of all such deeds as relate to lands in such last-mentioned district.
- (30) If he attest any deed executed before him by means of an attorney, he shall preserve a true copy of the power of attorney with his protocol, and shall forward a like copy thereof with the duplicate deed to the registrar of lands.
- (31) The notary shall not attest any deed transferring lands of the value of fifty rupees or upwards to any temple within the meaning of "The Buddhist Temporalities Ordinance, 1889," or to any person in trust for such temple, unless the authority of the Governor shall have been previously obtained for such transfer.
- (32) He shall give one month's notice to the district judge of the district in which he is authorized to practise, and also to the Registrar-General, of his intention to change his residence or office or to discontinue his practice, and shall affix a written notice to that effect, signed by him, on the outside door or wall of the district court of the district.

- (33) Whenever he shall change his residence or office he shall without delay give notice of such change to the registrar of lands and the district judge of the district and the government agent of the province in which his new residence or office is situated.
- (34) He shall give notice to the district judge with as little delay as possible of the death, departure from the island, or insolvency of any person bound as a surety for the due and faithful discharge by such notary of his office.
- (35) When a deed transferring, mortgaging, or otherwise disposing of any property is executed or acknowledged before a notary, he shall obtain the title deed, if any, of such property, and make an endorsement thereon stating the number and date of the deed executed before him and the nature of the transaction, and attach his signature thereto.
- (36) He shall, in regard to any irregularity, error, or omission discovered or alleged to have been discovered in the discharge of his duties as notary, and which appears to the Registrar-General to be a violation of the law, give an explanation in writing when required by the Registrar-General or by the registrar of lands under the order of the Registrar-General, but such explanation shall in no case be called for after the expiry of twenty-four months from the date of the commission of such irregularity or error, or of such omission.
- (37) He shall cause his name with the addition "notary public" to be painted or affixed in legible characters in the English, Sinhalese, and Tamil languages in a conspicuous place at or near the entrance to his office or place of business, or, if he has more than one office or place of business, at the entrance to each such place.
- (38) He shall, if so required by the Registrar-General, produce for inspection the instruction book kept under rule 2, the protocols, drafts, or copies of deeds and the registers kept under rule 25.
- (39) It shall be the duty of every notary, not being an advocate or proctor, strictly to observe and act in conformity with the following additional rules and regulations; that is to say:

First.—He shall live and hold office at such places as he may elect, subject to the approval of the Governor.

Second.—He shall, if so required by the Governor, make in his own handwriting, unless incapacitated by illness, in which case such illness shall be at once reported by him to the registrar of lands, the entries in the instruction book kept under rule 2, and also the protocol, draft, or copy of every document attested by him, except of documents drawn by another notary and certified and signed by such notary in manner prescribed in rule No. 4.

Third.—He shall keep his records at his office, or if he has more than one office at such office as may be approved of by the Registrar-General, and shall at all reasonable times permit the Registrar-General, assistant registrar-general, the government agent, assistant government agent, district judge, or commissioner of requests of the province, district, or division within which such notary resides to inspect such records at such office.

Penalty for non-observance of rules.

And if any notary shall act in violation of or shall disregard or neglect to observe any of the rules and regulations contained in this section that are binding upon him, he shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding two hundred rupees, in addition to any civil liability he may incur thereby.

Proviso.

Provided that no instrument shall be deemed to be invalid in consequence of the non-observance by the notary of the foregoing rules and regulations or any of them, in any matter of form. But nothing in this proviso contained shall give any validity to any instrument which may be invalid by reason of the provisions of any other law not having been complied with.

Governor to make rules.

30 (1) The Governor may, with the advice of the Executive Council, from time to time make rules for the conduct of notaries, not being advocates or proctors, in the discharge of their notarial duties, and such rules he may, with the like advice, revoke, amend, or alter.

(2) All rules when so made, or any revocation, amendment, or alteration thereof and the fact of such revocation, shall be published in two successive issues of the *Government Gazette* in the English, Sinhalese, and Tamil languages, and shall be laid before the Legislative Council if then in session, and if not then in session then so soon as possible after the commencement of the next ensuing session, and if within forty days after their being so laid before the Legislative Council any of such rules be objected to by the Legislative Council, the said Council may by resolution amend or annul any such rules. All rules so amended and such rules as shall not be amended or annulled by the said Council shall be proclaimed in two successive issues of the *Government Gazette* in the English, Sinhalese, and Tamil languages, and shall be posted by the Registrar-General to the address of each such notary, and shall come into force upon such proclamation in the *Government Gazette*, and shall thereupon be as legal, valid, effectual, and binding, and the violation of, or the disregard or neglect to observe, any of the said rules shall be an offence and punishable in the same manner as if the same had been enacted in section 29.

Notary to use diligence in registering deeds.

31 Whenever a notary has received instructions to register, and a sufficient sum to meet the necessary expenses of registering, any deed drawn or attested by him, and shall in such case fail to use due diligence in affecting such registration, he shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rupees, in addition to any civil liability which he may incur by reason of his default.

Notary to try and ascertain true consideration.

32 (1) It shall be the duty of every notary to endeavour to ascertain the true and full consideration for the execution of any deed, and to insert and set forth the same in such deed.

(2) Any notary who shall knowingly and wilfully insert or set forth in or upon any such deed any other than the full and true consideration or money directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the actual value of the same, or shall abet the doing thereof, respectively, shall be guilty of an offence, and liable to a fine not exceeding one thousand rupees for every such offence in addition to any civil liability which he may incur thereby.

Penalty on notary acting fraudulently.

33 If any notary—

- (a) Shall attest any fraudulent deed, knowing the same to be fraudulent; or
- (b) Shall knowingly and wilfully insert in any deed or instrument whatsoever any word, letter, figure, matter, or thing which ought not to have been inserted therein; or
- (c) Shall knowingly and wilfully omit to insert therein any word, letter, figure, matter, or thing which ought to have been inserted therein, with intent to prejudice or defraud any person; or
- (d) Shall attest any deed without the person who executed or acknowledged it and the attesting witnesses thereto having appeared personally before him at the time when it was so executed or acknowledged; or
- (e) Shall knowingly and wilfully make any false statement in the attestation to any deed executed or acknowledged before him; or

- (f) Shall wilfully, maliciously, or fraudulently mis-state or misrepresent to any party thereto the contents or effect of any deed executed or acknowledged before him; or
- (g) Shall by any other wilful act, either of commission or omission, commit or attempt to commit any fraud in the execution of his office; or
- (h) Shall wilfully, maliciously, or fraudulently deface, mutilate, injure, destroy, or make away with any deed or any draft, minute, or copy of any deed which had been in his charge or custody, or which he was bound to preserve—

every such notary shall in any of such cases be guilty of an offence, and shall be liable on conviction thereof to imprisonment, simple or rigorous, for any period not exceeding five years.

Fees to be taken by notaries.

34 (1) The several fees specified in schedule III. to this Ordinance shall and may be lawfully demanded and taken by notaries for the performance of the duties of their office as therein expressed.

(2) A correct copy of such schedule in the English, Sinhalese, and Tamil languages of the fees chargeable by notaries shall be at all times appended in some conspicuous place on the wall of every district court and court of requests, land registry, and kacheheri, and of every notary's office throughout the island.

(3) If any notary shall without just and reasonable cause refuse or neglect at any proper time, and on being tendered his proper fees, to discharge any of the duties or functions of his office, or shall demand or insist upon receiving a higher fee than he is authorized to demand, he shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

On removal or death of notary documents to be delivered to registrar.

35 If any person being removed from or ceasing to act in the office of notary, or, in case of the death of any such notary, if any of his heirs, executors, or administrators, or any other persons, into whose possession the same shall have come—

- (a) Shall wilfully lose or injure or destroy, or shall without just and lawful cause wilfully neglect or refuse to deliver over, as soon as conveniently may be, to the registrar of lands of the district in which such notary was resident, any drafts, minutes, or copies of any deeds executed or acknowledged before such notary, or any instruction book, register, index, deed, or document whatever possessed by such notary in right of his said office; or
- (b) Shall wilfully neglect or refuse to deliver over to the registrar of lands of the district the seal of office of such notary to be defaced and returned—

Every such person shall be guilty of an offence, and shall on conviction thereof be liable to simple or rigorous imprisonment for any period not exceeding twelve calendar months, or to a fine not exceeding two hundred rupees, or to both.

Notary to deliver to the registrar lists of duplicate deeds filed.

36 Whenever the duplicate of any deed shall be transmitted to the registrar by any notary under the 26th rule of the 29th section of this Ordinance, or whenever any document shall be delivered up to any registrar under the preceding section, such notary or other person transmitting or delivering the same shall tender to the registrar two lists thereof, and the said registrar shall, after ascertaining the correctness thereof, sign the said lists, and return one of them to the said notary or other party, and file the remaining list and securely keep and preserve the same and the documents specified therein with the other records of his office.

37 In this Ordinance, unless there is something inconsistent in the context, "deed" means any instrument or formal legal writing, and includes wills and codicils.

SCHEDULE I.

Rules for the Admission of Articled Clerks under Section 8.

(1) Every person intending to be an Articled Clerk with the view of qualifying himself for the office of Notary shall give at least three months' notice of his intention to the Government Agent of the province in which he resides.

(2) At the expiration of such notice he shall apply to the Registrar-General for permission to enter into articles.

(3) Every such application shall be addressed to the Registrar-General in the English language, and shall be accompanied by a translation thereof in the Sinhalese or Tamil language, if he proposes to practise in such language.

(4) The application shall be substantially in the Form A of the second schedule and shall be accompanied by such certificates of character as the applicant can produce, one certificate to be not more than three months old, and by an acknowledgment of the notice given by him to the Government Agent.

(5) The application made in the language in which the candidate proposes to practise shall be in his own handwriting.

(6) The Registrar-General shall, on receipt of such application, refer it to the Director of Public Instruction to inquire into and report upon the general attainments of the applicant.

(7) On receipt of the report the Registrar-General shall, if he consider the applicant qualified, grant him a license to become articled to an Advocate or Proctor of the Supreme Court.

(8) The articles of agreement upon such license shall be entered into within six months of the date of its issue, and a copy of the deed of articles shall be forwarded to the Registrar-General soon after its execution.

(9) No person shall be an Articled Clerk unless he shall have obtained a license from the Registrar-General.

(10) Every Articled Clerk shall serve his articles for a term of not less than three years, during which period he shall not follow or be engaged in any other occupation whatever save the study of the law and of the business of a Notary.

(11) In case the Articled Clerk proposes to practise in the Sinhalese or Tamil language, he shall, if the Advocate or Proctor under whom he is serving is not a Notary practising in that language, serve for two years as a clerk of such Advocate or Proctor, and for one subsequent year as a clerk in the office of a Notary practising in the language in which the Articled Clerk intends to practise.

(12) In proof of service under rules 10 and 11 the Clerk shall on or before 31st March, 30th June, 30th September, and 31st December in each year forward to the Registrar-General a certificate in Form B in the second schedule from the Advocate, Proctor, or Notary under whom he is serving.

(13) Any Articled Clerk failing to furnish such certificate shall not be allowed, unless he explains such failure to the satisfaction of the Registrar-General, to count the quarter or quarters in which he shall have so failed, but shall be required to serve such period over again.

(14) In the event of the Advocate or Proctor to whom any person is articled dying or discontinuing to practise in the district in which he practised when such articles were entered into, or for any other good and sufficient reason, the Registrar-General may permit such Articled Clerk to transfer his articles to some other Advocate or Proctor, in which case the time during which he shall have served under his original articles shall be reckoned as part of the term of his apprenticeship, notwithstanding such transfer.

Rules for the Admission of Notaries under Section 8.

(1) Every person (other than an Advocate or Proctor of the Supreme Court) who shall intend to apply for admission as a Notary shall give at least three months' notice of his intention to the District Judge of district and the Government Agent of the province in which he resides and in which he intends to practise.

(2) He shall cause notice of his intended application in the English, Sinhalese, and Tamil languages, respectively to be affixed in some conspicuous part of the District Court, and to be published three times in the *Government Gazette* and once at least in some local newspaper, between the dates of the notice and of the application.

(3) The application shall be in the form of a petition to the Registrar-General, and shall contain the following particulars:—

(a) The place in which the applicant resides, and the district in which he intends to practise;

- (b) The name of the Advocate or Proctor or Notary (if any) under whom he has served his articles, and the date of his articles.
- (c) The language or languages in which he purposes to draw, authenticate, or attest deeds.
- (d) The nature of the security he intends to offer and all particulars connected therewith.
- (4) The application shall be accompanied by—
- (a) The license granted to him by the Registrar-General to be an Articled Clerk ;
- (b) The acknowledgment of the notice given by the applicant to the District Judge and the Government Agent ;
- (c) Proof that the notice was affixed in some conspicuous part of the District Court ;
- (d) A copy of the *Government Gazette* and of the local newspaper in which the notice was published ;
- (e) A certificate from the Advocate or Proctor and the Notary (if any) to whom he had been apprenticed that he has duly served his term of articles, and that in the opinion of such Advocate, Proctor, or Notary the applicant is a fit and proper person to be appointed a Notary ; and
- (f) Proof that he has attained the full age of twenty-one years.
- (5) The Registrar-General shall on receipt of such application refer the same to the Council of Legal Education to inquire into and report upon the fitness and attainments of the applicant to be appointed a Notary.
- (6) On receipt of the report, the Registrar-General shall, if he consider the applicant duly qualified, certify to the Colonial Secretary that the Applicant is fit to be appointed a Notary Public.
- (7) No Articled Clerk shall be eligible for admission to the examination after the expiration of a year from the completion of his term of articles, provided that on the ground of illness or other good cause shown to the satisfaction of the Registrar-General the term may be extended by him to another year.

SCHEDULE II.

Form A (Schedule I, Rule 4).

Application for Admission as Articled Clerk.

Date _____ day of _____, 19—.

To the Registrar-General, Colombo.

The humble petition of _____ of _____ showeth as follows:—

The petitioner, intending to become an Articled Clerk with the view of qualifying himself for the office of Notary Public, gave notice on the _____ day of _____, 19—, of such his intention to the Government Agent of the _____ Province in which the petitioner resides.

2. Annexed hereto is an acknowledgment (marked *a*) from the Government Agent of the receipt of such notice.

3. Three full months from the date of the giving of such notice expired on the _____ day of _____, 19—.

4. The petitioner's place of residence is _____ in the district of _____.

5. The petitioner is _____ years old.

6. The name of the _____ under whom the petitioner intends to serve as an Articled Clerk is _____ of _____ of the Honourable the Supreme Court.

7. The district and the language in which the petitioner proposes to practise are the _____ district and the _____ language, respectively.

8. The petitioner annexes original testimonials (marked *b* and *c*) of character and qualification granted to him † by _____ and _____.

9. Wherefore the petitioner most humbly prays that the Registrar-General will be pleased to grant him permission to enter into Articles of Apprenticeship with the view of studying and qualifying himself for the office of Notary Public.

For which act of goodness the petitioner, as in duty bound, shall ever pray.

Signature _____.

Drawn by _____.

* Insert "Advocate" or "Proctor," as the case may be.

† One at least of the testimonials should be not more than three months old.

Form B (Schedule I., Rule 11.)

Certificate by Advocate, Proctor, or Notary.

I, _____, Advocate of the Supreme Court of the Island of Ceylon (or Proctor or Notary Public, as the case may be), certify that the Articled Clerk named in the Schedule hereto annexed has during the quarter ended _____ well and truly served me as clerk, and diligently discharged his duties as such and pursued his studies for the notarial profession.

Signature _____.

Date : _____.

Schedule referred to.

Name of Articled Clerk.	Address.	Date of Articles.	District of intended Practice.	Language of intended Practice.

Form C (Section 12).

Declaration to be made before District Judge.

I, A. B., do sincerely promise and declare that I will truly and faithfully and to the best of my ability execute the office of a Notary in pursuance of and in conformity with the authority given to me by warrant of the Governor bearing date _____ day of _____.

Form D (Section 25).

Certificate by Secretary, District Court.

I, A. B., Secretary of the District Court of _____, do hereby certify that C. D. of _____ hath this day delivered and left with me the declaration in writing signed by him required by the Ordinance No. _____ of the year 1906, and I further certify that the said C. D. is duly enrolled as a Notary and authorized to practise as such in the _____ language in the _____ (here state the area) within the district of _____.

In witness whereof I have this _____ day of _____, at _____, set my hand on this stamped certificate.

(Signed) A. B., Secretary.

Form E (Section 29 (22) Attestation Clause.

Form of Attestation.

I, A. B., Notary Public, do hereby certify and attest that the foregoing instrument having been read over by (or, read and explained by me, the said Notary, to) the said *Wahalatantrige Juanis Fernando*, who has signed this deed as *Juanis* (or with a mark, as the case may be) and who is known to me (if the case be so), in the presence of (insert the names of the witnesses in full, with their residences, or, if the name of a witness differs from the signature, describe him as above by both that name and the name given in the signature), the subscribing witnesses hereto, both of whom are known to me (if the case be so), the same was signed by the said *Wahalatantrige Juanis Fernando* and also by the said witnesses in my presence and in the presence of one another, all being present at the same time, on the _____ day of _____, at _____.

And I further certify and attest that in line _____ of page _____ the word "_____" was erased, and in line _____ of page _____ the word "_____" was altered to the word "_____" and in line _____ of page _____ the word "_____" was interpolated, before the foregoing instrument was read over as aforesaid by me, the said Notary, to the said *Wahalatantrige Juanis Fernando* and that on page _____ the letter _____ was erased in the signature of _____ by him, and on page _____ the figure _____ on the serial number of the deed was altered by me to _____, and on page _____ the date _____ on the 50 cent stamp bearing vendor's number _____ was altered by me to _____, and that Rs. _____, the consideration (or part consideration or no consideration, as the case may be), was paid in my presence, and that the original of this instrument bears a stamp* of Rs. _____, and the duplicate a stamp* of Rs. _____, and that the stamps were supplied by _____.

Seal: _____.

Date of attestation : _____.

Notary Public.

* When two or more stamps are used, the number and denomination should be stated.

Form F (Section 29 (25)).
Monthly List of Deeds.

No.	Date.	Nature of Instrument.	Names of Parties.		District of Registration.	Name of Land given in Deed, first only, if more than one Name.	Consideration.	Stamps on Duplicate.
			Grantor.	Grantee.				

Form G (Section 29 (27)).
Weekly List.

Date and Place of Execution.	No. of Deed.	Nature of Deed.	Names of Parties.

SCHEDULE III.
(Section 34.)

Table of Notaries' Fees.

For drawing, engrossing, and attesting any deed of transfer Rs. c. of property, movable or immovable, and any mortgage or bond in common form, wherein the value or consideration is expressed, or any lease in common form without special covenants, wherein the rent value or consideration is expressed:

Where such value or consideration (or in the case of a lease the rent comprised during the whole term)—

Does not exceed Rs. 25	0 50
Exceed Rs. 25 and does not exceed Rs. 50	0 75
Do. 50	do.	75	1 0
Do. 75	do.	100	1 25
Do. 100	do.	200	1 50
Do. 200	do.	350	2 0
Do. 350	do.	500	2 50
Do. 500	do.	750	3 0
Do. 750	do.	1,000	3 50
Do. 1,000	do.	1,500	4 50
Do. 1,500	do.	2,000	5 50
Do. 2,000	do.	3,000	6 50
Do. 3,000	do.	4,000	8 0
Do. 4,000	do.	5,000	9 0
Do. 5,000	do.	10,000	10 0
Do. 10,000	20 0

Provided that where the term of lease exceeds five years, the fees payable on a lease in common form shall not exceed such as would be payable on a lease for five years.

For drawing, engrossing, and attesting any deed of transfer, mortgage, or lease, or any bond, which is not in common form but contains various covenants, recitals, or conditions, or which includes the description of several parcels of lands, whether the consideration is therein expressed or not, and all agreements, deeds, powers of attorney, or other instruments, including last wills, and other testamentary dispositions: for every such document, per folio of 120 words	...	2 50
For attesting, in duplicate, any deed or instrument, not drawn by the Notary himself	...	1 50
For examining, at the request of any party, the title of any property to be transferred, demised, or mortgaged, if there is only one deed	...	1 0
If there are more deeds than one, then for each additional deed	...	0 50
For preparing abstract of title at the request of any party, for each deed abstracted	...	1 0

	Rs.	c.
For registering at the request of any party any deed in the office of the registrar of lands, half of the charges allowed for drawing, engrossing, and attesting such deed; provided that the maximum charge shall not exceed ...	5	0
For noting each bill of exchange or promissory note, including the copying of it in the book of registry or protest book and presentment, ...	1	25
Protesting ditto ...	3	75
For every duplicate protest ...	2	50
For every act of honour on acceptance of payment supra protest	1	50
For every duplicate of such protest ...	0	75
For copy of a bill paid in part, and of receipt	1	50
For noting protest of ship or vessel, including the copying of it in the book of registry or protest book ...	5	0
For drawing, engrossing, attesting, and recording protest of ship or vessel, for every folio of 120 words or less ...	2	50
For every notarial copy or extract of deeds where parties require same (excepting the attestation), for every folio of 120 words ...	0	50
Fee for attesting same ...	2	50
For every duplicate deed engrossed, attested, and transmitted to the registrar of lands, half of the charges allowed for drawing, engrossing, and attesting such deed.		
For preparing certificate of the Colonial Secretary or other officer to any document intended to be sent abroad ...	2	50
For attendance, either at the Notary's office or elsewhere in case of unusual difficulty or importance, for the purpose of reading and settling instruments before execution ...	1	75
For attendance at the registrar's office for the purpose of ascertaining the existence of incumbrances, or writing a letter for that purpose ...	1	0
For attendance on counsel for advice, if required ...	1	75
For attendance at any place other than the Notary's house or office, a charge of Re. 1 per mile, or for any distance under a mile, shall be allowed as travelling expenses.		

By His Excellency's command,

A. M. ASHMORE,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, September 3, 1906.

Statement of Objects and Reasons.

THE object of the Bill is to consolidate the law regarding Notaries (Ordinances 2 of 1877, 10 of 1890, and 21 of 1900) and to amend it where experience has shown it to be necessary. The principal changes proposed are:—

- (1) The work of dealing with applications for licences as articulated clerks and notaries is transferred from the Colonial Secretary to the Registrar-General.
- (2) The rules as to admission of articulated clerks and notaries are relegated to a schedule, and the Governor in Executive Council is authorized to make new rules when necessary.
- (3) In view of the Supreme Court judgment (N. L. R. VIII. 152) a notary is made liable to inquiry for any offence or misconduct, whether or not committed in the course of his notarial duties; and also for incompetence or incapacity.
- (4) In order to check the practice of some notaries who evade the existing law by entering instructions in the Instruction Book *after* the execution of a deed, it is made clear that the entries should be made *before*.
- (5) Doubts which have been raised as to the duty of a notary in regard to the cancellation of the stamps on deeds executed before him are set at rest by making it his duty to cancel them at the time the deed is executed.
- (6) Search of the registers at the Land Registry for prior encumbrances is made compulsory before execution of a deed, except in certain specified cases where such search may be inconvenient.

Colombo, August 28, 1906.

J. H. TEMPLER,
Acting Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Tuppahige Theodoris Rodrigo, deceased, of Biyanwila, in the Adikari pattu of Siyane korale.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 17th day of August, 1906, in the presence of Mr. J. E. R. Pereira, Proctor, on the part of the petitioner Mirihana Arachchige Dona Punchi Nona Hamine of Biyanwila aforesaid; and the affidavit of the petitioner, dated the 11th May, 1906, having been read:

It is ordered that the aforesaid petitioner be declared entitled to have letters of administration to the estate of her late husband Tuppahige Theodoris Rodrigo, deceased, issued to her, unless the respondents (1) Tuppahige Pauloe Rodrigo and (2) Tuppahige Hendrick Rodrigo, both of Biyanwila aforesaid, shall, on or before the 13th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,
District Judge.

The 17th day of August, 1906.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Sinne Tamby Srai Lebba Marikar, deceased, of Borella in Colombo.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 31st day of August, 1906, in the presence of Messrs. Prins & Brito, Proctors, on the part of the petitioner Ummul Kulthoom of Borella in Colombo; and the affidavit of the petitioner, dated the 27th day of August, 1906, having been read:

It is ordered that the will of the late Sinne Tamby Srai Lebba Marikar, the above-named deceased, dated the 15th day of June, 1903, be and the same is hereby declared proved, unless any person interested shall, on or before the 13th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Ummul Kulthoom is the daughter-in-law of the said deceased, and as such entitled to have letters of administration with copy of the said last will and testament annexed issued to her, unless any person interested shall, on or before the 13th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,
District Judge.

The 31st day of August, 1906.

In the District Court of Negombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Danansuria Appuhamilage Don Thelenis Vidahn of Welihinda in Yatigaha pattu of Hapitigam korale, deceased.

THIS matter coming on for final disposal before A. de Seneviratne, Esq., District Judge of Negombo, on the 20th day of August, 1906.

in the presence of Mr. J. Koortz, Proctor, on the part of the petitioner Danansuria Appuhamilage Sinnu-appuhamy of Welihinda; and the affidavit of the said petitioner, dated the 13th day of August, 1906, having been read:

It is ordered that the aforesaid petitioner be and he is hereby declared entitled to have letters of administration to the estate of his son the above-named deceased, issued to him, unless the respondents (1) Jahapu Appuhamilage Menchinona alias Marynona of Welihinda, (2) Danansuria Appuhamilage Podinona of Udugodagedera in Dunagaha pattu of Mutkuru korale, (3) Danansuria Appuhamilage Kaehynona of Lunuwilla in Otecapalata, Pitigam korale, Chilaw District, (4) Danansuria Appuhamilage Sanchynona of Urapola in Siyane korale, now of Welihinda, shall, on or before the 27th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

A. SENEVIRATNE,
District Judge.

The 20th day of August, 1906.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Dodangodage Mungo Noma of Mallamulle in Panadura, deceased.

THIS matter coming on for disposal before P. E. Pieris, Esq., District Judge of Kalutara, on the 20th day of August, 1906, in the presence of the petitioner Payagala Leanoarachchige Don Carolis Appuhami of Malamulle; and the affidavit of the said petitioner, dated 20th August, 1906, having been read: It is ordered that letters of administration to the estate of the late Dodangodage Mungo Noma be issued to Payagala Leanoarachchige Don Carolis Appuhami as husband of the said deceased, unless the respondent Payagala Leanoarachchige Don James Appuhami of Malamulle shall, on or before the 10th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.

The 20th day of August, 1906.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Mulacharigedara Kirihamy, late of Loulle, deceased.

Heyalopalegedara Punchi Menika residing in Mulacharigedara of Loulle in Lower Howaheta Petitioner.

And

(1) Mulacharigedara Pinhamy, (2) Mulacharigedara Dingiri Ettana, (3) Mulacharigedara Satu Hamy, (4) Mulacharigedara Ukku Hamy, all of Loulle, by their guardian *ad litem* Godonpetige Naidedegegedara Kiri Naido of Nahenooyla in Lower Howaheta . . . Respondents

THIS matter coming on for disposal before John Henriens de Serem, Companion of the Most Distinguished Order of Saint Michael and Saint

George, District Judge of Kandy, on the 20th day of August, 1906, in the presence of Messrs. Jonklaas and Van Langenberg, Proctors, on the part of the petitioner Heyalepalegedara Punchi Menika of Mulacharigedara in Leulla aforesaid; and the affidavit of the said petitioner, dated 13th August, 1906, having been read:

It is ordered that the petitioner Heyalepalegedara Punchi Menika of Mulacharigedara in Leulle aforesaid be and she is hereby declared entitled to letters of administration to the estate of Mulacharigedara Kiri Hamy of Leulle in Lower Hewaheta, deceased, as widow of the said deceased, unless (1) Mulacharigedara Pinhamy, (2) Mulacharigedara Dingiri Ettana, (3) Mulacharigedara Setu Hamy, (4) Mulacharigedara Ukku Hamy by their guardian *ad litem* Godanpetiye Naidelegedara Kiri Naide of Nahanooyla in Lower Hewaheta shall, on or before the 14th September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,
District Judge.

The 20th day of August, 1906.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Ponnamma, daughter of Murukesar of Achchuvely, deceased.

Chinnattamby Ponniah of Achchuvely. Petitioner.

Vs.

- (1) Chithamparanather Kathirkamatamby of Alvey West, (2) his wife Chinnattayam of Alvey West, (3) Chinnattamby Chelliah of Alvey West, (4) Chinnattamby Rajah of Alvey West, (5) Appakkuddy Kanapatipillai of Alvey West, (6) his wife Thengamutta of Alvey West. Respondents.

THIS matter of the petition of Chinnattamby Ponniah praying for letters of administration to the estate of the above-named deceased Ponnamma, daughter of Murugesar, coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the 15th day of August, 1906, in the presence of Mr. K. Kanasabai, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 14th day of August, 1906, having been read: It is declared that the petitioner is one of the heirs of the said intestate, and as such is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondent or any other person shall, on or before the 17th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

Signed this 15th day of August, 1906.

In the District Court of Mullaitivu.

Order Nisi.

Testamentary In the Matter of the Estate of the Jurisdiction. late Anantan Kasikkuddy of Samalankulam, deceased.

Suppramaniam Modliar Sivasidamparam of Oddusuddan. Petitioner.

Vs.

- (1) Nakamuttu, widow of Ananther Kasikkuddy, (2) Kasikkuddy Kanapathipillai, (3) Marimuttu, wife of Vairamuttu, (4) Ponny, daughter of Kasikkuddy, (5) Sinnapillai, daughter of Kasikkuddy, all of Samalankulam. Respondents.

THIS matter of the petition of Suppramaniam Modliar Sivasidamparam of Oddusuddan,

praying for letters of administration to the estate of the above-named deceased Ananther Kasikkuddy, coming on for disposal before C. V. Brayne, Esq., District Judge, on the 26th day of July, 1906, in the presence of the petitioner; and the affidavit of the petitioner, dated the 26th day of July, 1906, having been read, it is declared that the petitioner is the official administrator, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 31st day of August, 1906, show sufficient cause to the satisfaction of this court to the contrary.

C. V. BRAYNE,
District Judge.

This 26th day of July, 1906.

Extended to 27th September, 1906.

By order,
C. VELU PILLAI,
Secretary.

20th August, 1906.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of Balage Jurisdiction. Babappu, deceased, of Kataluwa. No. 3,668.

HIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge, Galle, on the 15th day of August, 1906, in the presence of Mr. D. G. Goonewardane, Proctor, on the part of the petitioner Sarukkali Patabendige Carlina Hamy of Kataluwa; and the affidavit of the petitioner, dated 29th May, 1906, having been read: It is ordered and declared that the said Sarukkali Patabendige Carlina Hamy is the widow of the deceased, and that she is as such entitled to have letters of administration issued to her accordingly, unless the respondents (1) Balage Leise Nona, (2) Balage Dissy Nona, (3) Balage Emi Nona, and (4) Balage Baby Nona, all of Kataluwa, by their guardian *ad litem* Balage Siman Hamy of Kataluwa, shall, on or before the 20th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,
District Judge.

The 15th day of August, 1906.

In the District Court of Matara.

Order absolute declaring Will proved, &c.

Testamentary In the Matter of the Estate of the Jurisdiction. late Don Diyonis Wijesingha, No. 1,514. deceased, of Kotadupe.

THIS matter coming on for disposal before T. R. E. Loftus, Esq., District Judge of Matara, on the 2nd day of July, 1906, in the presence of Messrs. G. E. and G. P. Keuneman on the part of the petitioners Tiloris John Wijesinha and Don Rodrigu Samarasiriwardane Yapa Appuhamy; and the affidavit of the said petitioners, dated 5th June, 1906, having been read, also the affidavit of the two attesting witnesses (the Notary being dead) to the last will:

It is ordered that the will of Don Diyonis Wijesingha, deceased, dated 28th November, 1899, be and the same is hereby declared proved.

It is further declared that the said Tiloris John Wijesinha and Don Rodrigu Samarasiriwardane Yapa Appuhamy are the executors named in the said will, and that they are entitled to have probate of the same issued to them accordingly, unless any party interested shall show cause to the contrary on or before 17th September, 1906.

THOS. R. E. LOFTUS,
District Judge.

The 2nd day of July, 1906.

In the District Court of Matara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the Jurisdiction. late Idross Lebbe Markar Shroff No. 1,525. Mudaliyar Mohamadu Neina Markar, deceased, of Kadewidiya.

THIS matter coming on for disposal before T. R. E. Loftus, Esq., District Judge of Matara, on the 21st day of August, 1906, on the motion of Kasi Lebbe Markar Ahamadu Ibrahim; and the affidavit of the said petitioner, dated 2nd August, 1906, and that of the Notary and the subscribing witnesses to the will dated 21st August, 1906, having been read:

It is ordered that the will of Idross Lebbe Markar Shroff Mudaliyar Mohamadu Neina Markar, deceased, dated 15th April, 1903, and filed of record in this case be and the same is hereby proved, unless (1) Kasi Lebbe Markar Sammen Natchia, (2) Omeru Neina Markar Mattichcham Tuhiwa Muttu Natchchia, and (3) Ahamadu Ibrahim Mohammadu Unus Marikar, all of Kadewidiya, shall, on or before the 20th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Kasi Lebbe Markar Ahamadu Ibrahim is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly with copy of the will annexed, unless any person interested shall, on or before the 20th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

THOS. R. E. LOFTUS,

The 21st day of August, 1906. District Judge.

In the District Court of Puttalam.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of Punchirale, Gan-arachchi of Kotalakemiawe in Karambe pattu in the District of Puttalam, deceased.

Balasuriya Mudiyansele Suntharamy, Ex-Gan-arachchi of Gallawe, and presently of Kotalakemiawe. Petitioner.

Vs.

(1) Ram Menika, widow of the deceased, (2) Kiri Etena and husband (3) Bandappuge Kawrale, (4) Ram Menika and husband (5) Kawrale Mudali Hamy for himself and as guardian *ad litem* of the minor children Herat Hamy, Kiri Menika, Punchirale, Punchi Banda, and Ukku Menika of Kotalakemiawe. Respondents.

THIS matter coming on for disposal before Frederick Bowes, Esq., District Judge of Puttalam, on the 14th day of November, 1904, in the presence of Mr. W. S. Strong, Proctor, on the part of the petitioner; and the petitioner's affidavit, dated 14th November, 1904, and petition dated the same day having been duly read: It is ordered that the petitioner be and he is hereby declared entitled to letters of administration to the estate of Punchirale, Gan-arachchi, late of Kotalakemiawe, and the same will be issued to him accordingly, unless the respondents or any other person shall, on or before the 13th day of December, 1904, show sufficient cause to the satisfaction of this court to the contrary.

F. BOWES,

District Judge.

November 14, 1904.

Date for showing cause to the above *Order Nisi* is extended to 12th September, 1906.

By order of court,

J. S. PHILIPS,
Secretary.

August 29, 1906.

In the District Court of Puttalam.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of Jane Allen Wijeyasekera Jurisdiction. *nee* Gumaratne, deceased, late of Puttalam, wife of Edwin Wijeyasekera. No. 216.

Between

Edwin Wijeyasekera, presently of Puttalam Petitioner.

And

Dr. C. D. S. Wijeyasekera, presently of Kandy, as the guardian *ad litem* of the minors (1) Daisy Allen Wijeyasekera, (2) Edwin Denzil Coningsby Wijeyasekera, (3) Treve Pansy Wijeyasekera, and (4) Merwin Aubray Wijeyasekera, all presently of Puttalam. Respondent.

THIS matter coming on for disposal before Humphrey William Codrington, Esq., District Judge of Puttalam, on the 14th day of August, 1906, in the presence of Mr. J. W. P. Senathiraja, Proctor, on the part of the petitioner; and his petition dated 14th day of August, 1906, and affidavit dated 26th day of January, 1905, adduced in support thereof having been read:

It is ordered that the petitioner, as the widower of Jane Allen Wijeyasekera *nee* Gumaratne, deceased, late of Puttalam, be and he is hereby declared entitled to have letters of administration of her estate and effects, unless the respondent shall show sufficient cause to the contrary to the satisfaction of this court on or before the 29th day of August, 1906.

H. W. CODRINGTON,

District Judge.

Puttalam.

The 14th day of August, 1906.

The date for showing cause is extended to 12th day of September, 1906.

R. N. THAINE,

District Judge.

August 29, 1906.

In the District Court of Puttalam.

Testamentary In the Matter of the Intestate Estate of Santiago Pedro Fernando, Jurisdiction. late of Muttipalakulam, deceased. No. 236.

Pedro Fernando Louis Fernando of Muttipalakulam Petitioner.

Vs.

(1) Ana Fernando, wife of Pedro Pillai Juampillai, (2) Santiago Fernando Gabriel Fernando, (3) Santiago Abraham Fernando, (4) Louisa Fernando, widow of Santiago Fernando, (5) Maria Fernando, wife of Anthony Fernando, all of Muttipalakulam. Respondents.

THIS matter coming on for disposal before Robert Niemann Thaine, Esq., District Judge of Puttalam, on the 31st day of August, 1906, in the presence of Mr. W. S. Strong, Proctor, on the part of the petitioner, and the petitioner's affidavit dated August 31, 1906, and petition dated the same day having been duly read: It is ordered that the petitioner be and he is hereby declared entitled to have letters of administration to the estate of Santiago Pedro Fernando, late of Muttipalakulam, deceased, and that the same will be issued to him accordingly, unless the respondents or any person shall, on or before the 12th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

R. N. THAINE,

District Judge.

Puttalam, August 31, 1906.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,206.

In the matter of the insolvency of Philip Joseph Fernando of Gal-kissa in the Palle pattu of Salpiti korale.

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 the 27th day of September, 1906, for approval of the conditions of sale of the insolvent's life interest in a half share of the premises No. 103A, Kotahena, Colombo.

By order of court,

J. B. Misso,

Colombo, August 31, 1906.

Secretary.

In the District Court of Colombo.

No. 2,218.

In the matter of the insolvency of Nather Saibu Abubacker of No. 68, Second Cross street, Pettah, Colombo.

NOTICE is hereby given that the second sittings in the above matter has been re-fixed for the 27th September, 1906.

By order of court,

J. B. Misso,

Secretary.

Colombo, August 31, 1906.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Helena Wijewardena of Sedawatta, executrix of the last will and testament of Don Philip Wijewardena, Muhandiram, late of Sedawatta, deceased. . . . Plaintiff.

No. 21,628. Vs.

Dombeyalage John Fernando of Hunupitiya in the Adikari pattu of Siyane korale Defendant.

NOTICE is hereby given that on Tuesday, October 9, 1906, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff and ordered to be sold by the order of court, dated October 5, 1905, for the recovery of the sum of Rs. 4,636, with interest on Rs. 3,500 at 16 per cent. per annum from April 10, 1905, till May 26, 1905, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs taxed at Rs. 175.50 and poundage, viz.:—

At 9 A.M.

1. The remaining soil and all the trees and all the buildings standing thereon, excluding the land in extent half an acre, which has been sold to Bulathwelage Buiya Rodrigo of the garden called Talgahawatte, situate at Hunupitiya in the Adikari pattu of Siyane korale in the District of Colombo; and bounded on the north by land belonging to Domingo Rodrigo and by owita land belonging to Thonchi Fernando and Migel Fernando; on the east by land belonging to rail road; on the south by road, by garden belonging to Joranis Fernando and by road; and on the west by footpath; containing in extent about 2 acres 1 rood and 4 perches.

At 10.30 A.M.

2. The soil and all the trees and buildings standing thereon of the divided $\frac{1}{4}$ part of the garden called Hedawakagahawatte, situate at Wattala in the

Ragam pattu of Alutkuru korale, and which divided portion is bounded on the north and east by the ditch of the cinnamon garden belonging to the late Robert de Silva Arachchi; on the east and south by the boundary of a portion of this land belonging to Bastian Korallage Juanis Rodrigo Appoohamy; on the south and west by the boundary of the portion belonging to Juan Tissera and others; and on the west and north by road leading to the direction of Mahara; containing in extent 1 rood and 35 perches.

Fiscal's Office, E. ONDATJE,
Colombo, September 5, 1906. Deputy Fiscal.

In the District Court of Colombo.

Saranelis de Silva Gunasekera of Maradana, Colombo Plaintiff.

No. 21,868. Vs.

(1) Hiddadura Paulis Mendis and (2) Ellhadura Allis Soysa, both of Mutwal, Colombo Defendants.

NOTICE is hereby given that on Wednesday, October 3, 1906, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property, specially mortgaged with the plaintiff and ordered to be sold by order for sale dated December 1, 1905, for the recovery of the sum of Rs. 859.37, with interest on Rs. 750 at 15 per cent. per annum from June 8, 1905, to June 14, 1905, and thereafter at 9 per cent. per annum till payment in full, and costs of suit, viz.:—

All that land called Ambegahawatta formerly bearing assessment No. 65 and presently bearing assessment No. 75, situated at Modera within the Municipality of Colombo; bounded on the north by the property of Weliserage Jacolis Fernando and others, on the east by a portion of the land belonging to D. Juse Silva, on the south by the property of Frederick de Soysa Siriwardene, Notary, and on the west by the property of Hadjie Ummah; containing in extent 30.63 square perches.

Fiscal's Office, E. ONDATJE,
Colombo, September 5, 1906. Deputy Fiscal.

In the District Court of Colombo.

Angelina Francina Wijesinghe Lama
Emani of Hill House, Dehiwala Plaintiff.
No. 21,895. Vs.

Wanni Achchige Suwaris Fonseka of
Mirihana in the Palle pattu of Salpiti
korale Defendant.

NOTICE is hereby given that on Friday, October 5, 1906, will be sold by public auction at the respective premises the following property ordered to be sold by the order of court dated March 8, 1906, for the recovery of the sum of Rs. 2,354.16, with further interest on Rs. 2,000 at the rate of 12½ per cent. per annum from June 12 to July 10, 1905, and thereafter at the rate of 9 per cent. per annum till payment in full, and costs of this action taxed at Rs. 147.62½.

At 12 noon.

1. All those southern 3/9 and 1/10 parts or shares of and from the land called and known as Kahatagahalandu and 3/9 and 1/10 parts or shares of the trees of the old plantations standing thereon, situated in the village of Gangodavilla in the Palle pattu of Salpiti korale; and bounded on the north by the other part of this garden belonging to Wanni Achchige Siman Fonseka, on the east by Talgahawatta, on the south by a footpath, and on the west by Millaniyegawatta and by a ditch; containing in extent 8 acres 2 roods 10½ perches or thereabout, and which said premises have been held and possessed by the defendant, under and by virtue of a deed of conveyance thereof No. 3,512, dated March 8, 1893, and attested by Don Joseph Kulatunga of Colombo, Notary Public, and registered under the title M 36/249.

At 1 P.M.

2. All that allotment of land called and known as Medamuttettuwa, situated at Mirihana in the Palle pattu of Salpiti korale; and bounded on the north by a water-course, on the east by the properties of K. Hendrick Alwis and K. Daniel Alwis, on the south by the land of K. Daniel Alwis, and on the west by the land of Don Juan Rabel; containing in extent 1 acre 2 roods 17 perches, and held and possessed by the defendant, under and by virtue of a deed of conveyance thereof No. 3,843, dated September 21, 1893, and attested by the same Notary and registered under the title M 44/69.

E. ONDATJE,
Deputy Fiscal.

Fiscal's Office,
Colombo, September 5, 1906.

In the District Court of Colombo.

P. R. N. A. Sathaya Pulley of Sea street,
Colombo Plaintiff.
No. 22,366 C. Vs.

(1) Charles Batuwantudawa, (2) S.
Suvathan Appuliamy, both of Barnes
Place, and (3) S. Joseph Perera of
Kotahena, Colombo Defendants.

NOTICE is hereby given that on Saturday, October 6, 1906, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property for the recovery of the sum of Rs. 509, with interest thereon at 9 per cent. per annum from 20th February, 1906, till payment in full and costs, viz.:-

All those allotments of land marked lots A and B in the plan, with the buildings standing thereon bearing assessment No. 17, situated at Barnes road and Kynsoy road in the Maradana Cinnamon Gardens.

within the Municipality of Colombo, Western Province, forming one property; and bounded on the north by Barnes road, on the south by the lot C called Gracelyn, lot D called Emmaville, and the lot E in the plan, on the east by Kynsey road, and on the west by the premises called La Retreat of Mr. Jayasinghe; containing in extent 3 roods and 26.97 square perches, excluding therefrom a divided eastern portion, in extent 2 roods, sold to E. L. Ohnhus.

E. ONDATJE,
Deputy Fiscal.

Fiscal's Office,
Colombo, September 5, 1906.

In the Court of Requests of Colombo.

M.P. L. Palaniappa Chetty of Sea street,
Colombo Plaintiff.
No. 29,352. Vs.

(1) John G. Atapattu, (2) James Wickremasinghe, both of Kotahena road,
Colombo Defendants.

NOTICE is hereby given that on Thursday, October 4, 1906, at 9 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property for the recovery of the balance sum of Rs. 105.03, with interest thereon at 9 per cent. per annum from August 5, 1905, till payment in full, and Rs. 26.75 for costs of suit and poundage, viz.:-

All that land called Tembiligahawatta, situated at Dehiwala in the Palle pattu of Salpiti korale; bounded on the north by Chapel garden, east by the property of D. S. Britto and others, west by high road to Galle, and on the south by Tembiligahawatta, property of D. P. Weerasingha; containing in extent about 1½ acre, together with the buildings standing thereon.

E. ONDATJE,
Deputy Fiscal.
Fiscal's Office,
Colombo, September 5, 1906.

In the District Court of Negombo.

(1) Munsinha Atchi Lekamalage Baro-
chi Appuhamy and (2) Don Bastian
Gunawardana, both of Udugampola Plaintiffs.
No. 5,917. Vs.

Galketidewage Sinna Fernando of
Mukalangomuwa Defendant.

NOTICE is hereby given that on September 29, 1906, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the following property mortgaged by bonds Nos. 7,449 dated April 22, 1901, and 30,002 dated August 18, 1903, viz.:-

1. The land called Borupana, situated at Niri-pitiwela in Dasiya pattu of Alutkuru korale; being bounded on the north by the land appearing in the figure of survey bearing No. 180,988, on the east by reservation for a road and the land appearing in the figure of survey bearing No. 20,048, on the south by the lands appearing in the figure of survey bearing Nos. 20,051 and 103,998, and on the west by the Negombo lake; containing in extent 14 acres 1 rood and 32 perches more or less.

On October 1, 1906, commencing at 10 o'clock in the forenoon, at the premises.

2. The undivided ½ shares of the field called Hale gahakumbura, situate at Udugampola in ditto; the entire field being bounded on the north by a portion of this field belonging to Sanchi Appu, on the east by a water-course and by the high land, on the south by the field belonging to Salamon Perera Samara-

sekera Appuhamy, and on the west by the boundary ridge of Pattaha; containing in extent 1 kuruni of paddy sowing more or less.

On October 2, 1906, commencing at 4 o'clock in the afternoon, at the premises.

3. The undivided $\frac{2}{3}$ shares of the land called Dawatagahawatta, situate at Mukalango nuwa in ditto; the entire land being bounded on the north by the live fence of the garden belonging to Don Pelis Arachchi; on the east by the land belonging to Don Bastian Appu, on the south by the fence of the garden belonging to Mathes Vidanarala, and on the west by the garden belonging to Girigoris Soysa, Mudaliyar; containing in extent 2 acres more or less.

And on October 4, 1906, commencing at 10 o'clock in the forenoon, at the premises.

4. The land called Meellagahakumbura, situate at Wellhena in ditto; and bounded on the north by the water-course; on the east by ela forming the boundary of the land wherein Joranis Fernando resides, on the south by a portion of this land belonging to Negoris Fernando, and on the west by the high road; containing in extent 4 acres more or less and declared liable to be sold in satisfaction of the decree entered in the above case.

Amount to be levied Rs. 2,948.34, with interest on Rs. 2,696.72 at 9 per cent. per annum from November 6, 1905, till payment in full.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, September 4, 1906.

In the District Court of Negombo.

Seena Kana Runa Awana Karuppan
Chetty by his attorney Vana Yeena
Kathavarayar Pulle of Negombo..... Plaintiff.
No. 6,225. Vs.

Mehidukulasuriya Patabendige Anthony
Fernando of Negombo..... Defendant.

NOTICE is hereby given that on October 11, 1906, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the following property, hypotheated by bond No. 7,396 dated March 22, 1901, viz. :-

The lot No. 29 of Madampellawatta, situate at Madampella in Dunagaha pattu of Alutkuru korale; and bounded on the north by the lot No. 1 of the land belonging to Domingo Tissera, on the east by Pansalwatta, on the south by lots Nos. 3 and 4 of this land, and on the west by the lot No. 8 of this land belonging to M. Savaria, M. Peria, M. Tambeliya, and M. Hap-puwa; containing in extent 33 acres and 1 rood more or less.

And on October 12, 1906, commencing at 10 o'clock in the forenoon, at the premises, the following property, viz. :-

1. The land called Mawattabodawatta and tiled house standing thereon, situate at First Division, Hunupitiya, within the old gravets of Negombo; the said land being bounded on the north by the land formerly of Jayakodiarachchige Don Philippu Appu and others and now of Anda Pulle and by the land belonging to the Roman Catholic Church, on the east by a portion of this land excluded to Hugo Policarp Fernando and Agida Fernando, and on the south and west by the portion of this land formerly of Tandawarayan Chetty and now of Anthony Fernando; containing in extent 32.8 perches more or less.

2. The land called Suriyagahawatta and the buildings standing thereon, situate at ditto; and bounded on the north by the land belonging to Sidambaram Pulle, deceased, on the east by the land formerly of Manuel de Croos, and now of Lorensu Fernando, on the south by the high road, and on the west by the

land belonging to Tandawarayan Chetty; containing in extent 25.80 perches more or less.

3. The land called Ratadelgahawatta, situate at ditto; and bounded on the north by the land formerly of J. P. Aserappa, now of Liyanage Mathes Silva, on the east by the cross road leading to Chilaw and Toppu, on the south by the land now belonging to Joseph de Croos and by the high road, and on the west by the garden belonging to Medadewage Juanis Silva; containing in extent 1 acre 2 roods and $2\frac{1}{4}$ perches more or less, and declared liable to be sold in satisfaction of the decree entered in the above case.

Amount to be levied Rs. 12,638.68, with interest on Rs. 12,395 at 9 per cent. per annum from December 21, 1905, till payment.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, September 4, 1906.

In the District Court of Colombo.

Helena Wijeyawardana of Sedawatta,
executrix of the last will and testa-
ment of Don Philippu Wijeyawardana,
Mohandiyam, late of Sedawatta,
deceased Plaintiff
No. 22,833 C. Vs.

(1) Balasurilekmalage Don Davith
Gurunanse, and (2) Davith de Silva
Gunasekera Arachchi, both of Ma-
kewita Defendants.

NOTICE is hereby given that on October 6, 1906, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises, the following property, specifically ordered to be sold by the decree entered in the said action, viz. :-

1. All those three portions of contiguous lands called Delgahawatta, Narangahawatta, and Mille-gahawatta forming one property, together with all the trees and buildings standing thereon, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by the ditch between this and the garden belonging to Kurumbalapitiyage Thommappuhamy, on the east by the ditch of the garden belonging to Kuruppuarachchige Francisco Rudrigo Annavirala and others, on the south by the minor road leading to Henaratgoda, and on the west by the growing fence of the garden belonging to Habaragomukorallage Jagilis Appu and by the ditch of Vila; containing in extent 1 acre and 17 perches more or less.

2. An undivided $\frac{3}{4}$ part of a portion of Delgahawatta alias Kekunagahawatta, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by the portion of this land belonging to Issan Appu and others, and by the ditch, on the east by the ditch of the portion of garden belonging to Kurumbalapitiyage Don Bastian Appuhamy and others, on the south by the old road, and on the west by the ditch of the part of this land allotted to Velun Appuhamy and others; containing in extent 1 acre and 2 roods more or less.

3. An undivided $\frac{2}{8}$ part of a portion of Mille-gahawatta, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by ditch and growing fence of the parts of this land allotted to Aderian Naide and Nachcho Natchire, on the east by the growing fence of the garden belonging to Don Davith Gunatileka Seneviratna Appuhamy, on the south by the ditch of the garden belonging to Davith Dias Appuhamy, and on the west by the ditch of the part of this land allotted to Manuel Naide and others; containing in extent 1 acre and 2 roods more or less.

4. An undivided $\frac{1}{5}$ part of the southern half of Dawatagahawatta, situate at Makewita in Ragam

pattu of Alutkuru korale; the whole land being bounded on the north by the growing fence on the ditch of Mr. Moses Peries Muhandiram's garden, on the east by the growing fence on the ditch of the garden belonging to Kurumbalapitiyage Raphiel Appu and others, on the south by the growing fence on the ditch of the garden belonging to Karanis Appu, and on the west by the growing fence of the garden belonging to Badaraliacharige Andris Naide and others; containing in extent 1 acre and 2 roods more or less.

5. The field called Embillagaha *alias* Gorakagahakumbura, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by water course, on the east by the liminary ridge of Gorakagahakumbura, on the south and west by the liminary ridge of Gorakagaha *alias* Embillagahakumbura belonging to Peramunugamage Livinis Appu, Paliawadana-arachchige Thelinis Perera, and others; containing in extent one bushel of paddy sowing more or less.

6. An undivided $\frac{1}{5}$ part of a portion of Dawata-gahawatta, situate at Makevita in Ragam pattu of Alutkuru korale; and bounded on the north by the growing fence of the garden of Mr. Moses Peries Muhandiram, on the east by the growing fence of the garden belonging to Kurumbalapitiyage Raphiel Appu and others, on the south and west by the part of this garden belonging to Don Davith Gurunanse; containing in extent 2 roods more or less.

7. The field called Wellaboda Irawallakumbura, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by Don Thomis Appuhamy's field, on the east by Don Thomis Appuhamy's and others' fields, on the south by water course, and on the west by field belonging to Francisco Rodrigo, Annavirala and others; containing in extent 1 bushel 2 pecks of paddy sowing more or less.

8. The field called Bodapedige Kanuketiya-kumbura, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by canal, on the east and south by the field of Kum-balapitiyage Don Thomis Appuhamy and others, and on the west by field belonging to Jayasoria-arachchige Lukas Appuhamy and others; containing in extent 2 bushels of paddy sowing more or less.

9. The field called Bodapediyekumbura, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by water course, on the east by liminary ridge of the field of Sembukutti-arachchige Pedrick Silva Appuhamy, on the south by the liminary ridge of the field of Abilino Silva Gunasekera Appuhamy, and on the west by the liminary ridge of the field of Adirian Silva and others; containing in extent two bushels of paddy sowing more or less.

10. The field called Bodapedigekumbura, situate at Makewita in Ragam pattu of Alutkuru korale; and bounded on the north by canal, on the east by the liminary ridge of the field belonging to Siambalapatiyage Elias Silva and others, on the south by the liminary ridge of the field of Siambalapatiyage Abilino Silva Gunasekera Appuhamy; and on the west by the liminary ridge of the field belonging to the heirs of Siambalapatiyage Abraham Silva; containing in extent 1 bushel of paddy sowing more or less, together with all the trees and buildings standing on the said land (trees and buildings not in existence).

Amount to be levied, Rs. 2,724 66, with further interest on Rs. 1,500 at 16 per cent. per annum from January 10 to February 16, 1906, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, September 4, 1906.

Central Province.

In the District Court of Kandy.

M. K. N. Kannappa Chetty of Kandy.... Plaintiff.
No. 16,726. Vs.

P. B. Girihagama of Girihagama Defendant.

NOTICE is hereby given that on October 3, 1906, commencing at 12 o'clock noon, and if necessary on the following days, commencing at the same hour, will be sold by public auction at the premises, the the right, title, and interest of the said defendant in and to an undivided $\frac{1}{3}$ share of the following lands, viz. :—

1. The field called Watapaldeniyakumbura of 1 amunam of paddy in extent, situate at Girihagama in Medasiapattu of Harispattu; and bounded on the east by Uda Randeniyakumbura, on the south by Watapaldeniyawatta, on the west by Banageywatta and eura, and on the north by eura of Uda Randeniyawatta.

2. The land called Agalawatta of five pelas of paddy sowing extent, situate at Girihagama aforesaid; and bounded on the east by ditch, on the south by ela, on the west by land belonging to pansala, and on the north by high road.

3. The field called Unumuwakumbura of three pelas of paddy in extent, situate at Idamagama aforesaid; bounded on the east by the limit of Getane, on the south by the limit of Koholane, on the west by ella or bank of the garden, and on the north by stone fence of Walakumbura.

4. The field called Medepela of one pela of paddy sowing extent, situate at Idamagama aforesaid; bounded on the east by Punchirala's field, on the south by Egodewatta and eura, on the west by eura of Ukkoo Banda's field, and on the north by oya.

5. The field called Getanekumbura of 12 lahas of paddy in extent, situate at Idamagama aforesaid; and bounded on the east by Elawella, on the south by Hanayakumbura, on the west by Medepila eura, and on the north by the limit of Hangidigedera-kumbura.

6. The field called Millagasangekumbura of 12 lahas of paddy sowing extent, situate at Marawana-goda aforesaid; and bounded on the east by eura of Kurukudawatta, south by Haliaddekumbura, west by Hawadia's field, and on the north by Heetale-kumbura.

7. The field called Paragaha-elakumbura of 18 lahas of paddy sowing extent, situate at Haran-kahawa in Galesiapattu; and bounded on the east by henay, eura, south by henay and ella or bank, on the west and north by field of Bandia and Aruma.

8. An undivided half share towards the north, out of Mudeniya-hena, now a garden of six pelas of paddy sowing extent, and the lower 4 kurunies of paddy sowing in extent below the road of Panselawatta, which said two lands adjoin each other and now forming one property, situate at Girihagama aforesaid; and bounded on the east by the land belonging to Godemunnegederakumbura and ditch, on the south by ditch of Walawwewatta, on the west by wela, and on the north by field and road.

9. An undivided $\frac{1}{3}$ share of Pallekohasweddume of 8 lahas of paddy sowing extent, situate at Girihagama aforesaid; bounded on the east by Bobila ella, on the south by the limit of Dodanmedilla, on the west by Kiriwana ella, and on the north by the limit of Vidanage idama.

10. The land called Hunudeniyawatta and the tiled house thereon of 4 acres in extent, situate at Girihagama aforesaid; bounded on the east by the limit of Duraya's garden, on the south by Bandia's garden, west by Welay ella, and on the north by Panselawatta and high road.

11. The field called Warakawaykumbure of one acre in extent, situate at Girihaagama aforesaid; bounded on the east by ella and Depawella, south also by Depawella, west by below the ella, and on the north by Duraya's field and by the limit of Kiria's field.

12. The field called Neketkumbura of 6 lachas of paddy sowing extent, situate at Girihaagama aforesaid; bounded on the east by the limit of Vidanes' field, south by the limit of Mahakumbura and by the limit of Alandekumbura and on the west and north by Depawella.

13. The field called Watapaldeniyakumbura of 5 pelsas of paddy sowing extent, situate at Girihaagama aforesaid; bounded on the east by ella, south by ella, west by ella, and on the north by the limit of Uda Randeniyakumbura ella.

14. Thotapitiyawatta of 18 acres in extent, situate at Idamagama aforesaid; bounded on the east by agala of Kapuwattawalawwa and village limit, south by agala of Varaluangegamagederawatta, west by above the ella of the field, and on the north by this side of the agala of Annatugodewalawwa.

On October 9, 1906, at 12 o'clock noon
at the premises.

An undivided 1/9 share of the house and premises bearing assessment No. 73, situate at Trincomalee street in Kandy; bounded on the east by Pavilion wall, on the west by Trincomalee street, on the south by house No. 74, and on the north by house No. 72.

Amount of writ, Rs. 1,667.26.

A. V. WOUTERSZ,
Deputy Fiscal.

Fiscal's Office,
Kandy, September 5, 1906.

Northern Province.

In the District Court of Jaffna.

Periyathamby Sathasivam Pillai of
Puloli West.....Plaintiff.
No. 4,690. Vs.
Murugar Sapapathippillai of Alvai
North.....Defendant.

NOTICE is hereby given that on Friday, October 5, 1906, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 1,000, with interest thereon at the rate of 9 per cent. per annum from April 26, 1906, until payment in full, viz.:-

1. In an undivided $\frac{1}{2}$ share, with its appurtenances including 1/12 share of the well, of a piece of land situated at Alvai Perumiyar Kurichchy called Vellaiyitteni and Vellaiyilkadu, containing or reputed to contain in extent 8 lachams varaku culture and 4 kullies with well and other appurtenances; bounded or reputed to be bounded on the east by the property of Sinniyah Arumugam and others, north and south by the property of Sinnatampyar Saravanamuttu and others, west by the property of Tomoetharampillai Sivapunneam.

2. In an undivided $\frac{1}{4}$ share of the soil and appurtenances (exclusive, however, of the ground taken for the lane which passes through this land but including 1/24 share of the well standing on the land called Vellaiyitteni and Vellaiyitkadu lying to the west of the Western land, and belonging to Sinnappillai, daughter of Sinnatampyar, and others) of a piece of land situated at Alvai Perumiyar Kurichchy, called Vellaiyitteni and Vellaiyitkadu; containing or reputed to contain in extent 4 lachams varaku culture and 2 kullies with its appurtenances; bounded or reputed to be bounded on the east by road, north by

the property of Sinnatampyar Saravanamuttu and others, west by the property of Murugesar, Ulakanather and others, and south by lane.

3. In an undivided 5/192 shares of the western half, with its appurtenances, which include 1/12 share of the well on the north, of a piece of land situated at Alvai Perumiyar Kurichchy called Vellaiyitteni, containing or reputed to contain in extent 125 $\frac{1}{2}$ lachams varaku culture; the said half share on the west is bounded or reputed to be bounded on the east by the property of Ponnusamy and others and heirs of the late Arumugam Veluppillai, north by the property of Sennappillai, daughter of Sinnatampyar, and others, west by the property of Kartigesar Sapapathypillai and others, and south by street.

4. In an undivided 61/71 shares with its appurtenances of a divided 7 lachams varaku culture and 17 kullies of a piece of land situated at Alvai Mapanakurichy called Mannaradchiar Kilanai; containing or reputed to contain in extent 13 lachams varaku culture and 8 kullies; the said 7 lachams varaku culture and 17 kullies is bounded or reputed to be bounded on the east by the property of Ammunipillai, wife of Sapapatipillai, and others and front of a lane, north by the property of Sinnathankam, wife of Sithamparam, and others, west by the property of Ramar Sekanather and others, and south by lane.

5. In an undivided 1/36 share of the ground and wells and other appurtenance (excluding the ground taken for the road passing through) of a divided eastern half share and its appurtenances of a piece of land consisting of the following parcels situated at Alvai Perumiyar Kurichchy, called Vellaiyitteni, containing or reputed to contain in extent 125 $\frac{1}{2}$ lachams varaku culture and Vellaiyitkadu in extent 23 $\frac{1}{2}$ lachams varaku culture; the said eastern half share is bounded or reputed to be bounded on the east by road, north by the property of Sinnatampyar Saravanamuttu and others, west by the property of Ramu Kanthavanam and others, and south by street.

V. THAMBIPILLAI,
for Fiscal.

Fiscal's Office,
Jaffna, September 4, 1906.

Southern Province.

In the Additional Court of Requests of Galle.

George Edwin Dias Abeysinha of Galle.....Plaintiff.
Nos. 4,068 & 4,069. Vs.

Menikourage Adirian and another of
Dangedara.....Defendant.

NOTICE is hereby given that on Saturday, October 6, 1906, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, subject to the mortgage bond No. 1,448 dated December 31, 1902, and mortgage bond No. 322 dated May 9, 1902, in favour of Wehellege Don Bastian Samaranayaka of Nawatuna, viz.:-

1. All the soil and fruit trees of an undivided one-third part of the land called Eramudugahakumbura *alias* Higgahaliyadda, at Kumbalwella.

2. The lot No. 2 of Pedikumburewila-addarawita *alias* Pahalahiggahaliyadda and Midellagahawita *alias* Eramudugahaliyadda, at ditto.

3. An undivided three-fourth parts of the land Millagahawatta *alias* Midellagahawatta *alias* Owita at Dangedara, and three-fourth parts of the buildings thereon.

On Tuesday, October 9, 1906, at 12 o'clock noon, at the spot:—

4. An undivided five-twelfth parts of a portion of Muttetuhenuwatta, situate at Kapuhempola.

Writ amount in 4,068 is Rs. 290-50, with interest on Rs. 265-25 at 9 per cent. per annum from April 24, 1906, and poundage.

Writ amount in 4,069 is Rs. 289-25, with interest on Rs. 264 at 9 per cent. per annum from April 24, 1906, and poundage.

C. T. LEEBRUGGEN,
Deputy Fiscal.

Fiscal's Office,
Galle, September 5, 1906.

In the District Court of Galle.

Samitoni de Silva Wirakon of Matara . . . Plaintiff.
No. 7,783. Vs.

Edward Danister Perera of Galle, now
of Colombo Defendant.

NOTICE is hereby given that on Saturday, September 29, 1906, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged as a secondary mortgage, viz:—

1. All that part of the soil and trees of the garden Eramudugahawatta, in extent 1 rood and 24-46 perches, together with the large stone-built tiled house standing thereon, with the appurtenances thereto, at Galupiyadda, in extent 1 rood and 4 perches.

2. The northern portion of the garden Eramudugahawatta, together with the buildings standing thereon, in extent 1 rood and 26-46 perches, situate at ditto; containing in extent 3 roods and 21 perches.

On Wednesday, October 3, 1906, at 12 noon, at the spot the right, title, and interest of the said defendant in the following property, viz:—

3. The field called Ihalanakiyadeniya, in extent 2 acres 3 roods and 13 perches, situate at Udumalagala.

Writ amount Rs. 6,015-43½, with interest on Rs. 5,768-26 at 9 per cent. per annum from May 12, 1905.

C. T. LEEBRUGGEN,
Deputy Fiscal.

Fiscal's Office,
Galle, September 3, 1906.

In the District Court of Matara.

Dona Gimara Jayawickrama Wijetunga
Hamine of Aturaliya Plaintiff.
No. 3,711. Vs.

1) James Robert Wijeyaratne Wellappuli of Koramburuwana, (2) Charles Francis Wijeyaratna Wellappuli of Ranchagoda Defendants.

NOTICE is hereby given that on Saturday, September 29, 1906, commencing at 12 o'clock noon, will be sold by public auction at the respective premises in the following order the right, title, and interest of the said defendants in the under-mentioned property, for the recovery of Rs. 3,200-07½, with further interest on Rs. 2,000 at 12 per cent. per annum from September 5, 1905, till December 8, 1905, and legal interest on the aggregate amount from December 8, 1905, till payment in full, viz:—

(1) The land called Mederikanatta, situate at Ranchagoda in the Kandaboda pattu of the Matara

District; and bounded on the north by Crown jungle, east, south, and west by Ethinguredeniya.

(2) The soil and plantation of Murutagahaokanda alias Vitanageokanda, except planters' share, situate at Ranchagoda in the Kandaboda pattu of the Matara District; and bounded on the north by wela and okanda, east by river, south by river and Angahaokanda, and on the west by Nungodawatta.

(3) The land called Tunwattakanatta of 2 roods and 10 perches in extent, situate at Ranchagoda in the Kandaboda pattu of the Matara District; and bounded on the north by Pinnagodawatta, east, south, and west by land described in plan No. 166,349.

(4) The land called Tunwattakanatta of 9 acres 1 rood and 22 perches in extent, situate at Ranchagoda in the Kandaboda pattu of the Matara District; and bounded on the north by Mestrigewatta and Mestrigepahalawatta-Delgahawatta, east by Pinnagodawatta and Meepawitawatta, land described in plan No. 166,350, and Maladola, south by Nabarahilawatta and Pannikiyahena alias Bokumullewatta, and on the west by land described in plan No. 120,653.

(5) The land called Tunwattakanatta of 37 perches in extent, situate at Ranchagoda in the Kandaboda pattu of the Matara District; and bounded on the north by Meepawitawatta, east by Gamagediwellawatta, south by Maladola, and on the west by land described in plan No. 166,349.

(6) The land called Tunwattakanatta of 2 roods and 13 perches in extent, situate at Ranchagoda in the Kandaboda pattu of the Matara District; and bounded on the north, east, and west by land described in plan No. 166,349, and on the south by land described in plan No. 166,349 and Pannikiyahena alias Bokumullewatta.

(7) The land called Danwattahena of 8 acres 1 rood and 9 perches in extent, situate at Ranchagoda in the Kandaboda pattu of the Matara District; and bounded on the north by Danwattahena belonging to temple and Pinnagodamestrigewatta, east by Tunuwattakanatta, south by Pannikiyawattahena alias Bokumullewatta, and on the west by minor road and Maladola.

(8) One-eighth of Liyaddekumburu of 8 kurnies in extent, situate at Mudalagedara in Ranchagoda of the pattu and district aforesaid; and bounded on the north by Kohilawalahena, east by Kohilawala, south by Medakuttiyawatta, and on the west by Gonabokka.

(9) The soil and plantation of Medagewatta except planter's share of 3rd plantation, situate at Koramburuwana of the pattu and district aforesaid; and bounded on the north by Okandewatta and Wamparagamulla, east by ela and the field called Parat-tawala, south by Welikumbura, and on the west by river.

(10) The land called Kandayalepahalakella of 2 pelas in extent, situate at Koramburuwana of the pattu and district aforesaid; and bounded on the north by a portion of the same land, east by Gebalanagewatta, south by minor road and Pinliyadda, and on the west by Baduwatta.

(11) Half of the eastern portion of Palawilakumbura of one amunam in extent, situate at Ganegama in the Gangaboda pattu of the Matara District; and bounded on the north by Udakumbura, east by Panangalagewatta, south and west by the remaining portion of Palawilakumbura.

H. J. DE LIVERA,
Deputy Fiscal.

Deputy Fiscal's Office,
Matara, August 28, 1906.

North-Western Province.

In the District Court of Chilaw.

Muttu Kuna Pana Palaniappa Chetty
of MadampePlaintiff.
No. 3,398. Vs.

Muhammado Saibo Yaper Saibo of
Chilaw Defendant.

NOTICE is hereby given that on Thursday, October 4, 1906, commencing at 10 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, viz. :—

1. Half share of two cadjan thatched boutiques and soil which is about 6 perches in extent, situate at the Bazaar street, Chilaw.

2. The land called Talgahagala, which is also known as Mahaparabadamahagala, situate at Moor street, Chilaw.

3. The land called Talgahagala, situate at Moor street, Chilaw.

4. The land called Rottadyperiyagala alias Panamarattadygala of about 2,800 tobacco plants plantable extent, situate at Moor street, Chilaw.

5. Three-fifth shares of the land called Ettanpariyaritottam with plantations thereon, situate at Wattakkaliya, Chilaw.

6. Three-fifth shares of Uppuparangitottam of 13 acres 3 roods in extent, situate at Sanguthattana in Chilaw.

7. Three-fifth shares of Uppuparangitottam of 13 acres in extent, situate at Sangutottam in Akkara-yankotuwa.

Amount to be levied Rs. 8,830.03, with interest thereon at 9 per cent. per annum from August 7, 1905, and poundage.

R. G. SAUNDERS,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, September 4, 1906.

In the District Court of Negombo.

Nana Nana Lena Karuppen Chetty of
NegomboPlaintiff.
No. 5,539. Vs.

Warnakulasuriya Mahamandige An-
thony Fernando of Pahala Katuneriya..Defendant.

NOTICE is hereby given that on Monday, October 1, 1906, 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 specially mortgaged with the plaintiff, viz. :—

The undivided one-third share of the land called Kerekongahagodabimwasiya, situate at Ihala Katuneriya in the Medapalata, Chilaw District; the entire land is bounded on the north by divul tree and by the land of Juan Kurera, east by ehetu tree, south by rukattana tree and by owita, land of Migel Fernando Annavirale, west by Weedipara; containing about two bushels and two pecks of kurakkan sowing extent.

On Monday, October 1, 1906, at 3 P.M.,
at the premises.

The undivided half share from 75 cocoanut trees and the soil thereof and the cadjan thatched house standing on the land called Ambagahawatta, situate at Pahalakatuneriya in Kammal pattu; the entire land is bounded on the north by land belonging to the heirs of Paulu Jansze Muppurala, east by Parana-weedipara, south by land belonging to the heirs of Paulu Jansze Muppurala, west by Alutpara; containing in extent 500 cocoanut trees plantable extent.

Amount to be levied Rs. 112, with interest on Rs. 600 at 30 per cent. per annum from June 1, 1904, till August 8, 1904, and thereafter at 9 per cent. per annum and poundage.

R. G. SAUNDERS,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, September 4, 1906.

In the District Court of Negombo.

Kuwanna Ana Kana Navenna Kanappa
Chetty, by his attorney Suppiah of
Negombo.....Plaintiff,
No. 5,555. Vs.

Samarapperuma Arachchige Velun Sinno
Appuhamy of Metikotuwa.....Defendant

NOTICE is hereby given that on Friday, October 5, 1906, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property specially mortgaged with plaintiff, viz. :—

1. Half share of 110.432 shares of Kongahawatta of two acres in extent, situate at Metikotuwa in Otarapalata, Chilaw District.

2. Undivided $\frac{1}{4}$ share of Talgahaowita of 1 acre in extent, situate at Metikotuwa.

3. Undivided $\frac{1}{4}$ share of $\frac{4}{7}$ shares of field and pillewa called Kondeniya of 8 bushels paddy sowing extent, situate at Metikotuwa.

4. Undivided $\frac{2}{9}$ shares of Kahatagahawatta of 1 acre in extent, situate at Metikotuwa.

5. $\frac{1}{18}$ share of Kahatagahawatta of 1 rood in extent, situate at Metikotuwa.

6. Undivided $\frac{1}{4}$ share of Kongahawatta of 2 acres in extent, situate at Metikotuwa.

7. Half share of Ambagahawatta of 4 acres in extent with the cadjan thatched house standing on the said half share, situate at Metikotuwa.

Amount to be levied, Rs. 947.12, with interest on Rs. 440 at 30 per cent. per annum from June 10, 1904, till August 13, 1904, and thereafter at 9 per cent. per annum and poundage.

E. LAWSON KOCH,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, September 4, 1906.

In the Court of Requests of Chilaw.

Ramasamy and wife of Rajakadaluwa... Plaintiffs.
No. 12,026. Vs.

Ana Kana Savul Hamido and Ana Kana
Ahamado, both of ChilawDefendants.

NOTICE is hereby given that on Monday, October 1, 1906, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

The tiled boutique and premises belonging to the defendants, situate at Bazaar street, Chilaw; bounded on the north by the Bazaar street, east by boutique of Wavenna Nana Muhammado Thamby, south and west by boutique and house of the heirs of Christego Moraes.

Amount to be levied Rs. 94.75, with interest on Rs. 90 at 9 per cent. per annum from July 16, 1906, and poundage.

R. G. SAUNDERS,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, September 4, 1906.

In the District Court of Colombo.

K. T. M. M. Muhammado Mohideen
Hadjiar of Kalpentyn.....Plaintiff.

No. 22,878. Vs.

Semna Muna Muhammado Yusoof of
Chilaw.....Defendant.

NOTICE is hereby given that on Tuesday, October 2, 1906, at 10 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, viz. :—

1. One-third share of the land called Halawatawela of about 4 acres in extent, situate at Chilaw.

On Tuesday, October 2, 1906, at 1 P.M.,

at the premises.

2. Seventy coconut trees and the soil appertaining thereto from the land called Kadjugahawatta, situate at Fahalagama in Munnessaram Pattu South.

3. The field called Dangahakumbura *alias* Mahawelakumbura of 10 parras paddy sowing extent, situate at Sawaram in Munnessaram Pattu South.

4. The field called Awaranpitiyakumbura of 10 parras paddy sowing extent, situate at Sawaram aforesaid.

5. The land called Maradamarattaddytottam, situate at Maikkulama in Munnessaram pattu aforesaid.

On Wednesday, October 3, 1906, at 11 A.M.,
at the premises.

The field and tank of the extent of about 20 acres belonging to the defendant, situate at Rajakadaluwa. Amount to be levied Rs. 5,793.75, with interest on Rs. 4,000 at 9 per cent. per annum from January 23, 1906, and poundage.

R. G. SAUNDERS, Esq.,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, September 4, 1906.

DISTRICT AND MINOR COURTS NOTICES

In the Additional Court of Requests, Galle.

No. 4,230.

NOTICE is hereby given that a suit has been instituted in the Additional Court of Requests of Galle by seventeen labourers of Monrovia estate, Ratgama, against the superintendent thereof, under Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 313.86.

This 30th day of August, 1906.

D. M. JANSZ,
Chief Clerk.

DRAFT ORDINANCE.

(Continued from page 850).

MINUTE.

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

An Ordinance to provide for the Destruction or Mitigation
of Agricultural Pests.

Preamble.

WHEREAS it is expedient to provide for the destruction of agricultural pests and for the sanitation of plants in this Colony : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

1 This Ordinance may be cited as " The Agricultural Pests Ordinance, 1906," and will come into operation in such provinces, districts, or places, and at such times as the Governor, with the advice of the Executive Council, shall appoint by Proclamation in the *Government Gazette*. Provided that at least one month's notice of such time shall be given in the province, district, or place described in such Proclamation in such manner as the Governor shall in each case determine.

Definition.

2 In this Ordinance, unless the context otherwise requires, agricultural pests shall include all plant diseases affecting cultivated or uncultivated plants.

Power of the
Governor in
Executive
Council.

3 (1) It shall be lawful for the Governor, by Proclamation in the *Government Gazette*—

- (a) To revoke any Proclamation issued under section 1, and upon such revocation this Ordinance shall cease to have any effect in the province, district, or place described in such revoked Proclamation; or
- (b) To exempt from the operation of this Ordinance any portion or portions (to be defined) of any province, district, or place to which this Ordinance applies.

(2) The Governor, with the advice of the Executive Council, may, by Proclamation in the *Government Gazette*, re-issue any Proclamation revoked under sub-section (a), or alter, modify, or revoke any exemptions made under sub-section (b).

Establishment
of a board.

4 It shall be lawful for the Governor, after consulting when necessary the Ceylon Planters' Association or the Ceylon Board of Agriculture, to establish for each province, district, or place within which this Ordinance has been brought into force a board consisting of not less than three members, of whom some shall be persons having practical experience of agriculture, who shall be nominated by the Governor from time to time as occasion may require.

Duty of board
to inquire.

5 It shall be the duty of the board so appointed, when the existence of any agricultural pest is brought to the notice of the board as being present anywhere within the province, district, or place to which such board had been appointed, to cause inquiry to be made by one of their own members or by a person authorized by the board as to the presence and prevalence of such agricultural pest.

Owners to be
notified.

6 On receipt of a report from such member or person that an agricultural pest exists in the province, district, or place for which such board has been appointed to act, it shall be lawful for the board to serve a notice on the owners or occupiers of the land or lands affected by such agricultural pest to carry out or cause to be carried out such measures for the eradication and prevention of the agricultural pest in question as shall be stated in such notice, provided that such measures have been theretofore approved by a majority of the Peradeniya Committee of Agricultural Experiments. Every such notice shall specify the time within which the measures to be taken are to be carried out.

Measures to be
carried out by
board.

7 It shall be lawful for the board to include in the measures to be carried out under the provisions of the preceding section orders for—

- (1) The destruction of dead trees or plants which had been killed by an agricultural pest, the existence of which endangers other plants.
- (2) The excision and destruction of diseased parts of trees or plants, which parts harbour insects and their eggs, or spore or other part of fungi.
- (3) The collecting and killing of parasitic insects and their eggs.
- (4) The spraying or dusting of trees and plants, their stems, leaves, or fruits, with mixtures containing sulphur, copper, or other ingredient as specified.
- (5) The isolation of plants by digging trenches round plants whose roots are suffering from the attacks of any agricultural pest.
- (6) The prohibition of the removal of plants or seeds or parts of plants from such province, district, or place where any agricultural pest exists into any other province, district, or place free from or less affected by such agricultural pest.
- (7) Such other order as the board may consider expedient for the due sanitation of plants within such province, district, or place.

Board may authorize person to enter land.

8 It shall be lawful for the board to authorize any person or officer to enter upon any land reported to be affected by an agricultural pest and to inspect any tree or plant growing or planted upon such land, and the owner or occupier of such land shall permit and allow such person or officer at all reasonable times to have access to such land for the purpose of inspecting any trees or plants therein.

Governor may award compensation to owner.

9 It shall be lawful for the Governor from time to time to order that such compensation as he may think fit may be paid to any owner or lessee of any land who, being in needy circumstances, is required to destroy any trees or plants of such land, provided that such compensation shall in no case exceed five rupees for each tree or plant destroyed, and the compensation given in one year to any one person shall not exceed fifty rupees.

Penalties.

10 Every person on whom the notice is served under the provisions of section 5 who fails or neglects to carry out the orders of the board contained in such notice within the time specified therein, or who obstructs any officer appointed under section 8, shall be guilty of an offence punishable by a fine not exceeding two hundred and fifty rupees, and it shall be the duty of the board to cause proceedings against every such offender to be instituted.

Power of police court to try offences.

11 Every offence under the provisions of this Ordinance may be inquired into, tried, and determined by any police court within the district in which such offence was committed wholly or in part, and such court shall have jurisdiction to award the maximum punishment prescribed therefor, anything in the Criminal Procedure Code to the contrary notwithstanding.

Power of police magistrate to authorize board to remove pests.

12 It shall be lawful in cases of persistent failure or neglect by the owner of any land to carry out the notices served on him under section 5 for the police magistrate entertaining the case on the application of the board in that behalf to authorize the board, their servants, or workmen to enter upon the land or lands to which such notices apply and to eradicate and remove any agricultural pest found thereon, and the amount of the costs actually incurred in such eradication and removal shall be recovered from the owner of such land by the police court in the same manner as a fine imposed by such court upon such owner for an offence committed under this Ordinance.

By His Excellency's command,

A. M. ASHMORE,
Colonial Secretary's Office,
Colombo, September 3, 1906.

Statement of Objects and Reasons.

THE object of this Ordinance is to provide as far as possible for the destruction of insects and parasites injuriously affecting plants.

Section 2 defines agricultural pests.

Sections 1 and 3 provide for the introduction of the Ordinance into any Province or place by Proclamation, the revocation of such Proclamation, and the exempting of any area from the provisions of the Ordinance.

Sections 4 and 5 provide for the establishment of a Board and defines its duties.

Sections 6, 7, and 8 provide for the procedure the Board is to adopt to destroy and to prevent the spread of agricultural pests.

Section 9 authorizes the Governor to award compensation to landowners.

Section 10 provides certain penalties.

Sections 11 and 12 give Police Courts jurisdiction to try cases and to authorize the Board to remove pests.

Colombo, August 28, 1906.

J. H. TEMPLER,
Acting Attorney-General.