

Ceylon Government Gazette

Published by Authority.

No. 6,159—FRIDAY, DECEMBER 7, 1906.

PART I.—General: Minutes, Proclamations, Appointments, and General Government Notifications.
 PART II.—Legal and Judicial.
 PART III.—Provincial Administration.
 PART IV.—Land Settlement.
 PART V.—Mercantile, Marine, Municipal, Local, &c.

Separate paging is given to each Part in order that it may be filed separately.

Part II.—Legal and Judicial.

	PAGE		PAGE
Passed Ordinances	—	Notices in Testamentary Actions	1128
Draft Ordinances	1081	Notices in Insolvency Cases	1132
Notices from Supreme Court Registry	—	Notices of Fiscals' Sales	1133
Notices from Council of Legal Education	—	Notices from District and Minor Courts	1138
Notifications of Criminal Sessions of Supreme Court	—	Lists of Articled Clerks	—
Lists of Jurors and Assessors	—		

DRAFT ORDINANCES

MINUTE.

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

An Ordinance relating to the Registration of Titles to Land and of Deeds affecting Land.

Preamble.

WHEREAS it is expedient to consolidate and amend the laws relating to the registration of titles to land and of deeds affecting land: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

PART I.

CHAPTER I.

INTRODUCTORY.

Short title.

1 This Ordinance may be cited for all purposes as "The Land Registration Ordinance, 1906."

Repeal.

2 (1) There shall be repealed as from the commencement of this Ordinance the Ordinances specified in the first schedule hereto.

(2) This repeal shall not affect—

- (a) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed ; or
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
- (d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.

(3) Any enactment referring to any Ordinance or enactment hereby repealed, or to any rule made thereunder, shall be deemed to refer to the corresponding provision of this Ordinance or of the rule made hereunder.

Interpretation
clause.

3 In this Ordinance, unless there is something inconsistent in the context,—

“Registrar-General” means the Registrar-General of Lands appointed under section 4.

“Registrar” means a registrar of lands appointed under section 7.

“Settlement officer” means a land settlement officer appointed under section 8.

“District” means a district created under chapter III. of “The Courts Ordinance, 1889,” or under any law that may be enacted in lieu thereof.

“Division” in chapter III. hereof means the villages, districts, or portions thereof specified in the Surveyor-General’s notice referred to in section 13 ; but when used in chapters IV. and V. means the division constituted by Proclamation under section 18.

“Person” includes a body of persons corporate or unincorporate.

“Land” includes land and other immovable property and also an undivided share thereof, and any mines or minerals contained therein, and anything built thereon or affixed thereto. Provided that no vegetable produce growing or to be grown on any land shall be deemed to be “land” except in the case provided for in section 103.

“Interest in land” includes any right, title, interest, hypothec, mortgage, charge, planter’s share, property, claim, and demand in, to, upon, out of, or over any land (other than a prædial servitude, a tenancy at will, or a tenancy for any period not exceeding one month, not acquired by deed).

“Registered person” means a person whose name has been under the provisions of chapter IV. or chapter V. entered in the register prescribed by section 47 as the owner of any land or of any interest in land.

“Registered land” means any land or interest in land to which title has been registered under chapter IV. or chapter V.

“Deed” means any instrument duly executed in accordance with the requirements of the law of this island, and includes probate of a will, letters of administration, a judgment or order of court, a caveat under section 99, a certificate granted under section 7 of Ordinance No. 12 of 1840, and a notice of seizure or removal thereof under section 237 of the Civil Procedure Code.

PART II.

CHAPTER II.

REGISTRATION DEPARTMENT AND OFFICERS.

Registrar-General.

4 It shall be lawful for the Governor from time to time to appoint a fit and proper person to be the Registrar-General of Lands in this island, and at any time to remove him and appoint some other person in his place, or to appoint any person to act as Registrar-General.

His duties.

5 (1) In him shall be vested for the purposes of this Ordinance, subject to the order of the Governor, the general superintendence and control—

- (a) Of the registration of titles to land in this island ;
- (b) Of the registration of deeds affecting land in the island ;
- (c) Of the registration of other deeds which are or may hereafter be required by law to be registered in the land registry ;
- (d) Of registrars, settlement officers, and all other persons appointed for or engaged in carrying out the provisions of this Ordinance.

(2) Any powers vested in a registrar or settlement officer under the provisions of this Ordinance, and any duties to be exercised by him thereunder, shall also vest in, and may be exercised by, the Registrar-General.

Registration office.

6 There shall be, for the purposes of this Ordinance, a principal land registry office for the island in Colombo and branch offices for a district or districts or part of a district at such places as to the Governor shall appear necessary ; and there shall be annexed to each office by order of the Governor, made from time to time, a district or districts or part of a district.

Registrar of lands and his duties.

7 (1) It shall be lawful for the Governor to appoint any person a " Registrar of Lands " for any district, or part of a district, or for more than one district, or to appoint more than one registrar of lands for any district or part thereof as he may deem necessary for the execution of the provisions of this Ordinance, and at any time to remove any such registrar and appoint some other person in his place or to appoint any person to act as a registrar.

(2) The powers granted and duties to be performed or exercised under chapters VI. and VII. shall vest in and be performed and exercised by each registrar within the limits of the district or districts or part of a district for which he has been appointed.

(3) When more than one registrar is appointed for a district or part thereof, such registrars may either jointly or separately exercise the powers and perform the duties of a registrar within the limits of such district or part of a district.

(4) In case of the death, sudden illness, or incapacity of a registrar, or of other emergency, it shall be lawful for the Registrar-General to appoint a person to act as registrar of lands for any period not exceeding fourteen days at any one time.

Land settlement officer and his duties.

8 (1) It shall be lawful for the Governor to appoint any person " Land Settlement Officer " for any division proclaimed under section 18, or for more than one such division, or to appoint more than one land settlement officer for any such division or divisions, and at any time to remove any such officer and appoint some other person in his place, or to appoint any person to act as a land settlement officer.

(2) All powers granted and duties to be exercised under chapters IV. and V. in regard to—

- (a) The investigation, settlement, and registration of titles to land in any division, and all proceedings connected therewith ; and

(b) The registration of deeds affecting lands to which titles have been registered—

shall vest in and be exercised and performed by the lands settlement officer of such division.

(3) When more than one land settlement officer is appointed for a division, such officers may jointly or separately exercise the powers and perform the duties of a land settlement officer within the limits of such division.

(4) It shall be lawful for the Governor, if he deem expedient, to make order for the transfer to any registrar of the powers and duties vested in the settlement officer or officers in regard to the registration of deeds affecting registered lands in such registrar's district, and thereupon such powers and duties shall exclusively vest in and be exercised and performed by such registrar.

Continuance of present offices and officers, and validity of acts of past registrars.

9 (1) Any existing office or branch office established or purported to be established under section 2 of "The Land Registration Ordinance, 1863," or under section 3 of "The Land Registration Ordinance, 1891," shall be deemed to be an office established under this Ordinance; and the person holding the office of the Registrar-General of Lands and every person holding the office of a registrar of lands at the commencement of this Ordinance shall be deemed to be duly appointed under this Ordinance, and shall respectively exercise the powers and privileges and perform the duties vested in such officer by this Ordinance.

(2) Every person who between the first day of January, 1864, and the passing of this Ordinance shall have held the office or performed the duties of, or who at the date of the passing of this Ordinance is holding the office or performing the duties of a registrar of lands in any part of this island, shall be deemed to have been duly appointed registrar of lands for such part of the island, and every entry appearing in the books kept or purported to be kept, and every other act done or purported to be done, by him as such registrar shall be deemed to be valid and effectual.

Provided that nothing in this section contained shall give validity to any entry or other act of such registrar irregular or defective for causes or reasons other than the non-establishment, imperfect establishment, or accidental abolition of any registration province, district, division, or place, or the irregular appointment or non-appointment of any such registrar, or to any entry or other act of such registrar that may heretofore have been declared invalid by a competent court.

Oaths of office.

10 Every Registrar-General, registrar, and settlement officer appointed after the commencement of this Ordinance shall, before proceeding to execute any of the duties and powers aforesaid, take and subscribe before a justice of the peace an oath substantially in the Form A in the Second Schedule hereto, which oath, so taken and subscribed, shall be filed in the registry of the Supreme Court.

Appointment of clerks.

11 The Governor may from time to time appoint such clerks and other ministerial officers as to him may appear necessary to assist the Registrar-General, registrars, and settlement officers in the execution of the powers vested in them by this Ordinance or the duties to be performed by them hereunder.

Rules for conduct of business.

12 (1) The Governor may, for the due working of this Ordinance, from time to time, with the advice of the Executive Council, make rules consistent with the provisions of this Ordinance, and with the like advice rescind, revoke, amend, alter, or add to such rules.

(2) The rules shall be published in two issues of the *Government Gazette* in the English, Sinhalese, and Tamil languages, and once at least in an English, a Sinhalese, and a Tamil newspaper published in the island, in the language in which

each such newspaper is published; and shall from the date of the last of such publications be as legal, valid, and effectual as if the same had been enacted in this Ordinance, and shall be judicially noticed. Provided that all such rules shall be laid before the Legislative Council within one month after the commencement of the session next after the making of such rules, and shall cease to have any force or effect if disapproved by the Council within two months of being so laid on the table.

(3) Any person committing any breach of any such rule shall be liable on conviction to a fine not exceeding one hundred rupees. Provided that a prosecution under this sub-section shall not affect any civil liability he may have incurred.

CHAPTER III.

PRELIMINARY SURVEYS.

Surveys to be preceded by notice in the Gazette.

13 Whenever it is proposed to survey any villages or districts or any portions thereof for the purposes of this Ordinance, notice thereof shall be published by the Surveyor-General in the *Government Gazette*—

- (a) Specifying as nearly as possible the situation and limits of such villages, districts, or portions thereof;
- (b) Declaring that it is proposed to constitute such villages, districts, or portions thereof a division;
- (c) Notifying that the Surveyor-General will survey or cause to be surveyed the lands lying within the limits of such villages, districts, or portions thereof.

Preparation of surveys and plans.

14 (1) When a notice has been published under section 13, the Surveyor-General shall survey or cause to be surveyed the division mentioned in the said notice or such portion thereof as has not been surveyed already or as the Surveyor-General shall consider it necessary to survey again, and shall prepare or cause to be prepared detailed plans thereof with tenement sheets attached thereto, and on such plans shall be defined and in such sheets shall be described the several parcels of land belonging to or claimed by any persons, with the names of the respective owners or claimants of each parcel and also the parcels belonging to or claimed by the Crown, as far as the same can be ascertained.

(2) It shall not be necessary for the Surveyor-General to make or cause to be made a new survey and detailed plan of any land situated within such division and which has been surveyed and whereof a detailed plan has been made; but such plan may be accepted and acted upon (with such amendments, if any, as to the said Surveyor-General shall seem necessary) as if the same had been prepared in pursuance of sub-section (1).

Notice of survey in the division and to the government agent.

15 (1) The Surveyor-General shall before commencing the survey in any such division give notice therein, by such means as will best ensure publicity, of his intention to have the same surveyed and of the day on which he intends the survey to commence.

(2) He shall also give a written notice of such intention to the government agent of the province within the limits of which such division lies; and such government agent shall thereupon take steps to ensure the attendance of a headman or other properly qualified person or persons to assist every surveyor making a survey under this chapter in ascertaining the boundaries of the several lands being so surveyed by him.

Entry on land and notice to produce deeds.

16 (1) For the purposes of making any survey, or for the amendment of any survey already made, it shall be lawful for the Surveyor-General, or any surveyor authorized by him in writing to make surveys under this chapter, to enter upon all lands to be surveyed and to require all persons

having the custody or possession of any deeds or documents relating thereto to produce the same.

(2) If any person shall, without reasonable cause, refuse or neglect to produce any such deed or document within ten days after the same shall have been demanded, or shall, when required, without reasonable cause, refuse or neglect to give full information touching the custody or possession thereof, every such person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty rupees.

(3) If any person shall obstruct the Surveyor-General or any surveyor or the servants or workmen of either in entering upon or surveying a land under this Ordinance, he shall be guilty of an offence, and be liable on conviction to simple or rigorous imprisonment for a term not exceeding one month, or to a fine not exceeding one hundred rupees, or to both.

Surveyor-General's report.

17 As soon as the survey and detailed plan of such division or part thereof shall have been completed, the Surveyor-General shall report the fact to the Governor, and shall at the same time deliver or transmit to the Registrar-General a copy of the said plan with the tenement sheet annexed.

PART III.

CHAPTER IV.

REGISTRATION OF TITLES TO LAND BY SETTLEMENT OFFICER.

A.—*Investigation and Settlement of Claims.*

Proclamation of division and commencement of investigation.

18 (1) It shall be lawful for the Governor, with the advice of the Executive Council, on receiving the report of the Surveyor-General mentioned in the last section, by a proclamation to be published in the *Government Gazette*, to declare that the villages, districts, or portions thereof mentioned in such report constitute a division under this chapter, and thereupon such division shall come within the operation of this chapter.

(2) It shall thereupon be lawful for the settlement officer to enter upon all lands situate within such division and to investigate all claims thereto for the purposes of registration under this chapter.

Notice to claimants.

19 (1) The settlement officer shall, previous to such investigation, by notice call upon all persons having or claiming any interest in any of the lands situate in such division, or in such portion thereof as shall be specified in the said notice, to appear before him at a place or places and on a day or days to be specified in such notice (not being less than ninety days from the date of the first publication of such notice in the *Government Gazette*) and to state their claims thereto.

(2) Every such notice shall be published in the English, Sinhalese, and Tamil languages in two issues at least of the *Government Gazette*, and once at least in an English, a Sinhalese, and a Tamil newspaper, published in the island, in the language in which each such newspaper is published; and a copy of such notice shall be posted on each land referred to in such notice, and copies thereof shall also be affixed to the walls of any kachcheri and courts situate within such division, including gansabhawa courts, and in such other localities as may secure the greatest possible publicity thereto, and the said notice shall likewise be advertised by beat of tom-tom once a week at least during the said period of ninety days throughout such division.

(3) Every such notice shall be worded substantially in the Form A in the Third Schedule hereto, and the production of a copy of the *Government Gazette* containing such notice

shall be received in all courts of law in this island as conclusive proof that such notice has been duly published, posted, affixed, and advertised as hereinbefore required.

(4) If the settlement officer shall have reason to think that any person having any interest in any land situate in such division would not be likely to see or hear of such notice, he shall also post a written notice addressed to such person at his last known place of abode, calling upon him to appear at a time and place to be specified in such written notice and to state his claim, if any.

Transfer of actions to the settlement officer.

20 (1) Every action or civil proceeding (including actions for partition or sale) in respect of any interest in land situate in a division pending at the time of the proclamation of such division in any district court or court of requests or village tribunal, and any claim to damages or to money or any other claim involved in any such action or civil proceeding shall be transferred to the settlement officer of such division.

Provided, however, that no pending actions for the realization of mortgages and no pending claim investigation under section 241 of "The Civil Procedure Code, 1889," shall be transferred to a settlement officer under this section.

(2) Every action or civil proceeding (including actions for partition or sale) in respect of any interest in land situate in a division instituted or commenced in any district court or court of requests or village tribunal before the date of the proclamation aforesaid, but not at the time of such proclamation pending before such court by reason of an appeal or from any other cause, shall when returned to such district court, court of requests, or village tribunal, or restored to the list of pending cases, be transferred to the settlement officer of such division, except when a final judgment or order or decree in such action or civil proceeding has been pronounced or made in appeal, revision, or review.

(3) In case of such transfer, such action or civil proceeding shall be proceeded with by the settlement officer in the same manner as far as possible as claims made under section 23.

Fiscals' claims to be reported to settlement officer.

21 (1) In case of any claim being preferred or objection offered to any fiscal or deputy fiscal against the seizure or sale of any interest in land situate within the division, and the fiscal or deputy fiscal not having reported such claim or objection to the court at the date of the proclamation aforesaid, the fiscal or deputy fiscal shall forthwith report the claim or objection to the settlement officer of such division instead of reporting the same to the court in manner provided in section 241 of "The Civil Procedure Code, 1889."

(2) The settlement officer shall, upon receipt of the report of any such claim or objection from any fiscal or deputy fiscal, deal with the same in the same manner as claims under sections 41 and 42 of this Ordinance.

No action (excepting mortgage suit) to be instituted in a court between date of proclamation and registration of title.

22 (1) No action or civil proceeding—

- (a) In respect of any interest in land situate in a proclaimed division (save and except an action for the realization of a mortgage); or
- (b) For the partition or sale of such land under the provisions of the Ordinance No. 10 of 1863; or
- (c) Under section 247 of "The Civil Procedure Code, 1889," in respect of such land—

shall be instituted in any district court, court of requests, or village tribunal between the date of the proclamation of such division and the registration of the land under this chapter.

(2) If such action shall during the said period have been entertained by any such court, the action shall abate.

Settlement officer to proceed to the division and receive claims.

23 (1) On the days appointed in the notice mentioned in section 19 the settlement officer shall proceed to the places therein specified and shall then and there, or on such other day and at such other place as he shall from time to time appoint, receive and record the claims preferred.

(2) Every person having or claiming any interest in any land other than such hypothec, lien, or charge as may arise or be created, or have arisen or have been created, under or by virtue of any Ordinance already or hereafter to be enacted, shall deliver to the settlement officer, within such time as he shall then appoint, a statement of his claim in writing signed by him or by his attorney or by a proctor duly appointed by such person or his attorney, and substantially in the Form B in the Third Schedule hereto.

(3) It shall be competent for any such claimant, instead of delivering such statement in writing, to appear before the settlement officer within the appointed time, and to state orally the particulars of his claim; and the settlement officer shall record the same in writing in such form as aforesaid, and shall cause the claimant to sign the same.

(4) All such statements shall be numbered and filed by the settlement officer in the order in which they shall have been received or recorded as aforesaid.

(5) The settlement officer shall then appoint a time, as early as conveniently may be, and a place for investigating each claim, giving notice of the time and place to the claimant. The settlement officer may, if he think fit, from time to time with the like notice, appoint any other place or time for the investigation, or may adjourn the investigation from place to place and from time to time.

Mode of
appearance of
claimant.

24 In all proceedings under this chapter—

- (a) Any appearance, application, or act required or authorized to be made or done by the claimant may be made or done by the claimant in person or his attorney or a proctor appointed in writing by him or his attorney to act on his behalf, or an advocate instructed by such proctor, or any person whom the settlement officer may on sufficient cause authorize to represent the claimant. Provided that such appearance shall be made in person if the settlement officer so directs.
- (b) A minor or lunatic shall be represented by his next friend, curator, or manager duly appointed by a district court, or by a guardian specially appointed by the settlement officer.
- (c) An insolvent shall be represented by his assignee.
- (d) In respect of any interest in land held in community by a husband and a wife, the wife may, with the leave of the settlement officer, represent her husband.
- (e) A wife may, with the leave of the settlement officer, be represented by her husband.
- (f) A corporation or a board or a public body or a company may be represented by a secretary, manager, or other principal officer thereof.

Court of
requests rules
of procedure
and evidence
to apply.

25 All actions and civil proceedings transferred to the settlement officer under section 20 and all claims preferred under section 23 shall, as far as possible, unless otherwise herein directed, be investigated, determined, or disposed of in accordance with the rules which regulate the procedure of courts of requests, and in accordance with the law of evidence applicable to such courts; and the settlement officer shall and may in proceedings under this chapter have and exercise all the powers, duties, and functions of a commissioner of a court of requests, provided that nothing contained in this section shall in any way restrict or limit the powers or jurisdiction granted to a settlement officer under this Ordinance.

Arbitration.

26 (1) In case two or more persons shall have claimed an interest in the same land adversely to each other, the settlement officer shall propose to them the settlement of their rival claims by arbitration: and if they consent to such proposal, the claims shall be referred to one or more arbitrators to be nominated by the parties.

(2) If the parties cannot agree to the nomination of an arbitrator, or if the person named by them refuses to accept the arbitration, each party shall name an arbitrator, and the arbitrators shall, before entering on the arbitration, name the settlement officer or some other person as umpire. And the parties and the arbitrator shall thereupon sign a paper writing substantially in the Form C in the Third Schedule hereto.

(3) The provisions of chapter LI. of "The Civil Procedure Code, 1889," shall, so far as practicable and unless otherwise herein directed, apply to all proceedings by or before such arbitrators, arbitrator, or umpire, and they or he shall conform to such provisions and exercise all the respective powers, duties, and functions thereby conferred on or vested in an arbitrator or umpire.

(4) In regard to those claims which shall, at such arbitration, be in any respect upheld, the arbitrators, arbitrator, or umpire shall in their or his award record the nature of the right upheld, and whether the title made out is in their or his opinion one of the first or second class according to the principles set out in section 31.

(5) The settlement officer is hereby vested with, and shall or may exercise, all or any of the powers granted to a court by the provisions of chapter LI. of "The Civil Procedure Code, 1889."

(6) If the settlement officer sees no cause to remit the award or any part of the claim referred to arbitration for reconsideration in manner provided in chapter LI. aforesaid, and if no application has been made to set aside the award, or if it has been made and the settlement officer has refused such application, then the settlement officer shall, after the time for making such application has expired, on a day of which notice has been given to the parties, proceed to give judgment according to the award.

(7) The settlement officer shall also determine the amount of the fees to be paid to such arbitrators or arbitrator and umpire, and by whom the same shall be payable. Provided that the settlement officer shall not be entitled to any fee for acting as umpire.

Failing arbitration, settlement officer to investigate and determine claim.

27 (1) In case the claimants shall not consent to an arbitration, or in case no award shall be made and published within the time limited in that behalf or any extension or extensions thereof, the settlement officer shall fix a day for the investigation and hearing of the disputed claims, notice whereof shall be given to the claimants respectively or to the attorney, recognized agent, or duly appointed proctor of the respective claimants, or posted on a conspicuous place in the land in dispute.

List of witnesses.

(2) The claimant shall deliver to the settlement officer on or before a day to be fixed by the settlement officer a list of his witnesses and of his documentary evidence, and no witness shall be called nor any document admitted at the investigation other than those appearing in such list, unless the settlement officer shall see fit to direct otherwise.

Proviso.

Provided that it shall be competent for any such claimant, instead of delivering such list in writing, to appear before the settlement officer and to state orally the names of the witnesses, and to specify the documents intended to be relied on, and the settlement officer shall cause the same to be recorded in writing, which shall be signed by the claimant.

Procedure on default of appearance.

28 (1) If any claimant fails to appear on the day fixed for the investigation of any undisputed claim, and no good and sufficient cause is shown for such absence, it shall be lawful for the settlement officer to make such order or give such judgment as he may deem fit.

(2) If any claimant fails to appear on the day fixed for the investigation of a disputed claim, and no good and sufficient cause is shown for such absence, it shall be lawful for the

settlement officer to proceed with the investigation and to determine and decide upon the respective claims of the parties or to make such order or give such judgment as he may deem fit.

(3) If any claimant appears in reasonable time and satisfies the settlement officer that his absence was due to sickness, accident, or some other cause over which he had no control, then the settlement officer shall cancel any order made or open up any judgment given under this section.

Procedure on death of a claimant.

29 (1) In case of the death of a claimant it shall be lawful for the settlement officer on the application of the legal representative of the deceased to make an order that his name be substituted for the name of the deceased claimant in the statement of claim, and thereupon to proceed with the investigation of the claim.

(2) If no application be made to the settlement officer by any person claiming to be the legal representative of a deceased claimant, the settlement officer may examine such person or persons as he deems necessary for the purpose of ascertaining the name of the legal representative of the deceased, and thereupon issue a summons to such representative to appear on a day to be therein mentioned.

(3) If the person so summoned appears and makes application as aforesaid, it shall be lawful for the settlement officer to substitute his name for the name of the deceased claimant in the statement of claim, and to proceed with the investigation of the claim.

(4) If the person so summoned appears, but does not make application as aforesaid, or neglects to appear and does not account for his absence, and the summons is reported to have been duly served on him, the settlement officer shall make an order that the claim do abate.

(5) In the event of any dispute arising as to who is the legal representative of a deceased claimant, it shall be competent to the settlement officer to decide who shall be admitted to be such legal representative for the purpose of being substituted in the place of the deceased, and this question shall in such case be dealt with and disposed of by the settlement officer as an issue preliminary to the investigation of the merits of the claims.

Settlement officer's decision of claim.

30 At the close of the investigation of the merits of the claims the settlement officer shall determine and decide upon the respective claims of the parties, and whether the title made out is one of the first class or of the second class, according to the principles set out in section 31, and shall record his judgment accordingly. The settlement officer shall also tax the costs of the investigation and determine by whom the same shall be payable.

Title to be given according to finding.

31 (1) If such evidence of right in the claimant to the land or interest claimed by him or to a portion thereof is adduced, as according to the laws or customs of this island would in the judgment of the settlement officer be accepted by a willing purchaser as sufficient evidence of title, the settlement officer shall record that the claimant has made out a title of the first class to such land or interest or portion, subject or not (as the case may be) to any other right or interest.

(2) If the evidence adduced by the claimant falls short of such evidence as aforesaid, and the settlement officer is satisfied that the claimant is in the actual and *bona fide* possession or enjoyment of the land or interest claimed by him, or a portion thereof, or that his claim thereto is otherwise reasonable and *bona fide*, the settlement officer shall record on the said statement of claim that the claimant has made out a title of the second class to such land or interest or portion subject or not (as the case may be) to any other right or interest.

Settlement officer to determine boundaries; and to partition by consent.

- 32 (1) It shall be the duty of the settlement officer—
- (a) To determine and record in his decision with as much exactness as practicable the boundaries of every land in respect of which any claim shall be upheld;
 - (b) To partition, with the consent of the persons whose claims have been upheld, any land held in undivided shares by two or more such persons; and
 - (c) To cause boundaries to be constructed or marked on any land dealt with under (a) or (b) at the expense of the parties interested therein.

(2) Any person wilfully destroying, removing, injuring, or defacing any boundary so constructed or marked shall be guilty of an offence, and liable on conviction to be punished with imprisonment of either description for a period not exceeding six months, or with a fine not exceeding one thousand rupees, or with both.

Settlement officer's decision final on whom.

33 The determination and judgment of the settlement officer upon each claim shall, subject to the appeal herein-after allowed, be final and conclusive upon the claimants and upon those claiming under any of them by any title acquired subsequent to the claim being made.

Settlement officer may accept claims before or during investigation.

34 At any time before or during the investigation of a claim to a land the settlement officer may, if he thinks fit, and he shall when the other claimants consent thereto, receive and record any claim made by any person to or in respect of such land. And every such claim so received and recorded shall be dealt with and disposed of in the same manner as claims made under section 23.

Acquisition of claimant's interest by others to be notified to settlement officer.

35 Every person who has acquired by purchase or otherwise an interest in or to any land from a claimant subsequently to such claimant having preferred his claim to the settlement officer, and prior to its investigation by the settlement officer, shall notify to the settlement officer his acquisition, and shall make his claim in the manner prescribed in section 23, and the settlement officer shall deal with it in the same manner as if such claim had been originally stated under that section.

Mode of taking evidence. Consolidation of claims.

36 (1) All evidence taken before the settlement officer or any arbitrator or umpire shall be on oath or affirmation, and shall be recorded by him in writing.

(2) The record of all evidence, whether oral or documentary, taken by the settlement officer at the investigation of the claims to each land shall, subject to the provisions of subsection (4), be made up in a separate file, and the finding or judgment thereon, and reasons therefor, and all orders of the settlement officer in relation thereto, shall be duly entered on the said record.

(3) The record so made up shall, at all reasonable times upon a written application in that behalf, be open to the inspection of any person interested in such claim, with liberty to demand and receive copies thereof or extracts therefrom upon payment of the prescribed fees and stamp duty.

(4) The settlement officer may, when he thinks fit, consolidate the claims of one or more persons, and the same shall then form the subject of one and the same investigation; and the record of all evidence, whether oral or documentary, taken by the settlement officer at such investigation shall be filed with any one of the statements of the claims so consolidated as aforesaid, and the finding or judgment on each of such claims, and reasons therefor, and all orders of the settlement officer in relation thereto, shall be duly entered on the said record.

Translation of documents.

37 No translation of a document tendered in evidence shall be permitted to be read as a translation of such document unless the same shall be signed by—

- (a) An interpreter of the Supreme Court, of a district court or a court of requests; or

(b) A translator appointed by the Colonial Secretary, or by a district judge, or by a commissioner of requests, or by a settlement officer, and who shall have taken an oath before such Colonial Secretary, district judge, commissioner of requests, or settlement officer, or before a justice of the peace faithfully to perform the duties of his office as translator.

Appeal to the Supreme Court from finding of the settlement officer.

38 (1) If any claimant be dissatisfied with any final judgment, or order having the effect of a final judgment, of the settlement officer, whether in respect of a disputed or an undisputed claim, he may within ten days (exclusive of Sundays and holidays) after the pronouncing thereof lodge with the settlement officer an appeal in writing to the Supreme Court; and the settlement officer shall without delay forward to the Supreme Court the appeal with the record made up as aforesaid, and the Supreme Court shall make such order, in conformity with the provisions of this Ordinance, as the justice of the case may require, which order the settlement officer shall duly carry into effect.

(2) No appeal shall be entertained unless the appellant shall within ten days after lodging such appeal give security for the probable costs of the appeal, the amount whereof shall be fixed by the settlement officer.

(3) No appeal shall lie against any judgment given under section 26, except in so far as such judgment is in excess of, or not in accordance with, the award.

Settlement officer may issue writ of possession.

39 (1) When the settlement officer shall have recorded in regard to a claim the nature of the right upheld and whether the title thereto is of the first class or of the second class, the claimant may apply to the settlement officer for a writ of possession, and the settlement officer may at his discretion order such writ to issue substantially in the Form D in the Third Schedule hereto, and such writ shall be enforced according to the terms thereof by the fiscal, in the same manner as if such writ was issued by a court of requests.

Provided that, in any case in which an appeal is allowed to the Supreme Court, no writ of possession shall issue before the expiry of the time allowed for such appeal, and that in the event of an appeal being taken the settlement officer shall not, pending the decision on such appeal, issue such writ.

Procedure in case of resistance.

40 (1) If in the execution of a writ of possession issued under this section the officer charged with the execution of the writ is resisted or obstructed by any person, or if after the officer has delivered possession the person placed in possession by such officer is hindered by any person in taking complete and effectual possession, the person in whose favour the writ of possession has issued may at any time within one month from the time of such resistance or obstruction or hindrance complain thereof to the settlement officer, and the settlement officer shall appoint a day for the determination of the complaint and intimate to the person resisting or obstructing or hindering the writ that he will be heard in opposition to the complainant if he appears before the settlement officer for that purpose on the day so appointed.

(2) On the hearing of the complaint the settlement officer, if he is satisfied of the obstruction or resistance or hindrance complained of, may sentence the person or persons so obstructing or resisting or hindering to imprisonment for a term not exceeding six months or to a fine not exceeding one thousand rupees, and direct the person in whose favour the writ of possession issued to be put in possession of the property.

(3) It shall be lawful for the settlement officer to determine by whom the costs of the hearing shall be paid, and to tax the amount of such costs.

Claims to property seized to be reported by fiscal and

41 (1) If in the execution of a writ issued by the settlement officer any claim is preferred to, or objection offered against the seizure, or sale of, any immovable or movable

investigated by
settlement
officer.

property which may have been seized thereunder as not liable to be sold, the fiscal or deputy fiscal shall, as soon as the same is preferred or offered, as the case may be, report the same to the settlement officer.

(2) The settlement officer shall thereupon proceed in a summary manner to investigate such claim or objection, and shall record the evidence, whether oral or documentary, taken at such investigation; and his finding or judgment thereon, and his reasons therefor, and his orders in relation thereto shall be duly entered on the said record.

(3) The record shall at all reasonable times, upon a written application in that behalf, be open to the inspection of any party interested in such investigation, with liberty to demand and receive copies thereof, or extracts therefrom, upon payment of the prescribed fees and stamp duties.

Further
proceedings
connected
with the
investigation.

42 (1) If the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears to the settlement officer necessary) be postponed for the purpose of making the investigation mentioned in the preceding section. Provided that no such investigation shall be made if it appears to the settlement officer that the making of the claim or objection was designedly and unnecessarily delayed with a view to obstruct the ends of justice.

(2) The claimant or objector must at such investigation adduce evidence to show that at the date of the seizure he had some interest in, or was possessed of, the property seized.

(3) If upon the said investigation the settlement officer is satisfied that for the reason stated in the claim or objection such property was not, when seized, in the possession of the person against whose property the writ was issued, or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the person against whose property the writ issued, at such time it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the settlement officer shall pass an order releasing the property wholly, or to such extent as he thinks fit, from seizure.

(4) If the settlement officer is satisfied that the property was at the time it was seized in possession of the person against whom the writ issued as his own property, and not on account of any other person, or was in possession of some other person in trust for him or in the occupancy of a tenant or other person paying rent to him, the settlement officer shall disallow the claim.

Appeal to the
Supreme Court.

43 (1) If any party to any proceedings under sections 40, 41, or 42 be dissatisfied with any order or judgment of the settlement officer made in such proceedings, he may, within ten days after the pronouncing thereof, appeal to the Supreme Court; and the settlement officer shall without delay forward to the said court the appeal and the record made up as aforesaid, and the said court shall make such order as the justice of the case may require; which order the settlement officer shall duly carry into effect.

(2) No appeal shall be so forwarded as aforesaid unless the appellant shall, within ten days from the date of such appeal, give security for the costs of the hearing or investigation and of the appeal, the amount whereof shall be fixed by the settlement officer.

(3) No appeal from any judgment of the settlement officer shall have the effect of staying the execution of such judgment, unless the appellant shall enter into recognizance with or without sureties, as the settlement officer shall consider necessary, to appear and abide by the order of the Supreme Court upon the appeal.

B.—*Publication.*

Preparation by settlement officer of (1) final notice to claimants, and of (2) list of unclaimed lands and notice regarding them.

44 So soon as the settlement officer shall have completed his inquiries respecting the lands in any division he shall prepare—

- (1) A notice substantially in the Form E in the Third Schedule hereto, calling upon all persons who have not preferred claims under section 23, and who may assert a right adverse to that of any person whose claim has been wholly or partly upheld, to assert such right before the settlement officer within six months from the date specified in such notice; and
- (2) A list of the lands in regard to each of which, wholly or in part, no claim has been made or upheld, together with a notice substantially in the Form F in the Third Schedule hereto, calling upon all persons who may assert a right to any of the said lands or to any interest therein and have not already preferred their claim, to assert such right within six months from the date specified in such notice.
- (3) In the case of any such notice the date specified therein shall not be earlier than the date of the first publication of such notice in the *Government Gazette*.

Form and proof of notice.

45 (1) The settlement officer shall cause copies of the list and notices to be published in the English, Sinhalese, and Tamil languages in the *Government Gazette* once a month during the said period and in two issues of an English, a Sinhalese, and a Tamil newspaper during such period, and a copy of each such notice shall be posted on each land referred to in such notice, and copies thereof shall also be affixed to the walls of any kachcheri and courts situate within such division, including gansabhawa courts, and in such other localities as may secure the greatest possible publicity thereto, and the said notices shall likewise be advertised by beat of tom-tom at least once a fortnight during the said period throughout the said division.

(2) The production of a copy of the *Government Gazette* containing any such notice shall be received in all courts of law in this island as a conclusive proof that such notice has been duly published, posted, affixed, and advertised as hereinbefore required.

Disposal of claims.

46 Every person asserting a right in pursuance of such notice shall prefer a claim in manner provided by section 23, and such claim shall thereupon be dealt with and disposed of by the settlement officer in manner therein stated.

C.—*Registration of Titles, Interests, and Incumbrances.*

After expiration of six months from notice, land and titles to be registered.

47 Immediately after the lapse of the period of six months mentioned in section 44 the settlement officer shall proceed to register, subject to the provisions of section 51, all the lands situate within the said division by entering in a book (bearing the name of such division) a map of such division and a separate map of each allotment of land situate therein, and also the name of the owner or owners of such allotment and of all other persons whose right, title, or interest therein has been upheld up to date, and stating whether the title is of the first or second class, together with such other particulars and references as may be necessary to identify every allotment on the map or division in which it is situate.

Register to be kept in duplicate.

48 (1) Every such book and map shall be kept in duplicate, and one copy thereof shall be forwarded by the settlement officer to the land registry of the district in which the division is situated, and the other to the office of the Registrar-General, within such time as the Governor may direct.

(2) Every such book and map shall be carefully preserved, and shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all persons, including judgment-creditors, interested, or claiming

to be interested, in any of the lands therein registered, or to their proctors or agents duly authorized thereto in writing, or to any notary acting in the discharge of the duties of his office, with liberty to demand and receive copies thereof or extracts therefrom, upon payment of the prescribed fees and stamp duties.

Registration duty a first charge on the registered land.

49 For the registration under section 47 a stamp duty shall be paid by the registered person or his representative according to the scale in Schedule IV. B.

The settlement officer shall fix a date within which the duty shall be paid. If it is not paid within that date, he shall proceed to register the title, and to recover the duty, with the costs of such recovery, by writ of distress issued to the fiscal.

The amount shall be a first charge on the registered land, and shall have priority over all other charges and claims.

The stamp shall be affixed to the certificate of title issued under section 52.

Registration in name of deceased or insolvent claimant.

50 In case a claimant shall die or become insolvent after the upholding of his claim, and before the registration of his title, and no claim adverse to his shall have been upheld, the registration shall be made in the name of the deceased or insolvent claimant, and the land shall devolve in like manner as if the registration had been made prior to the death or insolvency of the claimant.

When registration should be suspended.

51 (1) If any action or proceeding in respect of a land situated within the said division, or of an interest in such land, be pending before a court or before the settlement officer at the expiration of the period of six months mentioned in section 44, the registrar shall suspend the registration of the right, title, or interest thereby put in issue until the final adjudication thereof, and thereafter and after such further inquiry as he shall deem necessary he shall duly register the right, title, or interest which shall have been upheld.

(2) The settlement officer may in any other case, where he deems it necessary, suspend the registration, but any person aggrieved by such suspension may appeal therefrom to the Supreme Court, who shall make such order thereon as to the said court shall seem proper.

Issue of certificate of title.

52 After registration the settlement officer shall, on the application of the registered person or his legal representative, and if the duty payable for the registration shall have been paid, prepare from the register, subject to the provisions of section 55, a certificate of title in duplicate, of which one shall be filed in the office of the settlement officer and the other issued to the registered person.

Certificate of title *primâ facie* evidence of its contents; and to be of three kinds.

53 Every certificate of title shall be *primâ facie* evidence of the several matters therein contained, and shall be of three kinds :

- (a) A certificate of ownership.
- (b) A certificate of incumbrance.
- (c) A certificate of interest.

(a) Certificates of ownership shall be granted to those persons whose rights, as owners in possession (but not necessarily in occupation), to the land or any undivided share thereof (whether subject or not to any lease, mortgage, or other interest) shall have been upheld.

(b) Certificates of incumbrance shall be granted to mortgagees of the land or of any undivided share thereof or interest therein under any instrument valid in law.

(c) Certificates of interest shall be granted to persons whose rights by way of lease, tacit hypothec, charge, lien, planter's interest, contract, or otherwise (except such rights as would be included in a certificate of ownership or incumbrance), or whose rights in remainder, reversion, or expectancy in or to the land or any undivided share thereof have been upheld.

Forms of
certificate.

54 Certificates of ownership shall be substantially in the Form G, certificates of interest in one of the Forms H, I, and J, and certificates of incumbrance in the Form K in the Third Schedule hereto, and shall be signed by the settlement officer, and shall contain a correct map prepared by the Surveyor-General or under his authority, and a description of the land therein referred to, with the figures and references necessary to identify it on the map or division in which it is situate, and a correct statement of the right, title, or interest of the party to whom it is issued, and of all parties having a prior, preferent, or concurrent right or interest therein, together with the dates or particulars thereof.

Surrender of
title deed before
issue of
certificate.

55 (1) Every person entitled to a certificate of ownership shall, before the same is issued to him, deposit with the registrar every deed upon which his title to the land described in the certificate was based.

(2) Upon issuing a certificate of ownership the registrar shall endorse on every deed so deposited the nature of the certificate issued in respect of the land described in the said deed or instrument.

(3) If any such deed shall relate to or include any property in respect of which no certificate has been issued, the registrar shall return such deed to the person who deposited the same, but otherwise he shall retain such deed in his office.

(4) No person shall be entitled to the inspection of any deed so retained except the person who deposited the same, or any person or persons claiming through or under him, or authorized by him, or by the order of some competent court.

Dealing with
registered land
before issue of
certificate.

56 Until the certificate has been issued to the registered person under section 52 no dealing made by him in regard to the registered land shall be of force or avail in law.

If a deed shall be executed affecting the registered land, before the issue of the certificate, the parties to the deed and the notary before whom it is executed shall each be guilty of an offence and be liable to a penalty not exceeding five hundred rupees.

Registration of
unclaimed lands
as Crown lands.

57 (1) If no claim shall be made to a land or part thereof under section 23 or 34, or in compliance with the notice issued under section 44 (2), or if a claim or claims being made, none shall be upheld, the settlement officer shall (subject to an appeal to the Supreme Court by any aggrieved party) register such land or part thereof as the property of the Crown, and the same shall be thereupon vested in and become the property of the Crown free from all incumbrances.

(2) Every such land shall be appraised by the settlement officer, and the appraised value shall be recorded in the register.

(3) If within thirty years from the date of registration any person shall establish to the satisfaction of the Governor in Executive Council that he is entitled to be paid such appraised value or any part thereof, the same shall be paid to such person by the Colonial Treasurer.

Effect of
registration as
bar to claims.

58 Every registration of right, title, or interest made under section 47 shall be deemed to have been made on the date when the claim to such right, title, or interest was upheld, and shall (subject to the provisions of section 60) have the effect of absolutely barring all claims which shall have arisen or accrued prior to such date, and which might have been registered under the provisions of this Ordinance, but which at such date had not been so registered.

No acquisition
of title to
registered land
by adverse
possession.

59 A title to a registered land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession, and the benefit of the provisions of section 3 of Ordinance No. 22 of 1871 shall not be available in respect of any claim or defence made in respect of any registered land.

Provided that this section shall not apply to actions allowed under section 60 of this Ordinance.

CHAPTER V.

SUBSEQUENT REGISTRATION OF TITLES AND
REGISTRATION OF DEEDS.

Prosecution of
claims against
registered
owners in court.

60 (1) Persons having or claiming to have any interest in any land against a person registered as having a title of the first class shall be entitled to prosecute their claim by action in some court having jurisdiction in the matter within one year from the date of the registration; and against a person registered as having a title of the second class within two years from the date of the registration.

(2) Persons absent from the island, whose claims shall not have been preferred and disposed of under the provisions of this Ordinance, shall be entitled to prosecute their claims within four years from the date of the registration, whether of the first or the second class.

(3) Persons under legal disability shall be entitled to prosecute their claims within two years from their disability ceasing.

Notice of
action.

61 No action mentioned in section 60 shall prevent any claims being barred unless and until written notice of such action shall have been given to the settlement officer, who shall immediately upon the receipt of such notice record the same in the register with the date of receiving the notice.

Dismissal of
action.

62 If the said action be dismissed, the court shall forthwith report the same to the settlement officer, who shall immediately record it in the register.

Cancellation of
registration and
certificate if
action succeeds.

63 If the action shall have been decided against the registered person, the court shall in its judgment declare whether the title upheld is of the first or second class, regard being had to the principles laid down in section 31, and shall cancel the certificate of title issued to the registered person, and shall direct the settlement officer to cancel or amend the entry in the register and to issue fresh certificate in terms of the judgment, and the settlement officer shall duly carry into effect such order.

After two years
a second class
title may be
registered as
first class.

64 (1) It shall be lawful for a person registered as having a title of the second class to a land or interest therein to apply to the settlement officer, at any time after the expiration of two years from the date of the registration, to be registered as having a title of the first class instead of the title of the second class.

(2) If the settlement officer shall have received no notice of any action having been commenced with reference to such land or interest within the prescribed time, or if any such action shall have been brought and decided in favour of the registered person, the settlement officer shall register such person as having a title of the first class in place of the title of the second class, and such registration of a title of the first class shall be deemed to have been made on the day on which the title of the second class was registered.

Purchasers and
mortgagees for
valuable
consideration
protected.

65 Should a person registered as having a title of the first class to a land or interest in land have alienated, demised, or incumbered the same for valuable consideration at any time after two years from the date of registration and before notice of action has been given to the settlement officer under section 61, and should the alienee, lessee, or mortgagee have duly registered such alienation, demise, or incumbrance, all rights and claims in or to such land or interest which shall not have been registered at the time of such alienation, demise, or incumbrance shall, notwithstanding that any claimant or incumbrance, be deemed to be extinguished and null and void as against the alienee, lessee, or mortgagee for valuable consideration.

Saving, however, to every claimant the right to proceed against the person originally registered or his estate to recover

the value of such land or interest at the time when the same was so alienated or incumbered, or such greater sum as may, in the opinion of the court before which the claim is prosecuted, be equivalent to the injury which he has sustained by the loss of the land or interest.

Power of settlement officer to correct errors.

66 (1) It shall be lawful for the settlement officer, after due notice to all parties interested and upon such evidence as shall appear to him sufficient in that behalf, to correct errors and supply omissions in any certificate of title or in the register book or entries therein : and if in so correcting errors, or supplying omissions, it becomes necessary in any respect to alter any plan entered in the register book, he shall cause such alterations to be made by the Surveyor-General.

(2) In the correction of any such error or in the supplying of such omission the original entry shall not be erased or made illegible, and the officer making such corrections or alterations shall affix the date on which such correction was made or omission supplied, and his initials.

Settlement officer may call for production of certificate of title for cancellation or correction.

67 In case it shall appear to the satisfaction of the settlement officer that any certificate of title has been issued in error, or contains any misdescription of land or of boundaries, or that any entry in any certificate of title has been made in error, or that any certificate of title or entry has been fraudulently or wrongfully obtained, or that any certificate of title is fraudulently or wrongfully retained, he may summon the person to whom such certificate of title has been so issued or by whom it has been so obtained, or so retained, and in whose possession such certificate may be, to deliver up the same for the purpose of being cancelled or corrected, or for the substitution and issue of such certificate of title as the circumstances of the case may require.

Settlement officer may apply to court to compel delivery of certificate of title.

68 (1) In case such person cannot be served with such summons, or shall refuse or neglect to comply with such summons, the settlement officer may apply to a district court having jurisdiction over the district within which is situate the land for which the certificate of title issued, to summon such person to appear before such court and show cause why such certificate of title should not be delivered up to be cancelled or corrected ; and if such person when served with such summons shall neglect or refuse to attend before such court at the time therein appointed, it shall be lawful for such court to issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the court for examination.

(2) Upon the appearance before the court of any person summoned or brought up by virtue of a warrant as aforesaid, it shall be lawful for the court to examine such person upon oath and to order him to deliver up such certificate of title ; and upon refusal or neglect of such person to comply with the order, to commit him to jail until such certificate of title shall be delivered up.

Court may direct settlement officer to cancel or correct certificate of title.

69 In the case of such refusal or neglect, or in case the court is satisfied after due inquiry that a summons or warrant cannot be served, the court may direct the settlement officer to cancel or correct any entry in the register book relating to such land, and to substitute and issue such certificate of title and make such entries as the circumstances of the case may require, and the settlement officer shall give effect to such order.

Loss of certificate.

70 If a certificate is lost or destroyed, the settlement officer may, on application supported by affidavit stating the fact and circumstances of the loss or destruction, and after such inquiry and advertisement as he may deem necessary, and on being satisfied of the fact of such loss or destruction, and on the applicant paying the prescribed fees and stamps, and giving such indemnity (if any) as the settlement officer shall think fit, issue a new certificate, and shall state thereon that it is issued in substitution of the former certificate.

Registration of deeds affecting registered lands.

71 When the settlement officer has under the provisions of section 47 registered the lands situate in any division in a book bearing the name of such division—

- (a) All subsequent alienations or incumbrances or discharges of incumbrances affecting any interest in any such land; and
- (b) All alienations or incumbrances or discharges of incumbrances affecting any interest in any such land and executed by a claimant after the upholding of his claim and before the registration of his title—

shall be registered in such book.

No deed valid unless registered.

72 No such alienation or incumbrance or discharge of incumbrance shall be of force or avail in law unless so registered.

Proviso.

Provided that if the deeds recording the alienations and incumbrances mentioned in clause (b) of the preceding section are presented with the prescribed stamps for registration to the settlement officer before the expiration of six months from the issuing of the notice mentioned in section 44 (1), such alienations and incumbrances shall be deemed to have been registered on the date when they were presented, and shall be registered in the said book as soon as it is opened, and meanwhile shall, after such inquiry as the settlement officer may deem fit to make for the purpose of identifying the land on the map or division in which it is situate, be provisionally registered in a book to be specially kept for the purpose.

Partition of land pending registration of title.

73 No land situated in a proclaimed division shall be partitioned before registration of title to the land, except in terms of clause 1 (b) of section 32.

Effect of partition when land is subject to mortgage.

74 If at the time any such partition shall be made, an undivided share only of the land partitioned, and not the whole thereof, shall be subject to mortgage, the right of the mortgagee shall be limited to the share in severalty allotted to his mortgagor by and under the same conditions, covenants, and reservations as shall be stipulated in the mortgage, so far as the same shall apply to a share in severalty; and the owner of the share in severalty so subject to mortgage shall, without a new deed of mortgage, warrant and make good to the mortgagee the said several part after such partition as he was bound to do before such partition.

Registration of partition of a registered land.

75 (1) Every registered person or persons or his or their successors in title partitioning any land after the title to such land has been registered shall forthwith furnish information of such partition to the settlement officer substantially in the Form L in the Third Schedule hereto, with a map prepared by a licensed surveyor and distinctly exhibiting every allotment into which the land has been so divided, marked with distinct numbers or symbols and showing the areas, and shall apply for the registration of the new allotments.

(2) It shall thereupon be lawful for the settlement officer to make such inquiry as he may deem expedient to verify the right of the applicant or applicants and the correctness of the map, and if they are not established to his satisfaction, he shall, subject to an appeal to the Supreme Court, refuse to register the new allotments.

(3) But if he is satisfied, he shall register the new allotments in separate and fresh pages of the register, with separate maps of the allotments which he shall cause to be prepared by the Surveyor-General, and with such references as may be necessary to identify the registration of the new allotments with the original registration.

(4) The settlement officer shall recall the original certificate, and on payment of the prescribed stamp duty issue fresh certificates to the owners of the allotments.

Notices to be given to Registrar-General where no settlement officer.

76 All notices or directions required to be given to a settlement officer under the provisions of this chapter shall, when the Governor has made order under section 8 (4) for the transfer of the duties therein specified to a registrar, be given to the Registrar-General instead of the settlement officer, and thereupon the Registrar-General, or the registrar aforesaid with the authority in writing of the Registrar-General, shall perform the duties required to be exercised by the settlement officer under this chapter.

Deeds affecting registered lands and inconsistent with the entries in the register.

77 (1) Whenever a deed or instrument affecting a registered land is tendered for registration, and any statement, plan, or other matter in such deed is inconsistent with the entry made in the register, it shall be lawful for the settlement officer, after due notice to the parties interested, to hold inquiry regarding such inconsistency or discrepancy.

(2) If the entry in the register be found to be erroneous or defective, he shall make the necessary correction in terms of section 66.

(3) If the entry is found to be correct and irreconcilable with the deed tendered for registration, he shall refuse to register the deed.

(4) The settlement officer's order under this section shall be subject to an appeal to the Supreme Court.

Certificate to be produced to settlement officer for endorsement.

78 (1) On every entry in the register of an alienation or incumbrance of a land or interest therein by a registered owner, and on every registered transmission under section 79 and on every rectification of the register, the certificate of title relating to such land or interest shall be produced to the settlement officer, who shall endorse on the certificate a note of every such entry, transmission, or rectification.

Certificate to be delivered to purchaser.

(2) In case of the sale of a registered land the certificate of title to the land shall be delivered by the vendor to the purchaser on the completion of the purchase; or if only a part of the land comprised in the certificate is sold, a certificate for such part shall be prepared by the settlement officer in duplicate, of which one shall be issued to the purchaser and the other filed in the office of the settlement officer, and an entry of the sale shall be made in the vendor's certificate.

Registration of legal representative of deceased owner.

79 (1) On the death of any person registered as owner of any interest in a land, his legal representative shall, on a written application in that behalf to the settlement officer and after such inquiry as the settlement officer may deem fit to make, be registered as the owner of the interest of the deceased, and until such registration is made no dealing by such representative with the said interest shall be of force or avail in law.

(2) Every person to whom probate of a will or letters of administration have been granted shall—

(a) Forthwith apply for registration thereof in terms of the last section; and

(b) Execute in favour of the persons entitled thereto the necessary conveyances of lands of the estate of the testator or intestate.

Future tacit hypothecs abolished.

80 No lien, charge, mortgage, or hypothec (other than such as may arise or be created under or by virtue of statutory enactment) shall be created or effected so as to be of any legal validity upon or in respect of a registered land, unless the same be created or effected by a last will, of which probate is registered under this Ordinance, or by the order of a competent court, or by a duly executed deed, such order or deed being duly registered under this Ordinance.

Duties of notaries in

81 It shall be the duty of every notary, from and after the expiration of the period of six months mentioned in section

regard to deeds
affecting
registered lands.

44, before drawing or attesting any deed affecting any registered land—

- (a) To call for and inspect the certificate of title issued in respect of such land to the registered person.
- (b) To inspect the register in which such land has been registered and to satisfy himself that the deed about to be drawn or attested is consistent with the registered title and with the registered alienations or incumbrances, if any.
- (c) To refuse to draw or attest the deed if it is inconsistent with the registered title and registered alienations and incumbrances, or if the person at whose instance he prepares such deed fails to produce the certificate of title, or to pay him the prescribed charges for the inspection of the register, or the stamp duty payable for the registration of the deed.
- (d) To insert at the head of the deed the number of the allotment of such land in the registered plan.
- (e) To register every such deed attested by him.

Penalty for
non compliance.

If any notary shall neglect or fail to perform the duty imposed on him by this section, he shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred rupees.

Provisions of this
chapter to, apply to
lands in divisions
brought under the
Ordinance 5 of
1877.

82 The provisions of chapter IV. and this chapter shall, so far as practicable, apply to lands situated in the divisions already brought under the operation of the Ordinance No. 5 of 1877 and to deeds affecting such lands, provided that—

Proviso 1

- (1) Every registration of title in regard to which a certificate has not been issued up to the commencement of this Ordinance shall, for the purposes of sections 44 and 59, be taken as made on the commencement of this Ordinance.

Proviso 2.

- (2) Lands in regard to which certificates of title have issued before the commencement of this Ordinance shall be deemed, for the purposes of section 59, to have been registered at the commencement of this Ordinance.

Proviso 3.

- (3) No alienation or incumbrance affecting any land shall be of force or avail in law unless registered in the book mentioned in section 26 of the Ordinance No. 5 of 1877 within twelve months from a date to be notified by the Registrar-General in the *Government Gazette* and by beat of tom-tom once a month during such period of twelve months in the division, town, or village in which such land is situated, and on being registered such alienation or incumbrance shall have priority according to the order in time of registration.

Proviso 4.

- (4) In regard to lands to which no claim has been made or upheld it shall be lawful for the Registrar-General, on the commencement of this Ordinance, to prepare and issue the list and notice mentioned in section 44 (2), and to deal with and dispose of every claim made in pursuance of such notice in the same manner as the claims made under section 23, and to register such lands in the manner required by section 47; and if no claim shall have been made to any land referred to in such notice, or if a claim or claims being made none shall be upheld, it shall be lawful for the Registrar-General to register such land in manner provided by section 57, whereupon the same shall become vested in and become the property of the Crown free from all incumbrances.

Registration of
deeds under
this chapter to
be governed by
provisions of
next chapter.

83 As far as practicable, and unless inconsistent with the provisions of this chapter, the provisions of the next chapter shall apply to deeds tendered for registration under this chapter.

PART IV.

CHAPTER VI.

INTERIM REGISTRATION OF DEEDS.

Preamble.

Whereas the preparation of surveys and the investigation and registration of titles hereinbefore provided for are likely to be attended with delay, and it is expedient to provide for the registration in the meantime of deeds affecting land independently of the registration of titles, it is therefore enacted that—

Books for registration and inspection thereof.

84 (1) At each registry there shall be kept a set of books for the registration therein of any deed which may be brought to such registry for registration as hereinafter provided, to each book being allotted some defined portion of the district or districts or part thereof annexed to such registry in manner provided by section 6, so that every deed relating to lands situate therein may be registered so as to facilitate reference to all existing alienations or incumbrances affecting the same lands, and such registration shall be substantially in the Form M in the Third Schedule hereto, or in such other form as may be prescribed by the Governor.

(2) The said books shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all parties, including judgment creditors, interested, or claiming to be interested therein, or to their proctors or agents duly authorized thereto in writing, or to any notary acting in the discharge of the duties of his office, with liberty to demand and receive copies thereof or extracts therefrom upon payment of the prescribed fees and stamp duties.

(3) The volumes and books kept under section 37 of the Ordinance No. 8 of 1863 and section 15 of the Ordinance No. 14 of 1891 shall be deemed to be parts of the volumes and books kept under this Ordinance.

All deeds affecting land to be registered.

85 (1) Every deed affecting land or any interest in land may be registered in the land registry of the district in which such land or property is situate, in the books mentioned in the preceding section, unless or until books have been opened under section 47, and immediately thereafter in such books.

(2) "Deed," for the purposes of this section, means any instrument duly executed in this island on or after the First day of January, 1864, and includes the discharge of an incumbrance.

(3) Deeds and instruments already registered under the provisions of Ordinances No. 8 of 1863 and No. 14 of 1891 shall not require re-registration under this Ordinance; and such rights, benefits, or privileges as have arisen in respect of such deeds and instruments under the said Ordinances No. 8 of 1863 and No. 14 of 1891 shall be unaffected by the provisions of this Ordinance.

Effect of non-registration.

86 Every such deed, unless so registered, shall be deemed void as against all parties claiming an adverse interest thereto on valuable consideration by virtue of any subsequent deed which shall have been duly registered as aforesaid.

Provided that—

- (1) Fraud or collusion in obtaining such last-mentioned deed, or in securing such prior registration, shall defeat the priority of the person claiming thereunder;
- (2) Priority shall not be lost merely in consequence of the person claiming under the registration having been affected with actual or constructive notice, except in cases of actual fraud; and
- (3) Nothing herein contained shall be deemed to give any greater effect or different construction to any deed registered in pursuance hereof, save the priority hereby conferred on it.

(4) Such priority shall not be affected by the subsequent registration of any deed executed before the deed first registered.

Production of deeds for registration.

87 (1) It shall be lawful for the party gaining an interest or benefit under any deed registrable under section 85, personally or by his agent, to produce or send the same, or a duplicate, or authenticated copy thereof to the registrar of the district in which the land or property thereby affected is situate.

(2) Such registrar shall forthwith, upon receipt of the deed with the proper stamp for registration, enter the deed consecutively according to the order of its receipt in a book to be kept substantially in the Form N in the Third Schedule hereto, and which shall be called "the day book;" and he shall thereafter register the deed on the appointed page of the book assigned for the division or village wherein the land or property is situated.

(3) Upon such registration the deed shall be deemed to have been registered at the time of its entry in the day book.

Registration of probates and letters of administration.

88 When a party applies to have a probate or letters of administration registered in respect of any land, he shall produce to the registrar an authenticated copy of the inventory or list of appraisal filed in the case in which application for probate or administration was made, and shall further give such description of the land as the registrar shall require for the purposes of registration.

Registrar may call for proof, and give notice to third parties.

89 (1) Every such registrar shall be entitled, if he see fit so to do, to require any person applying for the registration of a deed to prove its due execution, the identity of the land affected by the deed or of the parties to it, and in the case of an authenticated copy the loss or destruction of the original. And where he may have reason to apprehend that a fraud has been or is about to be committed on any person, he shall give notice to such person of the intended registration in order to prevent the same being effected to his prejudice.

(2) If the registrar is satisfied upon inquiry that the deed was duly made and, in the case of an authenticated copy, of the loss or destruction of the original, and as to the identity of the land or the parties, and that there is no reason to believe that a fraud has been or is about to be committed, he shall register the deed, and the registration shall take effect from the time of the entry in the day book.

(3) If he is not satisfied, he shall refuse to register the deed, and shall return the same unregistered, and shall record the fact in the day book.

(4) For the purposes of the inquiry under this section the registrar shall have power to cite and examine witnesses upon oath or affirmation, and to call for the production of any document material to the inquiry from the person who has the custody of such document.

Deed to be stamped before registration.

90 No deed shall be registered unless the same has been stamped with the prescribed registration stamp.

Registrar in case of doubt may apply to the Registrar-General.

91 (1) If a registrar is in doubt as to whether an instrument should be registered, or as to whether it is liable to stamp duty for its registration, and if liable, to what amount of duty it is liable, he shall, after entering the deed in the day book, apply in writing to the Registrar-General for his decision thereon. The Registrar-General shall thereupon declare his decision.

(2) Any person dissatisfied with such decision may appeal against the same to the Supreme Court within ten days from the decision being communicated to him. The registrar shall, in terms of the decision of the Registrar-General or in case of an appeal being taken of the Supreme Court in appeal register or refuse to register the said instrument.

Registration ordered conditionally should take effect from time of compliance with condition.

92 (1) If the registration of the deed be ordered by the Registrar-General or the Supreme Court to be made on condition of payment of stamp duty or on other terms, then upon the compliance of the person seeking registration with such condition or terms the registrar shall register such deed in the manner hereinbefore prescribed, and the same shall be deemed to have been registered on the date of such compliance.

(2) If the Registrar-General or the Supreme Court in appeal shall decide that the deed should have been registered when originally tendered to the registrar, the deed shall upon registration be deemed to have been registered at the time of its entry in the day book.

Registration to be endorsed on document.

93 The registrar shall immediately after registration make and sign an endorsement thereof on the deed registered, and deliver the same to the person who delivered it for registration, or his agent or representative, and the endorsement shall be substantially in the Form O in the Third Schedule hereto.

Deed affecting lands lying in different districts.

94 (1) When several lands are affected by the same deed and lie in more districts than one, the deed may be produced or sent for registration to the Registrar-General in Colombo, or to the registrar of each of the districts in which the lands are situate.

(2) If produced to the Registrar-General, he shall, on payment of a stamp duty of ten rupees in addition to the prescribed duty, cause the deed to be registered in the land registry of each district and sign the endorsement of registration.

(3) If produced to the registrar of each district, the first registrar to whom the deed is produced shall levy the prescribed duty, and the deed shall be registered free in the other land registries.

Mode of description of lands in deeds.

95 (1) Every deed or authenticated copy thereof produced for registration shall contain embodied therein, or in a schedule annexed thereto, an accurate and clear description of the property affected thereby, its boundaries, extent, and situation with respect to the village, pattu, korale, or other division of the district; and in case such property is situated in any town, the name of the street in which it is situated and its assessment number and name, if any.

(2) If such property consists of a divided portion of a land or allotment, such portion shall be clearly and accurately defined by its particular boundaries and extent.

(3) If such property consists of an undivided share in a land, the proportion which the share bears to the entire land shall be stated, and a description of such land shall be given as required by sub-section (1).

Volume and folio of previous registration to be quoted.

96 When any property which shall have been once registered shall be subsequently sold, incumbered, or otherwise affected or dealt with, the deed purporting to transfer or otherwise deal with or affect such property shall state the volume and folio of the register in which such property has been previously registered.

Treatment of deeds executed in violation of sections 94 and 95.

97 No deed which does not state the particulars required by the two preceding sections shall be admitted to registration except with the sanction of the Registrar-General, upon the necessary particulars being supplied by affidavit by the person producing the deed for registration, and on such other terms as the Registrar-General may think expedient.

Registration of Crown grants.

98 Every Crown grant shall, before delivery to the grantee, be registered in the land registry of the division in which the land affected by the grant is situated, and for the purpose of such registration it shall be lawful for the Crown to recover from the grantee at the time of the sale of the land, or before delivery of the deed, the stamp duty payable for the registration.

Caveat against registration of deeds.

99 (1) It shall be competent to any party to lodge with the registrar a caveat substantially in the Form P in the Third Schedule hereto to prevent the registration of any deed affecting any land, and such caveat shall state a postal address within the island of the party lodging the same, and shall bear the prescribed stamp and shall be registered free of further duty.

(2) On such caveat being registered the party lodging the same shall be entitled to notice of any application for registration as regards such land, which notice shall be deemed to have been duly given if posted to the address stated in the caveat.

(3) Where the caveat limits the time of its operation, it shall cease to have any force upon the lapse of such time.

(4) No caveat shall be sufficient to prevent a registration applied for unless it be followed up within thirty days after the posting of the notice of application for such registration by an action before some competent court and notice thereof to the registrar, in which case the registrar shall suspend the registration until the final adjudication of such action, and shall then give effect to such adjudication.

On partition a fresh registration shall be effected.

100 When a deed affecting a divided share of any land which has been registered as one allotment is tendered for registration, the registrar shall, after such inquiry as he may deem fit to make, register such share on separate and fresh pages of the book, with such references as may be necessary to connect the same with the original registration.

No sequestration or seizure operative unless notice thereof registered.

101 No sequestration by order of court or seizure in execution of any immovable property shall render null and void or invalidate any subsequent alienation or incumbrance of such property, unless a notice of such sequestration or seizure shall have been registered in the land registry of the district in which such property is situate, in accordance with the provisions of the 237th section of the Civil Procedure Code.

PART V.

CHAPTER VII.

MISCELLANEOUS.

Rights of public and Crown reserved.

102 Nothing in this Ordinance shall be held to affect the rights of the Crown or any rights which the public may possess or be entitled to in respect of any immovable property.

When growing crops are deemed an interest in land.

103 Every transfer, assignment, or mortgage effected by any instrument executed after the passing of this Ordinance of any vegetable produce of any land to be grown, gathered, or cut after the expiration of one year from the date of such instrument, shall, if the value of the produce thereby expressed to be transferred, assigned, or mortgaged exceed one thousand rupees, be deemed, for the purposes of this Ordinance, to create an interest in land, notwithstanding that by the terms of such instrument an interest in land would not otherwise be created.

Form of discharge of mortgage.

104 No discharge of a mortgage shall be registered under the provisions of this Ordinance unless effected by an instrument duly executed in manner provided by section 2 of Ordinance No. 7 of 1840 or by Ordinance No. 17 of 1852, or by a receipt or acknowledgment written across the face of the original instrument creating such mortgage, and signed by the person entitled to recover the money due on, or secured by such mortgage in the presence of a solicitor, proctor, notary public, or justice of the peace, who shall attest such signature in the Form Q in the Third Schedule hereto.

Stamps and fees chargeable.

105 (1) The stamp duties and fees mentioned in the Fourth Schedule hereto shall be chargeable in respect of the deeds, instruments, and proceedings therein mentioned.

(2) The Governor, with the advice of the Executive Council, may from time to time revoke or alter the said duties and fees, or prescribe fresh duties and fees, and thereupon the stamp duties and other fees so altered or prescribed shall be payable as if they had been contained in the schedule to this Ordinance.

(3) Nothing in this Ordinance contained shall make it obligatory on any settlement officer or registrar to do any act, or permit any act to be done, in respect of which such duty or fee is specified and fixed, except on payment of the duty or fee.

Forms and alterations of same.

106 (1) The forms in the schedule to this Ordinance, or forms as nearly resembling the same as circumstances admit, shall be used in all cases to which they are applicable.

(2) The Governor, with the advice of the Executive Council, may alter from time to time all or any of the forms contained in the schedule to this Ordinance, or in any rule or order made thereunder, in such manner as may appear to him best for carrying into effect this Ordinance, or to prescribe new or additional forms. Every form when altered, made, or prescribed in pursuance of this section shall have the same effect as if it had been contained in the schedule to this Ordinance.

Execution. Rules of courts of requests to apply.

107 The rules which regulate the execution of orders and decrees made by courts of requests shall, so far as they are practicable and not inconsistent with the provisions of this Ordinance, apply to the execution of orders and decrees made by a settlement officer or by the Supreme Court on appeal from such order.

Appeals. Rules of courts of requests to apply.

108 So far as practicable, and unless otherwise herein directed, every appeal under this Ordinance to the Supreme Court shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from courts of requests are dealt with and disposed of.

On refusal or neglect of registrar, district court may make an order.

109 In any case where a registrar or other person shall refuse or wilfully neglect or delay to perform any duty imposed upon him by this Ordinance, or where a person is aggrieved by any order of a registrar purporting to be made under this Ordinance, and no special provision has been made in this Ordinance for such case; it shall be competent for the district court of the district wherein the land thereby affected is situate, upon the application of the person aggrieved supported by an affidavit and such further proof as the court may consider necessary, to issue a rule on such registrar or other person to show cause why such duty shall not be performed or why such order shall not be set aside, modified, or amended; and after cause shown, or upon default thereof, to make such order as the court may deem right, which order shall have the effect of, and be put in execution in the same manner as, a judgment pronounced by such court.

Duplicates of deeds to be transmitted to the registrar.

110 (1) Every judge, commissioner of requests, or justice of the peace before whom any deed or other instrument shall be executed under the provisions of the Ordinance No. 17 of 1852, or who shall issue a certificate of sale under section 8 of Ordinance No. 10 of 1863; and

(2) Every government agent executing a certificate of sale under section 48 of Ordinance No. 16 of 1865 or section 58 of Ordinance No. 23 of 1889, or section 9 of Ordinance No. 18 of 1892, or section 17 of Ordinance No. 20 of 1896, or section 34 of Ordinance No. 13 of 1898, or a certificate of acquisition under section 12 of Ordinance No. 3 of 1876, or a certificate under section 7 of Ordinance No. 12 of 1840; and

(3) Every chairman of a municipal council executing a deed of sale or lease under section 164 of the Ordinance No. 7 of 1887; and

(4) Every chairman of a provincial road committee issuing a certificate of sale under section 30 of Ordinance No. 4 of 1874—

shall deliver or transmit a duplicate of the said deed, instrument, or certificate on or before the fifteenth day of the month following that in which it was attested or executed to the registrar within whose local jurisdiction such judge, commissioner, justice, government agent, or chairman resides; and in case the land is situate in the local jurisdiction of another registrar, he shall likewise transmit or deliver a copy of such deed, instrument, or certificate to the registrar last mentioned.

Registrar to bind and index all duplicates.

111 (1) Every registrar shall from time to time cause all duplicates transmitted or delivered to him under the preceding section, or by any notary under the provisions of the Ordinance No. 2 of 1877, to be bound in convenient volumes, distinguished by the designation of the judge, commissioner, government agent, chairman of the municipal council, or other officer, or by the name of the justice or notary before or by whom the same shall have been executed or attested, and shall keep and preserve the same in his office with indexes which shall be prepared by him to facilitate reference.

Copies and inspection.

(2) All such duplicates and indexes shall at all reasonable hours upon a written application in that behalf be open to the inspection and perusal of all parties interested therein and of their agents duly authorized thereto in writing, with liberty to demand and receive copies thereof or extracts therefrom upon payment of the prescribed fees and stamp duties.

List of executors, &c.

112 (1) The secretary of every district court throughout the island shall at the end of every month transmit to the registrar within whose local jurisdiction such court is situate a list of all persons to whom such court shall during the month have issued probate, letters of administration, or guardianship, or certificates of curatorship, or who have during the month been appointed assignees in insolvency, showing the numbers and captions of the cases in which the same have been issued or such appointments have been made.

(2) The Colonial Secretary shall, at the end of every month, transmit to every registrar a list of all persons who shall have become debtors to the Crown, or sureties for such debtors.

(3) The registrar shall from time to time prepare alphabetical lists of such executors, administrators, guardians, curators, assignees, debtors, and sureties, and keep and preserve the same in his office, and also transmit a copy thereof to the land registry office in Colombo.

(4) All such lists shall, upon a written application in that behalf, and on payment of the prescribed fees, be open to the inspection and perusal of all persons.

Penalty for fraud.

113 Any person who—

- (1) Fraudulently registers any land or interest not belonging to him; or
- (2) In the course of any proceedings under this Ordinance with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or abets the suppression of any document or fact; or
- (3) Fraudulently makes, or abets the making of, any entry, erasure, or alteration in any register or document made under this Ordinance—

shall be guilty of an offence, and be liable on conviction to simple or rigorous imprisonment for a term not exceeding three years.

SCHEDULE I.

Ordinances repealed.

(Section 2.)

Number and Year.	Subject or Title.
5 of 1877 . .	" An Ordinance to amend the Law relating to the Registration of Titles to Land in this Colony."
4 of 1889 . .	" An Ordinance to amend 'The Land Registration Ordinance, 1877.' "
14 of 1891 . .	" An Ordinance relating to the Registration of Titles to Land and of all Deeds affecting Land in this Colony."

SCHEDULE II.

A.—Oath or Affirmation.

(Section 10.)

I, *A. B.*, do sincerely promise and swear (or declare and affirm, as the case may be) that I will faithfully and diligently execute to the utmost of my abilities, the duties of Registrar-General of Lands (or Registrar of Lands for _____ or Land Settlement Officer for the Division of _____, as the case may be).

So help me GOD (if sworn to).
A. B.

Sworn (or affirmed) on the _____ day of _____, A.D.—
Before me, _____,
Justice of the Peace.

SCHEDULE III.

A.—Notice to Claimants.

(Section 19.)

Land Registration Division (here specify the division as defined in the Proclamation).

Notice is hereby given that I, *A. B.*, Registrar-General of Lands (or Land Settlement Officer), will receive all claims to the several lands situate in the above division at the respective places and on the respective days and hours specified in the subjoined schedule.

And I do hereby require all persons having or claiming a right, title, interest, or charge in, to, or over any of the lands within the said division, or the duly authorized representatives of such persons, to appear before me at the place and time specified and to state their claims to the said several lands.

Date _____.

A. B.,
Registrar-General or Land Settlement
Officer (as the case may be).

Schedule.

Place where Claims will be received.	Date and Hour when Claims will be received.	Registration Plan No. of Allotments to which Claims will be received.

B.—Statement of Claims.

(Section 23 (2).)

Registration Plan No. ———.

Land Registration Division (*here specify the division as defined in the Proclamation*).

No. of Allotment.	Name of Land.	Extent.	Name of Claimant.	Nature of Claim.	Value of Claim.	Nature of Title.	Remarks by Land Settlement Officer.	Referred to Arbitration.	Title made out.
		A. R. P.							

Date ———. (Signature of Claimant or Claimants.)

N.B.—The last three columns to be filled in by the Settlement Officer, and then signed by him.

C.—Reference to Arbitration.

(Section 26 (2).)

Registration Plan No. 105.

Land Registration Division (*here specify the division as defined in the Proclamation*).

We, the undersigned, claimants of the above-mentioned land, do hereby agree, under the terms of the ——— section of "The Land Registration Ordinance, 190—," to refer all disputes touching our several claims to the above-mentioned land as set forth in the statement of claims No. ———, to the arbitration and award of (*Adambarage Theodoris Alwis*) and (*Disanayakage Joronis Pieris*) (if more than one be named), with power to them to nominate an umpire.

The award to be made within ——— days from the date hereof unless the time be enlarged.

October —, 19 —

Witness.

Land Settlement Officer. *M. Juwanis Perera.*
Mark of (+) M. Isaac Perera.
Diyonis.

We, the above-named arbitrators, do hereby accept this reference and nominate the Settlement Officer (*or Sembuge Siman Perera*) as umpire.

Witness.

Land Settlement Officer. *A. Theodoris Alwis.*
D. Joronis Pieris.

D.—Form of Writ of Possession.

(Section 39.)

In the Matter of the Claim of ———, of ———, and others, under "The Land Registration Ordinance, 190 —"

Registration Plan No. ———.

Land Registration Division (*here specify the division as defined in the Proclamation*).

A. B.—Statement of claim No. ———.

C. D.—Statement of claim No. ———.

E. F.—Statement of claim No. ———.

To the Fiscal of the ——— Province.

Whereas by an order dated the ——— day of ———, 19 — the Settlement Officer upheld the claim of A. B., of ———, claimant under "The Land Registration Ordinance, 190 —," against C. D., of ———, and E. F., of ———, to the land ——— No. ——— in registration plan No. ———, bounded: ———

These are to command you that without delay you enter the said land and cause the said A. B., to have possession of the said land and premises, or such person as he shall authorize to receive

possession of the same, and if need be remove the said *C. D.* and *E. F.* and any person claiming under both or either of them.

You are further commanded to return this writ on or before the _____ day of _____, 19 —, with an endorsement showing the day on, and the manner in, which it has been executed, or the reason why it has not been executed.

A. B.,

The _____ day of _____, 19 —. Land Settlement Officer.

E.—Final Notice to Claimants.

In the Matter of "The Land Registration Ordinance, 190 ."

(Section 44 (1).)

Registration Plan No. _____.

Land Registration Division (*here specify the division as defined in the Proclamation*).

All persons who have or pretend to have any claim which has not been already preferred to any of the lands situated in the aforesaid division, and who assert a right adverse to that of any of the persons whose claims have been upheld, are hereby required to prefer their claims before me within six months from the _____ day of _____, 19 —.

Dated _____, 19 —.

Land Settlement Officer.

F.—Notice in regard to Unclaimed Lands.

In the Matter of "The Land Registration Ordinance, 190 ."

(Section 44 (2).)

All persons who have or profess to have any claim to any of the lands hereinafter mentioned, and who have not preferred such claims before me, are hereby required to prefer their claims before me within six months from the _____ day of _____. In default the lands claimed will, under the provisions of section 55 of the above-mentioned Ordinance, be registered as the property of the Crown.

List of Lands.

Dated _____, 19 —.

Land Settlement Officer.

G.—Certificate of Ownership.

(Section 54.)

The Land Registration Ordinance, 190 .

No. 89.

_____ Pattu } Land Registration { _____ District.
_____ Korale } Division, { _____ Province.

These are to certify that _____, of _____, was on the _____ day of _____, 19 —, registered with effect from _____, 19 —, as owner, with a title of the *first* (or *second*) class of (*one undivided half share of*) an allotment of land called _____ in _____ in the district of _____, as delineated and described in the foregoing plan (*subject to a certain lease* and to a certain incumbrance,† as hereunder mentioned*).

Given at _____, this _____ day of _____, 19 —.

A. B.,

Land Settlement Officer.

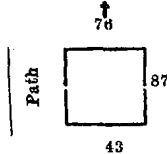
* Lease dated the _____ day of _____, 19 —, in favour of _____ for a term of _____ years from the _____ day of _____, 19 —, executed by _____ and attested by _____, Notary Public.

† Mortgage in favour of _____, dated the _____ day of _____, 19 —, of _____ for Rs. _____ and interest thereon at the rate of _____ per cent. per annum from the _____ of _____, 19 —, executed by _____ and attested by _____, Notary Public.

A. B.,

Land Settlement Officer.

Book vol. I., p. 37.
Registered plan No. 4.
Allotment No. 79.



Scale of—chain to an inch
An allotment of land
situate in the village
(*Dehiwala*) in the _____
korale.

Bounded N. by No. 76 of—
E. by No. 87 of—
S. by No. 43 of—
W. by a path.

Extent, 1a. 3r. 28p.
Surveyed by—
Drawn by— Exd. by—
Written by—

A. B.,
Surveyor-General.
Surveyor-General's Office,
Colombo, —.

H.—Certificate of Interest (Reversion).

(Section 54.)

The Land Registration Ordinance, 190

No. 74.

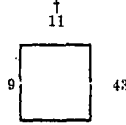
_____ Pattu } *Land Registration* { _____ District.
 _____ Korale } *Division,* _____ } _____ Province.

These are to certify that _____, of _____, was on the _____ day of _____, 19 __, registered with effect from the _____ day of _____, 19 __, as owner in reversion with a title of the *first (or second)* class, of _____ an allotment of land called _____ in _____ in the district of _____, as above described, expectant upon the decease of _____, of _____, who has a life-interest therein by virtue of _____ bearing date the _____ day of _____, 19 __, No. __, attested by _____, of _____, Notary Public.

Given at _____ this _____ day of _____, 19 __,

A. B.,
 Land Settlement Officer.

Book vol. VII., p. 98.
 Registered plan No. 4.
 Allotment No. 34.



Scale of—chain to an inch.
 An allotment of land situate in the village (*Kirillapana*) in the _____ korale.
 Bounded N. by No. 11 of—
 S. by No. 7 of—
 E. by No. 43 of—
 W. by No. 9 of—
 Extent, 2a. 1r. 32p.
 Surveyed by—
 Drawn by— Exd. by—
 Written by—
 A. B.,
 Surveyor-General.
 Surveyor-General's Office,
 Colombo, _____.

I.—Certificate of Interest (Lease).

(Section 54.)

The Land Registration Ordinance, 190

No. 109.

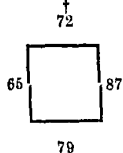
_____ Pattu } *Land Registration* { _____ District.
 _____ Korale } *Division,* _____ } _____ Province.

These are to certify that _____, of _____, was on the _____ day of _____, 19 __, registered with effect from the _____ day of _____, 19 __, as lessee with a title of the *first (or second)* class for a term of _____ years, commencing from the _____ day of _____, 19 __, of _____ an allotment of land called _____ in the district of _____, as above described, by virtue of a lease bearing date the _____ day of _____, 19 __, No. __, executed by _____, of _____, and attested by _____, of _____, Notary Public.

Given at _____, this _____ day of _____, 19 __,

A. B.,
 Land Settlement Officer.

Book vol. VII., p. 83.
 Registered plan No. 4.
 Allotment No. 79.



Scale of—chain to an inch.
 An allotment of land situate in the village (*Nagoda*) in the _____ korale.
 Bounded N. by No. 72 of—
 E. by No. 87 of—
 S. by No. 79 of—
 W. by No. 65 of—
 Extent, 0a. 1r. 3p.
 Surveyed by—
 Drawn by— Exd. by—
 Written by—
 Surveyor-General.
 Surveyor-General's Office,
 Colombo, _____.

J.—Certificate of Contract.

(Section 54.)

The Land Registration Ordinance, 190

No. 152.

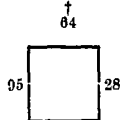
_____ Pattu } *Land Registration* { _____ District.
 _____ Korale } *Division,* _____ } _____ Province.

These are to certify that _____ has contracted to purchase from _____, the owner thereof, and _____ has contracted to sell to _____, an allotment, &c., for the sum of _____ rupees, whereof the sum of _____ rupees has been already paid to _____, and the balance is payable on, &c., under a contract dated, &c., and attested by _____, Notary Public. The title of the said _____ is a title of the *first (or second)* class to the benefits of the said contract, and takes effect from the _____ day of _____ 19 __.

Given at _____, this _____ day of _____, 19 __,

A. B.,
 Land Settlement Officer.

Book vol. X., p. 162.
 Registered plan No. 456.
 Allotment No. 36.



Scale of—chain to an inch.
 An allotment of land situate in the village (*Weligampitiya*) in the _____ korale.
 Bounded N. by No. 64 of—
 S. by No. 69 of—
 E. by No. 28 of—
 W. by No. 95 of—
 Extent, 2a. 3r. 26p.
 Surveyed by—
 Drawn by— Exd. by—
 Written by—
 Surveyor-General.
 Surveyor-General's Office,
 Colombo, _____.

N.—Day Book.

(Section 87.)

1	2	3	4	5	6	7	8	9	10	11	12	13
Date and Hour of Receipt.	Serial No. Day Book.	Name of Person tendering Deed for Registration.	Names of Lands affected by Deed.	Description of Deed.	Date and Number and Language of Deed.	Name of attesting Notary or Judge, &c.	Transferor, Mortgagee, Assignor, Lessor, &c.	Value or Consideration.	Number of Lands affected.	Registration Duty.	Volume and Folio of Register.	Signature of Person to whom Deed returned, and Date of Return.

O.—Form of Registrar's Endorsement.

(Section 93.)

Registered A* 5†
130‡

Kandy, January 7, 1884.

John Smith,
Registrar.

* Subdivision of District.
† Volume of Register.
‡ Folio of Volume.

P.—Form of Caveat forbidding the Registration of any Deed affecting any Land.

(Section 99(1).)

To the Registrar of _____.

Take notice, that I, A. B., of _____, claiming _____ in _____ allotment No. _____, situated in the _____, in the _____, of the _____ Province, and registered in Volume _____, Folio _____, forbid the registration of any deed or other instrument affecting the said land _____ (executed or about to be executed by _____, of _____, until _____).

Colombo, dated the _____ day of _____ 19 _____.

A. B.


1 Insert postal address.
2 State nature of the estate or interest claimed.
3 Name or description of land.
4 Village or division of town.
5 Pattu, korale, or district.
6 Adding, if the caveator wish, the words in brackets.

Q.—Form of Attestation, to be written after words acknowledging receipt or discharge.

(Section 104.)

Signed by A. B. at _____,
this _____ day of
19 _____.

Before me,

A.B. 

Solicitor (or as the case may be).
(Address) _____.

SCHEDULE IV.—STAMPS AND FEES

(Section 105.)

A.—Stamp Duty on the Registration of Deeds. Rs. c.

1	Every Crown Grant, a stamp duty of	..	1	0
2	Every transfer of property by an executor, administrator, or trustee without consideration to the person beneficially entitled to such property, or when made by order of court in cases of divorce <i>a vinculo matrimonii</i> , a stamp duty of	..	10	0
3	Every transfer of property without consideration by a trustee or trustees, or the executors or administrators of a deceased trustee or trustees to a surviving trustee or trustees, or to a new trustee or trustees, or to a surviving trustee or trustees and a new trustee or trustees, a stamp duty of	..	10	0
4	Every other deed of sale, purchase, transfer, assignment, or mortgage of any immovable property, or of promise, bargain, contract, or agreement for effecting any such object or for transferring any security, interest, or incumbrance affecting such property (other than a lease) or of contract or agreement for the future sale or purchase or transfer of any such property—			
	(a) Where the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed Rs. 100, a stamp duty of	..	1	0
	Where it exceeds Rs. 100 and does not exceed Rs. 250	..	2	0
	Rs. 250 and does not exceed			
	Rs. 500	do.	Rs. 500	.. 3 0
	Rs. 1,000	do.	Rs. 1,000	.. 4 0
	Rs. 2,500	do.	Rs. 2,500	.. 5 0
	Rs. 5,000	do.	Rs. 5,000	.. 7 50
	Rs. 10,000	do.	Rs. 10,000	.. 10 0
	And for every further Rs. 10,000 or part of Rs. 10,000	..	10	0
	(b) Where the consideration of the instrument is <i>not wholly</i> in money, an addition of	..	10	0
	(c) Where the money consideration of the instrument is <i>not stated</i> , but the <i>value</i> of the property is stated—			
	Where such value does not exceed Rs. 100	..	1	0
	Where it exceeds Rs. 100 and does not exceed Rs. 250	..	2	0
	Rs. 250 and does not exceed			
	Rs. 500	do.	Rs. 500	.. 3 0
	Rs. 1,000	do.	Rs. 1,000	.. 4 0
	Rs. 2,500	do.	Rs. 2,500	.. 5 0
	Rs. 5,000	do.	Rs. 5,000	.. 7 50
	Rs. 10,000	do.	Rs. 10,000	.. 10 0
	And for every further Rs. 10,000 or part of Rs. 10,000	..	10	0
	(d) Where neither the money consideration of the instrument nor the value of the property is stated	..	2	0
	(e) Where the total amount of money ultimately recoverable upon the instrument is indefinite, a duty of	..	25	0
	(f) Where the consideration of the instrument, or where the sum recoverable upon the instrument, is a definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, together with an indefinite sum to be thereafter lent, advanced, or paid, or which may become due upon an account current, the same duty and conditions as to calculation of duty on the definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, as where the sum recoverable on the instrument is definite, together with an additional duty of	..	25	0

	Rs. c.
5 Every deed of lease, or of transfer or assignment thereof—	
(a) Where the consideration is wholly in money and does not exceed Rs. 100	1 0
Where it exceeds Rs. 100 and does not exceed Rs. 250	2 0
Rs. 250 and does not exceed	
Rs. 500	3 0
do. Rs. 1,000	4 0
Rs. 1,000 do. Rs. 2,500	5 0
Rs. 2,500 do. Rs. 5,000	7 50
Rs. 5,000 do. Rs. 10,000	10 0
And for every further Rs. 10,000 or part of Rs. 10,000	10 0
<i>Provided that the duty shall not exceed that on a lease for five years.</i>	
(b) Every lease, transfer, or assignment thereof, where the consideration is partly in produce, and the value of such produce is not stated in the instrument, a duty of Rs. 2.50 in addition to the duty upon the stated pecuniary consideration.	
(c) Every lease, transfer, or assignment thereof, where the consideration consists wholly of produce, a duty of	1 0
6 Every deed of partnership	10 0
7 Every deed of release, surrender, or annulment, and every receipt or discharge—	
Where the amount for which such instrument or receipt or discharge is given does not exceed Rs. 5,000	1 0
Where it is definite, or exceeds Rs. 5,000	2 50
8 Every deed of partition, and every judgment or decree of court decreeing such partition, where the value of every land partitioned and divided does not appear on the face of the instrument or judgment or decree: for each land so partitioned and divided, a duty of	5 0
Where the value of every land appears on the face of the instrument or judgment or decree, and the total value does not exceed Rs. 100	1 0
Where it exceeds Rs. 100 and does not exceed Rs. 250	2 0
Rs. 250 do. Rs. 500	3 0
Rs. 500 do. Rs. 1,000	4 0
Rs. 1,000 do. Rs. 2,500	5 0
Rs. 2,500 do. Rs. 5,000	7 50
Rs. 5,000 do. Rs. 10,000	10 0
And for every further Rs. 10,000 or part of Rs. 10,000	10 0
9 Every judgment or order of court affecting immovable property, and every probate of a will or letters of administration	5 0
10 Every deed of <i>any kind whatsoever</i> not charged in this schedule nor expressly exempted from registration duty	10 0
11 Each additional land in every deed of transfer by sale, gift, or otherwise, or of mortgage or lease affecting more than one land—	
Where the aggregate value of all the lands or the sum recoverable upon the instrument does not exceed Rs. 100	0 25
Where it exceeds Rs. 100 and does not exceed Rs. 250	0 50
Where it exceeds Rs. 250	1 0

Provided that where different allotments are treated and described as one property, and the deed states that from their situation as regards one another they can be included in one survey, the stamp duty shall be leviable as on one land only.

N.B.—The same stamp duties shall be recoverable for the registration of instruments under Ordinances Nos. 8 and 21 of 1871

B.—Stamp Duty connected with the Registration of
Titles to Land.

	Claims of the Value of							
	Rs. 10 and under.	Rs. 100 and under.	Rs. 300 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Rs. 5,000 and under.	Rs. 10,000 and under.	Every additional Rs. 10,000 or part.
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.
Claim ..	0 25 1	0 1 50 3	0 5 0	7 50 10	0 5 0			
Certificate of Title ..	0 50 2	0 3 0 6	0 10 0 15	0 20 0 10	0 10 0			
Proxy ..	0 12 0	0 50 0 75	1 50 2 50	3 75 5 0	2 50			
Writ of Possession ..	0 12 0	0 50 0 75	1 50 2 50	3 75 5 0	2 50			
Writ of Execution ..	0 12 0	0 50 0 75	1 50 2 50	3 75 5 0	2 50			
Application for registration of Partition*	0 25 1	0 1 50 3	0 5 0	7 50 10	0 5 0			
Petition of Appeal ..	0 25 1	0 1 50 3	0 5 0	7 50 10	0 5 0			
Summons :—								
(a) To resident in village where land is situated ..	Ten cents, irrespective of value of claim.							
(b) To resident out of the village † ..	Fifty cents, in respect of value of claim.							
Application for new certificate of title under section 68 ..	1 0 4	0 6 0 12	0 20 0 30	0 40 0 10	0 10 0			

* The applicant should in addition deposit such sum as the Commissioner shall consider sufficient to defray the expenses of the partition.

† In addition to such batta as the registrar may order to be deposited.

C.—Miscellaneous.

Caveat under section 97 for every land affected thereby a stamp duty of Rs. 10 with an additional rupee for every additional land.

Every affidavit and every application, copy, or extract, a stamp duty of Re. 1.

Provided that, in the case of applications made by notaries in connection with deeds to be executed by them, a stamp duty of fifty cents shall be levied in respect of each deed.

D.—Copying Fees.

1. 37½ cents for every folio or fractional part of a folio of 120 words.
2. One rupee for each copy of a title deed plan on tracing cloth.
3. Three rupees for each copy of a title deed plan on drawing paper.

By His Excellency's command,

A. M. ASHMORE,
Colonial Secretary.

Colonial Secretary's Office,
Colombo, November 29, 1906.

Statement of Objects and Reasons.

THE Draft Ordinance is the measure recommended to Government in 1900 by the Committee under the presidency of Sir Charles Layard, which inquired into and reported on a Draft Ordinance relating to Registration of Titles to Land and of Deeds relating to Land.

The principal objects of the measure are thus stated by the Committee :—

- (1) To consolidate the Ordinances Nos. 5 of 1877, 4 of 1889, and 14 of 1891, regarding the registration of titles to land and of deeds affecting land ;
- (2) To simplify and make effective the procedure in connection with the registration of titles to Land ;
- (3) To transfer the cost of such registration from the public exchequer to the persons who derive from such registration the benefit of a clean title and of increased market value or their property ; and
- (4) To supply such omissions and make such amendments in the law as experience of its working in this Island, and of similar laws elsewhere, has shown to be necessary.

2. The more important changes proposed are the following :—

(a) Definitions have been inserted of important terms, such as "land," "interest in land," "deed," &c., hitherto left undefined.

(b) The name of the officer carrying out the investigation, settlement, and registration of titles has been altered from the cumbersome title of "Special Commissioner for the Registration of Titles to Land" to "Land Settlement Officer."

(c) The duties of the Registrar-General, the Land Settlement Officer, and Registrar of Lands are more clearly defined, and power is given to the Governor to appoint Land Settlement Officers and Registrars of Lands, with such local jurisdiction, concurrent or not, as may be most convenient.

(d) The survey of lands as a basis for the Land Settlement Officer's work is to be preceded by a notice published by the Surveyor-General in the *Government Gazette* of his intention to survey specified villages or divisions.

(e) Provision has been made for the punishment of obstruction to the Surveyor-General's officers, and for the co-operation of the village headmen or other officers of the Government Agents in the survey.

(f) Improvements have been made in the mode of publication of the notice of the Land Settlement Officer calling for claims, to secure that the notice shall reach all interested parties ; and also provision for easy proof of the publication of such notice and of the notices issued by him after investigation of claims.

(g) The provisions as regards the transfer of actions pending in court to the Settlement Officer have been amplified and made clear.

(h) The Settlement Officer is granted liberty to take up disputed and undisputed claims at his convenience, instead of having (as under the existing law) to dispose of all undisputed claims before taking up disputed claims—a requirement found inconvenient and wasteful of his time.

(i) The procedure and law of evidence applicable to Courts of Requests is made applicable to the investigations of claims by Settlement Officers, unless specially otherwise provided.

(j) The omission of parties to make claims before the Settlement Officer (an omission calculated to defeat the objects of the registration scheme) is provided against by a procedure based on the Abandoned Lands Ordinance, No. 4 of 1887, with adequate safeguards.

(k1) Following the English Acts, provision is made for the vesting of the registered person's title on registration, instead of (as at present) on the issue of certificate of title, so that his omission to take out the certificate may not defeat the object of registration.

(k2) To prevent evasion of payment of the registration duty by the registered owner (who will derive from the registration a clean title and increased market value for his land, the duty is made a first charge on the land recoverable by writ of distress, and it is forbidden to deal with the land before the duty is paid and certificate of title taken out.

(l) Following the English Acts, acquisition of title by adverse possession against a person whose title has been registered is abolished, without prejudice however to the actions referred to in (m).

(m) The time within which actions may be instituted in court against registered persons in respect of the registered lands is fixed with reference to the registration of title, instead of the issue of certificate of title, and is reduced in the case of first class titles from two years to one year, and in the case of second class titles from four to two years ; in the case of persons under disability from three to two years from the cessation of the disability. The indulgence granted by the existing law to reversioners to count the time from the date of commencement of their possession is withdrawn.

(n) The registration of deeds affecting registered lands is made compulsory, deeds being rendered invalid unless registered.

(o) Provision is made for the registration of deeds executed by the owner of an interest in land in the interval of six months or more that must elapse between the upholding of his claim and the registration of his title, deeds which are now incapable of registration, with the result that the registers are misleading and dangerous to the public.

(p) The registration of partitions and of deeds inconsistent with the registered title is provided against, the want of such a provision being a fruitful source of confusion in the registers.

(q) The registration of the legal representative of a deceased person whose title has been registered is provided for.

(r) Provision is made for production at the Land Registry of the certificate of title for endorsement of subsequent alienations and incumbrances and of transmission of interest by death.

(s) The benefits of the amendments proposed above are extended with due safeguards to lands whose titles have been already registered under Ordinance No. 5 of 1877.

(t) In regard to deeds affecting lands whose titles have not been registered, doubts as to the effect of the registration of a deed are cleared, and the priority acquired by the person registering a deed is not to be lost (except in case of actual fraud) by his having actual or constructive notice of a prior executed deed, nor is it to be affected by the subsequent registration of such prior executed deed.

(u) The present practice whereby the Registrar keeps a Day Book for the entering of deeds as received for registration, and a deed takes effect according to the time of entry in that book, is legalized; and the procedure is prescribed in regard to deeds as to which he is in doubt, whether they should be registered or what duty is leviable.

(v) Provision is made for the registration of Crown grants, and for the recovery of a registration duty of Re. 1 by the Crown before delivery of deed to the grantee.

(w) As to the presentation and registration of caveats, the present practice, which has prevailed since the Ordinance No. 8 of 1863, and which by inadvertent errors in subsequent Ordinances has ceased to be legal, is legalized.

(x) Power is given to the Governor in Executive Council to alter the registration duties and fees.

(y) A new scale of duties is proposed in connection with the investigation, settlement, and registration of titles by the Settlement Officer, so that the persons who benefit thereby shall pay reasonably for such benefit.

(z) Some necessary alterations have been made in the scale of duties in the registration of deeds.

Colombo, November 27, 1906.

ALFRED G. LASCELLES,
Attorney-General.

MINUTE.

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

An Ordinance for making provision for the Supplementary Contingent Charges for the Year 1906.

Preamble.

WHEREAS by Ordinance No. 22 of 1905 it was enacted that a sum not exceeding Twenty-six million Five hundred and Seventy-seven thousand One hundred and Twenty-nine rupees should be charged upon the revenue and other funds of this island for the contingent service of the year One thousand Nine hundred and Six, and it has become necessary to make further provision for the service of the said year: It is enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Rs. 2,958,610.42 to be charged upon the revenue of the island for the Supplementary Contingent Charges for the year 1906.

1 That a sum not exceeding Two million Nine hundred and Fifty-eight thousand Six hundred and Ten rupees and Forty-two cents shall be and the same is hereby charged upon the revenue of this island and other funds of the colony for the services hereinafter mentioned; and the said expenditure shall be in conformity with the details of the estimates specified in the Schedule A hereunto annexed, whereof the following is an abstract:

	Rs.	c.
2. Military Expenditure	484,566	75
6. His Excellency the Governor	3,447	66
7. Civil Service.....	132,045	24
8. Secretariat	37,211	5
9. Audit Office	1,713	85
10. Treasury, including Loan Board	18,136	25
10a. Treasurer (increase of Salaries).....	251,252	72
11. Provincial Administration.....	213,127	69
12. Settlement Officer under the Waste Lands Ordinances	5,689	0
13. Survey Department	63,737	47
14. Government Stores.....	3,487	0
15. Immigration	15,989	60
16. Plague Prevention	8,070	35
17. Customs Department.....	12,939	8
18. Post Office and Telegraphs	81,412	81
19. Forest Department	5,647	90
20. Railway Department.....	152,065	9
21. Port and Marine Department, Colombo	66,317	24
22. Port and Marine Department other than Colombo	9,690	40
23. Legal Department:—		
Supreme Court.....	20,469	0
Attorney-General.....	15,246	44
Solicitor-General	1,886	0
District Courts	14,278	60
Police Courts.....	8,652	42
Registrar-General.....	13,980	59
Fiscals	39,641	99
24. Police.....	87,781	56
25. Prisons	13,641	19
26. Medical Department	151,766	56
27. Education	26,958	77
28. Botanic Gardens	16,320	0
29. Colombo Museum	1,506	0
30. Archæological Commissioner	1,618	57
31. Veterinary Department.....	3,924	0
32. Board of Agriculture	6,797	24
35. Inspector of Mines	800	0
37. Miscellaneous Services	269,409	0
38. Public Works Department.....	91,213	22
39. Irrigation Department	22,854	0
41. Public Works Annually Recurrent.....	83,458	52
42. Irrigation Annually Recurrent	2,035	0
43. Public Works Extraordinary	451,892	78
44. Irrigation Extraordinary	45,931	82
Total—Rs	2,958,610	42

Treasurer to pay the above at such times as the Governor by warrant shall order.

2 The Treasurer of the said island shall issue and pay the said several sums to such persons, for the purposes hereinbefore mentioned, upon such days and in such proportions as the Governor for the time being, by any warrant or order in writing to be signed by him, shall from time to time order and direct; and the payments so to be made shall be charged upon and payable out of the revenues of the said island.

And to receive credit in his accounts for the payments made in pursuance thereof.

3 The said Treasurer shall in his accounts from time to time be allowed credit for any sum or sums of money paid by him in pursuance of such warrant or order in writing as aforesaid; and the receipt or receipts of the respective persons to whom the same shall be so paid shall be a full and valid discharge to the said Treasurer in passing his said accounts for any such sum or sums as shall be therein mentioned; and he shall and may receive credit for the same accordingly.

SCHEDULE A.

	Personal Emoluments.		Other Charges.		Total.	
	Rs.	c.	Rs.	c.	Rs.	c.
No. 2.—MILITARY EXPENDITURE.						
Treasurer ...	—	—	—	—	439394	94
Commandant, Ceylon Volunteers...	6286	9	38885	72	—	—
No. 6.—HIS EXCELLENCY THE GOVERNOR.						
His Excellency the Governor ...	147	66	3300	0	—	—
No. 7.—THE CIVIL SERVICE	132045	24	—	—	—	—
No. 8.—SECRETARIAT.						
Colonial Secretary ...	4911	5	32300	0	—	—
No. 9.—AUDIT OFFICE.						
Auditor-General ...	1713	85	—	—	—	—
No. 10.—TREASURY.						
Treasurer including Loan Board ...	3336	25	14800	0	—	—
No. 10a.—TREASURER (Increase of Salaries)	251252	72	—	—	—	—
No. 11.—PROVINCIAL ADMINISTRATION.						
Government Agents ...	9028	31	204099	38	—	—
No. 12.—SETTLEMENT OFFICER UNDER THE WASTE LANDS ORDINANCE.						
Settlement Officer ...	5689	0	—	—	—	—
No. 13.—SURVEY DEPARTMENT.						
Surveyor-General...	37637	47	26100	0	—	—
No. 14.—GOVERNMENT STORES.						
Controller of Government Stores ...	1537	0	1950	0	—	—
No. 15.—IMMIGRATION	286	0	15703	60	—	—
No. 16.—PLAGUE PREVENTION	324	37	7745	98	—	—
No. 17.—CUSTOMS.						
Principal Collector ...	—	—	12939	8	—	—
No. 18.—POST AND TELEGRAPH.						
Postmaster-General and Director of Telegraphs ...	—	—	81412	81	—	—
No. 19.—FOREST DEPARTMENT.						
Conservator of Forests ...	3916	66	1731	24	—	—
No. 20.—RAILWAY DEPARTMENT.						
General Manager ...	35141	29	116923	80	—	—
No. 21.—PORT AND MARINE DEPARTMENT, COLOMBO						
Master Attendant, Colombo ...	18887	10	25751	63	—	—
Resident Engineer, Harbour Works ...	1350	0	20328	51	—	—
No. 22.—PORT AND MARINE DEPARTMENT OTHER THAN COLOMBO.						
Masters Attendant ...	720	50	8969	90	—	—
No. 23.—LEGAL DEPARTMENTS.						
Supreme Court ...	19294	0	8175	0	—	—
Attorney-General...	12121	45	3124	99	—	—
Solicitor-General...	1886	0	—	—	—	—
District Judges ...	12718	60	1560	0	—	—
Commissioners of Requests and Police Magistrates	5507	35	3145	7	—	—
Registrar-General...	5425	33	8555	26	—	—
Fiscals ...	5594	60	34047	39	—	—
Carried forward ...	569757	89	671549	36	439394	94
					1680702	19

	Personal Emoluments.		Other Charges.		Total.
	Rs.	c.	Rs.	c.	
Brought forward ...	569757	89	671549	36	439394 94 1680702 19
No. 24.—POLICE. Inspector-General ...	52916	93	34864	63	— 87781 56
No. 25.—PRISONS. Inspector-General ...	3985	19	9656	0	— 13641 19
No. 26.—MEDICAL DEPARTMENT. Principal Civil Medical Officer ...	1435	0	13376	6	— 14811 6
Hospitals and Dispensaries ...	—		136955	50	— 136955 50
No. 27.—EDUCATION. Director of Public Instruction ...	16510	30	10448	47	— 26958 77
No. 28.—BOTANIC GARDENS. Director ...	8162	0	8158	0	— 16320 0
No. 29.—COLOMBO MUSEUM. Director ...	1506	0	—	—	— 1506 0
No. 30.—ARCHÆOLOGICAL COMMISSIONER ...	1618	57	—	—	— 1618 57
No. 31.—VETERINARY DEPARTMENT. Veterinary Surgeon ...	924	0	3000	0	— 3924 0
No. 32.—BOARD OF AGRICULTURE. Secretary ...	6797	24	—	—	— 6797 24
No. 35.—INSPECTOR OF MINES ...	—		800	0	— 800 0
No. 36.—MISCELLANEOUS SERVICES. Treasurer ...	—		—	—	269409 0 269409 0
No. 38.—PUBLIC WORKS DEPARTMENT. Director of Public Works ...	91202	77	10	45	— 91213 22
No. 39.—IRRIGATION DEPARTMENT. Director of Irrigation ...	22404	0	450	0	— 22854 0
	796724	65	869763	71	708303 94

Carried forward ... 2375292 30

No. 41.—PUBLIC WORKS ANNUALLY RECURRENT.

	Rs.	c.	Rs.	c.
Brought forward ..	—		2,375,292	30
Maintenance of Roads.				
<i>Western Province : Colombo District.</i>				
Road from Grandpass to 34th mile, Kandy road ..	2,360	0		
Galle road, between the two railway gates at Kalutara ..	520	0		
<i>Eastern Province : Batticaloa District.</i>				
Coast road north, Batticaloa District ..	3,328	50		
Maduru-oya to Eravur ..	1,040	0		
<i>Kalmunai District.</i>				
Karativu to Sammanturai and Irakkamam ..	558	0		
Total Maintenance of Roads ..	7,808	50		
Maintenance of Buildings.				
For maintenance of Government buildings, Western Province ..	1,280	0		
For temporary hospitals in cases of epidemics ..	580	0		
Maintenance of Mahara jail ..	5,800	0		
Total Maintenance of Buildings ..	7,660	0		
Special Repairs to Buildings.				
<i>Southern Province.</i>				
For renewing dining-room floor, Residency, Galle ..	117	2		
Block of buildings comprising District Court, Galle ..	60	0		
<i>Province of Uva.</i>				
For repairs to storm damages, Volunteer Camp buildings, Diyatalawa ..	140	0		
Total Repairs to Buildings ..	317	2		
Additions to Buildings				
For additions and improvements to Government buildings and works ..	1,005	0		
For additions and improvements to Police buildings ..	170	0		
For additions and improvements to Prison buildings ..	100	0		
Total Additions to Buildings ..	1,275	0		
Miscellaneous.				
<i>Administration.</i>				
Maintenance of customs wharf, jetties, and cranes, Colombo ..	4,000	0		
Maintenance of the Panhard car ..	3,900	0		
For surveys, taking borings, and other preliminary operations connected with proposed works ..	2,000	0		
For running expenses of the Albion car ..	1,500	0		
Transport charges, Public Works Department ..	35,000	0		
Storm damages ..	20,000	0		
Total Miscellaneous ..	66,400	0		
Total Public Works Recurrent ..	—		83,458	52

No. 42.—IRRIGATION ANNUALLY RECURRENT.

	Rs.	c.	Rs.	c.
Maintenance.				
Guardian's bungalow at Ellawala, Southern Province, for renewing the roof ..	800	0		
Temporary irrigation office, Colombo, for certain repairs ..	150	0		
Maintenance of Lamasuriyagama-ela and guardian's bungalow, Central Province ..	100	0		
Maintenance of sluices for Tambagalla and Uyangalla channels, Deduru-oya works, North-Western Province ..	385	0		
Maintenance of village tanks, North-Western Province ..	600	0		
Total Irrigation Annually Recurrent ..	—		2,035	0
Carried forward ..	—		2,460,785	82

	Rs. c.	Rs. c.
No. 43.—PUBLIC WORKS EXTRAORDINARY.		
Brought forward ..	—	2,460,785 82
New Works and Buildings.		
<i>Western Province.</i>		
Additional accommodation, Leper Asylum, Hendala ..	10,000 0	
Excess cost of ballast jetty, Colombo ..	172 98	
<i>Central Province.</i>		
Medical aid hospital, Meenagala, Dolosbage (on account) ..	6,000 0	
Completing quarters for jail overseers and guards, Nuwara Eliya (re-vote) ..	738 20	
Museum, Royal Botanic Gardens, Peradeniya ..	9,000 0	
<i>Northern Province.</i>		
Work shed, Public Works Department yard, Pallai (re-vote) ..	110 12	
Erecting grain sheds at Karativu, Kayts (re-vote) ..	132 52	
Disinfecting station, Kayts ..	3,040 0	
<i>Eastern Province.</i>		
Police station and barracks, Batticaloa (re-vote) ..	3,600 0	
<i>North-Western Province.</i>		
Temporary ward for Chilaw hospital ..	990 0	
<i>North-Central Province.</i>		
Hotel at Anuradhapura ..	4,000 0	
Office for Superintendent of Surveys, Anuradhapura ..	2,287 98	
<i>General.</i>		
Building petrol magazines ..	4,260 0	
Total New Works and Buildings ..	44,331 80	
Alterations and Additions to Buildings.		
<i>Western Province.</i>		
Electric lights and fans, Attorney-General's Office (re-vote) ..	339 80	
Latrine in the new coaling grounds (re-vote) ..	540 54	
Improvements to Treasury, Colombo ..	2,610 0	
Improvements to the Colonial Secretary's Office ..	2,960 0	
Temporary hospital, Ragama ..	2,600 0	
Electric plant, Public Analyst's laboratory ..	600 0	
Improvements to infectious diseases hospital, Kanatta ..	6,000 0	
Electric fan installation, General Hospital, Colombo ..	4,103 24	
Temporary ward to Panadure hospital ..	680 0	
Alterations to roof of mortuary at root at Breakwater ..	660 0	
Extensions at the Treasury ..	3,235 44	
<i>Central Province.</i>		
Alterations and additions to police barracks, Matale (re-vote) ..	142 92	
Laying water service to the laboratory, Gangaruwa (re-vote) ..	283 47	
Temporary ward to Teldeniya hospital ..	1,000 0	
Temporary ward, Matale hospital ..	6,200 0	
<i>Northern Province.</i>		
Improvements to Government Agent's residence, Jaffna (re-vote) ..	365 6	
Additions to King's House, Jaffna ..	4,241 25	
<i>Southern Province.</i>		
Improvements to Tangalla hospital (re-vote) ..	4,933 22	
Fencing unenclosed portions of ground of Residency, Galle (balance) ..	107 25	
<i>Eastern Province.</i>		
Completing additions and alterations to Land Registry, Kachcheri, Batticaloa ..	2,400 0	
<i>North-Western Province.</i>		
Converting the old jail, Kurunegala, into offices ..	10,440 0	
Police barracks, Ambanpola ..	3,550 0	
<i>North-Central Province.</i>		
Providing two show cases, local museum, Anuradhapura (re-vote) ..	289 96	
<i>Province of Uva.</i>		
Temporary ward and latrine, Lunugala hospital ..	1,200 0	
Carried forward ..	59,482 15	2,460,785 82

	Rs. c.	Rs. c.
No. 43.—PUBLIC WORKS EXTRAORDINARY—contd.		
Brought forward ..	59,482 15	2,460,785 82
Alterations and Additions to Buildings—contd		
<i>Province of Sabaragamuwa.</i>		
Additions, Karawanella hospital ..	5,570 0	
Temporary ward, Kegalla hospital ..	1,020 0	
Temporary ward, Ratnapura hospital ..	1,070 0	
Temporary ward, Balangoda hospital ..	1,450 0	
Total Alterations and Additions to Buildings ..	68,592 15	
New Roads.		
<i>Central Province.</i>		
Nugawela-Ulupane road (Government moiety) ..	117 0	
<i>To Chairman, Provincial Committee, Kandy.</i>		
Road from Vedehette to Le Vallon (Government grant, ..	3,200 0	
Nugatenna-Bintenna road (re-vote) ..	3,207 92	
Getambe-Haloluwa road (re-vote) ..	3,406 5	
<i>Northern Province.</i>		
Coast road (Mantai-Iluppaikadawai deviation) (on account) ..	7,000 0	
Paranthan-Karachchi road (on account) ..	5,000 0	
<i>North-Western Province.</i>		
Constructing road along the Palavi platform, Puttalam (re-vote) ..	170 52	
Completing the road at the kottus, Palavi, Puttalam (re-vote) ..	265 90	
Completing 1½ mile of the road from Maho to Polpitiyagama (re-vote) ..	1,183 11	
Velkatupota to Ganewatta railway station and on to Hiripitiya (re-vote ..	23,105 0	
and balance) ..		
<i>Province of Uva.</i>		
Bibile-Medagama-Muppane road ..	10,000 0	
Haputale-Dambatenna road (Government moiety) (re-vote) ..	1,430 68	
Total New Roads ..	58,086 18	
Additions and Improvements to Roads.		
<i>Western Province.</i>		
Kochchikade grain shed approach road at north end ..	900 0	
Road from Nagoda to Matugama (on account) ..	5,300 0	
<i>Central Province.</i>		
Palapatawela-Galawela road (re-vote) ..	1,202 54	
Approach road to Uda Pussellawa hospital ..	2,000 0	
<i>Northern Province.</i>		
Repairs to culverts, Kaitadi-Mankulam road (re-vote) ..	1,776 56	
Approach road to Mankulam railway station (re-vote) ..	275 98	
<i>Eastern Province.</i>		
Karativu-Irakkamam road, 27½ mile (re-vote and balance) ..	7,986 83	
Karativu-Irakkamam road, 32nd and 23rd miles ..	5,900 0	
Trincomalee-Anuradhapura road ..	40,700 0	
Extending the paving at the Verugal river ..	1,700 0	
Extra metalling Maduruoya-Eravur road ..	4,500 0	
Lengthening the approaches of ferry at Kiddanki ..	4,000 0	
<i>North-Western Province.</i>		
Extra metal for Puttalam-Battaluoya road (re-vote) ..	989 5	
<i>North-Central Province.</i>		
Improvements to Sigiriya road (re-vote) ..	462 76	
Road from Kekirawa to Talawa (on account) ..	6,000 0	
Habarana-Topawewa road (on account) ..	5,000 0	
Carried forward ..	88,693 72	2,460,785 82

No. 43.—PUBLIC WORKS EXTRAORDINARY— <i>contd.</i>	Rs. c.	Rs. c.
Brought forward ..	88,693 72	2,460,785 82
Additions and Improvements to Roads—<i>contd.</i>		
<i>Province of Uva.</i>		
Improvements to Badulla-Bandarawela road (re-vote) ..	36 32	
Improvements to road between Badulla and Lunugala (balance) ..	9,570 0	
Muppane-Pottuvil road (on account) ..	3,000 0	
<i>Province of Sabaragamuwa.</i>		
Building three culverts, Kegalla District (re-vote) (Government moiety) ..	96 8	
Improvements, Kegalla-Bulatkohupitiya road (re-vote) ..	615 53	
Total Additions and Improvements to Roads ..	102,011 65	
New Bridges.		
<i>Western Province.</i>		
Renewal of bridges, Hanwella-Bope road (re-vote) ..	106 83	
<i>Central Province.</i>		
Peradeniya bridge ..	21,000 0	
<i>North-Western Province.</i>		
Iron platform bridge, Madampe-Dummalasuriya road (re-vote) ..	1,000 0	
<i>Province of Sabaragamuwa.</i>		
Bridge at Malwela ferry ..	7,000 0	
Total New Bridges ..	29,106 83	
Repair of Bridges.		
<i>Central Province.</i>		
Bridge on the Bathford Valley road (Govt. moiety) ..	382 85	
Kumbiyangoda bridge in Matale District ..	5,800 0	
<i>General.</i>		
Converting timber bridges into iron ones ..	30,000 0	
Total Repair of Bridges ..	36,182 85	
Lands and Buildings to be acquired.		
<i>Western Province.</i>		
Acquisition of land for cooly lines and metal quarries (re-vote) ..	2,349 45	
Acquisition of land near Hendala Leper Asylum ..	4,207 0	
Acquisition of Nilwatta stores ..	412 87	
Acquisition of land in Cinnamon Gardens for Royal College ..	49,532 0	
<i>Southern Province.</i>		
Acquisition of land for a metal quarry at Deniyaya (re-vote) ..	900 0	
Acquisition of land for a bungalow for the District Judge, Matara ..	3,640 62	
<i>Eastern Province.</i>		
Acquisition of quarters for Office Assistant, Batticaloa ..	3,000 0	
<i>Province of Sabaragamuwa.</i>		
Acquisition of land for extension of Ratnapura hospital ..	4,659 67	
Total Lands and Buildings to be acquired ..	68,701 61	
Miscellaneous.		
<i>Western Province.</i>		
Framing and glazing Sigiriya frescoes, Colombo Museum ..	600 75	
<i>Central Province.</i>		
Water supply, Royal Botanic Gardens, Peradeniya (re-vote) ..	108 52	
Adjusting slip, 55th mile, Ramboda-Wilson's Bungalow road (re-vote) ..	410 20	
Extra works, water supply, Royal Botanic Gardens, Peradeniya ..	550 0	
<i>To Government Agent.</i>		
Sinking wells ..	2,477 0	
Carried forward ..	4,146 47	2,460,785 82

		Rs.	c.	Rs.	c.
No. 43.—PUBLIC WORKS EXTRAORDINARY— <i>contd.</i>					
Brought forward		4,146	47	2,460,785	82
Miscellaneous—contd.					
<i>Northern Province.</i>					
<i>To the Surveyor-General.</i>					
For Vavuniya water supply scheme	..	6,000	0		
<i>Southern Province.</i>					
Improvements to quarries, Hambantota and Weligatta (re-vote)	..	84	92		
<i>Eastern Province.</i>					
<i>To Government Agent.</i>					
Sinking wells	..	1,000	0		
<i>North-Western Province.</i>					
Sinking a well at Nikaweratiya (re-vote)	..	414	75		
Surveying Nikawewa-Galgamuwa road (re-vote)	..	645	0		
Lawn tennis ground, hospital, Kurunegala	..	105	0		
<i>Province of Uva.</i>					
Repairing flood damages at Namanakula	..	2,545	0		
Water supply, Bandarawela (balance)	..	10,000	0		
<i>To Government Agent.</i>					
For sinking wells	..	1,000	0		
<i>Province of Sabaragamuwa.</i>					
Erecting a bridge at 43½ mile, Kandy road (re-vote)	..	508	1		
Repairing bridge on the 53rd mile, Avisawella-Ginigathena road (re-vote)	..	134	87		
Converting the Public Works Department bungalow at Kotiyagala into a resthouse	..	2,500	0		
<i>General.</i>					
Cost of Panhard car	..	14,795	69		
Motor car for the Public Works Department	..	1,000	0		
Total Miscellaneous	..	44,879	71		
Grand Total Public Works Extraordinary	..	—		451,892	78
No. 44.—IRRIGATION EXTRAORDINARY.					
Construction.					
<i>Northern Province.</i>					
Kanukkeni, for the additional works at	..	7,894	49		
Quarters for the Irrigation Sub-Inspector, Mantai	..	1,008	18		
<i>Southern Province.</i>					
Kirinde-oya irrigation scheme, for cost of cutting a minor channel	..	168	12		
<i>Eastern Province.</i>					
Rugam scheme, for the proposed works	..	722	83		
Rugam scheme, for completion of Kidavidipallam anicut	..	7,000	0		
Sakamam-Vammiyadi scheme, for the proposed works	..	2,847	40		
Unnichchai, for the proposed works at	..	55,000	0		
<i>North-Western Province.</i>					
Maha Uswewa, for a branch channel under	..	1,112	37		
Thupitiya tank, for improvements	..	1,128	73		
<i>North-Central Province.</i>					
Hiriwadunne tank, for building	..	3,709	1		
Kele Hammillewa, for rebuilding the spill of	..	940	80		
Sangilikandarawa, for the restoration of	..	1,395	51		
Maha Ruppalama channels, compensation for land	..	80	0		
Carried forward	..	83,007	44	2,912,678	60

No. 44.—IRRIGATION EXTRAORDINARY— <i>contd.</i>		Rs. c.	Rs. c.
Brought forward ..		83,007 44	2,912,678 60
Construction—<i>contd.</i>			
<i>Province of Uva.</i>			
Certain alterations to two bungalows at Diyatalawa ..	..	293 29	
Making cement concrete pipes at Badulla ..	..	39 99	
Total Construction ..	..	83,340 72	
Repairs and Improvements.			
<i>Central Province.</i>			
Undugoda-Bandara-ela, for repair of the masonry works ..	..	3,169 50	
<i>Northern Province.</i>			
Giant's tank, for repair of Alavakka silt sluice ..	..	811 50	
<i>Southern Province.</i>			
Udukiriwila tank and Urubokka anicut, for repairs ..	..	2,050 0	
<i>North-Western Province.</i>			
Kospotu-oya anicut, for improvements and repairs ..	..	727 92	
Magallawewa, clearing jungle along irrigation channel ..	..	390 0	
Repairs to Maha Uswewa bund ..	..	400 0	
<i>Province of Uva.</i>			
Repairs to Kendala-ela ..	..	440 0	
Repairs to Taldena anicut ..	..	234 0	
Repairs to Koslanda-ela ..	..	240 0	
<i>Province of Sabaragamuwa.</i>			
Walalgoda channel, for repairs to sluice and spill of ..	..	60 0	
Total Repairs and Improvements ..	..	8,522 92	
Total Irrigation Extraordinary ..	..	91,863 64	
Deduct moiety chargeable to Loan ..	..	45,931 82	
To be voted ..	..	—	45,931 82
Grand Total ..	..	—	2,958,610 42

By His Excellency's command,

Colonial Secretary's Office,
Colombo, December 3, 1906.A. M. ASHMORE,
Colonial Secretary.*Statement of Objects and Reasons.*

THE Ordinance makes provision for the Supplementary Contingent Charges of the Colony for the Year 1906.

Colombo, December 3, 1906.

A. M. ASHMORE,
Colonial Secretary.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Louisa Cornelia de Livera,
No. 2,521. Lama Etana, deceased, of St.
Joseph's street in Colombo.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 25th day of October, 1906, in the presence of Mr. William D. Silva Wickramasekera, Proctor, on the part of the petitioner Simon de Livera Tennekoon of Owitigala in Pasdun korale; and the affidavit of the petitioner, dated the 25th day of October, 1906, having been read:

It is ordered that the aforesaid petitioner be and he is hereby declared entitled to have letters of administration to the estate of his late wife Louisa Cornelia de Livera, Lama Etana, the above-named deceased, issued to him, unless the respondents—(1) James Henry de Livera on his own behalf and as administrator of the estate of the late Elizabeth de Livera, Lama Etana, of Colombo, deceased, (2) Alfred Henry de Livera, (3) John Ernest de Livera, and (4) Emma Cornelia de Livera, all of Colombo—shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Parasangilinakatigey Pramis
No. 2,676. Fonseka, deceased, of Dehiwala.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 7th day of November, 1906, in the presence of Mr. G. F. Gooneratne, Proctor, on the part of the petitioner Parasangilinakatigey Siman Fonseka of Dehiwala; and the affidavit of the petitioner, dated the 24th day of October, 1906, having been read:

It is ordered that the aforesaid petitioner be and he is hereby declared entitled to have letters of administration to the estate of his late brother Parasangilinakatigey Pramis Fonseka, the above-named deceased, issued to him, unless the respondents—(1) Parasangilinakatigey Suvanaris Fonseka, (2) Parasangilinakatigey Carolis Fonseka, and (3) Parasangilinakatigey Marthelis Fonseka, all of Dehiwala—shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,
District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of the late Elizabeth
No. 2,677 C. Anne Crozier, deceased, of Havelock
Town in Colombo.

THIS matter coming on for disposal before Joseph Grenier, Esq., District Judge of Colombo, on the 7th day of November, 1906, in the presence of Mr. D. Dawapurathna, Proctor, on the part of the

petitioner George Martin Crozier of Havelock Town aforesaid; and the affidavit of the petitioner, dated the 2nd day of November, 1906, having been read:

It is ordered that the will of the late Elizabeth Anne Crozier, the above-named deceased, dated the 3rd day of September, 1897, be and the same is hereby declared proved, unless any person interested shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said George Martin Crozier is the executor of the said last will and testament named, and as such entitled to have probate of the same issued to him accordingly, unless any person interested shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

JOSEPH GRENIER,
District Judge.

The 7th day of November, 1906.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of the late Talagalage
No. 2,685 C. Angelina Perera Hamine, deceased,
of Messenger street in Colombo.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., Additional District Judge of Colombo, on the 20th day of November, 1906, in the presence of Mr. T. C. S. Jayasinha, Proctor, on the part of the petitioner Senanayakage Cecilia Perera of Messenger street in Colombo; and the affidavit of the petitioner dated the 19th day of November, 1906, having been read:

It is ordered that the will of the late Talagalage Angelina Perera Hamine, the above-named deceased, dated the 29th day of January, 1906, be and the same is hereby declared proved, unless any person interested shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Senanayakage Cecilia Perera is the executrix in the said last will and testament named, and as such is entitled to have probate of the same issued to her accordingly, unless any person interested shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

FELIX R. DIAS,
Additional District Judge.

The 20th day of November, 1906.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Juliana Ulaganather, deceased,
No. 2,688 C. of Peliyagoda in Colombo.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 30th day of November, 1906, in the presence of Mr. Arthur Alvis, Proctor, on the part of the petitioner Paulu Juse Velun Pulle of Peliyagoda; and the affidavit of the petitioner, dated the 11th day of October, 1906, having been read:

It is ordered that the aforesaid petitioner be and he is hereby declared entitled to have letters of administration to the estate of his late wife Juliana Ulaganather, the above-named deceased, issued to him, unless the respondents—(1) Philippu Juse Paulu Pulle and (2) Teresia Juse Paulu Pulle, wife of (3) Gabriel Aiyam Perumal, all of Peliyagoda—shall, on or before the 20th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
District Judge.

The 30th day of November, 1906.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Vaitiyalingam Ponniah, de-
No. 2,689 C. ceased, of Andival street in
Colombo.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 30th day of November, 1906, in the presence of Mr. L. B. Fernando, Proctor, on the part of the petitioner Vengadachalam Chetty Sinnatamby of Andival street in Colombo; and the affidavit of the petitioner, dated the 19th day of November, 1906, having been read:

It is ordered that the aforesaid petitioner be and he is hereby declared entitled to have letters of administration to the estate of his late nephew Vaitiyalingam Ponniah, the above-named deceased, issued to him, unless the respondent Vaitiyalingam Cadiravelu of Andival street in Colombo shall, on or before the 20th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
District Judge.

The 30th day of November, 1906.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Joint Will and
Jurisdiction. Testament of the late Vidanelage
No. 467. Abraham de Mel Appuhamy of
Nalluruwa, deceased, and Merenne-
ge Bastiana Salgado of Nalluruwa.

THIS matter coming on for disposal before P. E. Pieris, Esq., District Judge of Kalutara, on the 12th day of November, 1906, in the presence of Mr. C. A. L. Orr, Proctor, on the part of the petitioner Merennege Bastiana Salgado of Nalluruwa; and the affidavit of the said petitioner, dated the 8th day of November, 1906, having been read: It is ordered that the joint will and testament of the late Vidanelage Abraham de Mel Appuhamy of Nalluruwa, deceased, and Merennege Bastiana Salgado of Moratuwa, dated the 11th day of June, 1906, 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 14th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said Merennege Bastiana Salgado of Nalluruwa is the executrix in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless any person or persons interested shall, on or before the 14th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

P. E. PIERIS,
District Judge.

The 12th day of November, 1906.

In the District Court of Negombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Don David Edresinghe Goone-
No. 982. wardene, Vedarala, late of Watina-
paha, deceased.

Don James Edresinghe Goonewardene,
Vedarala, of Watinapaha Petitioner.

And

(1) Wijesundra Ranasinghe Selo Hami of Watinapaha, (2) Dona Nona Hami Edresinghe Goonewardene, assisted by her husband (3) Arthanayeke Mudiyansele Abilin Singho Appoohamy, both of Etiyawala in the District of Chilaw, (4) Dona Pabo Hami Edresinghe Goonewardene, assisted by her husband (5) Mohatti Appoohamy, both of Murtenga in Mairawati korale in the District of Kurunegala, (6) Dona Podi Nona Hami Edresinghe Goonewardene, assisted by her husband (7) Bammanne Mudiyansele Marthelis, Vedarala, both of Watinapaha, (8) Dona Jane Nona Hami Edresinghe Goonewardene, assisted by her husband (9) Kumarasinghe Hettiaratchige Carthelis Appoohamy, Vedarala, both of Yatiyana Respondents.

THIS matter coming on for disposal before A. de A. Seneviratne, Esq., District Judge of Negombo, on the 13th day of November, 1906, in the presence of Mr. H. J. Salgado, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated 10th November, 1906, having been read:

It is declared that the said petitioner is entitled to have letters of administration of the estate of the deceased, unless the respondents above-named shall, on or before the 21st day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

A. SENEVIRATNE,
District Judge.

The 13th day of November, 1906.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Thamangoda Delankapedi-
No. 2,527. gedere Somithara, deceased, of
Kadawathgama in Yatinuwara.

THIS matter coming on for disposal before John Harvey Templer, Esq., District Judge of Kandy, on the 26th day of November, 1906, in the presence of Mr. Wilfred A. de Silva, Proctor, on the part of the petitioner Thamangoda Delankapedigedere Singu of Kadawathgama in Yatinuwara; and the affidavit of the said petitioner and of Delankapedigedere Seyatu of Kadawathgama, dated 24th November, 1906, having been read:

It is ordered that the petitioner Thamangoda Delankapedigedere Singu of Kadawathgama in Yatinuwara be and she is hereby declared entitled to letters of administration to the estate of Thamangoda Delankapedigedere Somithara of Kadawathgama, deceased, as the wife of the said deceased, unless (1) Polwathagedere Sirmali, (2) Thamangoda Delankapedigedere Sundera, (3) Thamangoda Delankapedigedere Gonaha *alias* Gonaris shall, on or before the 17th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
District Judge.

The 26th day of November, 1906.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Kanapathiar Ramalingam of
No. 1,806. Kollakurichchi in Pooneryn, de-
Class I. ceased.

Annappillai, widow of Ramalingam, of
Kollakurichchi in Pooneryn..... Petitioner.

Vs.

(1) Kanapathiar Veluppillai and (2)
Kanapathiar Sinnattampi, both of
Kollakurichchi in Pooneryn..... Respondents.

THIS matter of the petition of Annappillai, widow of Ramalingam, of Kollakurichchi in Pooneryn, praying for letters of administration to the estate of the above-named deceased Kanapathiar Ramalingam, coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the 13th day of November, 1906, in the presence of Messrs. Casippillai and Cathiravelu, Proctors, on the part of the petitioner; and affidavit of the petitioner, dated the 12th day of November, 1906, having been read: It is declared that the petitioner is the 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 18th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

This 13th day of November, 1906.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Annamma, wife of Tampip-
No. 1,809. pillai, of Manippay, deceased.
Class I.

Kasinatar Thampippillai of Kayts..... Petitioner.

Vs.

(1) Sitamparanatar Ramalingam and
his wife (2) Sellam of Manippay..... Respondents.

THIS matter of the petition of Kasinatar Thampippillai of Kayts praying for letters of administration to the estate of the above-named deceased Annamma, wife of Tampippillai, coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the 19th day of November, 1906, in the presence of Messrs. Casippillai and Cathiravelu, Proctors, on the part of the petitioner; and affidavit of the petitioner, dated the 14th day of November, 1906, having been read: It is declared that the petitioner is the lawful husband of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 18th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

This 19th day of November, 1906.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Varittampiar Vairamuttu of
No. 1,810. Alvay South, deceased.
Class III.

Muttukkumaraswamy Suppiramaniam
of Alvay South..... Petitioner.

Vs.

(1) Parupattipillai, wife of Suppirama-
niam of Alvay South, and (2) Annap-
pillai, widow of Vairamuttu of Alvay
South..... Respondents.

THIS matter of the petition of Muttukkumara-
swamy Suppiramaniam of Alvay South pray-
ing for letters of administration to the estate of the
above-named deceased Varittampiar Vairamuttu
coming on for disposal before W. R. B. Sanders, Esq.,
District Judge, on the 20th day of November, 1906,
in the presence of Messrs. Casippillai and Cathiravelu,
Proctors, on the part of the petitioner; and affidavit
of the petitioner, dated the 20th day of November,
1906, having been read: It is declared that the peti-
tioner is the husband of the sole heirs of the said in-
testate, and is entitled to have letters of administration
to the estate of the said intestate issued to him, unless
the respondents or any other person shall, on or
before the 18th day of December, 1906, show suffi-
cient cause to the satisfaction of this court to the
contrary.

W. R. B. SANDERS,
District Judge.

This 20th day of November, 1906.

In the District Court of Galle.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of Charles Henry Dias
No. 3,676. Ederisinghe Kodituwakku, Muhan-
diram, deceased, of Kitulampitiya.

THIS matter coming on for disposal before G. A.
Baumgartner, Esq., District Judge, Galle,
on the 29th day of September, 1906, in the presence
of Mr. C. L. Wickremasinghe, Proctor, on the part
of the petitioner Edwin Dunbar Dias Ederisinghe
Kodituwakku; and the affidavit of the petitioner,
dated 18th September, 1906, having been read: It is
ordered that the will of Charles Henry Dias Ederi-
singhe Kodituwakku, Muhandiram, deceased, dated
18th February, 1884, be and the same is hereby
declared proved, unless the respondents (1) Alfred
Duncan Dias Ederisinghe Kodituwakku, (2) Lily
Dias Ederisinghe Kodituwakku, (3) Florence Gertrude
Dias Ederisinghe Kodituwakku, all of Kitulampitiya,
shall, on or before the 5th day of November, 1906,
show sufficient cause to the satisfaction of this court
to the contrary.

It is further declared that the said Edwin Dunbar
Dias Ederisinghe Kodituwakku is the executor
named in the said will, and that he is entitled to have
probate of the same issued to him accordingly, unless
the respondents (1) Alfred Duncan Dias Ederisinghe
Kodituwakku, (2) Lily Dias Ederisinghe Kodituwak-
ku, and (3) Florence Gertrude Dias Ederisinghe
Kodituwakku shall, on or before the 5th day of Novem-
ber, 1906, show sufficient cause to the satisfaction
of this court to the contrary.

It is further ordered that the 1st respondent be
appointed guardian *ad litem* over the 2nd and 3rd

respondents, unless the respondents shall show sufficient cause to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,
District Judge.

The 29th day of September, 1906.

The date for showing cause against the *Order Nisi* is extended to 10th December, 1906.

G. A. BAUMGARTNER,
District Judge.

November 5, 1906.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction; of Habakkala Hewage Don Davith
No. 3,682. Appuhamy, late of Induruwa,
deceased.

THIS matter coming on for disposal before G. A. Baumgartner, Esq., District Judge, Galle, on the 8th day of November, 1906, in the presence of Mr. F. J. de Vos, Proctor, on the part of the petitioner Akada Kankanange Ungohamine :

It is ordered that the 4th respondent be appointed guardian *ad litem* of the 5th and 6th respondents, unless the respondents shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Akada Kankanange Dona Ungohamine is the widow of the deceased, and that she is as such entitled to have letters of administration issued to her accordingly, unless the respondents (1) Habakkala Hewage Dona Carlina Haminey, wife of (2) D. A. Jayawardene, both of Paiyagala South, (3) Habakkala Hewage Dona Maria Haminey, wife of (4) J. F. Siriwardene Wickremesinghe, both of Weragoda, (5) Habakkala Hewage Dona Cecilia, (6) Habakkala Hewage Don Charles, both of Induruwa, shall, on or before the 13th day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

G. A. BAUMGARTNER,
District Judge.

The 8th day of November, 1906.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Alice Mildred Gunaratna *nee* De
No. 1,540. Silva Jayasinha Tillekeratna,
deceased, of Matara.

THIS matter coming on for disposal before G. S. Saxton, Esq., District Judge of Matara, on the 19th day of November, 1906, on the motion of the petitioner Mr. C. A. Gunaratna of Matara; and the affidavit of the said petitioner, dated 15th November, 1906, having been read :

It is ordered that the said Charles Alexander Gunaratna be and he is hereby declared entitled to have letters of administration to the estate of the deceased A. M. Gunaratna be issued to him, as husband of the said deceased, and that William Silva Gunaratna be and he is hereby appointed guardian *ad litem* over the minors (1) Charles Ælian Gunaratna, (2) Alice Irene Frances Gunaratna, (3) Augustine Mervyn Ignatius Gunaratna, unless the respondents

shall, on or before the 8th day of January, 1907, show sufficient cause to the satisfaction of this court to the contrary.

G. S. SAXTON,
District Judge.

The 19th day of November, 1906.

In the District Court of Kurunegala.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of the late Francina de Waas
No. 851. Tirenayaker Hamine *alias* Fran-
cina Hamine of Kurunegala.

Kuna Mana Meyna Renganathen Chetty
of Kurunegala Petitioner.

And

(1) Simon de Waas Tirenayaker *alias* Simon Tirenayaker, (2) Pascal Tirenayaker, (3) Joseph Tirenayaker, (4) Leah Tirenayaker, (5) Victoria Tirenayaker, (6) Lucy Tirenayaker, (7) Josephine Tirenayaker, (8) Leonard Tirenayaker, (9) George Tirenayaker, (10) John Tirenayaker, (11) Theresa Tirenayaker, all of Kurunegala. Respondents.

Robert Solomons, Secretary, District Court, Kurunegala Administrator.

THIS matter coming on for disposal before B. Hill, Esq., District Judge of Kurunegala, on the 6th day of November, 1906, in the presence of Mr. Felsing on the part of the petitioner, and the respondents not appearing although they were served with a notice in terms of section 545 of the Civil Procedure Code, as appears by the affidavit of W. D. John, Process Server, dated 2nd November, 1906, and no cause being shown against the prayer of the petitioner's petition dated 15th October, 1906, filed together with his affidavit of the 11th October, 1906 :

It is ordered that Robert Solomons, Secretary of the District Court of Kurunegala, be and he is hereby declared the official administrator of the estate of the late Francina de Waas Tirenayaker Hamine *alias* Francina Hamine of Kurunegala, and as such entitled to have letters of administration of the said estate issued to him accordingly, unless sufficient cause being shown to the contrary on or before the 13th day of December, 1906.

BERTRAM HILL,
District Judge.

The 6th day of November, 1906.

In the District Court of Kurunegala.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Dionysius Godage, late
No. 856. Kachcheri Mudaliyar of Anu-
radhapura, deceased, of Anu-
radhapura.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kurunegala, on the 26th day of November, 1906, in the presence of Mr. Moonemalle on the part of the petitioner; and the affidavit of the petitioner, Thorachina Wijeratna Alahakoon *alias* Theodora Weerakoon of Anuradhapura, dated November 26, 1906 :

It is ordered that the will of the said Dionysius Godage, Kachcheri Mudaliyar of Anuradhapura, deceased, dated 18th January, 1904, and now filed in District Court, Anuradhapura, Testamentary Case No. 102, be and the same is hereby declared proved, unless Somavati Godage, Wimalavati Godage, Kusala-

vati Godage, and Sinnavan Godage, all of Maitipe in Galle, who are made respondents herein, shall, on or before the 15th day of January, 1907, show sufficient cause to the satisfaction of this court to the contrary. It is further declared that the said petitioner, as the widow and an heir of the said testate, is entitled to letters of administration, with the will annexed, issued to her, unless the said respondents shall, on or before the 15th day of January, 1907, show sufficient cause to the satisfaction of this court to the contrary.

ALLAN BEVEN,
District Judge.

The 26th day of November, 1906.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Estate and Effects
Jurisdiction. of Wickramanayaka Pathirennelage Punchi Menik Etana
No. 724. of Mahawewa.

THIS matter coming on for disposal before R. G. Saunders, Esq., District Judge of Chilaw, on the 15th November, 1906, in the presence of Mr. G. V. E. Perera, Proctor, Chilaw, on the part of the petitioner; and the affidavit of the said petitioner, dated the 15th day of November, 1906, having been read:

It is ordered that the petitioner Wijetunga Mudalige Puchappuhami of Wirahena be declared entitled to have letters of administration to the estate of Wickramanayaka Pathirennelage Punchi Menik Etana of Mahawewa, deceased, unless the respondents show sufficient cause to the contrary to the satisfaction of court on the 12th December, 1906.

R. G. SAUNDERS,
District Judge.

The 15th day of November, 1906.

In the District Court of Badulla.

Order Nisi.

No. T 1. In the Matter of the Trusts of the
Ordinance 7 Hindu Temples called (1) Tewa-
of 1871. yansi Amma Kovil, (2) Manika
Pillayar Kovil, (3) Muttulinga
Swami Kovil, (4) Pattini Amma
Kovil, (5) Manika Pillayar Kovil,
(6) Kandasami Kovil, and of the
lands and tenements appertaining
thereto.

THIS matter coming on for disposal before A. R. Slater, Esq., District Judge of Badulla, on the 15th day of November, 1906, in the presence of Mr. B. L. Potger, Proctor, on the part of the petitioner Srimat Santhosi Puri Swami of Kataragam; and the affidavit of Ramanathan Ponnambalam Murugasoe and Muna Ittena Thana Veyna Suppramaniam Chetty, dated the 8th day of November, 1906; and the affidavit of Srimat Santhosi Puri Swami, also dated the 8th day of November, 1906, having been read:

It is ordered that the said Srimat Santhosi Puri Swami, who is a Sannyasi and a Paramparawa Seshiya and a member of one of the ten sects of Dasinamis, be and he is hereby nominated and appointed trustee and manager of the temples above-named, unless any person or persons interested in the matter shall, on or before the 22nd day of December, 1906, show sufficient cause to the satisfaction of this court to the contrary.

A. R. SLATER,
District Judge.

The 17th day of November, 1906.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,241. In the matter of the insolvency of
Mahamarakkalage Juanis Perera of
Kollupitiya in Colombo.

NOTICE is hereby given that the above-named insolvent has been awarded a certificate of the third class, but its issue has been suspended for six months.

By order of court,

J. B. Misso,
Secretary.

Colombo, December 4, 1906.

In the District Court of Colombo.

No. 2,249. In the matter of the insolvency of
Madar Lebbe Sinne Lebbe Maricar
of No. 23, Layard's Broadway in
Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on the 17th day of January, 1907, for the appointment of an assignee.

By order of court,

J. B. Misso,
Secretary.

Colombo, November 29, 1906.

In the District Court of Colombo.

No. 2,250. In the matter of the insolvency of
Ana Ismail Saibo of No. 70,
Second Cross street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will

take place at the sitting of this court on the 17th day of January, 1907, for the grant of a certificate of conformity to the above-named insolvent.

By order of court,

J. B. Misso,
Secretary.

Colombo, November 29, 1906.

In the District Court of Colombo.

No. 2,252. In the matter of the insolvency of
Kuna Neina Kither Mohideen of
No. 31, Hulfsdorp, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on the 17th day of January, 1907, for the grant of a certificate of conformity to the above-named insolvent.

By order of court,

J. B. Misso,
Secretary.

Colombo, November 29, 1906.

In the District Court of Colombo.

No. 2,253. In the matter of the insolvency of
Charles Henry Friskin of Kelaniya.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on January 17, 1907, for the grant of a certificate of conformity to the above-named insolvent.

By order of court,

J. B. Misso,
Secretary.

Colombo, November 29, 1906.

NOTICES OF FISCALS' SALES.

Western Province.

In the Court of Requests of Colombo.

Patapilihelu Nicholas of Pettah in
Colombo Plaintiff.
No. 190. Vs.

Bellanagey Davith Fernando of Ceme-
tery road, Kotahena, Colombo, repre-
sentative of the estate of Bellanagey
Salmon Fernando, deceased Defendant.

NOTICE is hereby given that on Wednesday,
January 16, 1907, at 4 o'clock in the afternoon,
will be sold by public auction at the premises the
following property, ordered to be sold by order to
sell, dated August 15, 1906, for the recovery of the
sum of Rs. 235·62, with further interest thereon at
9 per cent. per annum from date of decree till payment
in full, and costs taxed at Rs. 30·25, and pound-
age, viz. :—

An undivided one half part of the house bearing
assessment No. 66, Cemetery road, constructed in the
allotment of ground situated at Kotahena, within the
Municipality of Colombo, and marked D in the original
survey dated August 11, 1898; and bounded on the
north by the portion C allotted to Gintotaradagey
Pedro Fernando, on the south by the portion E
allotted to Gintotaradagey Pabiline Fernando, wife
of Atulugamage Gabriel Silva, on the east by the road,
and on the west by the other part No. 3; containing
in extent 1 rood and 12·65 square perches.

E. ONDATJE,
Deputy Fiscal.

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

In the Court of Requests of Colombo.

M. P. Pathappa Chetty of Sea street,
Colombo Plaintiff.
No. 2,412. Vs.

Uduma Lebbe Marikar Mohamado
Hanifa of Skinner's Road South.
Colombo Defendant.

NOTICE is hereby given that on Tuesday, January
15, 1907, at 3.30 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. 54·82,
and costs of suit taxed at Rs. 28·75, viz. :—

All that house and ground bearing assessment
No. 22, formerly No. 23, situated at second lane,
formerly called Second Fishers' street, Pettah, in
Colombo; and bounded on the north by second lane,
now called Second Fishers' lane, on the east by the
property belonging to Peria Ammani Amma and
bearing assessment No. 21, on the south by the pro-
perty of Kalaha Aratchige Selestina Hami bearing
assessment No. 71, and on the west by the property
belonging to the estate of the late K. Don Daniel;
containing in extent 3·26 square perches.

E. ONDATJE,
Deputy Fiscal.

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

In the District Court Colombo.

S. N. Ramanathan Chetty of Sea street,
Colombo Plaintiff.
No. 19,548. Vs.

(1) A. Holmes, (2) Catherine Holmes,
both of Dematagoda in Colombo Defendants.

NOTICE is hereby given that on Tuesday, January
8, 1907, will be sold by public auction at the
respective premises the life rent and the right, title,
and interest of the said second defendant to one un-
divided fourth part or share in each of the following
properties, for the recovery of the sum of Rs. 1,000,
with interest thereon at 30 per cent. per annum from
February 9, 1904, till March 14, 1904, and thereafter
at 9 per cent. per annum till payment in full, and costs
of suit, viz. :—

At 2. P. M.

1. Boutiques Nos. 44, 45, 46, and 47, situate at
St. John's road, Pettah, in Colombo: bounded on the
north by the Seabeach road, on the south by the
property of the late W. David de Alwis (now called
Old Fish Market lane), on the east by the property
of Mrs. Arnolis de Alwis and others, and on the west
by St. John's road; containing in extent 24 perches.

At 2.30. P. M.

2. All that shop No. 3, Old Butchers' street,
Pettah, in Colombo, now used as the Imperial Bar;
bounded on the north by the property of S. Siadoris
Fernando, on the east by the property of W. John
Perera, on the south by the road and the property of S.
Siadoris Fernando, and on the west by Old Butchers'
street; containing in extent 21 perches.

At 3. P. M.

3. All those several rooms situated at Old Fish
Market lane, Pettah, in Colombo, bearing assessment
Nos. 13, 14, 15, and 16; bounded on the north by the
property of the late widow Mrs. Charles de Alwis, on
the east by the property of Hettiaratchige Jacolis
Appuhamy, on the south by the property of widow
Mrs. F. Holmes, and on the west by Fish Market lane,
containing in extent 25 perches.

At 3.30 P. M.

4. All those boutiques bearing assessment Nos. 1,
and 2, China lane, Pettah, in Colombo; bounded on
the north by premises bearing assessment No. 30, Old
Butchers' street, on the east by the property of L.
Hendrick Fernando, on the west by the property of
A. S. Fernando, and on the south by China lane;
containing in extent 9 perches.

E. ONDATJE,
Deputy Fiscal.

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

In the District Court of Colombo.
 Bemenihennedige Joseph Peiris of Egoda
 Uyana in Moratuwa Plaintiff.
 Lindamulage Bastiana Silva, executrix
 of the last will and testament of
 Bomenihennedige Joseph Peiris, de-
 ceased Substituted Plaintiff.
 No. 20,713. Vs.

(1) Kariakarawana Patabendi Maha-
 vidanage Don Johannis Fernando,
 (2) Kariakarawana Patabendi Maha-
 vidanage Don Solomon Fernando. Defendants.

NOTICE is hereby given that on Thursday, January 10, 1907, at 9 o'clock in the forenoon, will be sold by public auction at the premises the following property, mortgaged with the plaintiff and ordered to be sold by the order of court, dated September 4, 1906, for the recovery of the sum of Rs. 2,885.10, with interest on Rs. 1,630 at 16½ per cent. per annum from September 24, 1904, till November 4, 1904, and thereafter at 9 per cent. per annum, till payment in full, and costs of suit, viz. :—

All that land called Ketakelagahawatta, situated at Rawatawatta in Moratuwa in the Pallo pattu of Salpiti korale; and bounded on the north by a portion of this garden belonging to Balapuwaduge Pasqual Mendis, on the east by the garden belonging to Tantaluge Siman Fernando and others, on the south by a portion of his garden, and on the west by the high road; containing in extent 2 roods and 1.63 square perch, together with the soil and trees thereof and the buildings standing thereon and its appurtenances.

E. ONDATJE,
 Deputy Fiscal.

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

In the District Court of Colombo.
 Moona Savenna Peritchiappu Chetty of
 Sea street, Colombo Plaintiff.
 No. 22,914 C. Vs.

(1) Dona Elizabeth Senanayake, (2) M.
 H. Senanayake, both of Mirigama, and
 (3) Koonana Lana Kavenna Kader Mu-
 naru of Dam street, Colombo. Defendants.

NOTICE is hereby given that on Monday, January 7, 1907, will be sold by public auction at the respective premises the right, title, and interest of the said first defendant in the following property, for the recovery of the sum of Rs. 1,233.09, with further interest on Rs. 1,200 at 9 per cent. per annum from January 28, 1906, till payment in full, and costs of action, viz. :—

At 10.30 A. M.

1. An undivided ½ part of Arambewatta alias Padinchiwatta, situated at Mirigama in the Udugaha pattu of Hapitigam korale; and bounded on the north by the land belonging to the estate of the late Peter Bandaranayaka and the lands belonging to others, on the east by Godellewatta, Kahambiliyavatta, field, and Elawella, on the south by the live fence of the land belonging to D. B. Perera, Vidane-arachchirala, and on the west by the lands belonging to the Government and the lands belonging to the villages; containing in extent 12 acres more or less.

At 11. A. M.

2. An undivided ½ part of Callawakumbura and of the high ground and of the buildings standing thereon, situated at Mirigama as aforesaid; and bounded on the north by Elawella and the field belonging

to D. B. Perera, Vidane-arachchirala, on the east by Elawella, on the south by the lands reserved for the railway, and on the west by Mirigama resthouse garden; containing in extent 2 acres more or less. (excluding the road passing through this land).

At 11.30 A. M.

3. An undivided ½ part of Gorakgahawatta, situated at Mirigama as aforesaid; and bounded on the north by the fence of the garden belonging to D. B. Perera, Vidane-arachchirala, on the east by the fence of the land belonging to Karamanis Naide and others, on the south and west by the high land and the field belonging to the temple; containing in extent 1 acre more or less.

At 12 noon.

4. An undivided ½ part of Ambagahawatta, situated at Mirigama as aforesaid; and bounded on the north and east by the live fence of the land belonging to Ungu Naide and others and the land belonging to the Crown, on the south by the land belonging to the Crown, and on the west by the field and kamatha belonging to Bastian Naide; containing in extent 2 acres more or less.

At 12.30 P. M.

5. An undivided ½ part of Metiwalpitiwatta, situated at Mirigama as aforesaid; and bounded on the north by the lands belonging to the Railway, on the east and south by the live fence of the land belonging to Ungu Naide and others, and on the west by the live fence of the field belonging to Bastian Naide; containing in extent 1 acre more or less.

E. ONDATJE,
 Deputy Fiscal.

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

In the District Court of Colombo.
 M. P. S. R. M. Kandasamy Chetty of Sea
 street, Colombo Plaintiff.
 No. 23,544. Vs.

(1) T. Sanmugam of "Devon House,"
 Cinnamon Gardens, Colombo;
 (2) J. W. C. de Soysa Defendants.

NOTICE is hereby given that on Wednesday, January 9, 1907, at 1 o'clock in the afternoon, will be sold by public auction at "Devon House," Alexandra Place, Cinnamon Gardens, Colombo, the following property of the first defendant, for the recovery of the sum of Rs. 2,501.25, with interest at 9 per cent. per annum from June 4, 1906, till payment in full, and costs, less Rs. 1,323.78, viz. :—

Four calamander wood chairs, 2 calamander wood chairs, 2 calamander wood chairs, 1 ebony sofa, 1 grand piano, 1 dining table, 6 dining chairs, 1 side board, 1 lot table ornaments, 10 pictures, 1 writing desk, 1 whatnot, 1 collaretto, 1 iron safe, 1 bay horse, 1 victoria phaeton, 1 stanhope, 1 landau, 1 set double harness, 1 set single harness, 1 set single harness, 1 large clock, 1 large almirah, 1 large table, 4 lounging chairs, 6 bentwood chairs, 2 arm chairs, 4 arm settees, 1 billiard table and its appurtenances, 2 lounging chairs.

E. ONDATJE,
 Deputy Fiscal.

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

In the District Court of Colombo.

Dr. Charles Benedict Reginald de
Jacobs Abeyegunawardena Tilleke-
ratne of Nammunukula, now of
Colombo..... Plaintiff.
No. 23,724. Vs.

(1) Matarage Esias Anthony Pereira,
now of Messrs. Andrew Cooray and
Company, Kandy; and (2) Matarage
Edward Isaac Pereira, now of the
Master Attendant's Office, Galle..... Defendants.

NOTICE is hereby given that on Friday, January
11, 1907, at 3.30 o'clock in the afternoon,
will be sold by public auction at the premises the
following property, ordered to be sold by the order of
court issued in the above-styled action and dated
November 14, 1906, for the recovery of the sum of
Rs. 3,250, with interest on Rs. 2,500 at 9 per cent.
per annum from July 1, 1906, till payment in full,
and costs of suit taxed at Rs. 183.25, viz. :—

The land and buildings bearing assessment No. 34,
situated at Kollupitiya in Colombo, and described in
the title deed thereof as a part or portion marked lot B,
being one-fourth part of the garden called Madangaha-
watta, situated at Kollupitiya within the Municipality
of Colombo, together with the buildings constructed
thereon; bounded on the north by the lot marked A
allotted to Wattutantrige Maria Salo de Alwis, on the
east by the garden of Uduma Lebbe, on the south by
the lot marked C allotted to Wattutantrige Elizabeth
de Alwis, and on the west by the high road, containing
in extent 23½ square perches, together with all the
buildings, trees, and plantations thereto belonging or
therewith used or enjoyed, and all the estate, right,
title, interest, claim, and demand whatsoever of the
defendants and each of them, into, out of, or upon
the same.

E. ONDATJE,
Deputy Fiscal.

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

In the District Court of Negombo.

Sawanna Thana Sina Wana *alias* Sawanna
Thana Lena Muna Muttiah Chetty
of Negombo..... Plaintiff.
No. 5,892. Vs.

Wanniaehchipathirannehelage Don Juanis,
Police Vidane of Dagonna..... Defendant.

NOTICE is hereby given that on December 29,
1906, commencing at 10 o'clock in the fore-
noon, will be sold by public auction at the premises
the following property specially hypothecated, viz. :—

(1) The undivided 3/7 of the field called Gorakagaha-
kotukumbura, situate at Dagonna in Dunagaha pattu
of Alutkuru korale; the said field being bounded on
the north by Depa-ela, on the east by the garden of
Jambiris Appu, on the south by the land of Bastian
Perera, and on the west by the field belonging in the
name of Christian Appu, deceased, to his heirs; con-
taining in extent 5 parrals of paddy sowing more or
less.

(2) The land consisting of Delgahawatta, two
portions of Dombagahawatta and Migahawatta ad-
joining one another, and the tiled house standing
thereon, situate at Dagonna in Dunagaha pattu of
Alutkuru korale; and bounded on the north by the
lands belonging to Hendrick Appu and others, on the
east by the land belonging to Hendrick Appu and
Mr. Fryer, on the south by the land belonging to
Jakolis Appu and others, and on the west by the
land belonging in the name of Juan Appu and to his
heirs; containing in extent 13 acres more or less.

(3) The land consisting of the contiguous lots, three
portions of Delgahawatta and a portion of Munamal-
gahawatta, excluding the southern portion of two

roads in extent, situate at Dagonna in Dunagaha
pattu of Alutkuru korale; and bounded on the north
by the portion of this garden Munamalgahawatta
belonging to Paulu Appu and others, on the east by
the gardens belonging to Rapiel Vidane, Peris Appu,
and others, on the south by Pansalwatta and by
the land belonging to Luvis Appu, and on the west
by the garden belonging to Piloris Appu and by the
field belonging to Luvis Appu; containing in extent
8 acres more or less.

(4) The land consisting of Urukanugahakumbura
and Urukanugaha-agara, situate at Dagonna in Duna-
gaha pattu of Alutkuru korale; and bounded on the
north by the land belonging to M. Don Peris and
others; on the east by the land belonging to W. Don
Siman and others, A. Juan, and W. Don Siman; on
the south by the land appearing in plan No. 77,292,
and on the west by the land belonging to M. Carolis
Appu and others, by the land appearing in plan
No. 32,121, and by lands belonging to M. Don Amaris
Appu and W. Don Siman; containing in extent 4 acres
and 11 perches more or less.

(5) The field called Gorakagahakumbura, situate at
Dagonna in Dunagaha pattu of Alutkuru korale; and
bounded on the north by the portion of this land
belonging to the heirs of Jayakodiarechhige Heranis
Appu, on the east by the garden belonging to Jambiris
Appu and by Pita-ela, on the south by the field be-
longing to the heirs of Bastian Perera, and on the
west by the field now belonging to Don Rapiel
Vidane; containing in extent 5 parrals of paddy
sowing more or less.

(6) The undivided ½ of Delgahawatta, situate at
Dagonna in Dunagaha pattu of Alutkuru korale; the
said land being bounded on the north by the ditch
separating the land belonging to Doiso Hamy and
others, on the east by the ditch separating the land
belonging to Juan Appu and others, on the south by
the ditch separating the land belonging to Baronchi
Fernando and others, and on the west by the ditch
separating the land belonging to Louis Appu; con-
taining in extent 8 acres more or less, and declared
liable to be sold in satisfaction of the decree entered
in the above case.

Amount to be levied Rs. 4,094.17½, with interest
on Rs. 2,030 at 13½ per cent. per annum on Rs. 970 at
15 per cent. per annum, and on Rs. 850 at 12 per cent.
per annum on all the amounts from February 9 to
March 14, 1905, and thereafter at 9 per cent. per
annum till payment.

FRED. G. HEPPONSTALL,
Deputy Fiscal's Office, Deputy Fiscal.
Negombo, December 4, 1906.

In the District Court of Kalutara.

Clarence Pedro Fonseka of Patti in
Panadure, now residing at Moratuwa... Plaintiff.
No. 2,351. Vs.

(1) Telge Johannis Peiris of Panadure,
(2) Telge Thomas Peiris of Panadure,
now at the Resthouse, Ruwanwella,
(3) Ponnahennedige Jereamias Dias
(deceased), (4) Telge Rejina Peiris,
(5) Weerahennedige Pedro Fernando,
all of Panadure, (6) Palamandadige
Johannis Fernando, now at Talawa-
kele, (7) Warnadeeptia Kurukula-
suria Pattinihennedige Selestina Rod-
rigo of Pattia, substituted defendant
in the room of the deceased 3rd
defendant..... Defendants.

NOTICE is hereby given that on Monday, Decem-
ber 31, 1906, commencing at 11 o'clock in the
forenoon, will be sold by public auction at the
premises, to recover a sum of Rs. 1,380 81½, together

with interest on Rs. 500 at 16 per cent. per annum from January 4, 1901, until March 28, 1901, and thereafter at 9 per cent. per annum on the aggregate amount until payment in full, the following property, to wit, viz. :—

1. All that portion of the land called Dombagahawatta, together with the tiled boutique standing thereon, situate at Pattia; and bounded on the north by a portion of this land owned by Telge Davith Peiris, east by the high road, south by a portion of this same land now purchased by Weerahennedige Pedro Fernando, and on the west also by a portion of this same garden Dombagahawatta belonging to the heirs of the late Charles Henry de Soysa Dissanayaka; containing in extent 2.42 perches.

2. All that portion of the garden called Dombagahawatta, together with all the plantations and buildings standing thereon, situate at Pattia in Panadure; and bounded on the north by the property which is in the name of Charles Henry de Soysa Dissanayaka, on the north-east by the property of Weerahennedige Pedro Fernando, east by the Government high road leading from Colombo to Galle, south by the property of Kurukulasuriage Siman Perera, and west by the premises of the Ceylon Government Railway forming lots A, B, C, and Z; and containing in extent 1 rood as per survey plan 2,061, dated October 26, 1901, made by Mr. E. M. Flamer Caldera, Surveyor, and filed of record, be and the same are hereby declared specially bound and executable for the decree entered in this case.

B. P. J. GOMES,
Deputy Fiscal's Office,
Kalutara, December 3, 1906. Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Muna Muttu Carupen Chetty.....Plaintiff.
No. 17,883. Vs.

S. de Pless Pol of Kandy.....Defendant.

NOTICE is hereby given that on January 7, 1907, commencing at 12 o'clock noon, and if necessary on the following day, commencing at the same hour, will be sold by public auction at the premises, the following property of the said defendant, viz. :— 2 Cellarman's aprons, 1 bracket, 1 lever cork drawer, 1 dozen earthenware, 1 dozen japanned spittoons, two Magolica bamboo patterns, 12 popular continuous calling bells, 32 japanned iron safety match stand, 1 tin opener with wood handle, 6 nickelplated corkscrews, 1 rapid powerful cork drawer, 1 syphon bottling machine, 24 stop pails, 6 lots pots and pans, 36 saladens, 12 hot water jugs, 12 moulds, 18 servants' breakfast cups, 26 pie dishes, 68 flower pots, 3 flower pots, 24 flower pots, 6 tall candlesticks, 16 tea pots, 12 sugar pots, 12 cream pots, 6 tea pots, 6 sugar pots, 6 cream pots, 12 coffee pots sugar and creams, 7 coffee pots sugar and creams, 6 coffee pots sugar and creams, 60 yards trainway iron rails, 6 salad plates, 11 cherry glasses, 11 port, 11 claret, 12 liqueur, 2 tumblers, 9 soda tumblers, 384 dozens of cake soap, 2 billiard-room settees, 4 red cushions, 4 walnut colour settees, 2 dozens luggage stands, 185 various ferns and plants in pot, 1 white galvanized urinal, 120 feet coils of vulcanized garden hose, 2 arm revolving lawn sprinklers, 2 vortex enamelled red, 12 disc ventilators, 71 electric iron posts, all lying at Haramby House in Kandy.
Amount of writ Rs. 1,229.62½ and interest.

A. V. WOUTERSZ,
Fiscal's Office,
Kandy, December 4, 1906. Deputy Fiscal.

Southern Province.

In the District Court of Galle.

A. C. Mohammed Lebbe Markar Had-
jiar of GallePlaintiff.
No. 7,862. Vs.

E. D. Perera of Havolock Town,
Colombo, now of Galle.....Defendant.

NOTICE is hereby given that on Saturday, December 29, 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 following property, viz. :—

1. All that part of the soil and trees of the garden Eramudugahawatta, in extent 1 rood and 24.46 perches, together with a 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.

On Monday, December 31, 1906, at 12 noon,
at the spot.

3. An allotment of land called Ihalanakiyadeniya, in extent 2 acres 3 roods and 13 perches, situated at Udumalagala.

Writ amount Rs. 621.10, with interest on Rs. 506.20 at 9 per cent. per annum from July 7, 1905.

C. T. LEEBRUGGEN,
Deputy Fiscal.
Fiscal's Office,
Galle, December 4, 1906.

North-Western Province.

In the District Court of Kurunegala.

(1) S. P. A. Welleappa Chetty, (2)
S. P. A. W. Natchiappa Chetty, both
by their attorney S. P. A. W. Kan-
nappa Chetty of KurunegalaPlaintiffs.

No. 2,957. Vs.

Samuel Edward Jayatiloke of Kurune-
galaDefendant.

NOTICE is hereby given that on Saturday, December 29, 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 following property, viz. :—

1. The northern 1 rood and 14 perches extent, with the buildings, plantations, and everything thereon, of that land called Ulpotewatta, in extent 3 roods and 38½ perches in the whole, situate at Udawalpola in Kurunegala; which said portion is bounded on the north by the land of Joseph Silva, east by Kandy road, south by the central portion of this land, in extent 1 rood and 14 perches, and west by the pillewa of Mrs. Nawaratne.

Amount to be levied Rs. 1,689.36, with interest and poundage.

C. V. REBEIRA,
for Fiscal.
Fiscal's Office,
Kurunegala, December 3, 1906.

In the District Court of Negombo.

Sawanna Tana Lena Muna Leochi-
manan Chetty of Negombo.....Plaintiff.

No. 6,261. Vs.

M. P. Anthony Fernando of Negombo... Defendant.

NOTICE is hereby given that on Thursday, January 17, 1907, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, by bond No. 10,050, dated May 10, 1905, hypothecated by the defendant to the plaintiff in this case:—

The one-third of the land consisting of the several contiguous lots Timbirigahakumbura, Tawallekumbura, Wewa, Dambagalahenyaya, Meegahahenyaya, and Rukattanagahahenyaya, situate at the villages called Rukattana, Ihala Kadigamuwa, and Meda Kadigamuwa in Yagam pattu korale, in the District of Kurunegala; and being bounded north by land belonging to Mr. M. D. Mel and by the village limit of Horagasagara, east by a portion of this land, south and west by the land belonging to Mr. D. B. Wijetunga, Registrar, and others; containing in extent 236 acres 1 rood and 20·6 perches.

Amount to be levied is Rs. 7,510·97½, with interest thereon at the rate of 9 per cent. per annum from February 15, 1906, till payment in full, and costs of suit and poundage.

C. V. REBEIRA,
Deputy Fiscal.

Fiscal's Office,
Kurunegala, December 3, 1906.

PROVINCE OF SABARAGAMUWA.

In the District Court of Kegalla.

Galbokke Somananda Unnanse of Dodan-
tale Plaintiff.

No. 1,564. Vs.

(1) Parapitia Naraulle Galladdalage Appu Naide, (2) Hittaragedara *alias* Dewindaragedara Dingiri Appu, both of Waharakgoda Defendants.

NOTICE is hereby given that on Saturday, December 29, 1906, at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property, decreed to be sold by the judgment entered in the above case, viz.:—

1. The field called Lindagawahapukumbura of 2 pelas.
2. The land called Acharigewatto of 8 lahas.
3. The land called Warapitihena of 3 pelas.
4. Half part of Mudunapitahena of 12 lahas.
5. Three-fourths part of Hapukumburepaula Aswedduma of 3 pelas.
6. Three-fourths part of Batawalayahitiyawatta of 4 lahas.
7. Three-fourths part of Nikatennehena of 3 pelas.
8. Three-eighths part of Kukurumahanehena of 2 pelas.
9. Three-eighths part of Ekohotennehena of 2 pelas and 5 lahas.
10. Three-fourths part of Hapukumbura of 3 pelas.
11. Three-fourths part of Ketakalapitiyawatte of 12 lahas, all situated at Waharakgoda in Galboda korale in Kegalla District.

To recover Rs. 1,816·60.

C. JANSZ,
Deputy Fiscal's Office,
Kegalla, December 4, 1906.

I, GEORGE MERRICK FOWLER, Acting Fiscal for the Western Province, do hereby appoint Alexander Charles Amarasekera to be Marshal at Pasyala for the District of Colombo, Western Province, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

GEORGE M. FOWLER,
Acting Fiscal, Western Province.

Colombo, November 30, 1906.

him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

GEORGE M. FOWLER,
Acting Fiscal, Western Province.
Colombo, November 30, 1906.

I, GEORGE MERRICK FOWLER, Acting Fiscal for the Western Province, do hereby appoint Aron Ernest Ranasinghe to be Marshal for the Udu-gaha pattu and Meda pattu of Hewagam korale in the District of Avisawela, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

GEORGE M. FOWLER,
Acting Fiscal, Western Province.

Colombo, November 30, 1906.

I, GEORGE MERRICK FOWLER, Acting Fiscal for the Western Province, do hereby appoint James de Livera Weerakoon to be Marshal for the District of Panadure, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, and authorize

DISTRICT AND MINOR COURTS NOTICES.

IN terms of section 6 of the Ordinance No. 12 of 1894, notice is hereby given that all Court of Requests cases from No. 12,362, 1st January, 1860, to 20,000 of 31st May, 1865, exclusive of actions referring to lands, appeal cases, and mortgage decrees, will, three months from this date, be destroyed, unless any person interested in any record, personally or by proctor or by duly authenticated petition, claim, upon good cause shown, that such record may not be destroyed.

Court of Requests,
Kalutara, December 3, 1906.

P. E. PIERIS,
Additional Commissioner of Requests.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Matale, No. 7,375, by eight labourers of Sinna Bambaragala estate against the proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 150.

This 22nd day of November, 1906.

S. RANESINGHE,
Chief Clerk.