



# Ceylon Government Gazette

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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 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.

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.

### 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 6, 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 may, 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 courthouse 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

- in conformity with the authority given to him by the fresh warrant of the Governor.
- Fresh security to be taken. (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.
- Certificates to be granted yearly to notaries. 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.
- Notaries applying for certificates to make declaration. 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.
- On refusal to grant any certificate application to be made to the district court. 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.
- Penalty on notaries practising without certificate. 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.
- Rules to be observed by notaries. 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 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 ola.
- (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 purpose, 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 kachcheri, 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.

Drawn by \_\_\_\_\_.

Signature \_\_\_\_\_.

\* 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 12).

## 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, if more than one Name.	Consideration.	Stamps on Duplicates.
			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
Protesting ditto ...	3
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 declaring Will proved, &c.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Mututantri-bastiange David Fernando, deceased, of Kaldemulla in Moratuwa.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 27th day of August, 1906, in the presence of Messrs. Silva and Perera, Proctors, on the part of the petitioner Ungamandadige Madalena Fernando of Kaldemulla aforesaid; and the affidavit of the petitioner, dated the 16th day of August, 1906, having been read:

It is ordered that the will of the late Mututantri-bastiange David Fernando, the above-named deceased, dated the 6th day of June, 1906, be and the same is hereby declared proved, unless any person interested shall, on or before the 27th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Ungamandadige Madalena Fernando is the executrix named in the will, and that she is entitled to have probate of the same issued to her accordingly, unless any person interested shall, on or before the 27th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,  
District Judge.

The 27th day of August, 1906.

In the District Court of Colombo.

*Order Nisi declaring Will proved, &c.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of George Calver Mason, deceased, of Ipswich in the County of Suffolk, England.

THIS matter coming on for disposal before Joseph Richard Grenier, Esq., District Judge of Colombo, on the 5th day of September, 1906, in the presence of Leslie William Frederick de Saram, Proctor, on the part of the petitioner Frederick John de Saram of Colombo; and the affidavit of the said petitioner, dated the 2nd September, 1906, having been read: It is ordered that the will of the said George Calver Mason, deceased, dated 8th November, 1904, which said will with probate thereof under the seal of the Principal Probate Registry of His Majesty's High Court of Justice in England is now deposited in this court, be and the same is hereby declared proved, 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.

It is further declared that the said Frederick John de Saram is the lawful attorney in Ceylon of Lætitia Maria Mason, George Godson Mason, Ernest Calver Mason, and Harold Percy Mason, the executors named in the said will, and that he is entitled to have the letters of administration with the said will annexed issued to him accordingly, 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.

JOSEPH GRENIER,  
District Judge.

The 5th day of September, 1906.

In the District Court of Colombo.

*Order Nisi declaring Will proved, &c.*

Testamentary Jurisdiction. In the Matter of the Estate of the late James Edward Alston, deceased, of Colombo.

THIS matter coming on for disposal before Joseph Richard Grenier, Esq., District Judge of Colombo, on the 11th day of September, 1906, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner George Hay Alston of Colombo; and the affidavit of the said petitioner, dated 10th September, 1906, and the affidavit of John Yalden Hay of 9, Theobald's road, in the County of London, dated the 10th day of August, 1906, having been read:

It is ordered that the will of the said James Edward Alston, deceased, dated 26th January, 1895, which is now deposited in this court, be and the same is hereby declared proved, 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.

It is further declared that the said George Hay Alston is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, 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.

JOSEPH GRENIER,  
District Judge.

The 11th day of September, 1906.

In the District Court of Colombo.

*Order Nisi declaring Will proved, &c.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Seline Henrietta Piachaud, deceased, of Banyan Tree House, Kollupitiya, Colombo.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 10th day of September, 1906, in the presence of Mr. F. L. Daniel, Proctor, on the part of the petitioners (1) Louis Raoul Rudd of Marakena estate, Ukuwella, and (2) Arthur Alvis of Colombo; and the affidavit of the 2nd petitioner, dated the 5th day of September, 1906, having been read:

It is ordered that the will of the late Seline Henrietta Piachaud, deceased, dated the 28th day of October, 1905, be and the same is hereby declared proved, 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.

It is further declared that the said (1) Louis Raoul Rudd and (2) Arthur Alvis 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 person interested shall, on or before the 20th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,  
District Judge.

The 10th day of September, 1906

## In the District Court of Negombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Dehiwattagammarala'age Gunarathamy of Pannalpitiya in Udugaha pattu of the Hapitigam korale.

Subasinha Aratchige Nonohamy of Lindara ..... Petitioner.

## And

(1) Dehiwattagammaralalage Babahamy and husband (2) Liyanaralalage Marthelis Appu, both of Kondurawela in Kurunegala District, (3) Udija Perera of Lindara, (4) Subasinhamy of Lindara, (5) Caronona of Lindara..... Respondents.

THIS matter coming on for disposal before A. de A. Seneviratne, Esq., District Judge of Negombo, on the 30th day of August, 1906, in the presence of Mr. W. F. H. de Saram, Proctor, on the part of the petitioner Subasinha Aratchige Nonohamy of Lindara; and the affidavit of the petitioner, dated the 27th day of August, 1906, having been read: It is ordered that the aforesaid petitioner be and she is hereby declared entitled to have letters of administration of the intestate estate of her late husband Dehiwattagammaralalage Gunarathamy of Pannalpitiya, deceased, issued to her, unless the respondents (1) Dehiwattagammaralalage Babahamy and husband (2) Liyanaralalage Marthelis Appu, both of Kondurawela, (3) Udija Perera, (4) Subasinhamy, (5) Caronona, all of Lindara, shall, on or before the 3rd day of October, 1906, show sufficient cause to the satisfaction of this court to the contrary.

A. SENEVIRATNE,  
District Judge.

The 30th day of August, 1906.

## In the District Court of Kalutara.

*Order Nisi declaring Will proved.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Angagey Prolis Perera of Talpitiya, deceased.

THIS matter coming on for disposal before P. E. Pieris, Esq., District Judge of Kalutara, on the 29th day of August, 1906, in the presence of Mr. S. Goonetilleke, Proctor, on the part of the petitioner Ratnayakaliyanagey Kechchinona Hamine; and the affidavit of the said petitioner, dated 27th day of August, 1906, having been read:

It is ordered that the last will and testament of the late Angagey Prolis Perera of Talpitiya, deceased, dated 10th February, 1906, and the original of which is now deposited in this court, be and the same is hereby declared proved, unless any person or persons interested 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 Ratnayakaliyanagey Kechchinona Hamine is the executrix named in the said will, and that she is entitled to have the probate of the same issued to her accordingly, with copy of the will annexed, unless any person or persons interested shall, on or before the 20th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,  
District Judge.

The 29th day of August, 1906.

## In the District Court of Kalutara.

*Order Nisi declaring will proved, &c.*

Testamentary Jurisdiction. In the Matter of the Joint Last Will and Testament of Walapitamaddumage Elisa Perera Hamine of Tantirimulla in Panadure, deceased.

THIS matter coming on for disposal before P. E. Pieris, Esq., District Judge of Kalutara, on the 5th day of September, 1906, in the presence of the petitioner Kuruppuatchige Don Louis Appuhami of Tantirimulla; and the affidavit of the said petitioner, dated 5th day of September, 1906, having been read:

It is ordered that the Joint Last Will and Testament of Walapitamaddumage Elisa Perera Hamine of Tantirimulla in Panadure, deceased, dated the 12th day of July, 1905, the original of which is now deposited in this court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before the 19th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Kuruppuatchige Don Louis Appuhami of Tantirimulla is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person or persons interested shall, on or before the 19th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,  
District Judge.

The 5th day of September, 1906.

## In the District Court of Jaffna.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Estate of the late Ramanather Vaittilingam of Singapore in Straits Settlements, deceased.

Taiyalnayagam, widow of Arumugam Arulampalam of Batticottai East.....Petitioner.

## Vs.

(1) Annappillai, widow of Ramanather Vaittilingam, now wife of Suntharaver Ampalavanar of Batticottai East;  
(2) Tillaiyampalam Supperamaniyar of Batticottai East..... Respondents.

THIS matter of the petition of Taiyalnayagam, widow of Arumugam Arulampalam, praying for letters of administration to the estate of the above-named deceased Ramanather Vaittilingam, coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the 14th day of August, 1906, in the presence of Mr. A. Modliar Velupillai, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 9th day of August, 1906, having been read: It is declared that the petitioner is the sole heiress of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondents or any other person shall, on or before the 7th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,  
District Judge.

This 14th day of August, 1906.

Time for showing cause extended to 24th September, 1906.

W. R. B. SANDERS,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the  
Jurisdiction. late Ambalavanar Sinnatamby of  
No. 1,783. Thavady, deceased.

Sornamma, widow of Ambalavanar Sinna-  
tamby of Thavady ..... Petitioner.

Vs.

(1) Chellam, widow of Kulavirasinkam of  
Manipay, (2) Kanakaretnam Subra-  
maniam of Singapore, and (3) Kanaka-  
retnam Sanmukam of Singapore .... Respondents.

THIS matter of the petition of the above-named  
petitioner praying for letters of administration  
to the estate of the above-named deceased Ambala-  
vanar Sinnatamby of Thavady coming on for disposal  
before W. R. B. Sanders, Esq., District Judge, on the  
24th day of August, 1906, in the presence of Mr. K.  
Sivapirakasam, Proctor, on the part of the petitioner;  
and affidavit of the petitioner, dated the 24th day of  
August, 1906, having been read: It is declared that the  
petitioner is the lawful widow of the said intestate,  
and is entitled to have letters of administration to the  
estate of the said intestate issued to her, unless the  
respondents or any other person shall, on or before  
the 21st day of September, 1906, show sufficient cause  
to the satisfaction of this court to the contrary.

W. R. B. SANDERS,  
District Judge.

The 24th day of August, 1906.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Estate of the  
Jurisdiction. late Balapitiye Hunuvidanage  
No. 3,663. Appoo Vedarala, deceased, of Gintota,  
Welipitmodara.

THIS matter coming on for disposal before G. A.  
Baumgartner, Esq., District Judge of Galle, on the  
10th day of August, 1906, in the presence of  
Mr. D. W. Subasinghe, on the part of the petitioner  
Balapitiye Vidanage Hendrick of Gintota,  
Welipitmodara; and the affidavit of the petitioner,  
dated 7th August, 1906, having been read: It is ordered  
and declared that the said Balapitiye Vidanage Hen-  
drick is the son of the deceased, and that he is as  
such entitled to letters of administration issued to  
him accordingly, unless the respondent Kandauda-  
dewage Leesa shall, on or before the 19th day of  
September, 1906, show sufficient cause to the satis-  
faction of this court to the contrary.

G. A. BAUMGARTNER,  
District Judge.

The 10th day of August, 1906.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate  
Jurisdiction. of Mohidin Bawa Aisa Natchiya,  
No. 3,670. deceased, of Kumbalwella.

THIS matter coming on for disposal before G. A.  
Baumgartner, Esq., District Judge of Galle,  
on the 29th August, 1906, in the presence of Mr. F.  
J. de Vos, Proctor, on the part of the petitioner  
Ahammado Cassim Cassim Bawa of Kumbalwella;  
and the affidavit of the petitioner, dated 28th August,  
1906, having been read:

It is ordered and declared that the said Ahammado  
Cassim Cassim Bawa is the husband of the deceased,  
and that he is as such entitled to have letters of ad-  
ministration issued to him accordingly, unless the

respondent Packir Tamby Pattu Muttu of Kumbal-  
wella shall, on or before the 3rd day of October, 1906,  
show sufficient cause to the satisfaction of this court  
to the contrary.

G. A. BAUMGARTNER,  
District Judge

The 29th day of August, 1906.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate  
Jurisdiction. of Punchi Hewage Sedohamy,  
No. 3,671. deceased, of Ettiligoda.

THIS matter coming on for disposal before G. A.  
Baumgartner, Esq., District Judge, Galle,  
on the 5th day of September, 1906, in the presence of  
Mr. F. J. de Vos, Proctor, on the part of the petitioner  
Mantrividanage Alice Nona of Dangedara; and the  
affidavit of the petitioner, dated the 4th September,  
1906, having been read:

It is ordered and declared that the said Mantri-  
vidanage Alice Nona of Dangedara is the grand-  
daughter of the deceased, and she is as such entitled  
to have letters of administration issued to her accord-  
ingly, unless the respondents (1) Katalwe Pata-  
bendige Tediya Hamy of Katalwa, (2) Mantrivida-  
nage Deonis Appu of Galupivadda, shall, on or before  
the 17th day of October, 1906, show sufficient cause  
to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,  
District Judge.

The 5th day of September, 1906.

In the District Court of Galle.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate  
Jurisdiction. of Juan Acharige Dotchihamy,  
No. 3,672. deceased, of Elliot road in Galle.

THIS matter coming on for disposal before G. A.  
Baumgartner, Esq., District Judge of Galle,  
on the 5th day of August, 1906, in the presence of  
Mr. F. J. de Vos, Proctor, on the part of the petitioner  
Don Benjamin Weerasiri; and the affidavit of the  
petitioner, dated 4th September, 1906, having been  
read:

It is ordered and declared that the said Don Benja-  
min Weerasiri is the son of the deceased, and that he is  
as such entitled to have letters of administration  
issued to him accordingly, unless the respondents  
(1) Dona Leisa Weerasiri, wife of (2) Dampé Badalge  
Davithamy, (3) Dona Carlina Weerasiri, wife of (4)  
Naurunne Badalge Odrishamy, (5) Dona Saricheho  
Weerasiri, (6) Dona Ango Weerasiri, all of Elliot  
road in Galle, shall, on or before the 27th day of  
September, 1906, show sufficient cause to the satis-  
faction of this court to the contrary.

G. A. BAUMGARTNER,  
District Judge.

The 5th day of September, 1906.

In the District Court of Matara.

*Order Nisi declaring Will Proved.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Seiyadu Ahamadu Ibbu Seiyadu  
No. 1,524. Mohamadu Rafai Gem Mawwana,  
deceased, of Watagedaramulla.

THIS matter coming on for disposal before T. R. E.  
Loftus, Esq., District Judge of Matara, on the  
23rd day of August, 1906, on the motion of Messrs,  
Proctors G. E. and G. P. Keuneman on the part of  
the petitioners Seiyadu Palil Ibbu Seiyadu Hassan

Mawlana and Seiyadu Juneidu Ibumu Seiyadu Ahamadu Rafai Mawlana, both of Watagedaramulla; and the affidavit of the said first petitioner, dated 25th July, 1906, having been read, and that of the attesting Notary and the subscribing witnesses, dated 14th August, 1906:

It is ordered that the will of Seiyadu Ahamadu Ibumu Seiyadu Mohamadu Rafai Gem Mawlana, deceased, dated 7th June, 1905, and now filed of record in this case, be and the same is hereby declared proved, unless the parties interested shall, on or before the 28th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Seiyadu Palil Ibumu Seiyadu Hassan Mawlana and Seiyadu Juneidu Ibumu Seiyadu Ahamadu Rafai Mawlana are the executors named in the said will, and that they are entitled to have probate of the same issued to them accordingly, with copy of the will annexed, unless the said parties shall, on or before the 28th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

T. R. E. LOFTUS,  
The 23rd day of August, 1906. District Judge.

In the District Court of Tangalla.

*Order Nisi.*

Testamentary In the Matter of the Estate of the Jurisdiction. late Wanigabaduge Don Dines of No. 403. Tihawa, deceased.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Tangalla, on the 4th day of September, 1906, in the presence of the petitioner Totamune Patabendige Hin Hamy of Tihawa; and the affidavit of the said petitioner, dated 30th August, 1906, having been read:

It is ordered that letters of administration be issued to the said petitioner, unless the respondents (1) Wanigabaduge Jeeris Appu, (2) Wanigabaduge Leisihamy, and (3) Wanigabaduge Punchihamy, all of Tihawa, shall, on or before the 1st day of October, 1906, show sufficient cause to the satisfaction of this court to the contrary.

L. W. C. SCHRADER,  
The 4th day of September, 1906. District Judge.

In the District Court of Badulla.

*Order Absolute.*

Testamentary In the Matter of the Last Will and Jurisdiction. Testament of Louis Beauvais Moss, No. 283 B. late of 1, Saint James Avenue, Cricklewood, London, in the County of Middlesex, England, deceased.

John Houston Barry Cockburn of the Bank of Uva, Badulla.....Petitioner.

THIS matter coming on for final determination before A. R. Slater, Esq., District Judge of Badulla, in the presence of Mr. Barandt Ludwig

Potger, Proctor, on the part of the petitioner: and the petitioner's affidavit, dated the 27th August, 1906, and the petition dated the same day having been read: It is adjudged and decreed that the said petitioner John Houston Barry Cockburn is the duly constituted attorney of Lucy Beauvais Moss, the executrix in the will named of the above-named deceased Louis Beauvais Moss, and as such that he is entitled to have letters of administration, with the will annexed issued to him, as the attorney of the executrix in the said will named.

A. R. SLATER,  
District Judge.

The 3rd day of September, 1906.

In the District Court of Kegalla.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. of Kapurallage *alias* Senanayaka No. 208. Mudianselage Hamy, Aratchirala of Badullawala, deceased.

Kapurallage *alias* Senanayaka Mudianselage Mudianse of Badullawala.....Petitioner.

Vs.

(1) Manchanayaka Aratchillage Hamy of Badullawala, (2) Kapurallage *alias* Senanayaka Mudianselage Punchy Mahatmaya, (3) Kapurallage *alias* Senanayaka Mudianselage Ukku Menika of Anganpitiya in Hewagam korale, (4) Kapurallage *alias* Senanayaka Mudianselage Appuhamy of Badullawala..... Respondents.

THIS matter coming on for disposal before J. M. Davies, Esq., District Judge of Kegalla, on the 30th day of July, 1906, in the presence of Mr. Alfred F. Herat, Proctor, on the part of the petitioner aforesaid; and the affidavit of the said petitioner, dated the 28th day of July, 1906, having been read:

It is ordered that the said petitioner Kapurallage *alias* Senanayaka Mudianselage Mudianse of Badullawala be declared entitled to have letters of administration to the estate of the aforesaid deceased, Kapurallage *alias* Senanayaka Mudianselage Hamy, Aratchirala of Badullawala, issued to him, unless the aforesaid respondents shall, on or before the 20th day of September, 1906, show sufficient cause to the satisfaction of this court to the contrary.

J. M. DAVIES,  
District Judge.

The 30th day of July, 1906.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,242.

In the matter of the insolvency of John Henry Schokman of Secawatta, Colombo.

WHEREAS John Henry Schokman has filed a declaration of insolvency, and a petition for the sequestration of the estate of the said John Henry Schokman has also been filed under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said John Henry Schokman

insolvent accordingly; and that two public sittings of the court, to wit, on October 11, 1906, and October 25, 1906, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

J. B. MISSE,  
Colombo, September 8, 1906. Secretary.



In the District Court of Colombo.  
No. 2,243. In the matter of the insolvency of P. Don Jeremaes of No. 62, Jampettah street, in Colombo.

WHEREAS P. Don Jeremaes has filed a declaration of insolvency, and a petition for the sequestration of the estate of the said P. Don Jeremaes has also been filed, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said P. Don Jeremaes insolvent accordingly; and that two public sittings of the court, to

wit, on October 11, 1906, and on October 25, 1906, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,  
J. B. Misso,  
Secretary.

Colombo, September 11, 1906.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) Agnes Drieburg, (2) Allan Drieburg,  
both of Colombo..... Plaintiffs.

No. 23,436. Vs.

(1) Tillikemuny Warlianu Silva, (2)  
Nissange Arachchige Dona Georgiana  
Silva, both of Mutwal, Colombo..... Defendant

NOTICE is hereby given that on Friday, October 12, 1906, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property, decreed to be sold by the decree entered in the above action, for the recovery of the sum of Rs. 4,442-50, with interest thereon at 9 per cent. per annum from May 31, 1906, till payment in full, viz:—

All those three portions of the garden called Kongahawatta, Thimbirigahawatta, and Siyambalagahawatta with the buildings standing thereon, situated at Mutwal within the Municipality of Colombo, which said portions adjoin each other and form one property, and from their situation as respects each other can be included in one survey and bear present assessment Nos. 6, 7, and 9, Modara street, to wit:—

(a) All that portion of the garden called Kongahawatta; bounded on the north by a portion of the same garden belonging to Alegiature Alexander Fernando, on the east by a portion of this garden belonging to Demiadure Marsel Silva, on the south by a portion of this garden belonging to Kanganige Santiago Anthony, and on the west by a portion of this garden of Lewiadure Bastian Solomon, containing in extent 7½ square perches (excluding a strip of land purchased from Demiadure Marsel Silva and Lewiadure Helena).

(b) All that portion of the garden called Thimbirigahawatta; bounded on the north-east by the property of Wijeyemuni Jagarias Soysa; on the south-east by the other part of this garden belonging to Alegiature Walenty Fernando, now belonging to the estate of the late Alegiature Mariano Fernando and the estate of the late Alegiature Alexander Fernando, on the south-west Alegiature Alexander Fernando, on the south-west Alegiature Alexander Fernando, on the south-west Alegiature Alexander Fernando, on the south-west Alegiature Alexander Fernando, on the north-west by the property of Muttusamy; and on the north-west by the property of Muttusamy; containing in extent 6 and 75/100 square perches more or less.

(c) All that portion of the garden called Siyambalagahawatta; bounded on the north-east by the other part of this garden, on the south-east by the high road, on the south-west by the properties of Dewadura Selena Silva and another, and on the north-west by the gardens of Muttusamy and another; containing in extent 15-58 square perches.

Fiscal's Office,  
Colombo, September 12, 1906.

E. ONDATJE,  
Deputy Fiscal.

In the District Court of Colombo.

Rajapassepathirannehelege Diyonis  
Appu of Waturagama in the Meda  
pattu of Siyane korale ..... Plaintiff.

No. 22,062. Vs.

Kankaniachchi Kankanamalage Appu  
Singho of Waturagama in the Meda  
pattu of Siyane korale. .... Defendant.

NOTICE is hereby given that on Thursday, October 11, 1906, will be sold by public auction at the respective premises the following property, ordered to be sold by the order of court dated April 11, 1906, for the recovery of the sum of Rs. 650, with interest thereon at 9 per cent. per annum from July 21, 1905, till payment in full and costs of suit, Rs. 117-50, viz:—

At 1 P.M.

1. All that field called Kekunagahakumbura with the appurtenances thereof, situated at Waturagama in the Meda pattu of Siyane korale; and bounded on the east by the liminary dam of the field called Goroggahakumbura belonging to Kankaniatchi Kankanamalage Singappu, on the west by the liminary dam of the field belonging to Kankaniatchi Kankanamalage Samael Hamy, on the north by the water-course Depawa, and on the south by a high land; containing in extent about six parras of paddy sowing.

At 1.30 P.M.

2. All that portion of the land called Millegahawatta, together with all appurtenances thereof, situated at Waturagama aforesaid; and bounded on the north by a field ground, on the east by the land belonging to Don Simon, late Police Vidane and others, on the south by the limit of a portion of

the same land allotted to Kankaniachchi Kankanamalage Siadoris Appu, and on the west by the land belonging to Kankaniachchi Kankanamalage Don Yahanis, Police Vidane; containing in extent about 4 acres more or less.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, September 12, 1906.

In the District Court of Colombo.

Kandasamy Chetty of Sea street,  
Colombo, executor of the last will and  
testament of Moona Payanna Soona  
Rawana Mana Ramen Chetty ..... Plaintiff.  
No. 22,279 C. Vs.

1) S. Joseph Perera and (2) S. Thomas  
Perera, both of Green street, Colombo..Defendants.

NOTICE is hereby given that on Saturday,  
October 13, 1906, at 2 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. 2,990.50, with interest thereon at 9 per cent.  
per annum from April 11, 1906, till payment in full,  
and costs of suit, viz.:-

An undivided half part or share of and in all that  
part of a garden, with the buildings standing thereon,  
bearing assessment Nos. 133 and 132, situated at  
Kotahena street, within the Municipality of Colombo;  
bounded on the north by the garden of Sinchayah  
Philipu Moris and Manchy Naide (now of Andrew  
Fernando), on the east by the high road, on the south  
by the garden of Chikan Naide, and on the west by  
the garden of Tamba Pulle; containing in extent 2  
roods and 4.74 square perches more or less.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, September 12, 1906.

In the District Court of Colombo.

Kandasamy Chetty of Sea street,  
Colombo, executor of the last will and  
testament of Moona Payanna Soona  
Rawana Mana Ramen Chetty.....Plaintiff.  
No. 22,539. Vs.

Sooriya-arachchige Joseph Perera of Kota-  
hena, Colombo ..... Defendant.

NOTICE is hereby given that on Wednesday,  
October 10, 1906, at 4 o'clock in the afternoon,  
will be sold by public auction at the premises the  
following property mortgaged with the plaintiff and  
decreed to be sold by the decree entered in the above  
case, for the recovery of the sum of Rs. 7,737, with  
interest on Rs. 7,000 at 15 per cent. per annum from  
October 18, 1905, to October 25, 1905, and there-  
after at 9 per cent. per annum till payment in full,  
and costs, viz.:-

An allotment of land, together with the several  
buildings standing thereon, bearing assessment  
No. 121, situated at Bonjean's road, Kotahena,  
within the Municipality of Colombo; bounded on  
the north by land of L. Bastian Perera, on the east  
by land of L. Peter Perera, on the south by land said  
to belong to the Crown and by Bonjean's road, and  
on the west by land of Rev. Christian David; con-  
taining in extent thirty-five and twelve one-hundredth  
perches.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, September 12, 1906.

In the District Court of Colombo.

Kuduru Arachchige Johannes Perera of  
Prinice street, Pettah, Colombo.....Plaintiff.

No. 22,950. Vs.

Kodikara Arachchige Migel Perera of  
Dematagoda in Colombo.....Defendant.

NOTICE is hereby given that on Tuesday, October  
16, 1906, will be sold by public auction at the  
respective premises the following property mort-  
gaged with the plaintiff and ordered to be sold by the  
order of court dated July 12, 1906, for the recovery  
of the sum of Rs. 3,200, with interest on Rs. 2,000 at  
24 per cent. per annum from January 19, 1906, till  
March 16, 1906, and thereafter on the aggregate  
amount of the decree at 9 per cent. per annum till  
payment in full, and costs of suit, which is taxed at  
Rs. 141, or realization of the decree, viz.:-

At 12 noon.

(1) All that divided just half part of a land shaded  
pink and marked letter A in the plan, with the build-  
ings and plantations standing thereon, called Meella-  
gahawatta, situated at Kolonnawa in the Adikari  
pattu of Hewagam korale, Ambatalenpahala, now in  
the Ambatanpahala division of the Alutkuru Korale  
South, in the District of Colombo; bounded on the  
north by the land belonging to the pansala, on the  
east by the garden called Nugegahawatta belonging  
to B. Christian Perera and others, on the south by  
the other portion of the same land marked B in the  
plan, and on the west by a portion of the same land  
belonging to B. Jalis Perera; containing in extent  
2 acres 2 roods and 35 and 46/100 square perches as  
per deed of partition No. 2,233 dated August 28, 1899,  
attested by Y. H. Ahlip, Notary Public.

At 1 P.M.

(2) All that portion of land called Meellagahawatta  
alias Delgahawatta, situated at Kolonnawa aforesaid;  
bounded on the north by the land belonging to  
C. Arachchige Migel Perera and M. Liyanage Allis  
Appu, on the east and south by land belonging to  
the temple and land of C. Arachchige Migel  
Perera, and on the west by a part of the same  
land, containing in extent 5 and 79/100 square  
perches.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, September 12, 1906.

In the Court of Requests of Colombo

Frederick William Nelson of Colombo...E.. Plaintiff.  
No. 1,186. Vs.

C. W. Fernando of Fibre Mills, Hunupitiya. Defendant.

NOTICE is hereby given that on Monday, Octo-  
ber 8, 1906, at 3 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 follow-  
ing property, for the recovery of the sum of Rs. 250,  
with legal interest thereon from May 3, 1906, till  
payment in full, and costs Rs. 51.25, viz.:-

All that an undivided half part of the garden and  
the buildings standing thereon bearing assessment  
No. 52, situated at Mattakkuliya within the Muni-  
cipality of Colombo, and bounded on the north by the  
property of Bianwellege Don Jusey Appuhamy, on  
the east by the property of Senapatige Francisco  
Rodrigo, on the west by the property of Bianwellege  
Don Jusey Appuhamy, and on the south by the  
garden of Senapatige James Rodrigo; the entire land  
containing in extent 1 square rood and 6 27/100 of  
a square perch more or less.

E. ONDATJE,  
Deputy Fiscal.

Fiscal's Office,  
Colombo, September 12, 1906.

## North-Western Province.

In the District Court of Colombo.

Kana Muna Mohemado Mohideen of  
No. 34, 3rd Cross street in Pettah of  
Colombo.....Plaintiff.

No. 22,558. Vs.

Nawenna Mohamado Meera Saibo of  
No. 33, 2nd Cross street in Pettah,  
Colombo.....Defendant.

NOTICE is hereby given that on Monday, October 8, 1906, at 1 o'clock in the afternoon, will be told by public auction at the premises the right, title, and interest of the said defendant, in the following property, viz.:-

All those contiguous lands called Dangollehena, now garden, in extent 4 kurunies of kurakkan sowing; Kadehawahena, in extent 8 lahas of kurakkan sowing; the garden called Galwalagawahena, in extent three lahas of kurakkan sowing; half of Bulugollehena of Kadumberiagahamulahena and of Bulugollehena, all these three containing in extent about 12 lahas of kurakkan sowing; half of Kalagahawelahanawatta of two lahas of kurakkan sowing;  $\frac{1}{2}$  of Bulugollewatta, in extent about 10 seers of kurakkan sowing; and  $\frac{1}{2}$  of Kalahewelahanawatta, in extent 4 seers of kurakkan sowing, now forming one property, situate at the villages called Bewilgomua and Parabewilla in the said Udapola Medalasse korale of Dambadeni Hatpattu in the District of Kurunegala; and bounded on the north by Ismail Lebbe's land, by Sinne Tamby's land, and by Juanis Appu's land; on the east by the garden belonging to Lapaya, by the field, and by the chena land belonging to Lapaya Heneya; on the south-east by Appuhamigehena; on the south by Appuhamigehena, by the garden belonging to Mr. T. de Silva, and by chena land belonging to Migel Appu; and on the west by the road from Polgahawela to Kurunegala, and by the chena land belonging to Migel Appu; containing in extent 19 acres 3 roods and 11 perches.

Amount to be levied is Rs. 6,754.02, with interest and poundage.

C. V. REBEIRA,  
Deputy Fiscal

Fiscal's Office,  
Kurunegala, September 10, 1906.

## Central Province.

In the District Court of Kurunegala.

(1) Kuna Mana Nalla Caruppan Chetty  
and (2) Kuna Mana Muttu Ramen  
Chetty, both by their attorney Ana  
Ramen Chetty of Kurunegala.....Plaintiff.

No. 2,510. Vs.

Don Adrian David Nanayakkara of  
Deynevora estate in Gandahe korale....Defendant.

NOTICE is hereby given that on October 8, 1906, commencing at 12 o'clock noon, will be sold by public auction at the premises the following property mortgaged upon bond No. 17,421, dated July 8, 1903, and decreed to be sold by the judgment entered in this case, viz.:-

1. Nikagahamulawatta of two lahas in extent, situate near the Court-house at Galagedara, Tumpane, Udapalata, in the District of Kandy; and bounded on the east by the fence, south by the limit of Beletgewatta, west by the limit of Henegedara watta, and on the north by the limit of Secretarisgewatta.

2. An undivided  $\frac{3}{5}$  shares of Patahawatta of 15 lahas paddy in extent, situate at Galagedara aforesaid bounded on the east by the ditch of Girigorisge land, south by the limit of Aremba; west and north by field; containing in extent 1 acre and 4 perches.

3. An undivided  $\frac{1}{5}$  share of Patahawatta of 5 lahas of paddy sowing extent, situate at Galagedara aforesaid; bounded on the east by Girigorisgewatta, south by the limit of Aremba, west and north by field.

4. An undivided  $\frac{4}{5}$  shares of Pataharambe of 1 pela of paddy in extent, situate at Galagedara aforesaid; bounded on the east by the ditch of Ratamahatmaya's land or garden, south by ditch, west by the ditch of Ranasinghe Lekamahatmaya's garden, and on north by the ditch of Giriagamā Notary's garden; containing in extent 1 rood and 31 perches.

5. An undivided  $\frac{1}{5}$  share of Pataharambe of one pela of paddy sowing extent, situate at Galagedara aforesaid; bounded on the east by the garden belonging to Ratamahatmaya, south by the ditch of Patahawatta, west by the ditch of Ranasinghe Lekamahatmaya's garden, and on the north by Giriagamā Notary's garden.

6. An undivided  $\frac{2}{3}$  shares of Dungalawatta of 5 lahas of paddy sowing extent, situate at Galagedara aforesaid; bounded on the east by Mr. Daniel's land, on the south by Mr. Vanderput's land, on the west by the limit of Gabriel's land, and on the north by high road.

And all the right, title, interest, and claim whatsoever of the defendant into, upon, or out of the said several premises.

Balance amount of writ Rs. 485.02, with interest on Rs. 400, and Rs. 30 at 9 per cent. per annum from June 21, 1905, and costs Rs. 120.

A. V. WOUTERSZ,  
Deputy Fiscal.

Fiscal's Office,  
Kandy, September 12, 1906.

In the District Court of Kandy.

R. W. Cracklaw, Ambetenne, Kandy.....Plaintiff.

No. 17,290. Vs.

I. M. Ahmadu Lebbe, No. 142, Trincomalee street, Kandy.....Defendant.

NOTICE is hereby given that on October 12, 1906, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in and to the following property, viz.:-

All that allotment of land with the upstairs building thereon, bearing present assessment No. 24, being the southern half share of the land situate in Trincomalee street, Kandy, now Katugasotota road, and bounded on the east by the old road, on the south by the property of Kidru Mohemado, now the property of Thomas Brodie, on the west by Trincomalee street, Katugasotota road, and on the north by the property of Osson Saibo Marikar.

Amount of writ Rs. 1,110.50, with interest on Rs. 1,000 at 9 per cent. per annum from September 19, 1905, till payment in full.

A. V. WOUTERSZ,  
Deputy Fiscal.

Fiscal's Office,  
Kandy, September 12, 1906.

In the District Court of Kandy.

Sena Muna Muttu Ramen Chetty of No. 25, Trincomalee street, Kandy.....Plaintiff.  
No. 17,684. Vs.

(1) H. Joharam of No. 288 and two others.....Defendants.

NOTICE is hereby given that on October 6, 1906, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property, viz:—

The house and premises No. 288, situate at Peradeniya road, Kandy, and bounded on the north-east by water-course, south-east by ditch, south-west by the other part, and on the north-west by high road; containing in extent along side road, including the water-course, thirty feet.

Amount of writ, Rs. 1,109·67 and interest.

A. V. WOUTERSZ,  
Deputy Fiscal.

Fiscal's Office,  
Kandy, September 12, 1906.

#### Northern Province.

In the District Court of Jaffna.

(1) Thinakarar Kartigesu and his wife  
(2) Valliammai of Karavetty North,  
(3) Kartigesu Sinnathamby of Alva North, (4) Kantar Sinnattamby and his wife (5) Chinnattankam of Karanavai North, (6) Chinnattampy Kanthavanam, a minor by his next friend the 5th plaintiff, (10) Pillaiyinar Sennappillai of Karavetty North, (32) Pillaiyinar Sinnattamby of Karavetty North, (39) Kanapathiar Alveyinar of Karavetty North.....Plaintiffs.

No. 3,788. Vs.

(1) Sinnattambar Sithamparappillai of Karavetty North and others.....Defendants.

NOTICE is hereby given that on Tuesday, October 9, 1906, at 10 o'clock in the forenoon, will be sold by public auction at the spot, the right, title, and interest of the 2nd, 3rd, 5th, 6th, 10th, 32nd, and 39th plaintiffs in the following property, for the recovery of Rs. 678·07 only, viz:—

In an undivided 72/288 shares with shares of water of wells standing on the north-east and south-east together with right of way and water-course of a piece of land situated at Karaveddivathiry Kurichi called Thevaravakkal; containing or reputed to contain in extent 28 lachams varaku culture and 5 14/16 kullies; bounded or reputed to be bounded on the east by property of Palakar Sinnathamby and others, north by the village limit of Vendikkurichy and by the property of Sinnattambar Sithamparappillai and village limit of Kurulikkurichey, west by front of lane and by the property of Valli, wife of Chuppan, and others; and on the south by the property of Ramavairamuttu and others.

V. THAMBIPILLAI,  
for Fiscal.

Fiscal's Office,  
Jaffna, September 6, 1906.

In the District Court of Jaffna.

(41) Meenadchi, daughter of Murugar of Karavetty North, (44) Murugar Iliythamby of Karavetty North, (45) Murugar Sinnathamby of Karavetty North, the 44th and 45th plaintiffs are minors by their next friend, the 43rd plaintiff Ponnar Velluppillai.....Plaintiffs.  
No. 3,788. Vs.

Sinnattambar Sithamparappillai of Karavetty North and others.....Defendants.

NOTICE is hereby given that on Monday, October 8, 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 41st, 44th, and 45th plaintiffs in the following property, for the recovery of Rs. 678·07 only, viz:—

In an undivided 1½ lachams with its appurtenances including share of water of well and the right of path and water-course of a piece of land situated at Karavetty Vathiry called Kollanthoddam; containing or reputed to contain in extent 10½ lachams varaku culture; bounded or reputed to be bounded on the east by property of Vairamuttu, north by property of Kartigesu and others, west by cattle path and property of Murugesu and others, and on the south by property of Pattini and others.

V. THAMBIPILLAI,  
for Fiscal.  
Fiscal's Office,  
Jaffna, September 6, 1906.

In the District Court of Jaffna.

Louis C. Williams of Batticottai West....Plaintiff.  
No. 4,192. Vs.

(1) Vetty Velu Ariyanayagam and wife  
(2) Annam of Chundicully, now of Surveyor's Office, Kuala Lumpur, (3) Edward Duraisamy of ditto, now of Kuala Lumpur, care of the 1st defendant. The 3rd defendant as the legal representative of the estate of the late Sinnathamby Sinniah of Batticottai.....Defendants.

NOTICE is hereby given that on Monday, October 15, 1906, at 10 o'clock in the forenoon, will be sold by public auction at the spot at the risk of the former purchaser Samuel Rice of Batticottai West the right, title, and interest of the late Sinnathamby Sinniah in the following property, for the recovery of Rs. 1,012·50, and charges, viz:—

In a piece of land situated at Vaddukoddai West called Mavelippiddy, containing or reputed to contain in extent 16½ lachams paddy culture; bounded or reputed to be bounded on the east by property of Pillaikuddy, north by property of Tirumanchanam, west by property of Rasamma, Muttukumar, and Sithamparappillai; and south by property of Sithamparappillai.

V. THAMBIPILLAI,  
Deputy Fiscal.  
Fiscal's Office,  
Jaffna, September 10, 1906.

#### Southern Province.

In the District Court of Matara.

Endoris de Silva Balasooriya of Nupe....Plaintiff.  
No. 3,626. Vs.

Bernard Amarasekera, Proctor, of Bala-pitiya.....Defendant.

NOTICE is hereby given that on Saturday, October 20, 1906, commencing at 12 o'clock noon,

will be sold by public auction at the premises the following mortgaged property, viz. :—

1. All those undivided two-fourth part of the soil and of the trees of Kahatagahawatta in which Heeme Pattiniya resided, together with all the buildings thereon, at Walagedara; containing about one acre in extent.

2. All that undivided  $\frac{2}{3}$  parts of the land called Kajjughawatta, situated at Walagedara.

Amount of writ Rs. 1,511.50, with further interest on Rs. 1,000 at 18 per cent. per annum from May 2, 1905, till date of decree, and legal interest on the aggregate amount from the date of decree and Rs. 126 being costs.

C. T. LEEBRUGGEN,  
Deputy Fiscal.

Fiscal's Office,  
Galle, September 12, 1906.

In the Court of Requests of Balapitiya.  
Jeewatmuni James de Silva of Balapitiya. Plaintiff.  
No. 5,596. Vs.  
Kalumina James de Silva and others. Defendants.

NOTICE is hereby given that on Friday, October 12, 1906, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property, viz. :—

The land called Kaluminedarawatta, together with the house standing thereon, situate at Wellabodagoda. Writ amount Rs. 365.99, with interest thereon at 9 per cent. per annum from May 2, 1906.

C. T. LEEBRUGGEN,  
Deputy Fiscal.

Fiscal's Office,  
Galle, September 10, 1906.

In the District Court of Galle.  
Lokanwasan Liyanage Gunatunga of  
Ambalangoda ..... Plaintiff.  
No. 7,318. Vs.  
Jeewatmuni James de Silva of Walagedara and others. Defendants.

NOTICE is hereby given that on Saturday, October 27, 1906, commencing at 12 o'clock in the noon, 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-fifteenth part of the soil and soil share trees of the garden called Bambaragelawatta *alias* Malanowemerakkalage Ambalamalangawatta, in extent about one and half acres, situated at Walagedara.

2. The plantation and the 13 cubits tiled house of the garden called Bogahawatta, in extent about one acre, situated at Mohottiwatta in Balapitiya.

3. One sixty-third part of the soil and soil share trees of the garden called Ambalamkoratuwewatta, in extent about half an acre, situate at Balapitiya.

4. One one hundred and fifth,  $\frac{1}{196}$ ,  $\frac{1}{252}$ ,  $\frac{1}{84}$  and  $\frac{1}{105}$  parts of Dampatawala, in extent about half an acre, situate at Balapitiya.

5. One seventh part of the soil and soil share trees of Kirahandi Wela, Padinchiwanawatta, situate at Balapitiya, in extent about one acre.

6. One twenty-eighth part of the soil and soil share trees of Pelawatta, situate at Balapitiya, in extent about half an acre.

7. One-fourteenth and  $\frac{1}{252}$  parts of the soil and soil share trees of Pelakotiyowatta, in extent about half an acre, situate at Mohottiwatta.

8. One-seventh part of the garden called Mudiyansegewatta, in extent about one acre, situate at Mohottiwatta.

9. One one hundred and twelfth,  $\frac{1}{252}$ , and  $\frac{4}{27}$  parts of the soil and soil share trees of Kimbulwatta, in extent about one and half acre, situate at Mohottiwatta.

10. About 225 cocoanut trees appertaining to the  $\frac{5}{6}$  part of the planter's share of the 4th plantation belonging to Abilianu of the garden called Modarawatta, situated at Galmangoda, in extent about six acres.

11. The 11 cubits incompleated house and the 11 cubits house standing at the back of the incompleated house standing on the garden called Bambaragalawatta *alias* Malanowe Marakkalage Ambalamalangawatta, situated at Walagedara.

12. The entire soil and trees of the buildings of the garden called Bogahawatta, situated at Beratuduwa, in extent about one and half acre.

13. One-fortieth part of the soil and soil share trees of Jeewatmuni Podiyege Wellabodawatta, in extent about one and half acre, situated at Walagedara.

Amount of writ Rs. 956.87 and poundage.

C. T. LEEBRUGGEN,  
Deputy Fiscal.

Fiscal's Office,  
Galle, September 12, 1906.

In the District Court of Galle.  
Patrick Gordon Spence and others, trading under the name, firm, and style of Clark, Spence & Co., Galle. Plaintiffs.  
No. 7,900. Vs.

Edward Danister Perera of Holmwood,  
Haylock Place, Colombo. Defendant.

NOTICE is hereby given that on Saturday, October 6, 1906, commencing at 4 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, subject to the mortgage in favour of S. de S. Weerakoon of Matara, 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, at Galupiyadda, in extent 3 roods and 21 perches.

Writ amount Rs. 671.12, with interest on Rs. 459.87 at 9 per cent. per annum from July 1, 1905, and poundage.

C. T. LEEBRUGGEN,  
Deputy Fiscal.

Fiscal's Office,  
Galle, September 7, 1906.

In the District Court of Galle.  
Don Theodoris Wickkramasinghe Gunatilaka, Vidane Arachchi of Hallala in Weligam korale ..... Plaintiff.  
No. 7,963. Vs.

Menchina de Silva Jayawardena of Ambalangoda, executrix of the last will and testament of Samuel de Silva Wickramasekera, deceased. Defendant.

NOTICE is hereby given that on Saturday, October 20, 1906, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises the following mortgaged property, viz. :—

1. The entire soil and trees, together with thirteen carpenter's cubits chunam plastered tiled house

and its kitchen standing thereon, of the land called *Urampitiya Maradanawatta*, situated at *Ambalangoda*, containing in extent about two acres.

2. The entire soil and trees, together with the nine cubits house standing thereon, of the land called *Kadittewatta* adjoining the first-named land, situated at *Ambalangoda*, and containing in extent about one acre.

3. Two pelus in extent of the field called *Godaparagahalangakumbura*, situated at *Kobeituduwa* in *Madampagama*, containing in extent two pelus.

4. The field called *Paragahalanga* (No. 12), situated at *Kobeituduwa* in *Batapola*, containing in extent two bushels of paddy.

Amount of writ Rs. 573.25, with interest on Rs. 567.50 at 9 per cent. per annum from October 13, 1905, till payment.

C. T. LEEMBRUGGEN,  
Fiscal's Office, Deputy Fiscal.  
Galle, September 12, 1906.

In the District Court of Colombo.

A. J. R. de Soysa of Colombo.....Plaintiff.  
No. 21,924. Vs.

Handunnetti Leiris de Silva of Wala-gedara .....Defendant.

NOTICE is hereby given that on Friday, October 12, 1906, at 12 o'clock noon, will be sold by public auction at the premises the following property, viz. :—

1. All that half part or share of and in all that allotment of land called *Rookgahawatta* with the plantations thereon situated at *Andadola*, in extent 2 acres and 3 roods.

On Saturday, October 13, 1906, commencing at 2 P.M., at the premises.

2. All those  $\frac{2}{3}$  of 67/72 parts or shares of and in all that allotment of land called *Meedagalawatta alias Mudagalawatta* with the plantations thereon, at *Kadurupe*, in extent about 11 acres.

3. All that western portion of the land called *Mahahadenagoda alias Denagoda alias Laduwawatta*, with the plantations thereon, at *Maliduwa*, in extent about 9 acres and 2 roods.

Writ amount Rs. 2,248.97, with interest thereon at 9 per cent. per annum from January 1, 1905, and costs.

C. T. LEEMBRUGGEN,  
Fiscal's Office, Deputy Fiscal.  
Galle, September 10, 1906.

In the District Court of Matara.

Mohamad Hanifa Casim of Galle.....Plaintiff.  
No. 3,842. Vs.

Annamale Chettiyar Suppaiya Chettiyar of Matara.....Defendant.

NOTICE is hereby given that on Saturday, October 6, 1906, at 12 o'clock noon, 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. 2,506.02, with interest on Rs. 2,327.77 from April 27, 1906, at 9 per cent. per annum, viz. :—

All the soil and fruit trees of the western  $\frac{1}{2}$  portion of the land called *Ilhangakkoongewatta*, situated at *Kotuwegoda* in *Matara*; and bounded on the east by a portion of the same land, west by *Pettariwatta*; south by high road, and on the north by river.

H. J. DE LIVERA,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Matara, September 8, 1906.

Province of Sabaragamuwa.

In the District Court of Kegalla.

Heratmudianselage Dingiri Banda of Siyambajapitiya .....Plaintiff.  
No. 1,880. Vs.

Atukorallage Ausadahamy ex-Arachchi, and (2) Atukorallage Dingiri Appuhamy, both of *Godapola*, and another.....Defendant.

NOTICE is hereby given that on Wednesday, October 10, 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 1st and 2nd defendants, the following property, viz. :—

1. *Meeambakumbura*, situated at *Godapola* in *Kegalla* District; bounded on the east by high road, south by *Aththanagodagewatta*, west by field belonging to *Mudalihamy*, north by *Aththanagodagewatta*; containing about 2 pelus in paddy sowing extent; and

2. *Polulekumbura* of 15 lahas in paddy sowing extent and the adjoining pillowa of 4 lahas in paddy sowing extent and *Dammullewatta* of 4 lahas in paddy sowing extent, these three contiguous lands being bounded on the east by the liminary ridge of *Meeambakumbura*, south by the limit of the garden belonging to *Mudalihamy*, west by the liminary dam of the field belonging to *Kiri Banda Arachchi*, and on the north by the enderu fence or limit of the garden of *Velvidane* and the ditch together with all the plantations standing on the said lands within the said boundaries and the two straw-thatched houses standing on the aforesaid *Dammullewatta*, all situated at *Godapola* aforesaid.

To levy Rs. 928.25 with legal interest on Rs. 725 from April 10, 1905, till payment.

J. F. JACOLYN,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Kegalla, September 12, 1906.

## DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that the valueless records of the Court of Requests, Colombo, from No. 24,001 of August 31, 1880, to No. 32,000 of July 20, 1882, will be destroyed, in terms of the Ordinance No. 12 of 1894, at the expiration of three months from the date thereof. Any person interested in any

record may personally, by proctor, or by duly authenticated petition, claim, upon good cause shown, that such record may not be destroyed.

J. S. DRIEBERG,  
Court of Requests, Commissioner.  
Colombo, September 5, 1906.