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and General Government Notifications.

PART III.—Provincial Administration.

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### DRAFT ORDINANCES.

#### MINUTE.

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

**An Ordinance to make better provision for the sale in a pure state of Food, Drugs, and Articles of Domestic Use.**

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**An Ordinance to make better provision for the Sale in a pure state of Food, Drugs, and Articles of Domestic Use.**

## Preamble.

WHEREAS it is expedient to make better provision for the sale of food and drugs in a pure state: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

## CHAPTER I.

*Preliminary.*

## Short title.

1 This Ordinance may be cited as "The Food and Drugs Ordinance, No. of 1914."

## Commencement.

2 This Ordinance shall come into operation on such day as the Governor, by Proclamation in the "Government Gazette," shall appoint.

## General definitions.

3 In this Ordinance—

"Food" includes every article other than drugs used for food or drink by man or animals, and any article which ordinarily enters into or is used in the composition or preparation of human or animal food, and also includes flavouring matters and condiments.

"Drug" includes medicine for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of diseases of man or animals.

"Article of domestic use" includes soaps, washing powders, dusting powders, cosmetics, oils, unguents, and any other article declared to be an article of domestic use by rules made under this Ordinance.

"Analyst" means any Government or Municipal Analyst or Bacteriologist.

"Importer" includes any person who, whether as owner, consignor or consignee, agent or broker, is in possession of, or in anywise entitled to the custody or control of, the article imported.

"Skimmed milk" includes "machine skimmed milk" and "machine separated milk."

- Special definitions:  
Adulteration.
- 4 (1) An article is deemed to be adulterated—
- (a) If anything has been mixed with it so as to reduce or lower or injuriously affect its quality or strength, or fraudulently to increase its weight, bulk, or measure;
  - (b) If it contains or is mixed or diluted with any substance of lower commercial value than such articles in a pure or normal state and in an undeteriorated or sound condition;
  - (c) If it is mixed, coloured, powdered, coated, or stained in a manner whereby damage or inferiority is concealed;
  - (d) If it contains any added poison or other deleterious ingredient which may render such article injurious to health;
  - (e) If it contains any prescribed prohibited substance; and
  - (f) If it contains any substance concerning which restrictions have been prescribed in excess of the prescribed quantity or proportion.
- Adulteration of drugs.
- (2) In the case of drugs an article is also deemed to be adulterated—
- (a) If when it is sold under or by a name recognized in the British Pharmacopœia, it differ from the standard of strength, quality, or purity as determined by the tests laid down in the British Pharmacopœia.  
Provided that no drug defined in the British Pharmacopœia shall be deemed adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the tests laid down in the British Pharmacopœia.
  - (b) If its strength or purity fall below the professed standard or quality under which it is sold.
- Impurity.
- (3) An article is deemed to be impure—
- (a) If it contains any impurity;
  - (b) If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance or any portion of an animal unfit for use, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.
- Impoverishment.
- (4) An article is deemed to be impoverished—
- (a) If any valuable constituent has been wholly or in part abstracted;
  - (b) If either wholly or in part it does not comply with the prescribed standard.
- Misdescription.
- (5) An article is deemed to be misdescribed if it is sold under or in connection with or enclosed in a description in writing which is untrue or deceptive or likely to cause misconception as to—
- (a) The nature or quality of the article;
  - (b) The place of manufacture;
  - (c) The name of the manufacturer or distributor;
  - (d) The weight or measure of the amount sold; and
  - (e) Any other circumstance as to which a misdescription is calculated to prejudice the purchaser.
- Provided that no article is deemed to be misdescribed within the meaning of this definition if it is sold under a recognized trade description, and is of the nature and quality of articles ordinarily sold under that trade description.

## CHAPTER II.

*Offences.*

- Manufacture, import, or sale of adulterated, impure, misdescribed, or impoverished articles.
- 5 (1) Any person who—
- (a) Manufactures;
  - (b) Imports;
  - (c) Sells;
  - (d) Exposes or possesses for sale;

(e) Delivers or offers to deliver for pay or otherwise any article of food or domestic use or drug which is—

- (i.) Adulterated ;
- (ii.) Impure ;
- (iii.) Misdescribed ; or
- (iv.) Impoverished—

shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rupees.

(2) The burden of proof that an article is not possessed for sale shall be upon the person in whose possession it is found.

Sale of article not of proper nature, substance, or quality.

6 (1) Every person who sells, to the prejudice of the purchaser, any article of food or domestic use or any drug which is not of the nature, substance, or quality of the article demanded by such purchaser shall be guilty of an offence, and liable on conviction to a fine not exceeding five hundred rupees.

Provided that an offence shall not be deemed to be committed under this section in the following cases, that is to say :

[38 and 39 Vict.,  
c. 63, s. 6.]

- (a) Where any matter or ingredient not injurious to health has been added to the food or drug because the same is required for the production or preparation thereof as an article of commerce in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or to conceal the inferior quality thereof ;
- (b) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation, and the proportion of such extraneous matter does not exceed the prescribed proportion.

(2) In any prosecution under this section it shall be no defence to allege—

[42 and 43 Vict.,  
c. 30, s. 2.]

- (a) That the purchaser having bought only for analysis was not prejudiced by such sale ; or
- (b) That the article of food or drug in question though defective in nature, or in substance, or in quality was not defective in all these respects.

Wrongful compounding.

[38 and 39 Vict.,  
c. 63, ss. 7, 8, 9.]

7 Every person who sells any compound article of food or domestic use or compounded drug which is not composed of ingredients in accordance with the demand of the purchaser shall be guilty of an offence, and liable on conviction to a fine not exceeding five hundred rupees.

Sale of condensed skimmed milk without notification.

[62 and 63 Vict.,  
c. 51, s. 11.]

8 Every person who imports, sells, or exposes, or offers for sale, condensed skimmed milk, except in tins or other receptacles bearing a label clearly visible to the purchaser, on which the words "Skimmed milk, unfit for infants," "கொல்ட் ஃபர் டீ கிளி, மெக குடர், உயர் வுண்பதற்கு," "ஆடை எடுத்த பால், இது குழந்தைகளுக்கு ஆபாத்," are printed in legible type of not less size than 24 point face measurement in such a manner as not to be obscured by any other matter on the label, shall be liable on conviction to a fine not exceeding one thousand rupees.

Obstruction of officer in discharge of his duties.

[62 and 63 Vict.,  
c. 51, s. 16.]

9 Every person who wilfully obstructs or impedes any officer acting in the course of his duties under this Ordinance, or by any gratuity, bribe, promise, or other inducement prevents or attempts to prevent the due execution by such officer of his duty under this Ordinance, shall be guilty of an offence, and liable on conviction to a fine not exceeding five hundred rupees.

Refusal to sell sample for analysis.

[38 and 39 Vict.,  
c. 63, s. 17 ]  
[42 and 43 Vict.,  
c. 30, s. 5.]

10 Every person who, being in charge of any premises, shop, store, or boutique, refuses to sell any article of food or domestic use or drug exposed for sale or on sale therein to any officer acting in the course of his duties under this Ordinance, who applies to him for the purchase of the same for the purpose of analysis, and tenders the price for the quantity which he applies to purchase, not being more than may be reasonably requisite, shall be guilty of an offence, and liable on conviction to a fine not exceeding five hundred rupees.

[62 and 63 Vict.,  
c. 51, s. 18.]

Provided that where any article of food or domestic use or drug is exposed for sale in an unopened tin or packet duly labelled, no person shall be required to sell it except in the unopened tin or packet in which it is contained.

Giving false warranty.

[38 and 39 Vict.,  
c. 63, s. 27.]  
[62 and 63 Vict.,  
c. 51, s. 20 (6).]

11 Every person who gives a false warranty in writing to any purchaser in respect of an article of food or domestic use or drug sold by him as principal or agent (unless he proves that when he gave the warranty he had reason to believe it true) shall be guilty of an offence, and liable on conviction to a fine not exceeding five hundred rupees.

Falsely applying warrant.

38 and 39 Vict.,  
c. 63, s. 27.]

12 Every person who wilfully applies to an article of food or domestic use or drug in any proceeding under this Ordinance a certificate or warrant given in relation to any other article or drug shall be guilty of an offence, and liable on conviction to a fine not exceeding five hundred rupees.

Breach of regulations.

13 Any person committing any breach of any regulation made under this Ordinance shall be guilty of an offence, and liable to a penalty not exceeding one hundred rupees, or in respect of a continuing offence to a penalty not exceeding fifty rupees, in respect of every day for which the offence is continued after notification that such offence is being committed, or to imprisonment for a period not exceeding two months, or to both such punishments.

### CHAPTER III.

#### *Analysis.*

Power of certain officers to procure samples of food or drug and obtain analysis.

38 and 39 Vict.,  
c. 63, s. 13.]

14 Any of the following officers, that is to say :

- (a) Any Inspector of Nuisances or Sanitary Inspector ;
- (b) Any Medical Officer of Health, or other officer acting under his written directions ;
- (c) Any police officer or peace officer acting under the written directions of a Government Agent, or Assistant Government Agent, or Superintendent of Police—

may at the cost of the Government procure any sample of any food or a drug, and if he suspects the same to have been sold to him contrary to any provision of this Ordinance, shall submit the same to be analysed by an analyst, and such analyst shall with all convenient speed analyse the same and shall give a certificate to such officer, wherein he shall specify the result of the analysis.

Provision for dealing with sample when purchased.

[38 and 39 Vict.,  
c. 63, s. 14.]

15 (1) Any officer purchasing or procuring any article from any person selling the same with the intention of submitting it for analysis shall forthwith notify to the seller or his agent selling the article his intention to have the same analysed by an analyst, and shall divide the article into two parts to be then and there separated, and each part to be marked and sealed or fastened up in such manner as its nature will permit, and shall deliver one of such parts to the seller or his agent, and the other, if he deems it right to have the article analysed, to the analyst.

(2) The seller of any such article so sold or procured may affix his own private seal to the sample so obtained in such a manner as not to interfere with the seal affixed by the officer.

Special provisions with regard to articles enclosed in identical receptacles.

16 If any article contained in any bottle, tin, package, or other receptacle is possessed for sale together with other articles purporting to be identical therewith, and contained in identical bottles, tins, packages, or other receptacles, in any such case—

- (a) The officer obtaining such article for analysis may obtain two or more of such articles and divide the total amount of the articles so obtained as though they constituted a single sample ;
- (b) The analyst, if any such article singly is too small to be conveniently analysed as a separate sample, may mix together two or more of such articles obtained as part of the same sample, and analyse them as a single sample.

Form of certificate of analysis.

[38 and 39 Vict.,  
c. 63, s. 18.]

17 The certificate of the analysis shall be in the form in the schedule to this Ordinance, or to the like effect, with such variation as the circumstances may require, or in such other form as may be prescribed.

## CHAPTER IV.

*Regulations.*

Food and  
Drugs Board.

18 For the purpose of the administration of this Ordinance, the Governor may appoint a Board to be called "The Food and Drugs Board," consisting of the Principal Collector of Customs as Chairman, the Government Analyst, the Medical Officer of Health of the Colombo Municipality, two members nominated by the Chamber of Commerce, and such other members as the Governor may appoint either generally as standing members of the Board for such period as the Governor may direct or specially for the consideration of any specific matter.

Powers of  
Board to make  
regulations.

19 The Food and Drugs Board, subject to the approval of the Governor in Executive Council, may make regulations for the following purposes :

- (1) Prescribing standards—
  - (a) For the composition, strength, purity, or quality of any food, drug, or article of domestic use ;
  - (b) For the nature or proportion of any substance which may be mixed with or used in the preparation or preservation of any food, drug, or article of domestic use.
- (2) Prohibiting—
  - (a) The addition of any substance to any article of food or of domestic use ;
  - (b) Such modes of manufacture and of preparation or preservation of articles of food or of domestic use as may be specified ;
  - (c) The use in the manufacture, preparation, storing, preservation, packing, or delivery for sale of any article of food, of appliances containing any specified substance or containing any such substance in or in excess of any specified proportion ;
  - (d) The sale of any such appliances ;
  - (e) The sale of any article of food or of domestic use or of any drugs which are injurious to health or not in accordance with regulations made under this Ordinance.
- (3) Prescribing statements or labels to be printed on or attached to specified articles of food or of domestic use, or to packages containing such articles or to be delivered with such articles.
- (4) Prescribing what substances and what quantities thereof added to any article of food or of domestic use or drug shall render such article or drug injurious to health within the meaning of this Ordinance.
- (5) Providing for the publication of analysis of articles of food or of domestic use and drugs made by any analyst under this Ordinance together with the names and addresses of the dealers in the same.
- (6) Providing for the taking of samples of imported goods for analysis by the Principal Collector of Customs and the officers of his Department.
- (7) Exempting any article of food or of domestic use or drug from any provision of this Ordinance either absolutely or subject to such conditions as may be prescribed.
- (8) Generally for carrying out the provisions of this Ordinance, and for securing the wholesomeness, cleanliness, freedom from contamination and adulteration, of any food, drug, or article of domestic use, and for securing the cleanliness of receptacles, places, and vehicles used for the manufacture, preparation, storage, packing, carriage, or delivery of any food, drug, or article of domestic use.

## CHAPTER V.

*Procedure, &c.*

- All offences triable summarily.** 20 All offences under this Ordinance shall be triable by a Police Magistrate, and in municipal towns by a Municipal Magistrate, and such Magistrate may impose the full penalties prescribed for the offence notwithstanding any limitation of his ordinary jurisdiction.
- Regulations as to plaints.** 21 In any prosecution under this Ordinance the summons shall not be made returnable in less time than fourteen days from the day on which it is served, and there must be served therewith a copy of any analyst's certificate obtained on behalf of the prosecutor.  
*62 and 63 Vict., c. 51, s. 19 (2).*
- Limitation of time for proceeding.** 22 When any article of food or domestic use or any drug has been purchased or procured from any person for test purposes, any prosecution in respect thereof shall not be instituted after the expiration of thirty days from the date on which the same was obtained.  
*[62 and 63 Vict., c. 51, s. 19 (1).]*
- Onus of proof.** 23 In any prosecution under this Ordinance, if the accused person desires to rely on any exception or provision contained in this Ordinance, it shall be incumbent upon him to prove that the case is within such exception or provision.
- Analysis by order of court.** 24 (1) The court before which any complaint is made under this Ordinance shall, upon the request of either party, and may in any case of its own motion, cause any article of food or drug to be sent for analysis to the analyst, and such analyst shall thereupon with all convenient speed give a certificate to the court of the result of the analysis.  
*[38 and 39 Vict., c. 63, s. 22.]*  
*[62 and 63 Vict., c. 51, s. 21.]*
- (2) In any such case the expenses of the analysis shall be paid by the complainant or the accused as the court may direct.
- Defence of warranty.** 25 (1) If the accused in any prosecution under this Ordinance proves to the satisfaction of the court that he had purchased the article in question as the same in nature, substance, and quality as that demanded of him by the prosecutor, and with a written warranty to that effect that he had no reason to believe at the time when he sold it that the article was otherwise, and that he sold it in the same state as when he purchased it, he shall be discharged from the prosecution.  
*[38 and 39 Vict., c. 63, s. 25.]*
- (2) A warranty or invoice shall not be available as a defence unless the accused has, within seven days after service of the summons, sent to the purchaser a copy of such warranty or invoice with a written notice stating that he intends to rely on the warranty or invoice, and specifying the name and address of the person from whom he received it, and has also sent a like notice of his intention to such person.
- (3) The person by whom such warranty or invoice is alleged to have been given shall be entitled to appear at the hearing and to give evidence, and the court may, if it thinks fit, adjourn the hearing to enable him to do so.
- 62 and 63 Vict., c. 51, s. 20.]* (4) A warranty or invoice given by a person resident outside Ceylon shall not be available as a defence, unless the accused proves that he had taken reasonable steps to ascertain, and did in fact believe in the accuracy of the statement contained in the warranty or invoice.
- (5) Where the accused is a servant of the person who purchased the article under a warranty or invoice, he shall be entitled to rely on this section in the same way as his employer would have been entitled to do if he had been the accused, provided that the servant further proves that he had no reason to disbelieve that the article was otherwise than that demanded by the purchaser.
- (6) Where the accused in a prosecution under this Ordinance has been discharged under the provisions of this section, any proceedings under this Ordinance for giving the warranty relied on by the accused in such prosecution may be taken as well before a court having jurisdiction in the place where the article of food or drug to which the warranty relates was purchased, as before a court having jurisdiction in the place where the warranty was given.

Enhancement of penalties.  
[62 and 63 Vict.,  
c. 51, s. 17.]

26 (1) Where under any provision of this Ordinance a person guilty of an offence is liable to a fine which may extend to five hundred rupees as a maximum, he shall be liable for a second offence under the same provision to a fine not exceeding one thousand rupees, and for any subsequent offence to a fine not exceeding fifteen hundred rupees.

(2) Where under any provision of this Ordinance a person guilty of an offence is liable to a fine exceeding one thousand rupees, and the offence in the opinion of the court was committed by the personal act, default, or culpable negligence of the person accused, that person shall be liable (if the court is of opinion that a fine will not meet the circumstances of the case) to imprisonment of either description for a period not exceeding six months.

Forfeiture and destruction of article of food or drug.  
[Hong Kong Ordinance 8 of 1896, s. 27.]

27 It shall be lawful for the court to order the destruction of any article of food or drug in connection with which an offence is proved to have been committed under this Ordinance.

Government Analyst's certificate receivable in evidence.  
[38 and 39 Vict.,  
c. 63, s. 21.]

28 The provisions of section 406 of the Criminal Procedure Code shall apply to any certificate given by any analyst under this Ordinance.

#### SCHEDULE.

##### Form of Certificate of Analysis.

To (1) ———.

I, the undersigned, do hereby certify that I received on the ——— day of ———, 191—, from (2) ———, a sample of ——— for analysis (which then weighed (3) ———), and have analysed the same, and declare the result of my analysis to be as follows:—

I am of opinion that the same is a sample of genuine ——— (or I am of opinion that the said sample contained the parts as under, or the percentages of foreign ingredients as under).

Observations. (4).

Dated the ——— day of ———, 191—.

(Signed) A. B.,  
Analyst.

(1) Here insert the name of the person submitting the article for analysis.

(2) Here insert the name of the person delivering the sample.

(3) When the article cannot be conveniently weighed, this passage may be erased, or the blank may be left unfilled.

(4) Here the analyst may insert at his discretion his opinion as to whether the mixture, if any, was for the purpose of rendering the article potable or palatable, or of preserving it, or of improving the appearance, or was unavoidable, and may state whether in excess of what is ordinary or otherwise, or whether the ingredients or materials mixed are or are not injurious to health.

In the case of a certificate regarding milk, butter, or any article liable to decomposition, the analyst shall specially report whether any change had taken place in the constitution of the article that would interfere with the analysis.

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, May 19, 1914.

R. E. STUBBS,  
Colonial Secretary.

##### Statement of Objects and Reasons.

THE Draft of the Food and Drugs Ordinance published in the *Ceylon Government Gazette* dated April 4, 1912, was carefully considered by a Committee, which recommended several important modifications. This Bill is a re-draft of the Ordinance in which those modifications are embodied.

2. The object of this Ordinance is to introduce into the Colony a Food and Drugs Ordinance embodying the principles of the Imperial Sale of Food and Drugs Act, 1875, as amended by the later Acts of 1879 and 1899.

3. All the material provisions of these three Acts have been embodied in the present Ordinance so far as they are applicable to Ceylon, the principal modifications being that, whereas in the United Kingdom the system is mainly worked by the local authorities, the central authority only intervening in default of these latter, in Ceylon the administration of the Ordinance must necessarily be centralized. The provisions of the Imperial Acts have been re-arranged with a view to the presentation of the scheme of the Ordinance with greater clearness.



4. The scheme of the Ordinance appears from the headings of the chapters. The scope of the Ordinance is to include not only articles of food used by man, but also the food of animals and various articles of domestic use. Certain terms, *e.g.*, adulteration, impurity, impoverishment, and misdescription, are defined in very comprehensive terms. The Ordinance creates a series of offences. The principal offences are:—

- (a) Manufacture, import, or sale of adulterated, impure, misdescribed, or impoverished article of food or of domestic use or drug.
- (b) Sale of any article of food or of domestic use or drug not of proper nature, substance, or quality.
- (c) Sale of wrongly compounded article of food or of domestic use or drug.

These are the principal evils at which the Ordinance aims. A special section makes it an offence to sell condensed skimmed milk without clear notification of the character and its unsuitability for infants. The other offences are of a subsidiary character.

5. Chapter III. contains the administrative machinery of the Ordinance. It empowers certain public officers to procure samples of articles of food or of domestic use and drugs and to obtain analyses, and regulates the manner in which samples shall be taken and the form in which the analyst's report shall be presented.

6. Chapter IV. deals with the creation of a Food and Drugs Board. The Board is empowered to make regulations, amongst other things, for the standardization of the articles to which the Ordinance applies, and also for various prescriptions, prohibitions, and provisions for the publication of analysis of articles and for the taking of samples of imported goods for analysis.

7. Chapter V. deals with the procedure to be followed on the prosecution of offences. It provides that all offences shall be summarily triable, and that the ordinary penalties may be enhanced in the case of repeated or aggravated offences.

8. Facilities are given for the obtaining of an official analysis by the court, and provision is made for allowing an accused person to plead that he acted in good faith upon a warranty. The chapter also contains requirements as to the time within which summons is to be returnable, the service of a copy of the analyst's certificate therewith, and as to the limitation of time within which prosecutions may be instituted.

9. The sources of the principal enactments are shown in the margin.

10. Attention is invited to the Report of the Committee above referred to, published as an enclosure to Sir H. E. McCallum's Despatch No. 679 of November 12, 1912 (correspondence relating to a proposed Food and Drugs Ordinance). For convenience of reference a reprint of the Report is attached to this statement.

Attorney-General's Chambers,  
Colombo, April 21, 1914.

ANTON BERTRAM,  
Attorney-General.

REPORT of Committee appointed to consider an Ordinance to make provisions for the Sale of  
Food and Drugs in a pure state.

THE Committee has carefully considered the Ordinance submitted to it, and recommends several important modifications. It submits a re-draft of the Ordinance, in which those modifications are embodied.

2. In the first place, the Committee proposes that the scope of the Ordinance should be enlarged so as to include not only articles of food used by man, but also to include the food of animals. It further proposes to enlarge its scope by including various articles of domestic use, which are specified in the definition, and as to which the Committee is of opinion that it is in the interest of the health of the community that they should be provided in a pure state.

3. As bacteriology as well as chemistry now plays an important part in analysis, it is proposed that the word "analyst" shall include bacteriologists, and it is also proposed that the Municipal analysts and bacteriologists should be recognized as well as those in the service of the Government.

4. Adulteration has been defined in very comprehensive terms based upon the study of legislation in other countries; and it is thought that the definitions of adulteration, impurity, impoverishment, and misdescription, which are contained in section 4, will materially enhance the efficiency of the Ordinance. In view of these new definitions, it has been found possible considerably to simplify that part of the Ordinance which relates to offences. Reference is invited to section 5, which indicates the principal offences which the Ordinance is designed to deal with in very concise terms.

5. It has, nevertheless, been determined to retain in a modified form the provisions of the English Sale of Drugs Act relating to the sale of articles not of proper nature, substance, or quality, and to "wrongful compounding." These will be found in sections 6 and 7.

6. With regard to the former of these sections, the Committee has eliminated the provision which excludes from the operation of the section proprietary and patent medicines. The Committee sees no reason why a person should be allowed to sell "to the prejudice of a purchaser" proprietary or patent medicines which are not of the nature, substance, or quality of the articles demanded by the purchaser. It is not understood why this exemption is contained in the English Sale of Drugs Act. Mr. Martin is reluctant to strike out this exemption in view of the fact that it stands in the English Food and Drugs Act, as he thinks that it cannot be there without good reason. He further points out that a Parliamentary Committee is now sitting on the whole question of proprietary and patent medicines. The Committee, therefore, determined that the provision excluding proprietary and patent medicines should be struck out provisionally; but it should be understood that this decision should be subject to reconsideration, if the report of the Parliamentary Committee referred to, when published, suggests the desirability of such a course.

7. The section relating to skimmed milk is retained practically as it stood in the original Ordinance, but the Committee thinks that it is desirable that the Sinhalese and Tamil equivalents of the words "Skimmed Milk unfit for Infants" should be actually embodied in the text, and that the actual size of the type in which the words are to be printed should be indicated in technical language. They have amended the clause accordingly.

8. With regard to facilities for analysis offered by the original Ordinance, they consider that in the local circumstances of Ceylon these are too wide. The Government Analyst informs the Committee that it would be impossible for his Department to cope with the number of applications for analysis which it would receive if any person, as in England, was allowed to purchase any article of food or drug for analysis. The Committee is also of opinion that such a privilege would be misused both for purposes of advertisement and for the purposes of private spite. They have accordingly restricted the right of submitting articles for analysis to certain specified Government and Municipal officers.

9. It is considered that it is not necessary that samples should be divided into three parts. Two parts are found in practice sufficient, and the office of the Medical Officer of Health is understood to be crowded with unnecessary third parts. The provisions of the original Ordinance have been amended accordingly (clause 15).

10. Attention is drawn to clause 16, which deals with certain practical points submitted by the Government Analyst and the Medical Officer of Health.

11. The most important part of the Committee's recommendations is contained in Chapter IV., to which attention is specially invited. The Committee is of opinion that the administration of a Food and Drugs Ordinance can only be made effective by the law itself being made definite. This is a principle which is being increasingly recognized in the British Empire. In the absence of definite regulations the analyst, when he gives his report, has to face cross-examination on questions of opinion, and is indeed hampered in giving a report unless he has a recognized standard on which to base it. It is therefore proposed that regulations should be made, amongst other things, for the standardization of the articles to which the Act applies, and also for various prescriptions, prohibitions, and provisions which will be found contained in clause 19; these are based upon the Tasmanian Food and Drugs Act, 1910. For this purpose the Committee is of opinion that a special Board should be appointed, consisting of the Principal Collector of Customs as Chairman, the Government Analyst, the Medical Officer of Health, two members nominated by the Chamber of Commerce, and other members nominated by the Governor. At present the Chamber of Commerce appears to be the only recognized commercial institution of this character. But it will be necessary that the Committee should contain representatives of other interests than those for which the Chamber of Commerce is entitled to speak. The Committee is of opinion that the powers of the Governor should be unfettered both in regard to the number of persons to be appointed and the purposes of their appointment.

12. In making these important proposals, the Committee wishes it to be distinctly understood that they are not recommending that there should be any hurried general regulation of food standards. The work of the Board, in their opinion, should proceed slowly, cautiously, and tentatively. A commencement should be made with milk, for which ample experience is already available, and successive steps should be taken with regard to other commodities when this is found practicable, after consultation with the interests concerned.

13. The other amendments to the Ordinance made by the Committee do not require any special comment.

Colombo, September 9, 1912.

ANTON BERTRAM.  
C. R. CUMBERLAND.  
K. C. BROWNING.  
WM. MARSHALL PHILIP.  
A. J. MARTIN.

#### MINUTE.

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

#### An Ordinance to amend the Law relating to the Housing of the People and to provide for the Improvement of Towns.

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**An Ordinance to amend the Law relating to the Housing of the People and to provide for the Improvement of Towns.**

Preamble.

WHEREAS for the prevention of the spread of plague and other epidemics, the protection of the poorer and labouring classes against insanitary conditions, and the improvement of the city of Colombo and other places in the Colony, it is urgently necessary to enact measures for the amendment of the law relating to the dwellings of the people, and the streets on which such dwellings are situated, and otherwise to provide for town improvements: 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.**

**PRELIMINARY.**

Short title and date of operation.

1 This Ordinance may be cited as "The Housing and Town Improvement Ordinance, No. of 1914," and shall come into operation on such date as the Governor shall, by Proclamation in the "Government Gazette," appoint.

Definitions and explanations.  
"Local authority."

2 In this Ordinance—

"Local authority" means—

Within any Municipal limits, the Municipal Council ;  
Within any Local Board limits, the Local Board ;

Within the administrative limits of the Nuwara Eliya Board of Improvement, the Board of Improvement ;

Within the limits of any town or village under the operation of "The Small Towns Sanitary Ordinance, 1892," the Sanitary Board ;

In any place outside any of the limits aforesaid, the Government Agent or the Assistant Government Agent.

"Chairman."

"Chairman" means the Chairman of the local authority or of the Board of Improvement Commissioners, and in the case of a Municipal Council includes the Assistant Chairman. Provided that where the local authority is the Government Agent or Assistant Government Agent, any reference in this Ordinance to the Chairman shall be deemed to be a reference to the Government Agent or Assistant Government Agent.

"Tribunal of Appeal."

"Tribunal of Appeal" means the Tribunal referred to in chapter II. of part IV.

"Street."

"Street" means any road, footway, or passage used or intended to be used as a means of access to two or more houses, whether the public have a right of way thereover or not, and includes all channels, drains, and ditches at the side thereof.

*Straits Municipal Ordinance, 1913, s. 3.*

"Public street."

"Public street" means any street over which the public have a right of way, which is or has been usually repaired or maintained by any public authority, or which has been conveyed to them or has become vested in them under any Ordinance or by operation of law.

*Straits Ordinance, 1913, s. 3.*

"Construction."

"Construction" in the case of any street includes the sewerage, levelling, paving, metalling, channeling, draining, making good, and lighting of the street.

"Assessed annual value."

"Assessed annual value" with regard to any land or building means the value at which such land or building has been assessed for the purpose of rates under any Ordinance.

"Single room tenement."

"Single room tenement" means any premises let for the purpose of human habitation, and consisting solely of a single room with or without a verandah, kitchen, privy, or other appurtenance.

"Health Officer."

"Health Officer" includes any medical officer of health or any officer charged with the medical supervision of public health by any local authority.

"Dwelling house."

"Dwelling house" means a building used or constructed or adapted to be used wholly or principally for human habitation.

"Domestic building."

"Domestic building" includes a dwelling house or any other building not being a public building or a warehouse or factory.

Application of Ordinance.

3 This Ordinance shall apply—

- (a) Within the administrative limits of any Municipal Council, Local Board, Board of Improvement, or Sanitary Board;
- (b) Within any other limits in which it shall be declared to be in force by resolution of the Legislative Council.

Powers under Ordinance to be additional to powers conferred by other Ordinances.

4 The powers conferred upon any local authority by this Ordinance shall be in addition to, and not in derogation of, any powers of such local authority under any other Ordinance.

## PART II.

### PREVENTIVE MEASURES.

#### CHAPTER I.

##### *Buildings.*

No building to be erected without approval of Chairman.

*Cf. Bombay Municipal Act, 1888, ss. 337 seqq.; Straits, 1913, s. 134.*

No alteration without consent of Chairman.

*Calcutta Building Rules. Act 3 of 1899, schedule 17, rule 52.*

5 No person shall erect or re-erect any building within the limits administered by a local authority, except in accordance with the plans and specifications approved by the Chairman.

6 (1) No person shall make any alteration in any building within the limits administered by a local authority without the consent of the Chairman.

(2) For purposes of this and the connected sections an "alteration" means any of the following works:

- (a) The construction of a roof or an external or party wall;
- (b) The closing or contraction of any door or window in an external wall;
- (c) The construction of an internal wall or partition;
- (d) Any other alteration of the internal arrangements of a building which affect any change in the open space attached to such building, or its drainage, ventilation, or sanitary arrangements;
- (e) The addition of any building, room, outhouse, or other structure;
- (f) The roofing of any space between one or more walls and buildings;
- (g) The conversion into more than one place for human habitation of a building originally constructed as one such place;
- (h) The conversion of two or more places of human habitation into a greater number of such places;
- (i) The alteration of a building for the purpose of effecting a partition among joint owners; and
- (j) The re-erection of any part of the building demolished for the purpose of such re-erection.

No approval or consent to be given except in accordance with law.

*See Orr. Insanitary Conditions in Bombay City, paras. 41-49.*

7 (1) The Chairman shall not—

- (a) Approve any plan or specification of any building; or
- (b) Consent to any alteration in any building—

which shall conflict, or cause such building to conflict, with the provisions of this or any other Ordinance or any local by-law.

(2) Where any proposed alteration in any building involves the addition of any room or storey to the building, the Chairman may refuse to consent to any such alteration, unless the whole building or any part thereof is brought into conformity with this or any other Ordinance or any local by-law.

Requirements by Chairman.

*Cf. Bombay, 1888, s. 338.*

*Straits, 1913, s. 134.*

*Bombay, 1888, s. 340.*

*Cf. Bombay, 1888, s. 351 (b).*

8 For the purpose of the consideration of any application for his approval or consent under this chapter, the Chairman may require—

- (a) The submission of plans and specifications in such form and containing such particulars as may be prescribed by local by-laws, or in the absence of such by-laws by the Chairman;
- (b) The amendment of any plan or specification so submitted so as to bring it into accordance with law;
- (c) The submission of such further information as he may require for the purpose of his decision;
- (d) The attendance before him of the person making the application or some person on his behalf for the purpose of giving any explanation which the Chairman may require of any plan, specification, or information submitted in accordance with this section.

Appeal where  
decision  
delayed.

*Cf. Bombay,*  
*1888, s. 345.*

9 (1) If within thirty days after any application for the approval or consent of the Chairman shall have been made to the Chairman under this chapter, or of the furnishing of any amendment, information, or explanation under the last preceding section, the Chairman fails to intimate in writing to the person making the application his refusal of approval or consent, the applicant may appeal to the Governor in Executive Council, and the Governor in Executive Council on such application may (subject always to the provisions of this or any other Ordinance or any local by-law) make such order as he may deem just, and it shall be the duty of the Chairman to comply with such order.

(2) Within any limits for which Improvement Commissioners have been appointed, the appeal shall be made to the Board of Improvement Commissioners in lieu of the Governor in Executive Council, and the Board of Improvement Commissioners shall in any such case have the same powers as the Governor in Executive Council under this section.

Notice of  
commencement  
or resumption  
of operations.  
*Straits, 1913,*  
*s. 134 (5).*

10 No person shall commence any building operations involving the erection, re-erection, or alteration of a building, or, in the case of any operations the progress whereof shall have been suspended for a period exceeding three months, resume any such building operations, unless—

- (a) He shall have given to the Chairman four days' notice of his intention to commence or resume such operations, with particulars of the intended works; and
- (b) The approval or consent of the Chairman required by this chapter shall have been given within one year before the date of the notice.

Inspection of  
building  
operations.  
*Bombay, 1888,*  
*s. 350.*

11 The Chairman or the Health Officer of any local authority or any officer authorized generally or specially in that behalf by the Chairman or the Health Officer may at any time during any building operations under this chapter make an inspection thereof without giving previous notice of his intention so to do, and for the purpose of such inspection may enter upon the premises upon which such operations are proceeding.

Proceedings to  
be taken in  
respect of  
building or work  
commenced  
contrary to  
this chapter.  
*Bombay, 1888,*  
*s. 351.*

12 (1) If any building operations are commenced contrary to the provisions of this chapter, the Chairman shall by written notice—

- (a) Require the person who is executing or has executed such operations on or before such day as shall be specified in such notice, by a statement in writing subscribed by him or by an agent duly authorized by him in that behalf and addressed to the Chairman, to show sufficient cause why the building or work in question shall not be removed, altered, or pulled down; or
- (b) Require the said person on such day and at such time and place as shall be specified in such notice to attend personally or by agent duly authorized by him in that behalf, and show sufficient cause why such building or work shall not be removed, altered, or pulled down.

(2) If such person shall fail to show sufficient cause to the satisfaction of the Chairman why such building or work shall not be removed, altered, or pulled down, the Chairman may remove, alter, or pull down the building or work, and the expenses thereof shall be paid by the said person, and may be recovered in the same manner and by the same process as a rate.

Offences.  
*Straits, 1913,*  
*s. 134 (7).*

13 Any person who shall—

- (a) Commence or resume building operations in contravention of any provision of this chapter;
- (b) Deviate from any plan or specification approved by the Chairman without his written permission;
- (c) Execute any building operation in contravention of any of the provisions of this Ordinance or of any local by-law; or
- (d) Fail to comply with any lawful order or written direction of the Chairman,

shall be liable on summary conviction to a fine not exceeding three hundred rupees, and to a daily fine of twenty-five rupees for every day on which the offence is continued after conviction, and a Police Magistrate may, on the application of the Chairman, make a mandatory order requiring such person to demolish the building, or to alter it in such a way as to bring it into accordance with law.

Certificate of conformity.  
*Municipal Councils Ordinance, No. 6 of 1910, s. 192.*

14 (1) No building constructed after the commencement of this Ordinance shall be occupied, except by a caretaker, until the Chairman has given a certificate that such building, as regards construction, drainage, and in other respects, conforms to the provisions of this Ordinance and any other Ordinance regulating the powers of the local authority and to the by-laws made thereunder.

(2) Any person who has erected any building may apply in writing to the Chairman for such certificate, and thereupon the Chairman, after such inquiry as he shall consider necessary, shall, within twenty-one days of the receipt of the application, either grant the certificate, or inform the applicant of his refusal to do so and of the grounds of his refusal.

(3) Any person who occupies or allows to be occupied any building in contravention of this section shall be guilty of an offence, and shall be liable to a penalty not exceeding twenty-five rupees for each day during which the contravention continues.

(4) For the purpose of carrying out the provisions of this section it shall be lawful for the Chairman or the Health Officer, or for any officer generally or specially authorized in that behalf by the Chairman or the Health Officer, at any time between sunrise and sunset, and after giving reasonable notice to the occupants, to enter any building within the administrative limits of the local authority and to make such inspection and examination of the premises as may appear necessary.

Appeal.

15 Any person aggrieved by the refusal of the Chairman to approve of any plan or specification or consent to any alteration, or by any requirement or any refusal of a certificate of the Chairman under this chapter, may appeal to the Tribunal of Appeal, and the Tribunal on any such appeal (subject always to the provisions of this or any other Ordinance and of any local by-law) may make such order as it may deem just.

## CHAPTER II.

### *Streets.*

Persons desirous of developing property by building to set apart streets and back lanes.

16 Except in so far as public streets may be provided by any public authority, it shall be the duty of all persons owning land within the administrative limits of the local authority, who shall desire to develop such land by the erection of buildings thereon, to set apart and lay out such streets and back lanes as may be necessary for the approach to such buildings and for their proper scavenging and drainage, and to construct such streets in accordance with this or any other Ordinance defining the powers of the local authority and any by-laws made thereunder.

All buildings to be erected upon street lines.

17 Every building erected or re-erected after the commencement of this Ordinance within the administrative limits of any local authority—

- (a) Shall be erected either upon the line of an existing street or upon the line of a new street defined or approved by the Chairman or otherwise authorized under this Ordinance; and
- (b) Shall either abut upon the street or have all the land between such buildings and the street exclusively belonging to the building.

Notice of intention to lay out new street.  
*Bombay, 1888, s. 302.*  
*Straits, 1913, s. 99.*

18 Every person who intends to lay out or construct a new street shall give written notice of his intention to the Chairman, and shall along with such notice submit in duplicate plans showing the intended level, direction, width, and means of drainage of such street, and the level of the houses to be built abutting upon it.



Directions by  
the Chairman.  
*Straits, 1913,*  
*s. 99 (3).*  
*Bombay, 1888,*  
*s. 303.*

19 (1) The Chairman may give written directions to the person submitting plans for a new street with regard to any of the following particulars :

- (a) The compliance with the provisions of this or any other Ordinance defining the powers of a local authority and any by-laws made thereunder ;
- (b) The line of the new street, so as to ensure that it forms a continuous street with any existing street specified by the Chairman ;
- (c) The level of the new street ;
- (d) The provision in connection with the new street of such back lanes for the purposes of scavenging as the Chairman may direct ;
- (e) The width of the new street ;
- (f) The width of any such back lane, which shall be of such width not exceeding twenty feet as the Chairman may require ;
- (g) The mode of drainage of the new street and of any such back lane ;
- (h) The rounding of the corners of the new street.

(2) The person to whom any written directions are so given shall amend the plans accordingly.

Width.

20 The Chairman shall not approve or define the line of any new street unless such street shall comply with the standards prescribed by the schedule to this Ordinance.

Appeal where  
communication  
of decision  
delayed.

21 (1) If within three months after the receipt by the Chairman of a notice of intention to lay out a new street, or after the receipt of any amendment of the plans of such street, the decision of the Chairman shall not be communicated to the person intending to lay out the street, such person may appeal to the Governor in Executive Council, and the Governor in Executive Council on such application may (subject always to the provisions of this or any other Ordinance or any local by-law) make such order as may be just, and it shall be the duty of the Chairman to comply with such order.

(2) Within any limits for which Improvement Commissioners have been appointed, the appeal shall be made to the Board of Improvement Commissioners in lieu of the Governor in Executive Council, and the Board of Improvement Commissioners shall in any such case have the same powers as the Governor in Executive Council under this section.

Demarcation of  
new streets.  
*Straits, 1913,*  
*s. 99 (4).*

22 (1) Where plans of a new street have been approved under this chapter, it shall be the duty of the person intending to lay out the street, and of each successor in title of such person, so far as the street lies in his land, to lay out the new street, or to demarcate its boundaries by such boundary stones or other marks as may be considered sufficient by the Chairman to denote the length, width, and alignment of the street.

(2) In case the new street shall not have been laid out or demarcated within the period of six calendar months from the date when the plans have been approved by the Chairman, the Chairman or any officer acting under his directions may enter upon the land and demarcate the boundaries of the new street, and may recover the expenses thereof from the person in default in the same manner and by the same process as a rate.

(3) Any person removing, defacing, or injuring any stone or mark set to denote the length, width, or alignment of any such new street shall be guilty of an offence, and liable to a fine not exceeding one hundred rupees.

Offences.  
*Straits, 1913,*  
*s. 99 (5).*

23 Every person who—

(a) Lays out or constructs any new street otherwise than in accordance with the plans approved by the Chairman ;  
or

(b) Erects any building on a new street which has not been laid out in accordance with the plans so approved,

shall be guilty of an offence, and liable to a fine not exceeding three hundred rupees, and a Police Magistrate may, on the application of the Chairman, make a mandatory order requiring such person to demolish such building, or to alter such street or such building so as to bring the same into accordance with law.

Constructing private streets. *Straits, 1913, ss. 101, 102. Bombay, 1888, ss. 305, 306. Private Street Works Act, 1892, s. 6. Public Health Act, 1875, ss. 150-152.*

24 (1) If any street, not being a public street, or any part thereof, be not constructed to the satisfaction of the local authority, the local authority may from time to time resolve with respect to such street or part of the street to do one or more of the following works; that is to say, to sewer, level, pave, metal, channel, drain, make good, or to provide side walks or proper means of lighting for such street or part of the street, and the expenses incurred by the local authority in executing such works shall be apportioned by the Chairman among the premises fronting upon such street or part of the street according to the frontage of their respective premises, and the amount so apportioned shall be recoverable in the same manner and by the same process as a rate.

(2) Any person aggrieved by any apportionment under this section may appeal to the Tribunal of Appeal.

(3) Where any of the said works have been done under this section, or where any street has been otherwise constructed to the satisfaction of the local authority, the local authority may by notice published in the "Government Gazette" and exhibited in any part of such street declare the same to be a public street, and thereupon the same shall become a public street, and shall be repairable and maintainable by the local authority to the extent to which any such work has been done.

Provided that no such street or part of the street shall become a public street and so repairable if, within one month after such notice has been published and exhibited, the owners of the greater part in value of the premises fronting off such street or part of the street have by notification in writing under their hands to the local authority objected thereto.

(4) Where one or some only of the said works have been done under this section, the declaration of the said street or part of the street as a public street shall not preclude the local authority from resolving from time to time to do any other of the said works with respect to such street or part of the street, or from recovering the expenses thereof in the same manner provided by this section.

### CHAPTER III.

#### *Back Lanes.*

Land to be set apart for back lanes. *Straits, 1913, s. 136.*

25 (1) The Chairman shall not approve of the plan of any building unless—

- (a) The open space required to be left under rule 5 of the schedule to this Ordinance is shown to abut on a back lane of such width not exceeding twenty feet as may be required by the Chairman; or
- (b) The person submitting the plan shall set apart a strip of his land sufficient, with or without other land previously so set apart, to form a back lane of such width not exceeding twenty feet as may be required by the Chairman.

(2) Such back lane shall, where the Chairman so requires, be situated so as to communicate at each end thereof with the land set apart or to be set apart for a back lane by the owners of the properties on each side thereof, and the same shall wherever possible open upon public streets at both ends, and shall in all cases be free from obstruction throughout.

(3) Where any land is set apart under this section for a back lane, the Chairman shall prepare a plan of the land comprised in such back lane, and shall by writing under his hand declare that the same be taken for a back lane, and shall register the same, together with the plan, in accordance with any Ordinance for the time being regulating the registration of deeds of title to land; and upon such registration the land comprised in such plan shall be deemed to have vested in the local authority, and shall be free from all encumbrances thereon.

(4) Compensation shall be paid by the local authority to the owner of land set apart to form a back lane where at the date the plan was submitted such land was covered by buildings, but not otherwise.

(5) In cases where such setting apart would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance; but if the lesser portion of the land so severed shall have been rendered useless as a building site on account of the severance, and if the owner so requires, the local authority shall acquire such lesser portion, and shall pay in respect thereof compensation in accordance with the provisions of this section.

(6) No compensation under this section shall be paid until sufficient land has been set apart or otherwise acquired to enable the local authority to form a back lane extending from one public street or back lane to another public street or back lane, or until the expiration of two years from the date of the setting apart, whichever shall first happen.

Back lanes to be constructed by the local authority.

*Straits, 1913, s. 138.*

26 (1) The local authority shall properly construct all back lanes set apart or laid out under this chapter when sufficient land has been so set apart or laid out to enable it to form a back lane extending from one public street or back lane to another public street or back lane.

(2) The cost of constructing back lanes shall be borne by the local authority, and may be recovered from the several owners of the land out of which any was set apart or through whose land the back lane is laid out, in such proportions as the area of the land set apart or laid out bears to the whole area of the land forming the back lane of which it forms a part, and such proportionate share due by any owner may be recovered in the same manner and by the same process as a rate.

Means of access to back lanes to be provided.

*Straits, 1913, s. 139.*

27 (1) When any back lane is formed, the owner shall provide to the satisfaction of the Chairman a means of access and egress to and from his premises to such back lane for scavenging purposes, and if the owner fails to provide the same within a reasonable time, the Chairman or any officer authorized by him in that behalf may enter the premises and do whatever may be necessary to provide the same, and the amount of the expenses so incurred shall be recoverable from the owner in the same manner and by the same process as a rate.

(2) No person shall erect or maintain or permit to be erected or maintained any obstruction in or over any back lane, and the local authority may where any such obstruction exists take down and remove the same.

#### CHAPTER IV.

##### *General.*

28 The local authority may by by-law approved by the Governor in Executive Council—

By-laws for regulating and preserving character of special areas.

(a) Declare that any area within its administrative limits shall be reserved for buildings of a residential, manufacturing, commercial, or any other special character; and

(b) Make such regulations with reference to buildings in such area as may be necessary to preserve its amenity or to facilitate and secure the purposes for which any such reservation is made.

Reservation of public arcades.  
*Cf. Straits, 1913, s. 134 (4).*

29 In any street wholly or mainly occupied by shops or commercial buildings, when any application is made to the Chairman for the approval of the erection of any new building or the re-erection or reconstruction of an existing building, the Chairman may require as a condition of his approval the reservation of a public arcade along the face of the building of such character and such width as he may direct.

#### PART III.

#### REMEDIAL MEASURES.

##### CHAPTER I.

##### *Improvement Commissioners.*

Governor may appoint Improvement Commissioners.

30 (1) For any administrative limits to which this Ordinance applies, the Governor may appoint a Board of Improvement Commissioners of such numbers as he may determine, and may nominate one of the Commissioners as Chairman of the Board.

*Cf. Bombay Improvement Act, 1893. Calcutta Improvement Act, 1911.*

Powers and duties.

(2) The Improvement Commissioners from time to time so appointed, including all persons appointed to fill temporary or casual vacancies, shall constitute a body corporate and have perpetual succession and a common seal, and shall sue and be sued by such designation as shall be assigned to them by the Governor in the order first appointing the Board.

(3) Any Board so appointed shall hold office for one year, and the members thereof shall be eligible for re-appointment.

**31** (1) Every Board of Improvement Commissioners shall have the following powers and duties :

- (a) To initiate, execute, enforce, or approve improvement schemes under this Ordinance ;
- (b) To administer for the purpose of such improvement schemes such funds as may from time to time be put at their disposal by the Legislative Council or the local authority or otherwise ;
- (c) To acquire, hold, sell, lease, exchange, or otherwise dispose of movable and immovable property required for the purposes of this Ordinance ;
- (d) To exercise such general powers of supervision and control as are assigned to them by this Ordinance ; and
- (e) To exercise any power or right incidental to the discharge of any of the functions assigned to them by this Ordinance.

(2) For the purpose of the execution of any improvement scheme, the Improvement Commissioners and their Chairman shall have all the powers vested in the local authority and its Chairman respectively within its administrative limits by this or any other Ordinance, and it shall be the duty of the local authority and, under its direction, of all officers thereof to render to the Improvement Commissioners all such assistance as they may require.

(3) For the purpose of the application of the last preceding sub-section a reference in this or any other Ordinance to the local authority or to the Chairman of the local authority shall be deemed to be a reference to the Board of Improvement Commissioners or the Chairman of the Board respectively.

By laws.  
*Bombay Improvement Act, s. 94.*

**32** Every Board of Improvement Commissioners may make, subject to the approval of the Governor in Executive Council, by-laws for the following purposes :

- (a) The regulation of the proceedings of the Board and the transaction of its business ;
- (b) The preparation and presentation of its annual estimates and the keeping of its accounts ;
- (c) The custody and use of its common seal ;
- (d) The duties and remuneration of its officers and servants ;
- (e) The management and use of lands and dwellings vested in the Board or comprised in any improvement scheme ;
- (f) Generally, for the purpose of carrying out any of its powers and duties under this Ordinance.

Acts not invalidated by defect in appointment.  
*Bombay Improvement Act, s. 18 (7).*

Audit and annual report.

*Bombay Improvement Act, s. 89. Calcutta Improvement Act, ss. 130, 131.*

**33** No act of any Board of Improvement Commissioners shall be deemed to be invalid by reason of any defect in the appointment of the Board or of any member thereof, or (subject to any by-law defining the quorum for its meetings) because the Board at the time of such act was not fully constituted.

**34** (1) The accounts of the receipts and expenditure of the Board shall once in every financial year be laid before the Government and audited under its direction.

(2) For the purpose of such audit the auditor may, by summons in writing, require the production before him of all books, deeds, contracts, vouchers, and all other documents and papers which he may deem necessary, and may require any person holding, or accountable for, any such books, deeds, contracts, vouchers, and other documents and papers to appear before him at any such audit or adjournment thereof and to make and sign a declaration with respect to the same.

(3) The report of the auditor upon the accounts of the Board, together with an abstract of the accounts and a general report by the Board upon its operations for the year, shall be published annually for the public information in such manner as the Governor shall direct.

## CHAPTER II.

*Improvement Schemes.*

Definition of  
"promoters."

35 In this chapter the expression "promoters" means any person or any association of persons (other than a Board of Improvement Commissioners or a local authority) undertaking or proposing to undertake the carrying out of any improvement scheme under this Ordinance.

Modes of  
carrying out  
improvement  
schemes.

36 An improvement scheme may be carried out—

- (a) By the promoters under the control of Improvement Commissioners ;
- (b) By the Improvement Commissioners independently ;
- (c) By the Improvement Commissioners in co-operation with the local authority or the promoters, or with both conjointly ;
- (d) By the promoters under the control of the local authority ;
- (e) By the local authority independently ;
- (f) By the local authority in co-operation with the promoters.

Provided that in any administrative limits for which Improvement Commissioners have been appointed no scheme shall be carried out under paragraphs (d), (e) and (f) except subject to the approval of the Improvement Commissioners.

Power to carry  
out a scheme in  
concurrence  
with property  
owners.

*Cf. Straits, 1913,*  
*ss. 306 (3), 311*  
*(4).*

37 (1) Any improvement scheme may provide for the scheme or any part thereof being carried out by, or with the concurrence of, the owners of any properties comprised in the scheme under the superintendence and control of the authority specified in the scheme on that behalf, and upon such terms and conditions as may be embodied in the scheme.

(2) Where provision is made in any scheme for the acquisition of any property for the purpose of the scheme, the authority framing the scheme may, in lieu of such acquisition, agree with the owner of the property to be acquired that the scheme or any part thereof shall, so far as it relates to such property, be carried out under the superintendence and control of the authority specified in the scheme in that behalf upon such terms and conditions as may be agreed upon.

Matters to be  
provided for by  
improvement  
schemes.

*Bombay*  
*Improvement*  
*Act, s. 25.*  
*Calcutta*  
*Improvement*  
*Act, s. 41.*

38 An improvement scheme may provide for all or any of the following matters :

- (a) The acquisition of any property necessary for or affected by the execution of the scheme ;
- (b) The relaying out of any land comprised in the scheme ;
- (c) The redistribution of sites belonging to owners of property comprised in the scheme ;
- (d) The closure or demolition of dwellings or portions of dwellings unfit for human habitation ;
- (e) The demolition of obstructive buildings or portions of buildings ;
- (f) The construction and reconstruction of buildings ;
- (g) The sale, letting, or exchange of any property comprised in the scheme ;
- (h) The construction and alteration of streets and back lanes ;
- (i) The draining and lighting of streets so constructed or altered ;
- (j) The provision of open spaces for the better ventilation of the area comprised in the scheme or any adjoining area ;
- (k) The sanitary arrangements required for the area comprised in the scheme ;
- (l) The provision of accommodation for persons belonging to the poorer and labouring class displaced or likely to be displaced by the execution of the scheme or any other scheme undertaken or likely to be undertaken ;
- (m) The advance of money for the purposes of the scheme ;
- (n) Any other matter for which, in the opinion of the Governor in Executive Council, it is expedient to make provision with a view to the improvement of any area in question or the general efficiency of the scheme.

Types of improvement schemes.

39 An improvement scheme shall be of one of the following types, or may combine any two or more of such types, that is to say:

- (a) A general improvement scheme;
- (b) A redistribution scheme;
- (c) A rehousing scheme;
- (d) A housing accommodation scheme;
- (e) A street scheme;
- (f) A street intersection scheme;
- (g) A back lane scheme; and
- (h) A building scheme.

General improvement scheme.

*Bombay Improvement Act, s. 23.*  
*Calcutta Improvement Act, s. 36.*

40 Whenever it appears to any Board of Improvement Commissioners or to any local authority that within the administrative limits of the Board or the authority—

- (a) Any buildings which are used or are intended or are likely to be used as dwelling places are unfit for human habitation; or
- (b) Danger to the health of the inhabitants of buildings in any area or in any neighbouring building is caused by—
  - (i.) The narrowness, closeness, and bad arrangement and condition of streets or buildings or groups of buildings in such area; or
  - (ii.) The want of light or ventilation or proper conveniences in such area; or
  - (iii.) Any other sanitary defects in such area;

and that the most satisfactory method of dealing with the evils connected with such buildings and the sanitary defects in such area is a general improvement scheme, the Board or the local authority may pass a resolution to the effect that such area is an insanitary area, and that a general improvement scheme ought to be framed in respect of such area, and may then proceed to frame such a scheme.

Redistribution scheme.

41 (1) Where in any area which is declared by resolution under the last preceding section to be an insanitary area, the authority so declaring shall further resolve—

- (a) That the buildings comprised in such area are so crowded together or so confusedly and irregularly situated that an effective system of scavenging and drainage is not reasonably practicable;
- (b) That regard being had to the comparative value of such buildings and the sites upon which they are erected, the most satisfactory method of dealing with the area is a redistribution of sites;

in any such case, and in any case in which the owners of at least two-thirds of the area shall petition the authority in favour of such a course, the authority may frame a scheme (herein called a "redistribution scheme") upon the basis of a redistribution of the sites.

(2) A redistribution scheme shall provide for the following matters:

- (a) A redistribution of the sites of the area among the existing owners;
- (b) The reservation of such streets, back lanes, and open spaces that may be necessary for the service of the redistributed sites;
- (c) The payment of compensation to the owners of sites assigned under the scheme in respect of any portion of such assigned sites as may be appropriated for streets and open spaces, subject to the deduction of an equitable contribution by such owners;
- (d) The construction of such streets, back lanes, and open spaces, and the recovery of the cost of such construction from the owners of the sites abutting thereon in proportion to the length of the premises so abutting;
- (e) The demolition of the existing buildings and their appurtenances by the owners or by the authority in default of the owners, and the erection of buildings by the said owners upon the sites assigned under the scheme in accordance with the scheme;

(f) The advance to the owners upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed under the scheme of such sums as may be necessary to assist them to erect new buildings in accordance with the scheme, and if any owner shall so require, in addition to such sum, a further sum not exceeding one year's rental of the original building belonging to such owner.

(3) For the purpose of framing any such scheme, it shall be the duty of the Chairman of the authority to call a meeting of the owners of the various sites comprised in the area, or their various representatives, and endeavour to arrange in consultation with them a redistribution of sites approved by the owners of at least two-thirds of the area. If the Chairman shall succeed in arranging such a redistribution, he shall report to the authority accordingly, and the authority shall thereupon proceed with the scheme. If he shall not succeed in arranging such a redistribution, he shall report to the authority accordingly, and the scheme shall be abandoned.

(4) For the purpose of facilitating such an arrangement, provision may be made—

(a) For the payment of compensation to any individual owner for any special disadvantage in the site assigned to him;

(b) For the payment of an equivalent by any individual owner in respect of any special advantage in the site assigned to him, and for the disposal of any sum so paid; and

(c) For the acquisition by the authority of any building or site comprised in the area.

(5) The following persons, that is to say:

(a) The owner of any building comprised in the area who shall dissent from any such arrangement, and who shall satisfy the authority that the building is so situated that scavenging and drainage is reasonably practicable, and that none of its rooms are unfit for human habitation;

(b) Any lessor or lessee of any site or building comprised in the area who shall be unable to agree with his lessee or lessor with regard to their respective rights to the assigned site or any building to be erected thereon,

may at any time within one month after the making of any such arrangement require the authority to acquire the building or site in question. Any person aggrieved by a refusal of the authority to make any acquisition required under paragraph (a) may appeal to the Tribunal of Appeal.

(6) Any owner of any site or building comprised in the area dissenting from any arrangement under sub-section (3) who shall be aggrieved at the site assigned to him may appeal to the Tribunal of Appeal, and the Tribunal on such appeal may award to such owner such compensation, if any, as in the opinion of the Tribunal he may be equitably entitled to.

(7) Upon a redistribution scheme being sanctioned by the Governor in Executive Council—

(a) All leases with respect to any building or site comprised in the area; and

(b) All rights of occupancy under any tenancy in existence at the date of the sanctioning of the scheme, shall be deemed to be terminated, if not previously terminated by agreement, on the expiration of the period prescribed under the scheme in that behalf.

(8) Any sum awarded as compensation to the owner of any property comprised in the area in respect of—

(a) Any portion of a site appropriated for streets or open spaces under sub-section (2) (c);

(b) Any special disadvantage in an assigned site under sub-section (4) (a);

(c) Any grievance by an owner appealing under sub-section (6),

shall be paid by the authority framing the scheme, and may be recovered from the owners of the other properties comprised in the area in proportion to the assessed annual value of their original properties in the same manner and by the same process as a rate.

(9) Upon any improvement scheme made under this section being sanctioned by the Governor in Executive Council, the various sites respectively assigned to the various owners under such scheme shall vest in such owners in the same shares and to the extent of the same interests as the original sites, and all the right, title, and interests of such owners in the original sites, and all servitudes affecting the original sites, shall be extinguished, and the sites assigned to such owners, together with all buildings erected thereon, shall be subject to the same encumbrances, charges, trusts, *fidei commissa*, and all other restrictions on alienation or liabilities (other than servitudes) as the original sites.

(10) It shall be the duty of the authority framing the scheme to issue to all owners of sites comprised in the scheme a certificate under the seal of the authority, with a plan attached, certifying that the assigned site shown in the plan has been assigned to the owners thereof under the improvement scheme in substitution of the original site belonging to such owners also shown in the plan, and every such certificate so issued shall be a sufficient document of title, and in all legal proceedings shall be presumed to be genuine until the contrary is shown.

Rehousing  
scheme.  
*Calcutta  
Improvement  
Act, s. 52.*

42 (1) A Board of Improvement Commissioners or a local authority may frame schemes (herein called "rehousing schemes") for the construction, maintenance, and management of such and so many dwellings and shops as they may consider ought to be provided for persons of the poorer and labouring classes who—

- (a) Are displaced by the execution of any improvement scheme sanctioned under this Ordinance; or
- (b) Are likely to be displaced by the execution of any improvement scheme which may be sanctioned under this Ordinance.

(2) The authority framing a rehousing scheme shall not itself construct dwellings or shops under the scheme, unless it is satisfied after due inquiry that no other person is willing and able to construct them, and is prepared to construct, maintain, and manage them under such control as may be provided for by the scheme.

Housing  
accommodation  
scheme.

43 (1) Whenever any promoters satisfy any Board of Improvement Commissioners or local authority—

- (a) That housing accommodation is required in any part of its administrative limits for any particular class of the inhabitants of such limits;
- (b) That such accommodation cannot be provided in a satisfactory manner and on reasonable terms without the assistance of the Board or the local authority;
- (c) That the promoters are prepared to carry out a scheme of rebuilding in any area submitted by them under the control of the Board or the local authority;
- (d) That the carrying out of such a scheme would be for the public advantage,

the Board or the local authority, as the case may be, may frame a scheme (herein called a "housing accommodation scheme") for the purpose aforesaid.

Street scheme.  
*Bombay  
Improvement  
Act, s. 30.  
Calcutta  
Improvement  
Act, s. 39.*

44 (1) Whenever any Board of Improvement Commissioners or any local authority is of opinion that for the purpose of providing building sites, or of remedying the defective ventilation of any part of its administrative limits, or of creating new or increasing the existing means of communication and facilities for traffic between various parts of the said limits, or for improving or extending the amenities of the said limits, it is expedient to form new public streets or thoroughfares, or to alter existing public streets or thoroughfares in any part of the said limits, it may frame a scheme (herein called a "street scheme") for the purpose aforesaid.

(2) A street scheme—

- (a) Shall within the limits of the area comprised in the scheme provide for—
  - (i) The acquisition of any land which will, in the opinion of the authority framing the scheme, be necessary for its execution;



- (ii.) The relaying out of all or any land, including the construction and reconstruction of buildings, and the formation and alteration of streets and thoroughfares; and
- (iii.) The draining and lighting of streets and thoroughfares so formed or altered;

(b) May within the limits aforesaid provide for—

- (i.) Raising any land vested in or to be acquired by the authority which the authority may deem it expedient to raise for the purposes of the scheme;
- (ii.) Forming open spaces for the better ventilation of the area comprised in the scheme or of any area occupied by buildings constructed under the next succeeding sub-section;
- (iii.) The acquisition of any land adjoining any street, thoroughfare, or open space to be formed under the scheme; and

(c) May within and without the limits aforesaid provide for the construction of dwellings and shops for the accommodation of the poorer and labouring classes, including the whole or part of such classes to be displaced in the execution of such scheme.

(Original.)

(3) The owners of any properties fronting on any street, thoroughfare, or open space constructed under a street scheme shall not, unless account shall have been taken of the increased value accruing to such properties under section 75 (1), be entitled to make any use of the frontage of their properties abutting upon the street or open space without the consent of the authority framing the scheme. It shall be a condition of such consent that the owners shall pay to the authority a sum assessed by the Chairman of the authority equivalent to the increase in value accruing to such property by the execution of the scheme.

(4) Any person aggrieved by the assessment of any sum under the last preceding sub-section may appeal to the Tribunal of Appeal.

Street  
intersection  
scheme.

45 (1) Where in any area already in whole or in part occupied by buildings any local authority or any Board of Improvement Commissioners is of opinion that with a view to afford facilities for the building development of such area it is desirable that such area should be intersected by a new street or new streets, the local authority or the Board of Improvement Commissioners may at the request or with the consent of the owners of not less than two-thirds of the frontages of the proposed new street or streets make a scheme (herein called a "street intersection scheme") for the said purpose.

(2) For the purpose of any such scheme the authority framing the scheme shall acquire—

- (a) Any land covered with buildings which it is necessary to acquire for the purpose of providing access to the proposed new street from existing streets; and
- (b) Any other land covered with buildings situated within the lines of the proposed new street or streets.

No compensation shall be payable in respect of any other land within the lines of the proposed new street or streets, but all such land shall be deemed to be set apart by the owners for the purpose of the new street or streets.

(3) Where the acquisition of any land within the lines of the proposed new street or streets (not being land required for the purpose of providing access from existing streets), or the setting apart of any land for the purpose of the street, would cause a severance of land belonging to the owner from other land forming part of the same holding, no compensation shall be paid for such severance; but if the lesser portion of the land so severed shall have been rendered useless as a building site on account of the severance, and if the owner so requires, the authority framing the scheme shall acquire such lesser portion.

(4) The construction of the new street or streets shall be undertaken by the authority executing the scheme, and the cost of any work included in the construction of the street from time to time carried out by the authority shall be apportioned by the Chairman among the owners of the properties fronting upon the street in proportion to the lengths of their frontages, and shall be recoverable in the same manner and by the same process as a rate.

Provided that where the owner of any such frontage does not desire to make any use of the new street, and has taken effective means to the satisfaction of the authority framing the scheme to prevent access from his property into the street, the share of the cost apportioned upon the property of such owner shall not be recoverable until the owner of the property, with the assent of the authority, shall make use of the new street.

(5) Any person aggrieved by any apportionment under this section may appeal to the Tribunal of Appeal.

(6) Where any work referred to in sub-section (4) has been done under this section, the authority framing the scheme may, by notice published in the "Government Gazette" and exhibited in any part of such street, declare the same to be a public street, and thereupon the same shall be repairable and maintainable by the local authority to the extent to which any such work has been done.

Provided that no such street shall become a public street if, within one month after such notice has been published and exhibited, the owners of the greater part of the frontages of such street have by notification in writing under their hands to the local authority objected thereto.

(7) Where land has been acquired for the purpose of providing access to a new street from existing streets, the owners of the properties fronting on the land so acquired shall not (unless account shall have been taken of the increased value accruing to such properties under section 75 (1)) be entitled to make any use of the frontage of their properties abutting upon the street without the consent of the authority framing the scheme. It shall be a condition of such consent that the owners shall pay to the authority a sum, assessed by the Chairman of the authority, equivalent to the increase of value conferred upon such property by the making of the new street. Such sum shall be recoverable in the same manner and by the same process as a rate.

(8) Any person aggrieved by the assessment of any sum under the last preceding sub-section may appeal to the Tribunal of Appeal.

Back lane  
scheme.  
Cf. *Straits*, 1913,  
a. 137

46 (1) Where in any area already in whole or in part occupied by buildings any local authority or any Board of Improvement Commissioners is of opinion that back lanes should be provided for the scavenging of such area, it may make a scheme (herein called a "back lane scheme") for the purpose of providing back lanes of a width not exceeding twenty feet for such area.

(2) For the purpose of any such scheme the authority framing the scheme shall acquire—

(a) Any land covered with buildings which it is necessary to acquire for the purpose of providing access to any proposed back lane from any existing street or back lane; and

(b) Any other land covered with buildings situated within the lines of the proposed back lanes.

No compensation shall be payable in respect of any other land within the lines of the proposed back lanes, but all such land shall be deemed to be set apart by the owners for the purpose of the proposed back lanes.

(3) Where the acquisition of any land within the lines of the proposed back lanes (not being land required for the purpose of providing access from any existing street or back lane), or the setting apart of any land for the purpose of the back lanes, would cause a severance of land belonging to the

owner from other land forming part of the same holding, no compensation shall be paid for such severance; but if the lesser portion of the land so severed shall have been rendered useless as a building site on account of the severance, and if the owner so requires, the authority framing the scheme shall acquire such lesser portion.

(4) The construction of the proposed back lanes shall be undertaken by the authority executing the scheme, and the cost of such construction shall be apportioned by the Chairman of such authority among the several owners of the land out of which such back lanes were set apart and through whose lands they are laid out in such proportions as the area of the land set apart or laid out for any back lane bears to the whole area of the land forming the back lane of which it forms a part, and such proportionate share due by any owner may be recovered in the same manner and by the same process as a rate.

Building  
scheme.  
*Straits, 1913,*  
*s. 100.*

47 (1) Whenever any Board of Improvement Commissioners or a local authority is of opinion that any land within its administrative limits is likely to be used for building purposes at an early date, it may frame a scheme (herein called a "building scheme") showing the streets, back lanes, and open spaces which it deems necessary to secure proper sanitary conditions, amenity, and convenience in connection with the laying out and use of such land and of any neighbouring lands.

(2) Any plan forming part of a scheme made under this section shall for the purposes of chapter II. of part II. of this Ordinance have the same effect as a plan approved by the Chairman under that chapter.

Provided that the duty imposed by section 22 thereof shall not attach to any person unless and until he shall submit a plan for the erection of a building on some part of the land comprised in the plan.

Procedure on  
completion of  
the scheme.  
*Bombay*  
*Improvement*  
*Act, s. 27.*  
*Calcutta*  
*Improvement*  
*Act, s. 43.*

48 (1) Upon the completion of an improvement scheme, the Chairman of the authority framing the scheme shall draw up a notification stating—

- (a) The fact of the scheme having been made;
- (b) The limits of the area comprised therein;
- (c) The place where particulars of the scheme, a map of the area comprised therein, and a statement specifying the properties proposed to be acquired, redistributed, or otherwise dealt with under the scheme may be seen at all reasonable hours.

(2) A copy of the said notification shall be published during three consecutive weeks in the "Government Gazette" and in one or more of the newspapers circulating within the administrative limits in which the area comprised in the scheme is situated.

(3) During the thirty days next following the first day on which such notification is published, the Chairman of the authority framing the scheme shall serve a notice on the owner of any land or building affected by the scheme stating that such land or building is so affected and the manner in which it is affected, and requiring within thirty days from the date of the service of the notice an answer stating whether the person so served objects to the scheme on any of the grounds specified in the next succeeding section.

Objections to a  
scheme.

49 (1) The owner of any land or building affected by a scheme may object to such scheme on any of the following grounds:

- (a) That the area comprised in the scheme does not require an improvement scheme;
- (b) That the form of improvement scheme adopted is not the most satisfactory manner of dealing with the area;
- (c) That the scheme in its application to the property of the person dissenting inflicts undue hardship upon such person, and that it is capable of being modified in such a way as to avoid the infliction of such undue hardship.

(2) It shall be the duty of the Chairman of the authority framing the scheme, on the receipt of any notice of objection, to give the persons making the objections an opportunity of being heard either personally or by advocate or proctor before the said authority shall have finally approved the scheme, and to make a report upon the objections to the said authority.

(3) Where any modifications are introduced into the scheme, the authority shall notify any persons affected by such modifications in such manner as it shall deem expedient, and before finally approving the scheme shall take into consideration any objections raised to such modifications.

(4) Where a right of appeal is provided by this Ordinance in connection with any matter which may be included in an improvement scheme, no person shall be precluded from exercising such right of appeal by reason of the fact that he has not raised an objection to the scheme on any of the grounds specified in this section.

Submission of the scheme to the Government for sanction.

*Bombay Improvement Act, s. 23.*

*Calcutta Improvement Act, s. 47.*

**50** (1) The authority framing the scheme, after finally approving the same, shall submit it for sanction to the Governor in Executive Council.

(2) Every submission for sanction shall be accompanied by—

- (a) A description of, and full particulars relating to, the scheme and estimates of the cost of executing the scheme;
- (b) A statement of the reasons for any modifications made in the scheme as originally framed;
- (c) A statement of the objections, if any, received under the last preceding section;
- (d) A statement of the arrangement made or proposed for rehousing persons of the poorer and labouring classes who are likely to be displaced by the execution of the scheme.

(3) When any scheme has been submitted for sanction, the authority so submitting it shall cause a notice of the fact to be published for two consecutive weeks in the "Government Gazette" and in one or more of the newspapers circulating in the locality.

Power to sanction or reject improvement scheme.

*Calcutta Improvement Act, s. 48.*

Notification of sanction to an improvement scheme.

*Calcutta Improvement Act, s. 49.*

*Bombay Improvement Act, s. 29.*

Alteration of improvement scheme after sanction.

*Calcutta Improvement Act, s. 50.*

*Cf. Bombay Improvement Act, s. 29 (2).*

**51** (1) The Governor in Executive Council may sanction, with or without modification, or may refuse to sanction, any improvement scheme submitted to him.

(2) The sanction of the Governor in Executive Council shall not prejudice any right of appeal provided for under this Ordinance.

**52** (1) The sanction of the Governor in Executive Council to an improvement scheme shall be announced by notification in the "Government Gazette," and upon the publication of such a notification the authority framing the scheme shall forthwith take measures for its execution.

(2) Publication of the notification under this section in respect of any scheme shall be conclusive evidence that the scheme has been duly framed and sanctioned.

**53** At any time after any improvement scheme has been sanctioned by the Governor in Executive Council, and before it has been completely carried into execution, the authority framing the scheme may alter it, provided as follows:

- (a) If any alteration is estimated to increase the estimated nett cost of executing the scheme by more than five per cent. of such cost, such alteration shall not be made without the previous sanction of the Governor in Executive Council;
- (b) If any alteration involves the acquisition; otherwise than by agreement, of any land other than that proposed to be acquired under the original scheme, the procedure prescribed in the foregoing sections of this chapter shall, so far as applicable, be followed as if the alteration were a separate scheme.

Power of local authority to use funds for improvement schemes.

**54** The purposes for which a local authority may expend the funds at its disposal under any Ordinance regulating its powers and duties shall include improvement schemes under this Ordinance, whether carried out by the local authority or otherwise as provided by this Ordinance.

## CHAPTER III.

*Obstructive Buildings.*

Representation  
by Health  
Officer.

*Housing of the  
Working Classes  
Act, 1890, s. 38.  
Straits, 1913,  
s. 230.*

*Hong Kong  
Public Health  
and Buildings  
Ordinance, 1903,  
s. 154 (a).*

55 If the Health Officer of any local authority finds that any building or any part of any building within the administrative limits of the authority, whether in itself unfit for human habitation or not, is so situate by reason of its proximity to or contact with any other buildings that it causes one of the following effects; that is to say:

- (a) It stops or impedes ventilation or otherwise makes or conduces to make such other buildings or parts thereof to be in a condition unfit for human habitation or dangerous or injurious to health; or
- (b) It prevents proper measures from being carried into effect for remedying any nuisance injurious to health or other evils complained of in respect of such other buildings;

in any such case the Health Officer shall represent to the local authority the particulars relating to such first-mentioned building (herein referred to as an "obstructive building"), stating that in his opinion it is expedient that the obstructive building or any part thereof should be demolished.

Representation  
by  
householders.

56 Any four or more inhabitant householders may make to the local authority a representation as respects any building to the like effect as that of the Health Officer under the last preceding section.

Consideration of  
objections.

57 (1) The local authority on receiving any such representation as in the last two preceding sections mentioned, or other information—

- (a) Shall cause a report to be made to it respecting the circumstances of the building and the cost of demolishing the building or part thereof and acquiring the land; and
- (b) On receiving such report shall take into consideration the representation or other information and the report; and
- (c) If it decides to proceed, shall cause a copy of both the representation and the report to be given to the owner of the lands on which the obstructive building stands, with notice of the time and place appointed for the consideration thereof.

(2) Every such owner shall be at liberty to attend before the Chairman of the local authority at the time and place aforesaid and state his objections, and after hearing the report of the Chairman upon such objections, the local authority shall make an order either allowing the objections or directing that such obstructive building or part thereof shall be demolished.

(3) Any owner aggrieved by any such order may appeal to the Tribunal of Appeal.

Procedure in  
case of  
improvement  
schemes.

58 (1) Where any improvement scheme has been sanctioned under this Ordinance involving the demolition of any building or any part of a building as being an obstructive building, it shall be the duty of the authority making the scheme to cause notice to be served upon the owner of such building of the time and place appointed by the authority for the consideration of any objection to the proposed demolition.

(2) Such owner shall be at liberty to attend at the time and place aforesaid before the Chairman of the authority and state his objections, and after hearing the report of the Chairman upon such objections, the authority shall make an order either allowing the objections or directing the proposed demolition.

(3) Any owner aggrieved by any such order may appeal to the Tribunal of Appeal.

Acquisition of obstructive building.

59 Where an order is made under this chapter for the demolition of an obstructive building or part of an obstructive building, and either no appeal is made against the order or an appeal is made, and either fails or is abandoned, the authority making the order may acquire the land on which the obstructive building or the part in question is erected.

Power of owner to retain site.

60 The owner of the land upon which any obstructive building or part of an obstructive building proposed to be acquired under this chapter is erected may, within one month after notice of the proposed acquisition is served upon him, declare that he desires to retain the site of the said building or the said part thereof, and undertake either to demolish it or to permit the authority proposing to acquire the land to demolish it, and in any such case the owner shall retain the site and shall receive compensation from the authority for the demolition of the building or the part of the building in question.

Acquisition of part of building.

61 It shall not be competent for the owner of any building to insist on his entire holding being taken where part only of the building is proposed to be taken as obstructive, and where such part proposed to be taken can, in the opinion of the court or Tribunal determining the amount of compensation, be severed from the remainder of the building without material detriment thereto.

Provided always that compensation may be awarded in respect of the severance of the part so proposed to be taken, in addition to the value of that part.

Apportionment of betterment.  
*Housing of the Working Classes Act, 1890, s. 38.*

62 (1) Where in the opinion of the Chairman of the authority ordering the demolition of an obstructive building or part thereof such demolition adds to the value of such other buildings as are in that behalf mentioned in section 55, the Chairman shall, after notice to the owners of such other buildings, and after giving them an opportunity of being heard, apportion so much of the compensation to be paid for the demolition of the obstructive building or part thereof as may be equal to the increasing value of the other buildings amongst such other buildings respectively.

(Original.)

(2) Where the effect of the demolition of the obstructive building or part thereof is to render fit for human habitation any buildings or parts of buildings which were previously unfit for human habitation, the whole of the amount of such compensation shall, subject to a deduction of such part thereof as shall have been apportioned among other buildings under the last preceding sub-section, be apportioned among the owners of buildings or parts of buildings so rendered fit for human habitation in proportion to the lengths of the frontages of such buildings upon the area cleared of buildings by the demolition.

(3) Any sum apportioned upon any building under this section shall be recoverable in the same manner and by the same process as a rate.

(4) Any person aggrieved by an apportionment under this section may appeal to the Tribunal of Appeal.

Where site retained no other obstructive building to be erected.

63 Where the owner retains a site or any part of the site of a building or part of a building demolished under this chapter, no other building or erection shall be erected upon the site or part of the site so retained which will be an obstructive building within the meaning of this chapter.

Site acquired to be kept open.

64 Where the necessary land has been acquired under this chapter, the authority ordering the demolition of the obstructive building or the part thereof in question shall demolish the same, and shall keep as an open space the whole site or such part thereof as may be required to be kept open for the purpose of remedying the nuisance or other evils caused by such obstructive building or the part thereof in question, and may, with the assent of the Governor in Executive Council, and upon such terms as he may think it expedient, sell, exchange, or lease such portion of the site as is not required for the said purpose.

Power to dedicate site for public use.

65 The authority acquiring the site of an obstructive building or part of an obstructive building under this chapter may, if it so think fit, dedicate such site as a street or other public place.

## CHAPTER IV.

*Insanitary Dwellings.*

Duty of local authority to inspect district.  
*Housing, Town Planning, &c., Act, 1909, s. 17.*

66 It shall be the duty of the local authority to cause to be made from time to time inspection of its administrative limits with a view to ascertain whether any dwelling house therein or any part thereof used for human habitation is unfit for human habitation, and for that purpose it shall be the duty of the local authority and of every officer of the local authority to comply with such regulations and to keep such records as may be prescribed by the Governor in Executive Council.

Closing order.

67 (1) If on the representation of the Health Officer of the local authority or other information given any dwelling house or any part of any dwelling house for human habitation appears to the Chairman to be unfit for human habitation, it shall be his duty to make an order prohibiting the use of such dwelling house or such part thereof for human habitation (herein referred to as a "closing order"), until in his judgment such dwelling house or such part thereof is rendered fit for that purpose.

(2) Notice of the closing order shall be forthwith served on every owner of the dwelling house in respect of which it is made, and any owner aggrieved by the order may appeal to the Tribunal of Appeal.

(3) Where a closing order has become operative, the Chairman of the local authority shall serve notice of the order on every occupying tenant of the dwelling house or the part of the dwelling house in respect of which the order is made, and within such period as is specified in the notice, not being less than seven days after the service of the notice, the order shall be obeyed by him, and he and his family shall cease to inhabit the dwelling house or part of the dwelling house, and in default he shall be liable on summary conviction to be ordered to quit the dwelling house or part of the dwelling house within such time as may be specified in the order. A notice affixed to a conspicuous place in the dwelling house or part of a dwelling house shall be deemed to have been served upon every occupying tenant of such dwelling house or part of a dwelling house.

(4) Unless a dwelling house or part of a dwelling house has been made unfit for human habitation by the wilful act or default of the tenant or of any person for whom as between himself and the owner or landlord he is responsible, the Chairman may make to every such tenant such reasonable allowance on account of his expense in removing as may be determined by the Chairman, with the consent of the owner of the dwelling house or part of the dwelling house, or if the owner fails to consent to the sum determined by the Chairman, as may be made by a Police Magistrate, and the amount of the said allowance shall be recoverable by the local authority from the owner in the same manner and by the same process as a rate.

(5) The Chairman shall determine any closing order made by him if he is satisfied that the dwelling house or part of the dwelling house in respect of which the order has been made is or has been rendered fit for human habitation.

(6) If on the application of any owner of a dwelling house or part of a dwelling house the Chairman refuses to determine a closing order, the owner may appeal to the Tribunal of Appeal.

*Straits, 1913, s. 236.*

(7) Where an appeal is made against a closing order, and such appeal is dismissed or is abandoned, the appellant shall be liable to a fine not exceeding twenty rupees a day during the non-compliance with the order, unless he satisfies the court before which proceedings are taken for imposing the fine that there was substantial ground for the appeal, and that the appeal was not brought merely for the purpose of delay; and where the appeal is heard by the Tribunal of Appeal, the Tribunal may, on dismissing the appeal, impose the fine as if it were the court before which the summons was returnable.

Directions in closing order.  
*Straits, 1913, s. 217.*

68 Where a closing order is made under this chapter, the Chairman of the local authority, if the Health Officer has certified in writing that the dwelling house or part of the dwelling house in respect of which the order is made cannot be rendered fit for human habitation without the removal,

alteration, or demolition in whole or in part of any partition, compartment, or other structure or erection, or without the execution of such alterations or structural operations as he may specify, may in the closing order direct the owner to carry into effect all or any of the following things :

- (a) The removal, alteration, or demolition of the whole or part of any partition, compartment, or other structure or erection complained of ;
- (b) The execution of such alterations or structural operations as may be so specified.

Power to use premises for other purposes.

Marking of closed premises.  
See *Ord. Light and Air in Dwellings in Bombay, Appendix D.*

Order for demolition.

69 A closing order made in respect of any dwelling house or part of any dwelling house shall not prevent such part being used for purposes other than those of human habitation.

70 Where a closing order has been made under this chapter, the Chairman of the local authority may cause to be marked upon the door of the dwelling house or room in respect of which such closing order is made, in a conspicuous manner in English, Sinhalese, and Tamil, such letters as shall indicate that such dwelling house or room is unfit for human habitation, and no person shall remove or obscure any letters so marked so long as the closing order remains in force.

71 (1) Where a closing order in respect of any dwelling house has remained operative for a period of three months, the Chairman shall take into consideration the question of the demolition of the dwelling house, and shall give every owner of the dwelling house notice of the time (not being less than one month after the service of the notice) and place at which the question will be considered, and any such owner at such time and place shall be entitled to lay any representation he may desire to make before the Chairman and to be heard either personally or by advocate or proctor in support of such representation.

(2) If upon the consideration of the report of the Chairman on any such representation the local authority is of opinion that the dwelling house has not been rendered fit for human habitation, and that the necessary steps are not being taken with all due diligence to render it so fit, or that the continuance of any building being, or being part of, the dwelling house is a nuisance or dangerous or injurious to the health of the public or of the inhabitants of the neighbouring dwelling houses, he shall order the demolition of the building.

(3) If any owner undertakes to execute forthwith the works necessary to render the dwelling house fit for human habitation, and the Chairman considers that it could be so rendered fit for human habitation, the Chairman may if he thinks fit postpone the operation of the order for such time not exceeding six months as he thinks sufficient for the purpose of giving the owner an opportunity of executing the necessary works.

(4) The notice of an order for the demolition of a building shall be forthwith served on every owner of the building in respect of which it is made, and any owner aggrieved by the order may appeal to the Tribunal of Appeal.

Offences.

72 (1) Any person who while a closing order is operative in respect of any dwelling house or part of a dwelling house shall lease or let for the purpose of human habitation such dwelling house or part of the dwelling house, or allow such dwelling house or part of the dwelling house to be used for human habitation, shall be liable on summary conviction to a fine not exceeding fifty rupees for each day or part of a day on which such dwelling house or part of the dwelling house is inhabited.

(2) Any person who while any such order is operative shall remove or obscure any letters marked upon any door under section 70 shall be liable on summary conviction to a fine not exceeding one hundred rupees, and in the event of a repetition of the offence to imprisonment for a period not exceeding six months.

(3) Any person ordered by a Police Magistrate to quit a dwelling house or part of a dwelling house under section 67 who shall after the expiration of the time fixed in the order continue to inhabit such dwelling house or part of a dwelling house, and any person who after a dwelling house or part of a



dwelling house has been vacated under a closing order while such closing order continues operative shall inhabit such dwelling house or part of a dwelling house shall be guilty of an offence, and liable to a fine of five rupees for each day or part of a day on which the offence is committed or continues.

**PART IV.  
GENERAL.**

**CHAPTER I.**

*Acquisition and Compensation.*

Acquisition  
proceedings.

73 (1) Where under this Ordinance any land or building or part of any land or building is authorized or required to be acquired for the purposes of the Ordinance, and the amount of the compensation payable in respect thereof is not settled by agreement, the Governor, upon the application of the authority seeking to make the acquisition, may declare that the land or building or the part of said land or building is needed for a public purpose, and may order proceedings to obtain possession of the same for the Government and to determine the compensation to be paid to the party interested under "The Land Acquisition Ordinance, 1876."

(2) Where a special Tribunal of Appeal has been appointed under chapter II. of this part, such Tribunal shall for purposes of the proceedings mentioned in the last preceding sub-section be substituted for the court and assessors provided for by the said Ordinance, and any reference to a District Court, District Judge, or assessors under the said Ordinance shall with the necessary modifications be deemed to be a reference to such Tribunal and the President and assessors of such Tribunal respectively.

(3) Section 44 of the said Ordinance shall not apply to any proceedings under this section where under this Ordinance it is provided that part only of any building may be acquired for any purpose of this Ordinance, and where such part proposed to be acquired can, in the opinion of the court or Tribunal determining the amount of compensation, be severed from the remainder of the building without material detriment thereto.

(4) When the authority has paid the compensation awarded, the Governor may vest such land or building or the part of such land or building in the authority by means of a certificate under the hand of the Colonial Secretary to the effect that the same has been made over to the authority.

Determination  
of compensation  
in other cases.

74 (1) Where compensation is payable under this Ordinance otherwise than in respect of the acquisition of land, the amount of such compensation shall be determined by the Tribunal of Appeal.

(2) In assessing such compensation the Tribunal shall, subject to sub-section (3) of the last preceding section and to the rules prescribed by the next succeeding section, observe the provisions of "The Land Acquisition Ordinance, 1876," so far as the same are applicable.

Rules for  
determining  
compensation.

75 The following rules shall be observed in determining the amount of compensation to be awarded in respect of any land or building acquired, demolished, or otherwise dealt with under this Ordinance :

(1) Regard shall be had to any increase to the value of any other land or building belonging to the person interested likely to accrue from the acquisition of the land, or from the acquisition, alteration, or demolition of the building.

(2) When any addition to, or improvement of, the land or building has been made after the date of the publication of any notification under this Ordinance notifying that it is intended to acquire or otherwise deal with the land or building, such addition or improvement shall not (unless it was necessary for the maintenance of the building in a proper state of repair) be included, nor in the case of any interest acquired after the said date shall any separate estimate of the value thereof be made so as to increase the amount of compensation to be paid in respect of the land or building.

*Housing of the  
Working Classes  
Act, 1890, s. 41.  
Straits, 1913.  
Bombay  
Improvement  
Act, s. 49.  
Calcutta  
Improvement  
Act.*

- (3) The estimate of the value of the land or building shall be based on the fair market value as estimated at the date of the publication of any such notification and of the several interests in such land or building, due regard being had to the nature and the condition of the property and the probable duration of the building in their existing state and to the state of repair thereof, and without any additional allowance in respect of the compulsory nature of the acquisition.
- (4) The annual rent of the land or building shall not be deemed to be greater than its assessed annual value. Provided that where any addition or improvement has been made after the date of the last assessment and previous to the date of the publication of any notification notifying that it is intended to acquire or otherwise deal with the land or building under this Ordinance, regard may be had to any increase in the letting value of the land or building due to such addition or improvement;
- (5) If the rental of the land or building has been enhanced by reason of its being used for an illegal purpose, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the rental shall not be deemed to be greater than the rental which would be obtainable if the land or building were used for legal purposes only, or were occupied by such a number of persons only as it was suitable to accommodate without risk of such overcrowding;
- (6) If the building is in a state of defective sanitation or is not in reasonably good repair, the amount of compensation shall not exceed the estimated value of the building after being put into a sanitary condition or into a reasonably good repair, less the estimate of the expense of putting it into such condition or repair;
- (7) If the building being a building used or intended or likely to be used for human habitation is not reasonably capable of being made fit for human habitation, the amount of compensation shall not exceed the value of the materials less the cost of demolition;
- (8) Where only part of a building is acquired or otherwise dealt with, the preceding rules shall apply with such modifications as may be necessary.

## CHAPTER II.

*Tribunal of Appeal.*

Governor may  
appoint  
Tribunal  
of Appeal.  
*London Building  
Act, 1894,  
ss. 175 seqq.  
Bombay  
Improvement  
Act, 1898,  
ss. 48 seqq.*  
Constitution  
of Tribunal.

**76** For purposes of this Ordinance the Governor may appoint within any administrative limits to which this Ordinance applies a special Tribunal of Appeal.

**77** (1) Such Tribunal shall consist of a President and two assessors.

(2) The President shall be either a District Judge or a public officer or a retired public officer of not less than five years' judicial experience.

(3) One of the assessors shall be appointed by the Governor and the other by the local authority.

Duration  
of office.

**78** Members of the Tribunal shall be appointed for a term of one year, and any such member shall be eligible for re-appointment.

Removal of  
members.

**79** It shall be lawful for the Governor if he thinks fit to remove for inability or misbehaviour or other good and sufficient cause any member of the Tribunal.

Vacancies to  
be supplied.

**80** Upon the occurrence of any vacancy in a Tribunal, or during the temporary absence through illness or other unavoidable cause of any member thereof, the Governor or the local authority, as the case may be, shall appoint forthwith a fit person to be a member, either temporarily or permanently, of the Tribunal in lieu of the member whose place is vacated or who is temporarily absent as aforesaid,

- Remuneration of members.** **81** Each member of the Tribunal shall be entitled to such remuneration as the Governor may from time to time fix.
- Expenses of the Tribunal.** **82** The remuneration mentioned in the last preceding section and any incidental necessary expenses of the Tribunal shall be paid by the local authority, or if the proceedings in respect of which any such remuneration or expenses are payable originate out of any act or order of any Board of Improvement Commissioners or its Chairman, by the Board of Improvement Commissioners.
- Enforcement of the decision of the Tribunal.** **83** Any award or order of the Tribunal shall be enforced by the District Court as if it had been a decree or order of that court.
- Tribunal may state case for the opinion of the Supreme Court.** **84** (1) It shall be lawful for the Tribunal at any time to state, and the Tribunal if ordered by the Supreme Court on the application of any party aggrieved shall state, a case for the opinion of the Supreme Court on any question of law involved in any appeal or in any other matter submitted to it.  
(2) The Supreme Court shall hear and determine the question or questions of law arising on any case stated by the Tribunal of Appeal, and shall thereupon reverse, affirm, or amend the determination (if any) in respect of which the case has been stated, or remit the matter to the Tribunal of Appeal with the opinion of the court on the case stated, or may make such other order in relation to the matter as the circumstances of the case may require, and may make such order as to the costs of the case in the Supreme Court as to the court may seem fit.
- Procedure of Tribunal.** **85** (1) The Tribunal of Appeal shall, subject to the provisions of this Ordinance, have jurisdiction and power to hear and determine all appeals and other matters referred to them under this Ordinance.  
(2) For all the purposes of and incidental to the hearing and determination of any appeal, the Tribunal shall, subject to any rules of procedure duly made, have power to hear the Chairman of the local authority or of the Board of Improvement Commissioners and the parties interested either in person or by advocate or proctor as they may think fit, and to require the production of any documents or books, and to confirm or reverse or vary any decision, and to make such order as it may think fit, and the costs of any of the parties to the appeal or procedure shall be in the discretion of the Tribunal.  
(3) The decision of all questions of law and procedure and costs and apportionment of compensation shall rest solely with the President, and any such question may be tried and decided in the absence of the assessors, if in the opinion of the President their presence is unnecessary; and when any such question is so tried and decided, the decision of the President shall be deemed to be the decision of the Tribunal.
- Bombay Improvement Act, s. 48 (2).*
- Regulations as to procedure and fees.** **86** The Governor in Executive Council may on the appointment of any Tribunal of Appeal, or at any time thereafter, make regulations as to the procedure to be followed in cases of appeal or reference to the Tribunal, including the time and notices of appeal and as to fees to be paid by appellants and other parties.
- Disposal of fees.** **87** All fees and sums of money paid to the Tribunal of Appeal shall be paid over to the authority responsible for the payment of the remuneration and expenses of the Tribunal in the matter in question.
- Where no special Tribunal appointed, District Court to be a Tribunal of Appeal.** **88** (1) In any administrative limits in respect of which no special Tribunal of Appeal shall have been appointed under this Ordinance, the District Court having jurisdiction within such administrative limits shall be deemed to be the Tribunal of Appeal.  
(2) In any such case any proceeding under this Ordinance shall be heard and determined according to the procedure prescribed by the law for the time being in force regulating the hearing and determination of actions in District Courts, with such necessary modifications as the District Judge may direct.

## CHAPTER III.

*Miscellaneous Provisions.*

Standard of fitness for human occupation.

89 (1) Any room habitually used for human habitation which does not comply with rule 3 of the schedule to this Ordinance shall for the purposes of this Ordinance be deemed to be unfit for human habitation.

(2) Except in the following cases, that is to say :

- (a) In the case of rooms constructed after the coming into operation of this Ordinance ;
- (b) In the case of rooms comprised in an improvement scheme,

this section shall not take effect until after the expiration of five years from the coming into operation of this Ordinance, or such longer period as may be fixed for any administrative limits by the Governor in Executive Council.

Provided that no judicial or administrative authority in exercise of its powers under this or any other Ordinance or under any local by-law shall be precluded from dealing with any room not complying with the standard imposed by this section as being unfit for human habitation, if in the opinion of the authority such room in the circumstances of the case may be reasonably so regarded.

(3) The Chairman of the local authority may in his discretion at any time exempt from the operation of this section any room in any house built before the coming into operation of this Ordinance, subject to the following conditions :

- (a) That such room is not let or occupied as a single room tenement ;
- (b) That adequate access of light and air is provided to his satisfaction otherwise than in accordance with the standard enforced by this section.

Standard of overcrowding.  
*Straits, 1913, s. 213.*  
*Hong Kong, 1903, s. 46.*  
*Local Boards Ordinance, No. 13 of 1898, s. 73.*

90 For the purpose of this Ordinance and of any other Ordinance regulating the powers of any local authority a room shall be deemed to be "overcrowded" or "so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof," unless for each adult residing in the room there is a floor space of thirty superficial feet and a cubical space of three hundred feet, and for each child under ten years of age residing in the room a floor space of fifteen superficial feet and a cubical space of one hundred and fifty feet.

Recovery of charges.

91 In any case in which under this Ordinance it is declared that any sum shall be recoverable in the same manner and by the same process as a rate, the following rules shall apply :

- (1) Any sum so made recoverable shall be a charge on the land or building in respect of which it is due, and shall take priority of all mortgages, encumbrances, or other charges, and shall be binding upon any person in whom such land or building shall from time to time be vested ;
- (2) Any such sum shall not be recoverable until after the expiration of one month after the service by the authority to whom such sum is due upon the person from whom it is due specifying the amount of such sum and the matter in respect of which it is recoverable, or if such person shall have appealed to the Tribunal of Appeal, until the expiration of one month after the decision of the Tribunal ;
- (3) All the relevant provisions of any Ordinance relating to the recovery of rates by local authorities within their respective administrative limits shall, with the necessary modifications, apply to the recovery of any such sum within the administrative limits of any local authority ;
- (4) Where in any limits brought within the operation of this Ordinance no provision is made by any Ordinance for the recovery of any rate by the local authority, such sum shall be recovered in the same manner as a tax imposed under Ordinances Nos. 16 of 1865, 7 of 1866, and 6 of 1873, and all the relevant provisions of such last-mentioned Ordinances shall apply to the recovery of any such sum ;

*Municipal  
Councils  
Ordinance,  
No. 6 of 1910,  
s. 241.*

*Service of  
notices.  
Public  
Health Act,  
1875, s. 267.*

- (5) When any such sum is due to a Board of Improvement Commissioners, such sum, for the purpose of the application of any such provisions, shall be deemed to be due to the local authority within whose administrative limits the land or building in respect of which the sum is due is situated, and shall at the request of the Board of Improvement Commissioners be recovered by the local authority for the benefit of the Board of Improvement Commissioners ;
- (6) The authority to whom any such sum is due may in its discretion, in lieu of enforcing the immediate payment of the amount due, take engagements from the owner of the land or building in respect of which the sum is due for the payment by instalments of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of nine per cent. per annum, within a period not exceeding five years, and such sums when due may be recovered in the same manner and by the same process as a rate ;
- (7) Any owner of any land or building who has paid any such sum or any instalment thereof shall not be entitled to recover the amount so paid from the occupier, notwithstanding any agreement to the contrary.

92 (1) Notices, orders, and any other documents required or authorized to be served under this Ordinance may be served by delivering the same to or at the residence of the person to whom they are respectively addressed, or when addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises, or if there is no person on the premises who can be so served, by fixing the same on some conspicuous part of the premises.

(2) Such notices, orders, and documents may also be served by post by registered letter, and if so served shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice, order, or other document was properly addressed and put into the post.

(3) Any notice, order, or other document required by this Ordinance to the owner or occupier of any premises may be addressed by the description of the "owner" or "occupier" of the premises (naming them) in respect of which the notice is given, without further name or description.

(4) The Tribunal of Appeal may at any time, whether the matter in question is otherwise before the Tribunal or not, and whether before or after the expiry of the time appointed, dispense with the service of any notice on any person, or direct any particular method of service or any method of substituted service of such notice, on such terms and conditions as it may direct, and may give relief against any informality in the service of any notice, and any order of the Tribunal so made shall have effect accordingly. Any question under this subsection shall be deemed to be a question of procedure.

(5) A person served with a notice under this section shall not be entitled to object to the validity of any proceeding under this Ordinance on the ground that some other person was not served with a notice, unless such first-mentioned person was thereby prejudiced.

*Relief against  
informalities.*

93 (1) Where in the execution of any improvement scheme it is found or apprehended that any informality or irregularity has been committed, the Tribunal of Appeal, on the application of any person who is or may be thereby affected, after notice to any person who may be prejudiced by any order of the Tribunal, and after giving such person an opportunity of being heard, make such order as it may deem equitable for giving relief against such informality or irregularity as may be necessary to protect the person applying from any legal proceedings, or to cure any defect of title in such person.

(2) The Tribunal may require for the satisfaction of any person who might otherwise be prejudiced by the order that the person applying for the same may make such pecuniary or other compensation or enter into such obligation or comply with such condition as may be just.

Protection of  
officers.  
*Cf. Straits,*  
*1913, s. 369.*

Improvement  
Commissioners  
and their  
officers to be  
held public  
servants.  
*Straits, 1913,*  
*s. 371.*

94 No member of any local authority or of any Board of Improvement Commissioners, and no officer of any such local authority or Board of Improvement Commissioners, shall be liable, either civilly or criminally, in respect of anything which he may have done or may have omitted to do when acting in good faith in pursuance or in supposed pursuance of his powers under this Ordinance.

95 All members of any Board of Improvement Commissioners appointed under this Ordinance, and all officers and servants engaged by them in accordance with the by-laws made under this Ordinance, shall be held to be public servants within the meaning of the Penal Code.

#### SCHEDULE.

##### Standard for Buildings, Rooms, and Streets.

Height.  
*Calcutta*  
*Building Rules*  
*(Act 3 of 1899,*  
*Schedule 17),*  
*Rule 2.*  
*London*  
*Building Act,*  
*1894, s. 47.*  
\* See *Orr.*  
*Insanitary*  
*Conditions in*  
*Bombay City,*  
*par. 51.*  
*(Original.)*

\* *London*  
*Building Act,*  
*s. 49.*

*London*  
*Building Act,*  
*s. 49.*

*London*  
*Building Act,*  
*s. 49.*

*Calcutta*  
*Building Rule,*  
*Part II., 2*  
*(1) (ii):*

*London*  
*Building Act,*  
*1894, ss. 47, 49.*

Proportion of  
site for  
domestic  
building, &c.,  
which may be  
built upon.  
*Calcutta*  
*Building Rule*  
*17.*  
*Straits, 1913.*

*Rule 1.*—Where a building (not being a place of religious worship) is situated upon a street, no portion of the front of the building shall intersect any of a series of imaginary lines drawn across the street at an angle of 45° with the plane of the lowest floor of the building, such lines being drawn from the street alignment on the side of the street which is the more remote from the building in question, and\* no portion of the building shall exceed the height hereby allowed to its front; provided as follows:

- (i.) Where a part of the front of any building exceeds or falls short of the limit of height hereby allowed, the Chairman, if satisfied that the average height of the said front does not exceed the said limit, may exempt such building from the said limit.
- (ii.) If a building is situated on a corner plot so as to abut on more than one street, the height of the building shall be regulated by the wider of such streets so far as it will abut or abuts upon such wider street, and also so far as it will abut or abuts upon the narrower of such streets to a distance of 40\* feet from the wider street, unless the narrower street does not exceed 10 feet in width, in which case the height of the building shall be regulated by the narrower street so far as it will abut or abuts upon the narrower street.
- (iii.) Any building erected or raised before the commencement of this Ordinance to which no objection could have been taken under any Ordinance or by-law then in force, though exceeding the height provided for by this rule, may be re-erected to its existing height.
- (iv.) Where any existing buildings forming part of a continuous block or row of buildings exceeds the height provided for by this rule, nothing in this rule shall prevent any other building in the same block or row belonging at the date of the commencement of this Ordinance to the same owner from being carried to a height equal to, but not exceeding, that of the existing buildings.
- (v.) Nothing in this rule shall affect the erection of a building abutting upon or situated at the side of a street of not less than 60 feet in width, if such building does not exceed 80 feet in height.
- (vi.) Notwithstanding anything in this rule, it shall be lawful for the Chairman in any area not occupied wholly or mainly by residential buildings, after giving an opportunity of being heard to the owners of all other buildings which may be thereby affected, to authorize any building to exceed any limit of height provided for by this rule to such extent as he may deem fit.

*Rule 2.*—(1) Subject to any local by-laws requiring the reservation of a larger area in special localities, the total area covered by all the buildings (including verandahs, but excluding the structures mentioned in the next paragraph) on any site used for any domestic building, factory, or workshop shall not exceed two-thirds of the total area of the site, and the area not so covered shall belong exclusively to the domestic building, factory, or workshop, and shall be retained as part and parcel thereof.

(2) No structures shall be erected upon the area so reserved other than such latrines, bathing, and cooking places as may be allowed by local by-laws, or in the absence of such local by-laws as may be approved by the Chairman.

(3) No roof or projection shall be constructed over any part of the area so reserved.

Size and ventilation of inhabited rooms.

*Calcutta Building Rule 20.*

*Bombay Trust Building Rules 12-15.*

*Cf. London Building Act, s. 70.*

*\* London Building Act has 1/20.*

Open air spaces at side or interior of buildings.

*Cf. Calcutta Building Rule 21.*

*London Building Act, s. 45.*

Open space in rear of buildings.

*Calcutta Building Rule 22.*

*London Building Act, 1894, s. 14.*

Relaxation of rule 5 in case of irregular site.

*Calcutta Building Rule 23.*

**Rule 3.**—Every room in a domestic building which is used or is intended to be used as an inhabited room must comply with the following conditions :

- (a) It must be in every part not less than 10 feet in height ;
- (b) It must have a clear superficial area of not less than 120 square feet ;
- (c) The whole of at least one side must be an external wall abutting on the open air ;
- (d) It must be provided, for the purposes of ventilation, with doors or windows opening either directly or through an open verandah into an external open space having an aggregate opening of not less than one-seventh of the superficial floor area of the room, the aggregate opening of the windows not being less than one-fifteenth\* of such floor area ;
- (e) Every such window must open on to a standard light plane.

A "standard light plane" for the purposes of this rule means a plane drawn upwards and outwards from the edge of the floor of any room at an angle of  $63\frac{1}{2}^{\circ}$  to the horizontal, and not impinging on any building, wall, or other obstruction.

**Rule 4.**—Where a window is situated on the side or interior face of a building, the external open space referred to in the last preceding rule—

- (a) Must extend along the whole wall of the room ;
- (b) Must be of such width that no portion of such face shall intersect any of a series of imaginary lines drawn across the open space from the limit opposite to such face at the level of the ground at an angle of  $63\frac{1}{2}^{\circ}$  to the horizontal ;
- (c) Must in no case be less than  $7\frac{1}{2}$  feet in width ;
- (d) Must either be exclusively attached to the building or be dedicated to public use.

Provided that where the owners of two adjoining buildings have registered at the office of the local authority an agreement binding each other to preserve a common open space between the two buildings, or if the same person is the owner of both buildings, where such person has registered at the office of the local authority a declaration binding himself to preserve such common open space, such common open space may be treated as the open space required by this rule.

**Rule 5.**—(1) Subject to any local by-laws requiring the reservation of a larger area in special localities, there must be in the rear of every domestic building an open space extending along the entire width of the building and belonging exclusively to the building, unless the rear of the building abuts upon a public street or lane of not less than 20 feet in width which is dedicated to public use.

Provided that if the rear of such building abuts on a public street or lane which is less than 20 feet in width, the owner on giving up to the local authority a sufficient portion of his land to make such public street not less than 20 feet wide may be allowed to build up to the edge of his remaining land without being required to leave any such open space.

(2) The minimum distance across such space from every part of the building opposite to the boundary line shall at no place be less than 10 feet.

(3) No portion of the building shall intersect any of a series of imaginary lines drawn across such space at an angle of  $63\frac{1}{2}^{\circ}$  with the plane of the ground, such lines being drawn from the line limiting the width of such space at the side opposite to the building which is the more remote from the building.

(4) For the purposes of this rule the rear of a building shall be deemed to be that face which is farthest from any street on which the building is situated.

Provided that where the building is situated on more than one street, the rear of the building, unless the Chairman otherwise directs, shall be deemed to be that face which is farthest from the widest of such streets.

**Rule 6.**—If any person desires to build a domestic building in a street laid out before the commencement of this Ordinance upon a site which is of such a nature that it is impracticable to provide an open space in the rear of the building of the dimension prescribed by the last preceding rule, the Chairman may relax the provisions of that rule.

Provided that—

- (a) Such open space shall be left as the Chairman may consider practicable, having regard to the circumstances of the case ;
- (b) Not more than two-thirds of the total area of the site shall be occupied by the building.

Access from  
single room  
tenements to  
street.

*Rule 7.*—(1) Where any building is composed mainly or wholly of single room tenements, there must be reserved along the side of the building an open passage exclusively belonging to the building of not less than 20 feet in width, so as to secure direct access to the street for each tenement which would otherwise be unprovided with such access.

(2) Where the owners of two adjoining buildings of such description have registered at the office of the local authority an agreement binding each other to reserve a common passage between their respective buildings, or if the same person is the owner of both buildings, where such person has registered at the office of the local authority a declaration binding himself to preserve such common passage, the width of such common passage need not exceed 20 feet.

Width of  
street.

*Rule 8.*—(1) Every new street defined or approved by a local authority shall be of not less width than—

*Calcutta  
Improvement  
Act, 1911, s. 53.*

(a) 40 feet if the street is intended for carriage traffic; or  
(b) 20 feet if the street is intended for foot traffic only.

(2) Nothing in this rule shall be deemed to prevent the local authority from laying out service passages for sanitary purposes of any width less than 20 feet.

By His Excellency's command,

Colonial Secretary's Office,  
Colombo, June 30, 1914.

R. E. STUBBS,  
Colonial Secretary.

#### *Statement of Objects and Reasons.*

THE object of this Ordinance is to deal with the state of affairs disclosed by the recent outbreak of plague in Colombo, and with the various problems to which that outbreak has directed public attention.

2. As in the case of Bombay, the outbreak of plague in Colombo has led to a more thorough consideration of the sanitary conditions of the city, and has emphasized the imperative necessity of taking measures, in a systematic and scientific manner, to correct the evils which have already been suffered to grow up, and to prevent in the future the development of these and similar evils. The outbreak of plague in Colombo has more than a mere local significance. Colombo, being the chief distributing centre of the Colony, may become a source of infection to the planting and other districts. The insanitary condition of the capital is, therefore, a standing menace to the prosperity of the Island and the lives of its population.

3. It has been found that the evils which exist in Colombo are not confined to Colombo alone, but have developed and are liable to develop in other places in the Colony in which the progress of the Colony and the consequent growth of population, combined with the want of proper regulation and control, have led to the creation of congested areas and insanitary conditions of life.

4. The sanitary legislation of the Colony at present falls far short of the general standard which is being adopted throughout the British Empire. In recent years very great attention has been directed to sanitation, and certain general principles have been evolved, which are being applied, not only in Great Britain, but also generally in the British Dominions throughout the world. The most important English Acts in which these principles have been embodied are "The Public Health Act, 1875," "The London Building Act, 1894," "The Housing of the Working Classes Act, 1890," "The Scottish Burgh Police Act, 1892," "The Housing, Town Planning, &c., Act, 1909." In the East in recent years the same principles have been embodied in legislation in Calcutta, Bombay, the Straits Settlements, Hong Kong, and other places. The present Ordinance has been based upon a study of this legislation, and upon the experience gained in its practical application to the places referred to.

5. Although the present Ordinance originates from the outbreak of plague in Colombo, its application has not been confined to Colombo or to Municipalities generally, but it has been made applicable to all the local Government areas of the Colony, and in addition to any special areas not at present under the control of any local Government authority in which the special evils at which the Ordinance aims are found to exist. There are at present three classes of local bodies in the Colony, namely, Municipalities, Local Boards, and Sanitary Boards. The legislation regulating the powers of these authorities has in recent years shown a marked tendency to unification, and it is hoped that before very long a general Ordinance will be projected for the consolidation and co-ordination of the legislation dealing with all these three classes of local authorities. The present Ordinance accordingly applies to all alike.

6. The special features requiring correction which have more particularly grown up in Colombo are the following:—

- (a) The growth in the population of Colombo and the expansion of the trade of its port have led to a great congestion of the labouring population, more particularly in the areas in the vicinity of the harbour. These areas being already fully built over, accommodation has been provided for the congested population by the subdivision of existing dwellings into insanitary cubicles, with a complete disregard of all principles of lighting and ventilation;



- (b) Areas have been suffered to grow up in which houses, huts, and buildings have been crowded together without any sort of regulation of their situation or approaches, and in such a manner that it is impossible to provide for their drainage, scavenging, and sanitary control ;
- (c) There are large areas in Colombo which are not provided with regular streets, and in others the blocks enclosed by streets are altogether excessive in size. The result is that the buildings erected around and in these blocks have an inordinate depth and an inadequate frontage, and are thus deprived of proper lighting and ventilation.

The conditions mentioned in the last two heads—(b) and (c)—make it impossible under existing conditions for landowners to develop their property in the manner most advantageous both to themselves and to the public.

7. On the other hand, it may be observed that some of the evils which have grown up in Bombay and Calcutta have not yet made their appearance in Colombo. In Bombay and Calcutta, where the area of the city is much more restricted than that of Colombo, the labouring population is massed in lofty buildings composed of single-room tenements, and so crowded together as to be a permanent source of disease. Up to the present most of the houses in Colombo consist only of one storey. High buildings have, however, made their appearance in the Fort and in a less degree in the Pettah. It is imperative that increased accommodation must be provided for the labouring classes in the neighbourhood of their work. This can only be provided by raising the height of the buildings in which they are lodged. There is a distinct danger, therefore, that the evils which have grown up in Bombay and Calcutta may be reproduced in Colombo. The present opportunity should be seized to make such a development impossible.

8. The Ordinance is divided into two main divisions :—

- The first, dealing with measures intended to safeguard the future ; and  
The second, dealing with measures intended to correct the mistakes of the past.

The mistakes of the past are due to the fact that up to the present there has been no adequate regulation of either buildings or streets. The present Bill aims at putting the regulation of both upon a satisfactory basis.

9. *Part II., Chapter I., Buildings.*—There are provisions in all the Ceylon local Government Ordinances dealing with the control by the local authority of the erection of buildings. They are at present neither uniform nor complete. The chapter now presented constitutes a code for dealing with this subject, which, it is hoped, will be found complete and efficient.

10. It must be read in connection with the first seven rules of the schedule. The following observations are made on the subject of the schedule here submitted :—

One of the most distinct tendencies of modern sanitary legislation is to lay down definite standards for the guidance of local authorities. These standards indicate a minimum which should be observed, and which are of general application. It is considered that this is preferable to giving a free hand to each local authority to devise by-laws fixing standards according to local conceptions.

Following the precedent of the London Building Act and other statutes, these definite standards have accordingly been introduced into the Ordinance itself. Summarily stated these standards deal with the following subjects :—

- (1) The height of buildings ;
- (2) The proportion of the site that may be built upon ;
- (3) The reservation of open spaces in the rear of buildings ;
- (4) The fitness for human habitation of each room in a building as regards dimensions and the provision of light and air.

The rules in the schedule here presented are based mainly upon the Calcutta Building Rules, which for this purpose have been collated with the provisions of the London Building Act. The requirement in rule 3 (d) of a "standard light plane" is based upon the experience of the Bombay Improvement Trust (see "How to check the Growth of Insanitary Conditions in Bombay City," and "Light and Air in Dwellings in Bombay," by the Hon. Mr. J. P. Orr, I.C.S., Chairman of the Bombay Improvement Trust). Special attention is drawn to this rule, as universal experience shows that the provision of light and air is the most essential measure for dealing with plague and tuberculosis.

11. *Chapter II., Streets.*—This chapter defines the principles which regulate the provision of streets in building development. Section 16, though new in terms, lays down what is the accepted principle in all the legislation on this subject; namely, that persons desiring to develop their properties by building houses within administrative limits must dedicate streets for the purpose and construct them in accordance with the requirements of the local authority. There are only two points to which attention need be called in this chapter : (a) The minimum width of streets ; (b) the construction of private streets.

12. The minimum width of streets is dealt with by rule 8 of the schedule. This "40 feet rule" is the one which is now being generally adopted in all parts of the British Empire, both in the East and West. See "The London Building Act, 1894," "The Scottish Burgh Police Act, 1892," "The Straits Municipal Ordinance, 1913," "The Hong Kong Public Health and Buildings Ordinance, 1903," "The Calcutta Improvement Act, 1911," By-laws for Johannesburg, Cape Town, &c.

13. The provisions dealing with the construction of private streets are based upon those of "The Straits Municipal Ordinance, 1913," and "The Bombay Municipal Act, 1888." They are upon the general lines of the corresponding provisions in "The Public Health Act, 1875," and "The Private Street Works Act, 1892," but reduced to a more simple and convenient form.

14. *Chapter III., Back Lanes.*—The provision of back lanes for sanitary purposes is now a recognized part of all modern legislation on this subject. The proposed enactments submitted in this chapter are based upon "The Straits Municipal Ordinance, 1913."

15. Chapter IV. deals with two points :—

- (1) By-laws for regulating and preserving the character of special areas. This requires no comment.
- (2) The provision of public arcades in commercial streets (section 29). It has been the practice in the Fort in Colombo for firms reconstructing large commercial buildings, either voluntarily or in return for corresponding concessions by the Municipality, to provide public arcades on the ground storey, which are at once a convenience to the public and an advantage to the owners of the building. The object of section 29 is to ensure regularity in this respect.

16. *Part III., Remedial Measures.*—The object of this part of the Ordinance is to correct and reform existing conditions. It has been found in Bombay and Calcutta that the most satisfactory method of treating this problem in a large city is to establish Improvement Commissioners, and the precedents of these two cities have accordingly been followed. The Ordinance provides for the appointment of Improvement Commissioners in such areas as the Governor shall determine, and enumerates the various classes of improvement schemes which may be promoted either by the Improvement Commissioners or the local authority.

17. In framing this part of the Ordinance the following principles have been kept in view :—

- (a) It is desirable that the procedure laid down by the Ordinance should be as elastic and adaptable as possible. It is accordingly provided that improvement schemes may be carried out either by the Commissioners or the local authority, or by both in combination.
- (b) It is also thought desirable that wherever possible an improvement scheme should be carried out by private capital and private enterprise under the control of a public authority, rather than that the public authority should embark upon enterprises which may be costly to maintain and which it may not be able to maintain at a profit. It accordingly provides in every possible way for the co-operation of the Improvement Commissioners and the local authorities with private promoters.

18. Of the eight species of improvement schemes enumerated in section 39, three, that is to say, the general improvement scheme, the rehousing scheme, and the street scheme, are based upon the experience of Bombay and Calcutta ; two (the back lane scheme and the building scheme) are taken from the Straits Municipal Ordinance ; and three (the redistribution scheme, the housing accommodation scheme, and the street intersection scheme) are original.

19. With regard to the street intersection scheme (section 45), this has been devised to deal with the problem of the excessive size of street blocks referred to above in paragraph 6 (c).

20. The redistribution scheme (section 41) has been devised for the purpose of dealing with the problem of the crowded and irregularly arranged areas referred to in the same paragraph (b). This scheme has nothing to correspond to it in any modern English legislation, but the principles it embodies appear to have been adopted in Germany.\*

21. The procedure to be adopted for the consideration and sanctioning of these improvement schemes is that already in use in the Bombay and Calcutta Improvement Acts. It should be added that the model for a great part of the legislation of Bombay and Calcutta was "The Housing of the Working Classes Act, 1890."

22. The difficulty which has confronted all persons attempting to carry out improvement schemes, whether in England under "The Housing of the Working Classes Act, 1890," or in Bombay and elsewhere, has been that hitherto the only type of scheme adopted has been that of acquisition accompanied by wholesale clearance. The cost of this method of dealing with the problem has been found to be prohibitive, and consequently only comparatively small areas can be thus dealt with. It has been found necessary, therefore, to devise other means of attacking insanitary areas. The subject has necessarily been very fully considered in Bombay, and as a result of it the Chairman of the Improvement Trust in that city has put forward certain proposals which have been adopted in this Ordinance.

23. Mr. Orr's proposals are briefly these :—

- (a) That instead of carrying out the wholesale clearance of an insanitary area, the Improvement Commissioners should attack individual houses which are either themselves insanitary or impose insanitary conditions on neighbouring houses.
- (b) That inasmuch as the persons chiefly affected by insanitary areas are the labouring classes, who, as a rule, live in single room tenements, the point of attack should not be the whole house, but the individual room, and that pressure should be brought to bear upon the owners of insanitary houses to demolish and reconstruct their properties on proper sanitary principles by closing and keeping closed all rooms which do not comply with a definite standard of fitness for human occupation.
- (c) That for the purpose of these measures use should be made of the provisions contained in those chapters of "The Housing of the Working Classes Act, 1890," and "The Housing, Town Planning, &c., Act, 1909," which deal with obstructive buildings and closing orders.

\* It may be interesting to note that a similar expedient was proposed by Sir Christopher Wren in connection with the remodelling of London after the great fire which succeeded the visitation of the plague in 1666 :—

"One point of great interest in the description which we have quoted of Sir Christopher Wren's plan of London may well be again mentioned here, namely, his proposal that the boundaries of all existing properties should be disregarded and that the individual parcels of land should all be temporarily given into the hands of public trustees or commissioners so that they might be rearranged and the area divided, each person receiving back, not his own plot exactly, but as nearly as possible the equivalent of it in the shape of a plot of land arranged to suit the new roads and new groupings of buildings proposed. It is interesting to find thus early suggested by Wren a form of solution for this difficult problem in connection with town planning which has been adopted in Germany. The city of Frankfurt possesses compulsory powers for thus rearranging boundaries of plots under what is known as the *lex Adickes*. Other cities have to depend on promoting voluntarily arrangements for the exercise of indirect pressure to secure this rearrangement of plots."—"Town Planning in Practice," Raymond Unwin, p. 113.

It is pointed out by Mr. Orr that the method of wholesale clearance involves a large disturbance of the labouring population of the area, and that the very great expenses involved in the clearance are thus enhanced by the necessity of rehousing the displaced inhabitants, and it is suggested that in attacking areas on the lines of his proposals there will be a diminution alike of the expense of the improvement scheme and of the inconvenience caused to the inhabitants of the area improved.

24. The chapters of "The Housing of the Working Classes Act, 1890," and "The Housing, Town Planning, &c., Act, 1909," dealing with obstructive buildings and closing orders have accordingly been embodied in this Ordinance, with necessary modification in Chapters III. and IV. of Part III.

Two special modifications require attention :—

- (a) In the chapter on obstructive buildings, section 62, two proposals will be found dealing with the "apportionment of betterment." The first of these—sub-section (1)—is taken from the Act of 1890. The second—sub-section (2)—is based upon the proposals contained in the next succeeding chapter, namely, that dealing with closing order for insanitary dwellings. This latter chapter enables the Chairman of the local authority to close any room which is unfit for human occupation. The elimination of an obstructive building will restore a great number of rooms so closed to a condition of fitness for human occupation. The result is that by the sacrifice of the obstructive building these rooms are saved from extinction, and it is accordingly just that the owners of these rooms should jointly pay the cost of the elimination of the obstructive building.
- (b) Reference has been made to a definite standard of fitness for human occupation. This will be found defined in section 89. It is obvious that if this standard were to be enforced at once in Colombo, such a step would cause a very considerable displacement of population. It is accordingly provided by section 89 that the rule shall not come into general application until after the lapse of five years from the coming into operation of the Ordinance, except in the case of areas dealt with by improvement schemes, when provision will necessarily be made for the rehousing of the persons displaced.

25. *Part IV., Chapter I., Acquisition and Compensation*—This chapter in section 75 contains certain important new principles in regard to compensation, which are mainly derived from "The Housing of the Working Classes Act, 1890," and which have been already adopted in Bombay, Calcutta, and the Straits Settlements.

26. *Chapter II., Tribunal of Appeal*.—Under English legislation the local Government Board exercises a controlling authority over local authorities, which is found extremely salutary. Appeals from administrative orders of local authorities are in many instances made, not to the ordinary courts, but to the local Government Board, and the Board having special experience of these appeals and the subjects to which they relate is able to secure the adoption of uniform principles. In "The London Building Act, 1894," a special Tribunal called "The Tribunal of Appeal" was established for hearing a great number of incidental appeals of this description. The orders appealed from are in most cases orders based upon definite standards, and not upon individual views of expediency or policy, and the Tribunal established under that Act is of a professional character, one member being an architect and another a surveyor. In the Bombay and Calcutta Improvement Acts a similar special Tribunal was established, and to this Tribunal was committed the task of hearing appeals in the acquisition proceedings necessitated by those Acts.

27. In this Ordinance a similar Tribunal has been constituted, which will not only deal with the acquisition proceedings, but will hear appeals in the same manner as in the London Act, and will thus be able to exercise supervision of the local authorities on those matters on which in England it is exercised by the local Government Board.

28. *Chapter III., Miscellaneous Provisions*.—Section 90 lays down a standard for overcrowding. In this respect it follows the general policy of the Ordinance, which substitutes fixed standards for official discretion. At present overcrowding is prohibited, but there is no definition of what constitutes overcrowding. Overcrowding in this Ordinance has a special significance, in view of the rules regulating compensation under this Ordinance. The standard in force in Singapore and Hong Kong has been approximately adopted.

29. The effect of the Ordinance may be summarized as follows :—

It consists of two main parts : the first preventive, and the second remedial.

The preventive provisions give the local authority a strict control of both houses and streets, and lay down definite standards for application to both. These standards are in no case excessive. They limit individual discretion, but safeguard the welfare of the community as a whole.

The remedial section—

- (a) Provides for the appointment of special Improvement Commissioners ;
- (b) Enumerates the various forms of improvement schemes which may be undertaken either by the Commissioners or by the local authority ;
- (c) Provides a common procedure for all these schemes : and
- (d) Strengthens at once the general law and the power of local authorities and Improvement Commissioners with reference to improvement schemes by introducing into Ceylon the principles in force in England with regard to the removal of obstructive buildings and the closure of insanitary dwellings.

30. The subsidiary portion of the Ordinance reforms the principles of compensation at present in force, and introduces a special Tribunal charged with the duty of administering these reformed principles and of supervising the application of the new standards introduced by the Ordinance.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of Sinhara Charles de Silva of  
No. 4,910. Kaldemulla, in Moratuwa, deceased.  
Jayasinghe Christina de Silva of Kaldemulla, in  
Moratuwa ..... Petitioner.

THIS matter coming on for disposal before Thomas Forrest Garvin, Esq., Additional District Judge of Colombo, on June 9, 1914, in the presence of Mr. W. P. Gunawardene, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 9, 1914, and of the notary and attesting witnesses also dated June 9, 1914, having been read:

It is ordered that the last will of Sinhara Charles de Silva, deceased, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before July 16, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 9, 1914. T. F. GARVIN,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Grace Mary Waas (nee Perera Jayasinghe),  
No. 4,913. late of Third Division, Maradana, Colombo,  
deceased.

Moses Waas of Nainamadama, in the District of  
Chilaw ..... Petitioner.

And

(1) Joseph Francis Perera Jayasinghe, (2) Adeline Margaret de Silva (nee Perera Jayasinghe), wife of (3) Paul Anthony de Silva, and (4) Joseph Lionel Anthony Perera Jayasinghe, all of Third Division, Maradana, Colombo ..... Respondents.

THIS matter coming on for disposal before Thomas Forrest Garvin, Esq., Additional District Judge of Colombo, on June 11, 1914, in the presence of Mr. H. P. Weerasooriya, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated June 27, 1913, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before July 16, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1914. THOMAS F. GARVIN,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of Kumarage Don Gabo Sinno  
No. 4,912. Appuhamy of Moranda, in the Palle pattu  
of Salpiti korale, deceased.

Tannipulli Achchige Dona Carlina Hamine of  
Moranda ..... Petitioner.

THIS matter coming on for disposal before Thomas Forrest Garvin, Esq., Additional District Judge of Colombo, on June 11, 1914, in the presence of Mr. Bandaranaika, Proctor, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated May 7, 1914, and

(2) of the attesting witnesses dated May 7, 1914, having been read:

It is ordered that the last will of Kumarage Don Gabo Sinno Appuhamy, deceased, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before June 25, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1914. THOMAS F. GARVIN,  
Additional District Judge.

This *Order Nisi* is extended and re-issued returnable on  
July 16, 1914.

June 25, 1914. THOMAS F. GARVIN,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Joint Last Will and  
Jurisdiction. Testament of Laxapathividanelage Gre-  
No. 4,922. goris de Mel, deceased, and Balapuwaduge  
Sebastiana Mendis of Moratumulla, in  
Moratuwa.

Balapuwaduge Sebastiana Mendis of Moratumulla,  
in Moratuwa ..... Petitioner.

THIS matter coming on for disposal before Thomas Forrest Garvin, Esq., Additional District Judge of Colombo, on June 16, 1914, in the presence of Messrs. Silva and Perera, Proctors, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated June 11, 1914, and (2) of the notary and attesting witnesses dated June 11, 1914, having been read:

It is ordered that the last will of Laxapathividanelage Gregoris de Mel, deceased, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before July 16, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 16, 1914. THOMAS F. GARVIN,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment (with two Codicils) of James  
No. C/4,923. Greenshields of West Town, in the Parish  
of Lesmahagow and County of Lanark, in  
Scotland, deceased.

THIS matter coming on for disposal before Thomas Forrest Garvin, jr., Esq., District Judge of Colombo, on June 17, 1914, in the presence of Mr. J. A. Maartensz, Proctor, on the part of the petitioner Frederick John de Saram; and (1) the affidavit of the said petitioner dated June 15, 1914, (2) the power of attorney dated December 19, 1913, and (3) the order of the Supreme Court dated May 27, 1914, having been read: It is ordered that the will of the said James Greenshields, deceased, dated December 27, 1905, and two codicils dated respectively October 22, 1912, and April 21, 1913, of which a certified extract (under seal) has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the said Frederick John de Saram is the attorney in Ceylon of the proving executors named in the

said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before July 10, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 17, 1914.

T. F. GARVIN, JR.,  
District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Samson Amarasiri Gunawardena No. 4,930. of Grandpass, in Colombo, deceased.

Emily Romera Amarasiri Gunawardena (*nee* Ranasinghe) Grandpass, in Colombo . . . . . Petitioner.

THIS matter coming on for disposal before Thomas Forrest Garvin, Esq., Additional District Judge of Colombo, on June 20, 1914, in the presence of Mr. Jayewardene, Proctor, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated June 4, 1914, and (2) of the attesting witnesses dated June 17, 1914, having been read:

It is ordered that the last will of Samson Amarasiri Gunawardene, deceased, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before July 16, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 20, 1914.

THOMAS F. GARVIN,  
Additional District Judge.

In the District Court of Kalutara.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Baminahennedige Andre. Fernando of No. 889. Walana, in Panadure, deceased.

THIS matter coming on for disposal before C. A. L. Orr, Esq., Acting District Judge of Kalutara, on May 19, 1914, in the presence of Mr. C. P. Wijeyeratne, Proctor, on the part of the petitioner Podimarakkalage Ana Fernando of Walana; and the affidavit of the said petitioner dated March 6, 1914, having been read:

It is ordered that the petitioner Podimarakkalage Ana Fernando of Walana be and she is hereby declared entitled to administer the estate of the said deceased, as mother of the said deceased, and that letters of administration do issue to her accordingly, unless the respondents—(1) Baminahennedige James Fernando, (2) ditto Cecilia Fernando, (3) ditto Caterina Fernando, (4) ditto Theresa Fernando—shall, on or before July 13, 1914, show sufficient cause to the satisfaction of this court to the contrary.

May 19, 1914.

C. A. L. ORR,  
Acting District Judge.

In the District Court of Negombo.

*Order Absolute.*

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Anthonige Allis Perera of Dambadura, deceased. No. 1,439.

THIS matter coming on for disposal before T. K. Carron, Esq., District Judge of Negombo, on April 28, 1914, in the presence of Mr. S. C. Sansoni, Proctor, on the part of the petitioner Kachchakaduge Sarah Fernando of Dambadura; and the affidavits (1) of the petitioner above named and (2) of the attesting notary B. P. Samarasinghe and witness R. Charles Peries, dated April 28, 1914, having been read:

It is ordered that the will of Anthonige Allis Perera, deceased, dated January 18, 1914, be and the same is hereby declared proved.

It is further declared that the said K. Sarah Fernando is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly.

April 28, 1914.

H. E. BEVEN,  
District Judge.

In the District Court of Negombo.

*Order Absolute.*

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of Merinnage Walenti Costa Appuhamy No. 1,449 T. of Kandawala, deceased.

THIS matter coming on for disposal before H. E. Beven, Esq., District Judge of Negombo, on May 26, 1914, in the presence of Mr. D. Jno. S. Goonewardene, Proctor, on the part of the petitioner Merinnage Juse Costa of Kandawala; and the affidavit of the petitioner and the attesting witnesses (1) D. S. Ranasinghe, (2) A. Samuel Fernando, (3) W. Carolis Fernando, (4) M. Rapiel Appu, (5) M. Charles de Silva, having been read:

It is ordered that the will of Merinnage Walenti Costa Appuhamy, deceased, dated March 21, 1914, of which the original has been produced and is now deposited in this court be and the same is hereby declared proved.

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

May 26, 1914.

H. E. BEVEN,  
District Judge.

In the District Court of Negombo.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Pinpuradewage Ranso Fernando of Katuwellegama, deceased. No. 1,450 T.

THIS matter coming on for disposal before H. E. Beven, Esq., District Judge of Negombo, on June 19, 1914, in the presence of Mr. Jno. S. Goonewardene, Proctor, on the part of the petitioner Hathurusinghedewage Porolis Fernando of Akarangaha; and the affidavit of the petitioner dated June 4, 1914, having been read:

It is ordered and declared that the petitioner is the husband of the deceased, and that he is as such entitled to have letters of administration issued to him accordingly, unless the respondents—(1) H. Siman Fernando, (2) H. Saiman Fernando, (3) Elaris Fernando, (4) H. John Fernando, (5) H. Sedris Fernando, (6) H. Thegis Fernando, (7) H. James Fernando, (8) H. Sophia Fernando, all of Akarangaha—shall, on or before July 28, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 19, 1914.

H. E. BEVEN,  
District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Intestate Estate Jurisdiction. of Munasinhage Babunhamy, late of No. 2,979. Matale, deceased.

WHEREAS Munasinhage Babunhamy died intestate at Matale on September 18, 1911, and whereas no relative of the deceased has hitherto been discovered, although diligent inquiries have been made, notice is hereby given that the sum of Rs. 742.43 lying in deposit to the credit of this estate shall be credited to revenue, unless the same be claimed within three months from date hereof by any person or persons lawfully entitled thereto.

June 5, 1914.

P. E. PIERIS,  
Acting District Judge.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Tyril Owen Ephramus of Katugastota. No. 3,073.

THIS matter coming on for disposal before Paul E. Pieris Esq., Acting District Judge, Kandy, on June 11, 1914, in the presence of Mr. C. N. D. Jonklaas on the part of the petitioner Winifred Mabel Ephramus of No. 20, Cross street, Kandy; and the affidavit of the said petitioner dated May 7, 1914, having been read:

It is ordered that the petitioner Winifred Mabel Ephramus of No. 20, Cross street, Kandy, be and she is hereby declared

entitled to letters of administration to the estate of the said deceased, as his widow, unless (1) Winifred Walda Ephramus, (2) Tyril Edmund Dunbar Ephramus, by their guardian *ad litem* William Lewis Meynert of Kandy, shall, on or before July 9, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1914. P. E. PIERIS,  
Acting District Judge.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Edirisingha Mudiyansegedera Appuhamy, deceased, of Doragamuwa, in Pallegampaha of Lower Dumbara. No. 3,074.

THIS matter coming on for disposal before Paul E. Pieris, Esq., Acting District Judge, Kandy, on June 11, 1914, in the presence of Mr. D. A. Wikramasinha, Proctor, on the part of the petitioner Edirisingha Mudiyansegedera Ran Menika of Doragamuwa, aforesaid; and the affidavit of the said petitioner dated May 8, 1914, having been read:

It is ordered that the petitioner above named be and she is hereby declared entitled to letters of administration to the estate of the said deceased, as his widow, unless (1) Edirisingha Mudiyansegedera Kiri Banda, (2) ditto Mutu Menika, (3) ditto Mudiyanse, (4) ditto Mudalihamy, (5) ditto Thiri Menika, (6) ditto Punchirala, (7) ditto Kalu Menika, and (8) ditto Dingiri Banda; the 2nd to 8th by their guardian *ad litem* the 1st respondent, shall, on or before July 9, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1914. P. E. PIERIS,  
Acting District Judge.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Lokurugedera Simon Naide of Illukwatta in Medapalata of Yatinuwara, deceased. No. 3,081.

THIS matter coming on for disposal before Paulus Edward Pieris, Esq., Acting District Judge, Kandy, on June 9, 1914, in the presence of Mr. C. N. D. Jonklaas, Proctor, on the part of the petitioner Dewasurendaragedera Menikhamy of Illukwatta; and the affidavit of the said Dewasurendarage Menikhamy, the petitioner, dated June 5, 1914, having been read:

It is ordered that the petitioner Dewasurendaragedera Menikhamy of Illukwatta be and the same is hereby declared entitled to letters of administration to the estate of the late Lokurugedera Simon Naide of Illukwatta, deceased, as the widow of the said deceased, unless (1) Lokurugedera Siadorishamy, (2) Lokurugedera Rangsohamy, (3) Lokurugedera Nadorishamy, (4) Lokurugedera Romanishamy, (5) Lokurugedera Endorishamy, (6) Lokurugedera Nandohamy, and (7) Lokurugedera Baby Nona, the respondents 2nd to 7th appearing by their guardian *ad litem* Dewasurendaragedera D. S. Denorishamy, shall, on or before June 25, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 9, 1914. P. E. PIERIS,  
Acting District Judge.

The above *Order Nisi* is extended for showing cause against it on or before July 23, 1914.

June 25, 1914. R. C. G. WIJJEYERUON,  
Acting District Judge.

In the District Court of Hatton.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Muna Jurisdiction. Muniandy Asary, deceased, of Kotagala. No. 30.

THIS matter coming on for disposal before T. A. Hodson, Esq., District Judge, Nuwara Eliya-Hatton, on June 15, 1914, in the presence of Messrs. Aiyadurai and Bartholomeusz, on the part of the petitioner Kaliamma and Ana

Luna Veerajah Assary; and the affidavit of the 1st petitioner Kaliamma, dated June 15, 1914, having been read:

It is ordered that letters of administration be granted to the said 1st petitioner Kaliamma, as the daughter of the intestate, unless any person interested shall, on or before July 20, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 24, 1914. T. A. HODSON,  
District Judge.

In the District Court of Galle.

*Order Nisi Declaring Will proved &c.*

In the Matter of the Last Will and Testament of Kariawassan Patiranage Don Hendrick de Silva and wife Mawelle Vitanage Dona Christina, both of Atanikita.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge, Galle, on March 3, 1914, in the presence of Mr. A. D. Jayasundera, Proctor, on the part of the petitioner Kariawassan Patiranage Allishamy; and the affidavit of the petitioner dated January 23, 1912, and the affidavit of Gallege Deonis and Jacoris Wickremaratne Gunasekera dated June 10, 1914, having been read:

It is ordered that the will of Kariawassan Patiranage Don Hendrick de Silva, deceased, dated July 7, 1898, be and the same is hereby declared proved, unless the respondents shall, on or before June 25, 1914, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Kariawassan Patiranage Allishamy is the executor named in the said will, and that he is as such entitled to have probate of the same issued to him accordingly, unless the respondents—(1) Mawelle Vitanawassan Dona Christina of Atanikita, (2) Kariawassan Patiranage Heenhamy of Ellalagoda, (3) ditto Ael de Silva, (4) ditto Christina, wife of (5) Tittagallegamage Appuhamy alias Odris, (6) Kariawassan Patiranage Theodoris de Silva, (7) ditto Francis de Silva, all of Atanikita—shall, on or before June 25, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 11, 1914. L. W. C. SCHRADER,  
District Judge.

Extended to July 30, 1914. P. E. PIERIS,  
District Judge.

In the District Court of Galle.

Testamentary In the Matter of the Estate of Urawatte Jurisdiction. Petiarambage Abraham of Urawatta, deceased. No. 4,406.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge, Galle, on May 4, 1914, in the presence of Mr. J. P. S. de Silva, Proctor, on the part of the petitioner Kariawassan Gonapinuwalagamage Abraham de Silva; and the affidavit of the petitioner dated April 30, 1914, having been read: It is ordered and declared that the said Kariawassan Gonapinuwalagamage Abraham de Silva is the surviving spouse, and that he is as such entitled to have letters of administration issued to him accordingly, unless the respondents—(1) Kariawassan Gonapinuwalagamage Marthenis de Silva, (2) Kariawassan Gonapinuwalagamage Irineris de Silva, (3) Kariawassan Gonapinuwalagamage Jebo de Silva, wife of (4) Ginige Amaris de Silva, both of Patabendimulla—shall, on or before June 19, 1914, show sufficient cause to the satisfaction of this court to the contrary.

May 4, 1914. L. W. C. SCHRADER,  
District Judge.

*Order Nisi* extended to July 9, 1914.

L. W. C. SCHRADER,  
District Judge.



In the District Court of Matara.

*Order Nisi.*

Testamentary. In the Matter of the Estate of the late No. 2,078. Kapugama Geeganage Sachchohamy, deceased, of Walgama.

THIS matter coming on for disposal before G. E. Keuneman, Esq., District Judge of Matara, on February 26, 1914; and the affidavit of petitioner Dikwelle Vidanage Darolis Jokin de Silva of Madiha dated February 26, 1914, having been read:

It is ordered and declared that the said petitioner D. V. Darolis Jokin de Silva of Madiha, one of the children of the deceased, and that he as such is entitled to have letters of administration issued to him accordingly, unless the respondents—(1) Dikwelle Vidanage Jankovis Lambertinus de Silva, (2) ditto Darlis Auralius de Silva, P. O., (3) ditto Darnis Amis de Silva, (4) ditto Siridias Arnius de Silva, Fiscal's Officer, (5) ditto Dawundias de Silva, all of Walgama, (6) ditto Pemawati de Silva and husband (7) Will'am Perera Gunawardana, Deputy Jailor of Colombo, (8) Dikwelle Vidanage Dharmapalina de Silva of Walgama—shall, on or before July 6, 1914, show sufficient cause to the satisfaction of this court to the contrary.

February 26, 1914. J. C. W. ROCK, District Judge.

In the District Court of Tangalla.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Samarappuli Amarakon Gamage Abanelis, No. 585. deceased, of Udaberagama.

THIS matter coming on for disposal before F. D. Peries, Esq., District Judge of Tangalla, on June 5, 1914, in the presence of Samarappuli Amarakon Gamage Allis de Silva on the part of the petitioner; and the affidavit of the said petitioner dated June 4, 1914, having been read:

It is ordered that letters of administration to the estate of the said deceased Samarappuli Amarakon Gamage Abanelis of Udaberagama be issued to the petitioner aforesaid, as his eldest son, unless the respondents—(1) Jayasekera Gajahingamage Jano of Udaberagama, (2) Samarappuli Amarakongamage Deonis, (3) ditto Tepanis, (4) ditto Appuri, (5) ditto Biinbina—shall, on or before July 13, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 22, 1914. F. D. PERIES, District Judge.

In the District Court of Tangalla.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate and Jurisdiction. Effects of Edward Russell Ayrton, late of No. 586. Anuradhapura, deceased.

Baxandall Constantine, Government Agent of the North-Central Province, Anuradhapura . . . . . Petitioner.

THIS matter coming on for disposal before Francis Daniel Peries, Esq., District Judge, Tangalla, on June 26, 1914, in the presence of Mr. Eugene Gerard Auwardt, Proctor, on the part of the petitioner Baxandall Constantine; and the affidavit of the said petitioner dated June 19, 1914, having been read:

It is ordered that the petitioner above named be and he is hereby declared entitled to letters of administration to the intestate estate of the said deceased, as Government Agent

of the North-Central Province, where the said deceased, who has no relations in Ceylon, has had his residence up to the time of his death, unless any person interested shall, on or before July 13, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 26, 1914. F. D. PERIES, District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the Jurisdiction. Pakavatippillai, widow of Thiakar Sel-lappa of Columbuturai, deceased. No. 2,879.

Aiyatturai Ponnusamy of Columbuturai . . . . . Petitioner.

Vs.

(1) Sammadar Suppiah and wife (2) Marakatam of Columbuturai, (3) Thevakuncharam, wife of Aiyatturai Ponnusamy of ditto . . . . . Respondents.

THIS matter of the petition of Aiyatturai Ponnusamy, praying for letter of administration to the estate of the above-named deceased, Pakawatippillai, widow of Thiakar Sellappa, coming on for disposal before C. V. Brayne, Esq., District Judge, on June 15, 1914, in the presence of Mr. R. R. Nalliah, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated June 10, 1914, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the heir of the said deceased, to administer the estate of the deceased, and that letters of administration do issue to him accordingly, unless the respondents above named or any other person shall, on or before July 9, 1914, show sufficient cause to the satisfaction of this court to the contrary.

June 15, 1914. C. V. BRAYNE, District Judge.

In the District Court of Kegalla.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Kalu Arachchige Podisingho Appuhamy of Yatapawela, deceased. No. 440.

Singankutti Arachchige Batinnona Hamine of Yatapawela . . . . . Petitioner.

Against

(1) Kalu Arachchige Elis, (2) ditto Edwin, (3) ditto Stephen, all of Yatapawela, the 1st, 2nd, and 3rd respondents being minors by their guardian (4) Singankutti Arachchige John Singho Appuhamy of Talgasmote . . . . . Respondents.

THIS matter coming on for disposal before A. P. Boone, Esq., District Judge of Kegalla, on June 26, 1914, in the presence of Mr. A. A. Wickramasinghe, Proctor, on the part of the petitioner; and the petitioner's affidavit dated June 18, 1914, having been read:

It is ordered and declared that the above-named petitioner, as the widow of the deceased, is entitled to letters of administration to the intestate estate of the said deceased, and that the same be issued to her accordingly, unless the above-named respondents or any person or persons interested shall, on or before July 30, 1914, show sufficient cause to the contrary to the satisfaction of this court.

And it is further ordered that the 4th respondent do show cause why he should not be appointed guardian over the 1st, 2nd, and 3rd minor respondents.

June 26, 1914. A. P. BOONE, District Judge.

## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,593. In the matter of the insolvency of W. M. H. Munsoor, W. M. A. Jabbar, W. M. M. Ghose, carrying on business as W. M. H. Munsoor and Brothers.

WHEREAS W. M. H. Munsoor, W. M. A. Jabbar, W. M. M. Ghose, carrying on business as W. M. H. Munsoor and Brothers has filed a declaration of insolvency, and a petition for the sequestration of the estate of W. M. H. Munsoor, W. M. A. Jabbar, W. M. M. Ghose, carrying on business as W. M. H. Munsoor and Brothers, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said W. M. H. Munsoor, W. M. A. Jabbar, W. M. M. Ghose, carrying on business as W. M. H. Munsoor and Brothers, insolvents accordingly; and that two public sittings of the court, to wit, on July 23, 1914, and on August 6, 1914, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

Colombo, June 27, 1914. D. M. JANSZ,  
Secretary.

In the District Court of Colombo.

No. 2,594. In the matter of the insolvency of Antony Siluvai de Croos of No. 1, Brassfounder street, Colombo.

WHEREAS Antony Siluvai de Croos has filed a declaration of insolvency, and a petition for the sequestration of the estate of Antony Siluvai de Croos, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Antony Siluvai de Croos insolvent accordingly; and that two public sittings of the court, to wit, on July 30, 1914, and on August 20, 1914, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

Colombo, June 27, 1914. D. M. JANSZ,  
Secretary.

In the District Court of Negombo.

No. 97. In the matter of the insolvency of Kurukulesuriya John Sebastian Leitan of Fish Market street, Negombo.

NOTICE is hereby given that the above-named insolvent has been refused a certificate of conformity.

By order of court,

Negombo, June 29, 1914. T. B. CLAASZ,  
Secretary.

In the District Court of Negombo.

No. 98. In the matter of the insolvency of Wickramapattirannehelage Joronis Perera Siriwardena of Dagonna.

NOTICE is hereby given that the above-named insolvent has been allowed a certificate as of the second class.

By order of court,

Negombo, June 29, 1914. T. B. CLAASZ,  
Secretary.

In the District Court of Negombo.

No. 101. In the matter of the insolvency of Mihidukulesuriya Stephen Fernando and Mihidukulesuriya Manual Fernando, both of Negombo, who were carrying on business in partnership as hirers of motor cars.

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 July 23, 1914, for a grant of a certificate of conformity to the insolvent.

By order of court,

Negombo, June 26, 1914. T. B. CLAASZ,  
Secretary.

In the District Court of Kalutara.

No. 145. In the matter of the insolvency of Alexander Kotalawala of Kalutara.

WHEREAS Alexander Kotalawala of Kalutara has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Don Charles Saha-bandu of Kalutara, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Alexander Kotalawala of Kalutara insolvent accordingly; and that two public sittings of the court, to wit, on August 12, 1914, and on September 18, 1914, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

Kalutara, June 27, 1914. C. B. PAULICKPULLE,  
Secretary.

In the District Court of Kegalla.

No. 39. In the matter of the insolvency of Kekul Kotuwege Don Alisandri of Morewatta.

NOTICE is hereby given the first sitting in the above insolvency case fixed for this day has been adjourned for August 20 next for the insolvent to surrender and conform to, agreeably to the Insolvency Ordinance, of which the creditors are hereby required to take notice.

By order of court,

Kegalla, June 11, 1914. C. P. W. GUNASEKERA,  
Secretary.

In the District Court of Kegalla.

Insolvency In the matter of the insolvency of Ossen Jurisdiction. Saibu Abdul Rahiman Saibu of Bulat-No. 40. kopitiya.

WHEREAS the above-named Ossen Saibu Abdul Rahiman Saibu has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Kawenna Saibu Dorai of Bulatkopitiya, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Ossen Saibu Abdul Rahiman Saibu insolvent accordingly, and that two public sittings of this court, to wit, on July 22 and August 11, 1914, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which the creditors are hereby required to take notice.

By order of court,

Kegalla, June 10, 1914. C. P. W. GUNASEKERA,  
Secretary.



## NOTICES OF FISCALS' SALES.

## Western Province.

In the District Court of Colombo.

William Aloysius Fernando of Moratuwa... Plaintiff.  
No. C 36,580. Vs.

(1) Mahamarakkala Patabendige Martinu Perera of Degarolla, in Moratuwa, (2) Mahamarakkala Patabendige Thesla Perera, wife of (3) Wannakuwattewaduge Bastian Fernando, both of Katukurunda, in Moratuwa, (4) Mahamarakkala Patabendige Ana Maria Apolonia Perera, wife of (5) Ungamandadige Harmanis Francis Fernando, both of Indebedde, in Moratuwa..... Defendants.

NOTICE is hereby given that on Monday, July 27, 1914, at 4.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants, in the following property, for the recovery of the sum of Rs. 1,350, with interest thereon at 9 per cent. per annum from February 10, 1913, till payment in full, and sum of Rs. 500 damages, and costs of suit, Rs. 1,014.87, viz.:-

An allotment of land called Meeripannewatta together with all and singular the buildings and plantations thereon, situated at Degarolla, in Moratuwa, in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; and bounded on the north by the high road leading to Galle, on the east by Panadure river, on the south by an irawalle of this land belonging to Mahamarakkala Kurukulasooriya Patabendige Simon Perera, and on the west by the road leading to Panadure; containing in extent about 2 roods.

Fiscal's Office, W. DE LIVERA,  
Colombo, June 30, 1914. Deputy Fiscal.

In the District Court of Kalutara.

Kiriwattuduwege Lenohamy and two others of Weedagama ..... Plaintiffs, judgment-debtors.  
No. 3,684. Vs.

Hettiarachchige Nonno and one hundred and twenty-six others ..... Defendants.  
Mr. Arnold Goonewardane, Commissioner appointed by court ..... Judgment-creditors.

NOTICE is hereby given that on Wednesday, July 29, 1914, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said plaintiffs in the following property for the recovery of Rs. 437.87, viz.:-

1. All that portion of Maddegewatta, situate at Kotalawala, in Adikari pattu of Raigam korale; which portion is bounded on the north by a portion of the same land, east by a road, south by Kitulbodayawatta, and on the west by Madamewatta; containing in extent 1 acre and 36.04 perches.

2. All that portion of Wepallekumbura, situate at ditto; which portion is bounded on the north by Wekanda, east by dola, south by Galekumbura, and on the west by portions of the same land, containing in extent 1 acre 1 rood and 16.03 perches.

3. All that portion of Delkandedeniyeekumbura, situate at ditto; which portion is bounded on the north by a portion of the same field belonging to Crown, east by the lands belonging to Panadure people, south-east by Crown lands, south by Wewagodella of Kiriwattuduwege people, and on the west by portions of the same land; containing in extent 1 acre and 75 of a perch.

4. All that portion of Meegahawatta, situate at ditto; which portion is bounded on the north by Ambekottanuwa, east and south by portions of the same land, and on the west by Pitawattakumbura and Ambekottanuwa; containing in extent 1 acre and 34.4 perches.

5. All that portion of Atuwabendiawatta, situate at ditto; which portion is bounded on the north by Madirawalagewatta, east by the field, south by a portion of the same land,

and on the west by Molliyawatta; containing in extent 1 rood and 36.68 perches.

6. All that portion of Weralugasmullekumbura, situate at ditto; which portion is bounded on the north and north-east by Madirawalakumbura, south by portions of the same land, and on the west by Palliyawatta and Atuwabendiawatta; containing in extent 1 rood and 28.49 perches.

7. All that portion of Weraketiya, situate at ditto; which portion is bounded on the north and east by portions of the same land, south by Maddegewatta and Kaluarachchigewatta, and on the west by Kaluarachchigewatta and Pallagewatta; containing in extent 4 acres 2 roods and 25.85 perches.

Deputy Fiscal's Office, H. SAMARASINGHA,  
Kalutara, June 29, 1914. Deputy Fiscal.

In the District Court of Negombo.

Panambarage Manuel Fernando of Kochchikade.. Plaintiff.  
No. 9,429. Vs.

(1) Juan Fernando Nicholan Pulle of Etgala, (2) Philippu Ludrigo Santiago Pulle of Welihena... Defendants.

NOTICE is hereby given that on July 25, 1914, commencing at 10 o'clock in the forenoon, will be sold by public auction, at the premises the right, title, and interest of the said defendants, in the following property, viz.:-

1. The land called Kahatagaha *alias* Madugahawatta, situate at Welihena, in Dunagaha pattu of Alutkuru korale; and bounded on the north by land of Don Marthino Appu, east by Dewata road, south by land of Don Leo Cross, and on the west by land of Marsal Appu and others; containing in extent about 1 acre.

2. An undivided  $\frac{1}{2}$  share of the land called Makullagahawatta, situate at Etgala, in Dunagaha pattu of Alutkuru korale; the entire land being bounded on the north by land of the heirs of Christogu Silva Juan Pulle, east by land of Anthony Silva Savary Pulle, south by land of Philippu Fernando Nicholan Pulle, and on the west by lands of Jusey Peris Peduru Pulle and Juan Fernando Nicholan Pulle, the 1st defendant; containing in extent about 1 acre and 2 roods.

3. The land called Makullagahawatta, situate at ditto; and bounded on the north by land of Susey Peris Peduru Pulle, east by lands of Philippu Fernando Nicholan Pulle and Juan Fernando Nicholan Pulle, the 1st defendant, and on the south and west by lands of Anthony Fernando Aththatchy; containing in extent about 1 acre.

4. The land and house in which the 1st defendant resides, situate at ditto; and bounded on the north by land of Susey Fernando Juan Pulle, east by lands of Savary Cross and others, south by land of Joranis Fernando Saviel Pulle, and on the west by land of Francisu Fernando Saviel Pulle; containing in extent about 2 acres.

Amount to be levied, Rs. 621, with further interest on Rs. 525, at 9 per cent. per annum from September 10, 1913, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,  
Negombo, June 30, 1914. Deputy Fiscal.

## Central Province.

In the District Court of Kandy.

Pena Rena Muna Velaithan Chetty of Colombo street, Kandy..... Plaintiff.  
No. 22,569. Vs.

(1) D. A. Saram, (2) Una Mohamradu Meera Lebbe, (3) M. Banda, all of Munwatugoda in Yatinuwara ..... Defendants.

NOTICE is hereby given that on Friday, July 31, 1914, commencing at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property:-

1. The field called Kandekumbura of 1 pella and 4 kurunies in extent, situated at Munwatugoda in Medapalata

of Yatinuwara; and bounded on the east by bulu tree or the bank of Dehiatthena, on the south by Amunewella, on the west by eura of Diyanekosgahamulahena, and on the north by immawella.

2. Amunutennehena of 1 acre in extent, situated at Munwatugoda aforesaid; and bounded on the east by Galheeriya, on the south by limit of ela, on the west by ela, and on the north by ditch.

3. The field called Palkadekumbura of about 12 lahas in extent, situated at Danture in Medapalata aforesaid; and bounded on the east by liminary dam of Medatumpela, on the south by liminary dam of Radagedarakumbura, on the west by the liminary dam of the portion belonging to Kirihamy, and on the north by below the ela.

4. Pandithagedarawatta of about 2 pelas in extent, situated at Siyambalagoda in Medapalata aforesaid; and bounded on the east and west by the remaining portion of this land, and on the south and north by wela.

Amount of the writ, Rs. 868.32 with interest and costs.

Fiscal's Office,  
Kandy, June 30, 1914.

A. V. WOUTERSZ,  
Deputy Fiscal.

### Southern Province.

In the District Court of Galle.

Heenatigala Baduge Andris Silva of Wattedagama....Plaintiff.  
No. 12,112. Vs.

Heenatigala Baduge Abraham Sinno and another.  
both of Heenatigala..... Defendants.

NOTICE is hereby given that on Friday, July 31, 1914, commencing at 12 noon, will be sold by public auction at the premises the following property, mortgaged, viz:—

1. An undivided  $\frac{2}{3}$  of  $\frac{1}{2}$  part of the soil and fruit trees of Kongahawatta, in extent 3 roods and 36.9 perches, situate at Heenatigala; and bounded on the north by Kaluwagahakoratuwa and Siyambalagahawatta, east by Kongahawattaddarakumbura and Kataliyagaha-addarakumbura, south by Pahawatta, and west by high road to Heenatigala, together with an undivided  $\frac{1}{4}$  part of the 11 cubits tiled house, built on the said land, facing north and south.

2. An undivided  $\frac{2}{3}$  of  $\frac{1}{2}$  of the land Bokelekumbura, in extent about 15 kurunies of paddy sowing extent, situated at Heenatigala; and bounded on the north by Kekulama, east by ela, south by Siambalagahawatta-addarakumbura, and west by Hungangodawatta.

3. An undivided  $\frac{2}{3}$  of  $\frac{1}{2}$  part of the soil and remaining fruit trees of the plantation made by Mathes of the land Kaluwagahakoratuwa, in extent about 157 fathoms all round, situated at Heenatigala; and bounded on the north by Hungangodawatta, east by Siambalagahawatta, south by Kongahawatta, and west by Heraligaskoratuwa.

Writ amount, Rs. 546.16, with further interest on Rs. 250 at 24 per cent. per annum from August 29 up to December 2, 1913, and thereafter on the aggregate at 9 per cent. per annum till payment in full and poundage.

Fiscal's Office,  
Galle, June 30, 1914.

J. A. LOURENSZ,  
for Fiscal.

In the District Court of Matara.

Wengappuli Achchige Pinohamy and another....Plaintiffs.  
No. 5,365. Vs.

Welihinda Badalge Wattuhamy and another..Defendants.

NOTICE is hereby given that on Saturday, July 25, 1914, commencing at 1 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 806.42, with further damages at Rs. 8 a month from October 1, 1912, till payment in full, and also Fiscal's charges:—

(1) The land called Puwakwatta, with all the buildings and plantations thereon, subject to a mortgage by the 2nd defendant of the house of 9 cubits in the land, situate at Pategama, in the Wellaboda pattu of the Matara District,

Southern Province; and bounded on the north by Dinorishampadinchimahahena, east by Hiyarekumbura and Malgahairikanda Gansabhawa road, south by wela, and west by portion of same land Puwakgahawewatumbemuldeniya, Rs. 900.

(2) One-fourth of Tamaduwegawatta, situate at ditto; and bounded on the north by Potilegedeniya, Potilegewatta, and Pansaladeniya, east by Puwakgahawila alias deniya and Thumbemuldeniya, south by Malawigewatta, and west by Malawigewatta alias Landegegulgahawatta, 75 cents.

On Saturday, July 25, 1914, at 4 P.M.

(3) Three-sixteenth of Kongalagewatta, also called Lianagewatta, except planter's share of 2nd plantation, situate at Babarenda, in the Wellaboda pattu of the Matara District, Southern Province; and bounded on the north by Lianagedeniya, east by Lianagewatta, south by Heenaragewatta, and west by Medawatta, Rs. 120.

Deputy Fiscal's Office,  
Matara, June 29, 1914.

G. F. R. BROWNING,  
Deputy Fiscal.

In the District Court of Matara.

Gardiye Punchihewage Abraham de Silva...Plaintiff.  
No. 6,134. Vs.

(1) H. Gunaratne, (2) C. W. Gunaratne, and (3)  
A. P. E. Abeysuriya.....Defendants.

NOTICE is hereby given that on Monday, July 27, 1914, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, specially mortgaged with the plaintiff for the recovery of Rs. 3,202.18, viz:—

At Mamadala in East Giruwa pattu.

All that undivided  $\frac{7}{8}$  shares of the defined western half part of the lot marked C in the plan dated February 14, 1881, filed in D. C. 3,956, Tangalla, of the field called and known as Debaragaselleebuna; and which said defined western half part of the said lot C is bounded on the north by Walawe river, on the east by the other defined half or eastern portion of the said lot C belonging to A. P. D. Abeysuriya and D. C. Wickremesuriya, and south by Pole Cary's land known as Walawe estate, and on the west by lot marked B allotted to Messrs. van Royan; in extent 218 acres 2 roods and 10 perches.

Deputy Fiscal's Office,  
Tangalla, June 25, 1914.

J. E. SENANAYAKE,  
Deputy Fiscal.

### Eastern Province.

In the District Court of Batticaloa.

Veerakuddiyar Kartikesar of Navetecudah.....Plaintiff.  
Sambunader Vanniah Teivanayakampillai of ditto,  
administrator of the estate of V. Kartikesar  
.....Substituted Plaintiff.  
No. 3,460. Vs.

Agamadulevvai Marikair Sinnelevvi Marikair of  
Kattankuddy.....Defendant.

NOTICE is hereby given that on Monday, Tuesday, and Thursday, July 27, 28, and 30, 1914, respectively, will be sold by public auction at the premises, commencing at about 9 o'clock in the morning respectively the right, title, and interest of the said defendant in the following properties, viz:—

On Monday, July 27, 1914, at 9 A.M.

2. The western share of a garden called Tulukkervalavu, situated at Kattankuddy, division No. 4, in Manmunai pattu, in the district of Batticaloa, Eastern Province; and which western share is bounded on the north by the drowry garden of P. Pokker, south by the garden of C. Mohiadeenvava and Ahamadulevvai, east by the upstairs boutique garden belonging to A. M. Sinnalevvai Marakair and others, and west by the drowry garden of Iburallevvai, in extent from north to south-eastern side  $8\frac{1}{2}$  fathoms, western side 8

fathoms, and from east to west on the northern side 12 fathoms, southern side 12½ fathoms with house, well, and produce, and all rights.

At about 10.30 A.M.

3. An undivided ½ share of a garden called Sinnapalliadyturaikiddankeyvalavu, situated at Kattankuddy, in division No. 4, in Manmunai pattu; and bounded on the north by lane, south by the garden of the late Isumalevvai Marikair, east by a garden belonging to A. M. Sinnelebbe Marikair and others, and west by lake shore, in extent from north to south-eastern side 11½ fathoms, western side 10 fathoms, and from east to west on the northern side 19½ fathoms, southern side 18½ fathoms, out of this garden the large room on the southern side of the old bankshall stretching from north to south, the two small rooms on the southern side on the two verandahs, the large room on the eastern side of the newly built bankshall, built in the direction of east to west in the said garden, the small room lying on the east of the southern verandah, the right of using in common the said verandah, five coconut trees marked with the letter Ana Mana Chena standing in the said garden and ½ share of a palmyra tree.

At about 12 noon.

4. Out of the eastern share of the garden called Tulukervalavu, situated at Kattankuddy, in Manmunai pattu: the divided northern ½ share belonging to A. M. Sinnalevve Marikair and which ¼ share is bounded on the north by the other share of the garden called Tulukkervalavu, belonging to M. K. Ahamadulevvai Marakair, south by the middle share of this garden belonging to A. Asiatumma, east by road, and west by a garden belonging to A. M. Sinnalevvai Marakair, in extent from north to south 2 fathoms and 2 cubits and 1½ span, and from east to west 7½ fathoms, the boutique, the room, the verandah, and the main building and rights.

On Tuesday, July 28, 1914, about 9 A.M.

5. The southern share of the coconut estate called Mankaddutotam, situated at Talenkudah, in Manmunai pattu; and bounded on the north by the middle share of the estate belonging to Ahamadulebbe Asiatoummah, south by Talenkudah estate and land purchased from Murugappen, east by road, and west by garden belonging to O. Abdullahamylebbe and others, in extent from north to south on the eastern side 154 fathoms, western side 112½ fathoms, and from east to west on the northern side 240 fathoms, southern side 259 fathoms or 36 acres and 26½ perches, the coconut trees standing thereon, the bungalow, well, and all rights.

At about 11 A.M.

6. The land called Mayarukali, bearing lot No. 1,076, situated at Talenkudah, in Manmunai pattu; and bounded on the north-west and north-east by Crown land called Mankaddupoomi, south by Crown land called Mankaddupoomi and land described in plan No. 69,276, and south-west by land reserved for road, in extent 1 acre 3 roods and 36 perches with coconut trees and all other plantations, produce, and rights.

At about 2 P.M.

7. The southern piece of land out of the land called Koppurakalai, bearing lot No. 9,888, situated at Talenkudah, in Manmunai pattu; and which southern piece is bounded on the north by the share of land belonging to A. Asiatumma, west by land reserved for road, and south and east by Crown land, in extent 1 acre 1 rood and 6 perches with all rights.

At about 4 P.M.

8. The northern ½ share out of the lands lot Nos. 1,059, 1,062, and 1,063, forming one property, situated at Talenkudah, in Manmunai pattu, and which northern half share is bounded on the north by lands belonging to Odavy Mohaideenvava and others, south by the other share of this garden, east by coconut estate mentioned as the 1st property, and west by lane, in extent 5 acres 32½ perches with plantations, produce, and rights.

On Thursday, July 30, 1914, at about 9 A.M.

9. An undivided 1/6 share of a land situated at Malkompuddykandam, in Sammanturai pattu; and bounded on the north-east by land of Omerulebbepody Udyar, south-east

by land of Meerasaibu, north-west by land of Avuvakkerlebbe, and south-west by land of H. Ismalebbe Marakair, in extent 72 acres 2 roods and 13 perches with all rights.

Amount to be levied Rs. 12,087.70, with interest on Rs. 11,752.49 at 9 per cent. per annum from September 28, 1911, till payment.

Fiscal's Office,  
Batticaloa, June 24, 1914.

T. SINNATAMBY,  
Deputy Fiscal.

In the District Court of Batticaloa.

Ana Kana Noovenna Noogulevvai of Puliyantivu — Plaintiff.  
No. 3,574. Vs.

Sahul Hamidu Seyadu Ismail of Puliyantivu.... Defendant.

NOTICE is hereby given that on Saturday, August 1, 1914, commencing at about 10 o'clock in the morning, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

A garden called Sadankadyvalavu, situated at Sittandykuddy, in Eraur pattu; and bounded on the north by the garden of K. Kanapathy, south by lane, east by the garden of Abdul Kather, and on the west by the garden of Pichai-pillay and others; in extent 4 acres, with all rights.

Amount to be levied Rs. 350 at 9 per cent. per annum from May 22, 1912, till payment.

Fiscal's Office,  
Batticaloa, June 27, 1914.

T. GOONETILLEKE,  
Deputy Fiscal.

#### North-Western Province.

In the District Court of Kurunegala.

Kuna Mana Muttu Ramen Chetty, by his attorney  
Kuna Mana Arunasalam Chetty of Kurunegala.. Plaintiff.  
No. 4,891. Vs.

(1) D. J. Jayasundara Goonewardana of Wattala, in Alutkuru korale, Ragam pattu, Colombo District, (2) A. D. J. Appuhamy of Kudumulla, in Dambadeni Udukaha Korale East..... Defendants.

NOTICE is hereby given that on Saturday, July 25, 1914, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

Dunumadalagasdeniyawatta of 8 lahas of kurakkan sowing extent; bounded on the east by the chena belonging to Ukku Menka, on the south by the garden belonging to Nambuhamy, on the west by the garden belonging to Nambuhamy and others, and on the north by the chena belonging to the temple, situate at Koholana in Dambadeniya Udukaha Negenaira korale.

Amount to be levied, Rs. 1,663.75, with interest on Rs. 1,100 at 30 per cent. per annum from August 26, 1913, to January 8, 1914, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full.

Fiscal's Office,  
Kurunegala, June 30, 1914.

S. D. SAMARASINHA,  
Deputy Fiscal.

#### Province of Sabaragamuwa.

In the District Court of Colombo.

Walter Dionysius Driberg of Saffron Hill, Waga. Plaintiff.  
No. 35,635. Vs.

(1) Puwachi Umma of Karawanella, Ruwanwella, widow of Cader Tamby Notarias Awu Lebbe Marikar Mohotala, deceased, (2) Puwachi Umma of Karawanella, Ruwanwella, in her personal capacity and as legal representative of the estate of C. T. N. Awu Lebbe Marikar Mohotala, deceased..... Defendants.

NOTICE is hereby given that on July 25, 1914, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

All that allotment of land called and known as Nagahahena, together with the tiled house and other buildings

thereon, situate and lying at Wendala, in the Dehigampal korale of Three Korales, in the District of Kegalla; bounded on the north by the kahata tree and the rock, on the east by ditch of the purchased property of Kasie Lebbe Marikar, on the south by the high road leading from Ruwanwella to Yatiyantota, and on the west by the large rock of Nagahahena; containing in extent about 10 seers of kurakkan sowing.

To levy Rs. 1,200 and costs.

Deputy Fiscal's Office,  
Kegalla, June 27, 1914.

R. G. WIJETUNGA,  
Deputy Fiscal.

In the District Court of Colombo.

Walker, Sons & Co., Limited, Colombo ... - - - - Plaintiffs.  
No. 37,458. Vs.

David Fairweather of Kegalla ... - - - - Defendant.

NOTICE is hereby given that on August 1, 1914, at 2 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. :—

The land called Kankiriyehene Rubber estate, in extent about 25 acres with the tiled bungalow standing thereon, excluding therefrom a portion in extent about 26 perches, lot 210 in preliminary plan 1,971, claimed by the Crown; and which said entire land is situated at Makura, in Mawata pattu of Paranakuru korale, in the District of Kegalla, and bounded on the east by the sea of the said estate, on the south by Hondeniyekumbura and Hondeniyewatta belonging to Madigevidanella, on the west by Morehena and Dewaragampolahena, and on the north by Galenda and Radagehena;

To levy Rs. 1,539.38, with interest thereon at 9 per cent. per annum from November 11, 1913, till payment in full and costs.

Deputy Fiscal's Office,  
Kegalla, June 26, 1914.

R. G. WIJETUNGA,  
Deputy Fiscal.