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 PART II.—Legal and Judicial.  
 PART III.—Provincial Administration.  
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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.**

ROBERT CHALMERS.

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. 19 of 1915," and shall come into operation on such date as the Governor shall, by Proclamation in the <i>Government Gazette</i> , appoint.   |
| Definitions and explanations.      | 2 In this Ordinance, unless the context otherwise requires—  |
| "Local authority."                 | "Local authority" means—<br>Within any Municipal limits, the Municipal Council ;<br>Within any Local Board limits, the Local Board ;<br>Within the administrative limits of the Nuwara Eliya Board of Improvement, the Board of Improvement ;<br>Within the limits of any town or village under the operation of "The Small Towns Sanitary Ordinance, 1892," the Sanitary Board ;<br>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" includes any road, footway, or passage used or intended to be used as a means of access to two or more houses or sites of houses, whether the public have a right of way thereover or not, and includes all channels, drains, ditches, sidewalks, and reservations at the side thereof.   |
| "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 in whole or in part 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.   |
| "Construction."                    | "Construction" in the case of any street or thoroughfare includes provision for the lighting of the street or thoroughfare and the supply of water to its inhabitants, and its sewerage, draining, levelling, paving, kerbing, metalling, channelling, and every method of making a carriageway or footway.  |
| "Cost of construction."            | "Cost of construction" includes a reasonable percentage in respect of establishment charges.   |
| "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.   |
| "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.   |
| "Owner."                           | "Owner" includes the person for the time being receiving the rent of the premises in connection with which the word is used, whether on his own account, or as agent or trustee for any other person, or who would receive the same if such premises were let to a tenant.   |
| "Inhabited room."                  | "Inhabited room" means a room in which some person passes the night, or which is used as a living room, and includes a room in respect of which in the circumstances of the case there is a probable presumption (until the contrary is shown) that some person passes the night therein, or that it is used as a living room.   |
| "Habitable room."                  | "Habitable room" means a room constructed or adapted to be inhabited.  |

|  |   |
|--|---|
|  | “ Building ” includes the outhouses or other appurtenances of a building.   |
| “ 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.  |
| “ Public building.”  | “ Public building ” means any building used for the purpose of public worship, instruction, recreation, or meeting.   |
| “ Police Magistrate.”  | “ Police Magistrate ” includes a Municipal Magistrate.  |
| “ Ordinance.”  | Where any expression is used denoting or implying conformity with, or contravention of, any Ordinance, the expression “ Ordinance ” shall be deemed to include any rule, regulation, by-law, scheme, or order made thereunder.  |
| “ This Ordinance.”   | All references to “ this Ordinance ” include the Schedule.  |
| Application of Ordinance.  | <p>3 This Ordinance shall apply—</p> <p>(a) Within the administrative limits of any Municipal Council, Local Board, Board of Improvement, or Sanitary Board ;</p> <p>(b) Within any other limits in which it shall be declared to be in force by resolution of the Legislative Council.</p>   |
| Powers under Ordinance to be additional to power conferred by other Ordinance. | <p>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.</p> <p>Provided that in any case in which any provision of this Ordinance is in conflict with any provision of any such other Ordinance, the provision of this Ordinance shall prevail.</p> |

## PART II.—PREVENTIVE MEASURES.

## CHAPTER I.

*Buildings.*

No building to be erected without approval of Chairman.

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

No alteration without consent of Chairman.

6 (1) No person shall make any alteration in any building within the limits administered by a local authority without the written 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 any part thereof, or an external or party wall ;
- (b) The closing or construction 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 effect 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 a dwelling house of any building not originally constructed for human habitation ;
- (h) The conversion into more than one place for human habitation of a building originally constructed as one such place ;
- (i) The conversion of two or more places of human habitation into a greater number of such places ;
- (j) The alteration of a building for the purpose of effecting a partition among joint owners ; and
- (k) The re-erection of any part of the building demolished for the purpose of such re-erection or otherwise destroyed.

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

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.

(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.

(3) The Chairman shall not refuse his approval or consent except on the grounds indicated in this section, or on the ground of non-compliance with any requirement made under the next succeeding section.

Requirements by Chairman.

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, drawings, 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, drawing, 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 ;
- (e) The furnishing of an address at which all notices under this Ordinance may be served upon the applicant.

Appeal where decision delayed.

9 (1) If within two months 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) order the Chairman to give his decision within such time as may be limited in the order ; 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.

Notices of commencement or resumption of operations.

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 seven 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.

11 The Chairman or the Health Officer 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 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.

12 (1) If any building operations are commenced, continued, resumed, or completed contrary to the provisions of this Chapter, the Chairman may by written notice—

- (a) Require the person who is executing or has executed such operations, or has caused them to be executed, on or before such day as shall be specified in such notice, not being less than seven days from the date thereof, 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, not being less than seven days from the date thereof, 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, without prejudice to the remedy provided by the next succeeding section, make an order requiring such person, within a time specified in the order, to remove, alter, or pull down the building or work, and if such person does not comply with the said order, may himself remove, alter, or pull down the building or work, and the expenses thereby incurred shall be paid by such person, and may be recovered in the same manner and by the same process as a rate.

Offences.

13 (1) Any person who shall—

- (a) Commence, continue, 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;
- (d) Fail to comply with any lawful order or written direction of the Chairman; or
- (e) Cause any other person to do any of the acts above enumerated—

or if such person cannot be found, the owner of the building in question, 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.

(2) In any case in which any person is convicted under this section, the Police Magistrate may, on the application of the Chairman, make a mandatory order requiring such person, or the owner of the building, or both, within a time limited in the order, to demolish the building in question, or to alter it in such a way as to bring it into accordance with law, and in the event of such mandatory order not being complied with may authorize the Chairman to demolish, alter, or otherwise deal with the building in such a manner as to secure compliance with the order, and to recover the expenses thereby incurred in the same manner and by the same process as a rate.

Suspension of operations pending appeal.

14 Upon any conviction or order under either of the last two preceding sections, all building operations in question shall be suspended from the date of the conviction or order, notwithstanding any appeal that may be entered against such conviction or order, and any person acting in breach of this section shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding fifty rupees in respect of each day on which the offence is committed or continues.

Certificate of conformity.

15 (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 all other respects, is in accordance with law.

(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 thirty 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.

16 Any person aggrieved by the refusal of the Chairman to approve of any plan, drawing, or specification, or consent to any alteration, or by any requirement or order of the Chairman, or by any refusal of a certificate of the Chairman under this Chapter, or by any delay of the Chairman in complying with the provisions of the last preceding section, 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) 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.

17 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.

All buildings to be erected upon street lines.

18 (1) 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 not less than twenty feet in width, or upon the line of a new street defined or approved by the Chairman or otherwise authorized under this or any other Ordinance; and
- (b) Shall either abut upon the street or have all the land between at least one face of such buildings and the street reserved for the use of the building.

(2) Where a building is situated upon any street a new building shall not be erected on any space intervening between any face of any such first-mentioned building and the street unless another face of such first-mentioned building is situated upon a street, or unless access thereto is provided by a street in accordance with rule 8 (2) of the Schedule, or otherwise.

(3) On the application by any person for sanction to erect a building not complying with paragraph (b) of sub-section (1) hereof the Chairman may in his discretion sanction such erection, subject to access to such building being provided in accordance with rule 8 of the Schedule.

(4) The local authority may by resolution from time to time, subject to the standards prescribed by rule 8 of the Schedule to this Ordinance, define the lines by which any existing street or any part or continuation thereof shall be bounded, and the lines so defined shall be deemed to be the lines of the street.



Provided that where on the re-erection of any building which projects over any line so defined such building is required to be set back to such line, the local authority shall make compensation to the owner of the building for any damage he may thereby sustain.

Provided further that in the case of any existing street, to the extent to which the same is already wholly or mainly developed by buildings, the local authority, for the purpose of defining the lines of the street, may authorize such modifications of the said standards as may be deemed expedient.

Notice of intention to lay out new street.

19 Every person who intends to lay out or construct a new street shall, before commencing the same, 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.

20 (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 the local authority.
- (b) The line of the new street, so as to ensure that it forms a continuous street with any existing street or approved new street specified by the Chairman.
- (c) The levels of the new street and of the ground surface of the building sites.
- (d) The provision in connection with the new street of back lanes for the purposes of scavenging in accordance with any improvement scheme sanctioned under this Ordinance, or any order of the Chairman made under Chapter III. of this Part.
- (e) The width of the new street.
- (f) The line of building frontage.
- (g) The mode of drainage of the new street.
- (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.

21 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 or with any improvement scheme sanctioned under this Ordinance.

Appeal where communication of decision delayed.

22 (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 an order requiring the Chairman to communicate his decision within such time as may be specified in the order, 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.

23 (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 such 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.

24 (1) Every person who—

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

(b) Erects or commences to erect 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 on summary conviction 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.

(2) In the event of such order not being complied with, the Police Magistrate may authorize the Chairman to carry out the order, and to recover the expenses thereby incurred from the owner of the street or building in the same manner and by the same process as a rate.

Constructing private streets.

25 (1) If any street, not being a public street, or any part thereof, be not constructed or maintained to the satisfaction of the local authority, the local authority may from time to time resolve with reference to such street or part thereof to do any one or more of the works comprised in the definition of "construction" in section 2 of this Ordinance; and the expenses incurred by the local authority in executing any such work shall be apportioned by the Chairman among the premises fronting, adjoining, or abutting upon such street or part thereof, and shall be recoverable from the owners of all such of the aforesaid premises as are liable to be assessed for local rates in the same manner and by the same process as a rate.

(2) Before passing any such resolution the local authority shall serve upon the owners of all premises affected thereby a notice—

(a) Indicating the works of construction proposed to be undertaken and the estimated probable cost thereof; and

(b) Stating a place at which the plans and particulars of the said works, together with a provisional apportionment of the cost thereof, may be inspected by any person so served, or by any person authorized by him in that behalf—

and shall afford an opportunity for the hearing of any objection to the proposed works, or to the proposed apportionment of the cost thereof, in such manner as may be prescribed by by-laws, or as may be otherwise ordered by the local authority.

(3) The local authority may at any time resolve to contribute any proportion of the expenses of any such work of construction which would otherwise be recoverable from the owners of any such premises.

(4) The said expenses shall be apportioned according to the frontage of the respective premises; provided that the Chairman may have regard to the greater or less degree of benefit to be derived by any premises from any work so undertaken.

(5) The Chairman may include in any such apportionment any premises which do not front, adjoin, or abut on the street or part thereof, but access to which is obtained from the street by means of a lane, passage, or otherwise, and which in his opinion would be benefited by any work so undertaken, and fix the sum so apportioned to be charged against any such premises accordingly.

(6) Every apportionment made by the Chairman under this section shall be published in the *Government Gazette*, and a copy thereof shall be served upon the owners of the respective premises in manner hereinafter provided.

(7) Any person aggrieved by any apportionment under this section may appeal to the Tribunal of Appeal, and on any such appeal the tribunal may make a new apportionment, or may make such other order as it may deem just.

(8) 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 on such street or part of the street have by notification in writing under their hands to the local authority objected thereto.

Provided further, that if any application is made to the local authority to declare such street or part thereof a public street, the local authority may require, as one of the conditions of its assent, that the street shall be widened to such extent as it may require.

(9) 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 manner provided by this section.

Appeal.

26 Any person aggrieved by any order of the Chairman under this Chapter, in respect of which an appeal is not otherwise provided, may appeal to the Tribunal of Appeal on the ground that such order is not in accordance with law, and the said tribunal (subject to the provisions of this or any other Ordinance) may make such order as it may deem just.

### CHAPTER III.

#### *General.*

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

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

- (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.

All such by-laws shall be laid, as soon as conveniently may be, before the Legislative Council, and if a resolution is passed within forty days of their being laid before the Legislative Council praying that a by-law shall be annulled, such by-law shall thereafter be void, but without prejudice to anything done thereunder.

Reservation of public arcades.

28 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.

Buildings at  
the corners of  
streets.

29 The local authority may require the owner of any building intended to be erected or re-erected at the corner of two streets to be rounded off or splayed off to the height of the first storey or to the full height of the building, and to such extent otherwise as it may determine, and for any loss which may be sustained through the exercise of the powers by this section conferred upon the local authority it shall pay compensation in manner provided for by this Ordinance.

### 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 number as he may determine, and may nominate one of the Commissioners as Chairman of the board.

(2) Not less than one-half of any such board shall consist of persons not holding office under Government.

(3) Section 47 of "The Municipal Councils Ordinance, No. 6 of 1910," shall not apply to an appointment under this section.

(4) 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.

(5) Any board so appointed shall hold office for three years, and the members thereof shall be eligible for re-appointment.

Powers and  
duties.

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;
- (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.

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 appointment, 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.
- 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.
- Audit and annual report.
- 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 the 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.
- 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 by such owner 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.

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

- (a) The acquisition by purchase, exchange, or otherwise 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, water supply, and lighting of streets so constructed or altered.
- (j) The provision of open spaces for the benefit of any area comprised in the scheme or any adjoining area, and for the enlargement of existing open spaces and approaches.
- (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 classes 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) The provision of facilities for communication.
- (o) 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, or of any special features thereof, that is to say—

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

General improvement scheme.

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) In any case in which any Board of Improvement Commissioners or any local authority shall be of opinion that in connection with any improvement scheme it is desirable to make arrangements for a redistribution of sites, it may frame a scheme (hereinafter called a "redistribution scheme") for the said purpose.

(2) A redistribution scheme shall, so far as practicable, and subject to the requirements of special cases, be based upon the following principles :—

- (a) The amalgamation for the purpose of the redistribution of all sites, whether belonging to private owners or the Crown, together with all roads, streets, or other open spaces dedicated to public use or customarily used by the public.
- (b) The allotment of an equivalent area in respect of such roads, streets, and open spaces, together with such additional area as may be necessary for the purpose of forming roads, streets, and open spaces for the service of the redistributed sites.
- (c) The assignment to each site owner of a site equivalent or proportionate in extent and value, or both combined, to his original site.
- (d) The preservation to each site owner of such special advantages in the way of position, frontage, or otherwise as were attached to his original site.
- (e) The concentration of all sites belonging to the same owner into a single site.

(3) The owner of any site which by virtue of the smallness of its extent would under the scheme be rendered useless as a building site may call upon the authority framing the scheme to acquire such site.

(4) A redistribution scheme may provide—

- (a) For the demolition of any building whose continued existence would be inconsistent with the scheme ;
- (b) For the payment of compensation in respect of such demolition, or alternatively for the advance to the owner, upon such terms and conditions as to interest and sinking fund and otherwise as may be prescribed in the scheme, of such sum as may be necessary to assist him to erect another building upon the site defined as belonging to him under the scheme, and if he shall so require, a further sum not exceeding one year's rental of the demolished building ;
- (c) For the extinction of any existing servitude and the provision of any new servitude necessary for the enjoyment of any site assigned to any owner under the scheme ;
- (d) For the payment of compensation to any individual owner for any special disadvantage in the site assigned to him under the scheme ;
- (e) For the payment of an equivalent by any individual owner in respect of any special advantage in the site assigned to him under the scheme, and for the disposal of the sum so paid ;
- (f) For the acquisition of any site or part of a site the acquisition of which would facilitate the making or the operation of the scheme.

(5) All sums advanced under paragraph (b) of the last preceding sub-section shall be recoverable in the same manner and by the same process as a rate, in such number of annual instalments as may be specially provided in the scheme.

(6) If in the course of any proceedings for the purpose of the preparation, sanction, or execution of any scheme under this section any question arises in respect of the title to any land or building affected by the scheme, or any rights thereto or any interests therein between or among two or more persons, or if any other question arises which in the opinion of the Chairman it is expedient to refer for judicial determination, the Chairman, if he is unable to adjust such question by agreement, may refer it for determination to the District Court, and such question shall thereupon be determined by the District Court without the assistance of assessors, but otherwise in the same manner

as a similar question arising in a reference to the District Court under "The Land Acquisition Ordinance, 1876," and all the provisions of that Ordinance relating to the determination on such a reference shall, with the necessary modifications, apply to the determination of the question so referred.

(7) Upon any scheme under this section being sanctioned by the Governor in Executive Council, or upon any date specified in the scheme in that behalf, the various sites respectively assigned to the various owners under such scheme in lieu of their original sites 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 shall be extinguished, and the sites assigned to such owners, together with all buildings erected or to be erected thereon, shall be subject to the same encumbrances, charges, trusts, *fidei commissa*, and all other restrictions on alienation or liabilities (other than servitudes extinguished under the scheme) as the original sites.

(8) It shall be the duty of the authority framing the scheme to issue to all owners of the sites to whom sites shall have been assigned under the scheme in lieu of their original sites, a certificate under the seal of the authority with two plans attached certifying that the assigned site shown in one of the plans has been assigned to the owner thereof under the scheme in lieu of the original site belonging to such owner as shown in the other plan, and every certificate so issued shall be a sufficient document of title, and in all legal proceedings such a certificate purporting to be so sealed shall be presumed to be genuine until the contrary is shown.

Rebuilding  
scheme.

42 (1) Where in any area which is declared by resolution under section 40 to be an insanitary area, the authority so declaring shall further resolve that, regard being had to the comparative value of the buildings in such area and of the sites upon which they are erected, the most satisfactory method of dealing with the area or any part thereof is a rebuilding scheme, it shall frame a scheme in accordance with the provisions of this section, and shall serve notice of such resolution upon the owners of all properties to be comprised in the scheme.

(2) A rebuilding scheme may provide for—

- (a) The reservation of streets, back lanes, and open spaces, and the enlargement of existing streets, back lanes, and open spaces, to such an extent as may be necessary for the purposes of the scheme ;
- (b) The relaying out of the sites of the area upon such streets, back lanes, or open spaces so reserved or enlarged ;
- (c) The payment of compensation in respect of any such reservation or enlargement, and the construction of the streets, back lanes, and open spaces so reserved or enlarged to the extent and in the manner hereinafter provided ;
- (d) The demolition without compensation 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 as defined under the scheme in accordance with the scheme ;
- (e) 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 ;
- (f) The acquisition by the authority of any site or building or part of a site or building comprised in the area included in the scheme ;
- (g) The exemption of any site or building from the operation of the scheme.

(3) In any case in which under the last preceding subsection any street is reserved or enlarged to the extent of not less than forty feet in width, or in which any open space is



reserved or enlarged for the purpose of the scheme, compensation shall be payable to the owners of all sites the area of which shall be prejudicially affected by such reservation or enlargement, and every such street or open space shall be constructed by and at the expense of the authority framing the scheme. In the case of all other reservations or enlargements the street or lane so reserved or enlarged shall be deemed to be dedicated to public use by the owners of the sites in which it is situated, or by the owners of the sites comprised in the scheme collectively, and every such street or lane shall be constructed by and at the expense of the authority framing the scheme.

(4) The following persons, that is to say—

- (a) The owner of any building comprised in the scheme, who shall satisfy the authority that the building is so situated that arrangements for its proper scavenging and draining are reasonably practicable, and none of the inhabited rooms of such building is unfit for human habitation ;
- (b) The trustee of any property comprised in the scheme which is subject to any trust ;
- (c) The person for the time being entitled to the enjoyment of any property comprised in the scheme which is subject to any *fidei commissum*, settlement, or restriction on alienation—

may at any time within one month after being served with a notice provided under sub-section (1) of this section require the authority either to acquire the site or building in question, or to exempt such site or building from the operation of the scheme.

(5) Where the demolition of any building is undertaken by the authority in default of the owner under sub-section 2 (d), the materials of the demolished building may be appropriated by the authority, or sold to defray the expense of the demolition.

(6) Upon a scheme under this section being sanctioned by the Governor in Executive Council, or upon any date specified in the scheme in that behalf—

- (a) All leases with respect to any site or building comprised in the area ; and
- (b) All rights of occupancy under any tenancy in existence at the date of the sanction of the scheme—

shall, except in the case of any site or building exempted from the operation of the scheme, be deemed to be terminated, if not previously terminated by agreement, on the expiration of the period prescribed under the scheme in that behalf.

Provided that any lessee under a lease so terminated shall be entitled to claim from his lessor an equivalent lease in respect of any site defined as belonging to such lessor under the scheme, and if the lease includes a building, of the building to be erected upon the site so assigned, or at the option of the lessor to compensation in respect of the unexpired term of the original lease upon the basis of the value of the original lease.

(7) All sums advanced in pursuance of any scheme made under this section shall be recoverable in the same manner and by the same process as a rate, in such number of annual instalments as may be specially provided in the scheme.

(8) If in the course of any proceedings for the purpose of the preparation, sanction, or execution of any scheme under this section any question arises in respect of the title to any land or building affected by the scheme, or any rights thereto or any interests therein between or among two or more persons, or if any other question arises which in the opinion of the Chairman it is expedient to refer for judicial determination, the Chairman, if he is unable to adjust such question by agreement, may refer it for determination to the District Court, and such question shall thereupon be determined by the District Court with the assistance of assessors and otherwise in the same manner as a similar question arising in a reference to the District Court under "The Land Acquisition Ordinance, 1876," and all the provisions of that Ordinance relating to the determination on such a reference shall, with the necessary modifications, apply to the determination of the question so referred.

(9) Where any property comprised in any improvement scheme under this section is subject to any trust, or to any *fidei commissum*, settlement, or restriction on alienation, the trustee or the person for the time being entitled to the enjoyment of the property shall for the purpose of the scheme be deemed to be the owner, and may deal with the property as owner, and may exercise all the rights and, to the extent of his interest in the property, shall be subject to all the obligations of an owner under the scheme.

(10) Upon any scheme made under this section being sanctioned by the Governor in Executive Council, or upon any date specified in the scheme in that behalf, the various sites defined as belonging to the various owners under such scheme shall, together with all buildings erected or to be erected thereon, vest in such owners in the same shares and to the extent of the same interests as the original sites, and shall be subject to the same encumbrances, charges, trusts, *fidei commissa*, and all other restrictions on alienation or liabilities as the original sites.

(11) It shall be the duty of the authority framing the scheme to issue to all owners of sites comprised in the scheme which shall have been affected by the scheme a certificate under the seal of the authority with two plans attached certifying that the site shown in one of the plans has been defined as belonging to the owner thereof under the scheme in lieu of the original site belonging to such owner as shown in the other plan, and every certificate so issued shall be a sufficient document of title, and in all legal proceedings such a certificate purporting to be so sealed shall be presumed to be genuine until the contrary is shown.

Alternative  
form of  
rebuilding  
scheme.

43 (1) In any case in which the owners of at least two-thirds of any area within the administrative limits of any Board of Improvement Commissioners or any local authority petition the board or the authority to that effect, the board or the local authority may resolve to frame a rebuilding scheme in accordance with this section, and in any such case shall serve notice of such resolution upon the owners of all properties to be comprised in the scheme.

(2) It shall thereupon be the duty of the Chairman, in consultation with the owners of the various properties comprised in the area, or their representatives duly appointed in writing, to arrange, subject to the direction of the board or local authority, a rebuilding scheme approved in writing by the owners of two-thirds of the area comprised therein.

(3) If the Chairman shall succeed in arranging such a scheme, the board or local authority shall proceed therewith. If he shall not so succeed, the proposed scheme shall be abandoned, but without prejudice to the right of the board or local authority to deal with the area in any other manner under this Ordinance.

(4) A scheme under this section may provide for all the matters to be provided for, and shall, with the necessary modifications, be subject to all the conditions prescribed in the case of a scheme under the last preceding section.

(5) Any mortgagee of any property comprised in the scheme may require that the property shall be excluded from the scheme, or that the principal sum and interest due in respect of the mortgage at the date of the sanctioning of the scheme shall be discharged.

Provided that the mortgage was executed before the mortgagor was served with a notice under sub-section (1) hereof, or otherwise had notice that such a scheme was in contemplation.

Rehousing  
scheme.

44 (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 to the satisfaction of the authority, and is prepared to construct, maintain, and manage them to the satisfaction of the authority under such control as may be provided for by the scheme.

Housing accommodation scheme.

45 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.

46 (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 may within the limits of the area comprised in the scheme provide for—

- (a) The acquisition of any land which will, in the opinion of the authority framing the scheme, be necessary for its execution ;
- (b) The relaying out of all or any of the lands so acquired, including the construction and reconstruction of buildings, and the laying out, construction, and alteration of streets and thoroughfares ;
- (c) The draining, water supply, and lighting of streets and thoroughfares so framed or altered ;
- (d) The raising, lowering, or reclamation of any land vested in or to be acquired by the authority for the purposes of the scheme ;
- (e) The formation of open spaces for the better ventilation of the area comprised in the scheme ;
- (f) The acquisition of any land adjoining any street, thoroughfare, or open space to be formed under the scheme.

(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 82 (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 half the increase in value accruing to such property by the execution of the scheme.

(4) If any owner shall use or cause or permit to be used any such frontage without the said consent, he shall become liable on receiving notice from the Chairman in that behalf to pay to the authority the sum so assessed, and such sum may be recovered in the same manner and by the same process as a rate.

(5) Any person aggrieved by the assessment of any sum under sub-section (4) hereof or by any notice under sub-section (4) hereof may appeal to the Tribunal of Appeal.

Street  
intersection  
scheme.

47 (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) A street intersection scheme shall be based upon the following principles:—

- (a) All land necessary for providing access to the proposed new street from existing streets shall be acquired by the authority framing the scheme.
- (b) All other land necessary for the purpose of the proposed new street shall be deemed to be dedicated by the owners for the purpose of the street.
- (c) Compensation shall be payable in respect of all buildings or income-producing trees situated upon the lands so dedicated which it may be necessary to remove for the purpose of the construction of the street.
- (d) The authority framing the scheme shall defray the cost of the construction of the street; provided that the authority may make it a condition of its framing the scheme that a proportion of the said cost shall be borne by the owners of the properties fronting upon the new street, in such proportion as may be determined by the scheme.

(3) Where a street intersection scheme involves unequal contributions by the owners of properties fronting upon the street in respect of land dedicated for the purpose of the street, the scheme may provide for the equalization of such contributions, and for the recovery and payment from and to such owners of such sums as may be necessary to give effect to such equalization.

(4) Where the construction of any street has been carried out 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 construction has been carried out.

Street widening  
scheme.

48 (1) In any case in which any Board of Improvement Commissioners or any local authority is satisfied—

- (a) That in regard to any street situated in an area wholly or mainly residential in character, it is desirable to provide for the widening of the street or any part thereof;
- (b) That the line of the existing building frontage on either side of the street is wholly or mainly at an appreciable distance from the street line on that side of the street;
- (c) That the widening of the street to the extent contemplated could be effected without undue depreciation of the amenities of the residences situated upon such street—

it may frame a scheme for the widening of such street, hereinafter called a "street widening scheme."

(2) A street widening scheme may provide—

- (a) For the dedication by the owners of the properties situated on the street of strips of their properties to the extent necessary to give effect to the scheme or any part thereof;
- (b) For the clearance of the dedicated strips;
- (c) For the restoration along the new street line at the expense of the authority framing the scheme of all boundary walls, fences, or hedges demolished or removed for the purposes of the scheme;

- (d) For the payment of compensation in respect of the demolition of any building or part of a building, or the removal of any income-producing tree on the dedicated strips ;
- (e) For the acquisition of any property which shall have been rendered useless as a building site, or which the authority framing the scheme may deem it equitable to acquire by reason of the effect of the scheme ;
- (f) For the construction of the street and the payment of the cost thereof by the authority framing the scheme, or of such proportion of such cost as may be agreed upon between such authority and the owners of the properties fronting or abutting on the street.

Back lane  
scheme.

○49 (1) Where in any area already in whole or in part occupied or likely to be 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 less than ten feet and 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 dedicated by the owners for the purpose of the proposed back lanes.

Provided that compensation shall be payable in respect of any income-producing trees growing on or within the said lines which it shall be necessary to remove for the purposes of the scheme.

(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 any 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 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 served by the said back lanes in such manner as may be determined in the scheme, and such proportionate share due by any owner may be recovered in the same manner and by the same process as a rate.

(5) When any back lane is formed under this Ordinance, the owner of any premises abutting on such back lane or having a right of way thereto 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.

(6) 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.

(7) Any back lane formed under this Ordinance after the completion of the first construction thereof shall be maintained and repaired by the local authority.

**Building scheme.**

**50** (1) Whenever any Board of Improvement Commissioners or a local authority is of opinion that any land within its administrative limits is being developed or is likely to be developed for building purposes, 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 scheme under this section may provide for the demarcation, by the authority framing the scheme, of such streets, back lanes, and open spaces, and for all or any of the matters in respect of which the Chairman of the local authority is authorized to give directions under Chapter II. of Part II. of this Ordinance, and any plan forming part of any such scheme shall, for the purposes of the application of that Chapter (except as regards section 23), have the same effect as a plan approved by the Chairman thereunder.

**Procedure on completion of the scheme.**

**51** (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 describing specifically the manner in which it is affected, and requiring such owner if he wishes to object to the scheme under the provisions of the next succeeding section to lodge an objection with the Chairman within thirty days from the date of the service of the notice.

**Objections to a scheme.**

**52** (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 improvement scheme is not required.
- (b) That the form of improvement scheme adopted is not the most satisfactory manner of dealing with the area.
- (c) That the cost of the scheme is excessive.
- (d) That the scheme in its application to the property of the person objecting inflicts undue hardship upon such person.

(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 Chairman, or before the Chairman and such other person or persons as may be associated with him by the authority for the purpose, and to make a report upon the objection to the said authority.

(3) The authority shall thereupon make such order on such objections as it may deem proper, or modify or refuse to modify the scheme accordingly.

(4) Where on the consideration of any such objections or otherwise any modifications are introduced into the scheme, the authority shall notify any persons affected by such

modifications in such manner as it may deem expedient, and shall appoint a time and place at which all objections to such modifications shall be heard and determined; and thereafter no further objections shall be entertained by the authority framing the scheme. Upon the determination of such objections the authority shall make its final determination in regard to the scheme, and if it shall approve the scheme, shall publish particulars of the same and a statement of the place at which the plans and a schedule of the manner in which each property is affected under the scheme may be inspected at all reasonable hours.

(5) 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.

53 (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.

54 (1) The Governor in Executive Council may sanction, or may refuse to sanction, any improvement scheme submitted to him, or may refer any such scheme to the authority framing it for further consideration.

(2) Where upon such further consideration any modifications are introduced into the scheme, the same procedure shall be followed as is prescribed with respect to modifications under section 52.

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

Notification of sanction to an improvement scheme.

55 (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 as soon as practicable take measures for its execution.

Provided that where the net estimated cost of any such scheme defrayable by the authority framing the scheme exceeds one hundred thousand rupees, no such scheme shall be carried into execution unless and until it shall have been approved by special resolution of the Legislative Council.

(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.

Alteration of improvement scheme after sanction.

56 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, subject to the conditions following:—

In any case in which the alteration—

- (a) Is estimated to increase the estimated cost of executing the scheme by more than five per cent. of such cost, or by more than ten thousand rupees;
- (b) Involves the acquisition of any land or the demolition of any building otherwise than by agreement—

no such alteration shall be made without the previous sanction of the Governor in Executive Council, and without any owner affected by such acquisition or demolition having had an opportunity of being heard in such manner as may be ordered by the Governor.

Provided that no such previous sanction shall be necessary under paragraph (a) hereof where the estimated increased cost does not exceed one thousand rupees.

Power of local authority to use funds for improvement schemes.

57 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.

Power of Chairman to refuse consent to building likely to conflict with improvement scheme.

58 The Chairman of a local authority may, in addition to the grounds on which he is authorized to refuse his approval or consent under section 7 of this Ordinance, refuse such approval or consent on the ground that the building or building operations in respect of which his approval or consent is sought would, if completed, conflict, or would be likely to conflict, with any improvement scheme under this Ordinance which is under consideration.

Transfer to local authority of streets, &c.

59 A Board of Improvement Commissioners, upon the completion in whole or in part of any improvement scheme, may by agreement with the local authority, or in default of such agreement, with the approval of the Governor in Executive Council, make over to the local authority any street, back lane, or open space constructed by the board under the improvement scheme, or the control of any building or work controlled by the board under the scheme, and thereupon the maintenance of any such street, back lane, or open space, and the control of any such building or work, shall be undertaken by the local authority.

Effect of schemes on rights and remedies.

60 Nothing in any improvement scheme or proposed improvement scheme shall affect the right of any owner of any property comprised therein to alienate or encumber the same, or shall affect the transmission thereof by will or inheritance, or any legal remedy in respect of any right in connection therewith, but all such alienations, incumbrances, transmissions, and remedies shall be subject to the scheme and to all notices served, publications made, liabilities incurred, and proceedings taken in pursuance thereof.

Provided that until the completion or abandonment of the scheme no such alienation or incumbrance shall take effect unless written notice thereof shall have been served upon the authority framing the scheme, together with copies of the documents effecting such alienation or incumbrance.

Provided further, that in any case in which any action is or has been instituted for the partition of any property comprised in any improvement scheme, it shall be the duty of any party to the action who shall have been served with any notice in pursuance of the said scheme to disclose such notice to the court, and it shall be the duty of the court, upon the scheme being thus or otherwise brought to its cognizance, to direct notice of the action to be served upon the authority framing the scheme, and, if such authority so applies, to add the authority as party to the action, and in any decree or order it may make in the action to have regard to the scheme.

### CHAPTER III.

#### *Obstructive Buildings.*

Representation by Health Officer.

61 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 situated by reason of its proximity to or contact with any other building or 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 building or buildings or any part of such building or buildings 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.

62 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.

63 (1) The local authority on receiving any such representation as in the last two preceding sections mentioned—

(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 land 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.

Acquisition of obstructive building.

64 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.

65 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.

66 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.

67 (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 61, 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 increase in value of the other buildings amongst such other buildings respectively.

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

(3) 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.

68 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.

69 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 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.

70 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.

Adaptation of chapter to improvement schemes.

71 Sections 65-70 of this Chapter shall, with the necessary modifications, apply to any obstructive building comprised in any improvement scheme.

#### CHAPTER IV.

##### *Insanitary Dwellings.*

Dwelling house includes part of dwelling house.

72 In this Chapter, unless the context otherwise implies, the expression "dwelling house" includes any habitable room forming part of a dwelling house, and all the provisions of this Chapter shall apply to any such room in the same manner as to an entire dwelling house.

Duty of local authority to inspect district.

73 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.

74 (1) If on the representation of the Health Officer of the local authority or other information given any dwelling house used for human habitation appears to the Chairman to be unfit for human habitation, it shall be his duty to apply to the Police Magistrate to make a mandatory order prohibiting the use for human habitation of such dwelling house (herein referred to as a "closing order") until such dwelling house is rendered fit for that purpose; and the Police Magistrate, upon serving a notice upon the owner of such dwelling house, shall have power to make such order accordingly.

(2) Where a closing order has been made, the Chairman shall affix in a conspicuous place in or on the dwelling house a notice calling upon one or more tenants occupying such dwelling house to quit the premises on or before the expiration of the calendar month next succeeding the date of the notice.

(3) A closing order shall become operative, notwithstanding any appeal that may be entered against it, from the expiration of the period fixed by such notice, or if the premises in question are earlier vacated, from the date when they are so vacated, or if the premises are vacant at the date when the order is made, from the date of the order.

(4) If the Chairman is satisfied that the dwelling house in respect of which any closing order has been made is or has been rendered fit for human habitation, he may by certificate under his hand authorize such dwelling house to be used for human habitation.

(5) If on the application of any owner of a dwelling house the Chairman refuses to grant such a certificate, the owner may apply to the Police Magistrate to determine the closing order.

(6) 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 the court of appeal may, on dismissing the appeal, impose the fine as if it were the court before which the summons was returnable.

Directions in closing order.

75 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 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.

76 A closing order made in respect of any dwelling house shall not prevent such dwelling house being used for purposes other than those of human habitation, provided such use is authorized in writing by the Chairman or the Police Magistrate.

Marking of closed premises.

77 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 in respect of which such closing order is made, in a conspicuous manner in English, Sinhalese, or Tamil, such words or letters as shall best indicate to the persons in the neighbourhood that such dwelling house or room is unfit for human habitation, and no person shall remove or obscure any words or letters so marked so long as the closing order remains in force.

Order for demolition.

78 (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 if he is satisfied—

- (a) 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
- (b) 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 apply to the Police Magistrate to make a mandatory order authorizing the Chairman to demolish the building, and the Police Magistrate, on serving notice on the owner of the building, shall, if he is satisfied to the same effect, make order accordingly.

(2) If any owner undertakes to execute forthwith the works necessary to render the dwelling house fit for human habitation, and the Police Magistrate considers that it could be so rendered fit for human habitation, the Police Magistrate 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.

Offences.

79 (1) Any person who while a closing order is operative in respect of any dwelling house shall lease or let for the purpose of human habitation such dwelling house, or allow such 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 is inhabited.

(2) Any person who while any such order is operative shall remove or obscure any words or letters marked upon any door under section 77 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 inhabiting a dwelling house in respect of which a closing order has been made who, after the expiration of the time fixed in the notice referred to in section 74 (2), shall continue to inhabit such dwelling house, and any person who after a dwelling house has been vacated under a closing order while such closing order continues operative shall inhabit such 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.

80 (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 the 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 the 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, including any reference to any right of appeal to the Supreme Court, 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, or deposited the same in accordance with law, 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.

81 (1) Where compensation is payable under this Ordinance otherwise than in respect of the acquisition of any land or building, the amount of such compensation in default of agreement 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.

(3) Where the property in respect of which such compensation is payable is subject to a mortgage, the mortgagee may require that any compensation due in respect thereof shall be paid to him in reduction of his mortgage debt.

Rules for  
determining  
compensation.

**82** 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, or unless it was carried out under the special written authority of the Chairman) 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.
- (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 its 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 any building or of any land assessed as a building site 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 it had been 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.*

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| Governor may appoint Tribunal of Appeal.  | 83 For the purposes of this Ordinance the Governor may constitute within any administrative limits to which this Ordinance applies a special Tribunal of Appeal.   |
| Where no special tribunal appointed, District Court to be a Tribunal of Appeal. | 84 (1) In any administrative limits in respect of which no special Tribunal of Appeal shall have been constituted under this Ordinance, the District Court having jurisdiction within such administrative limits shall be deemed to be the Tribunal of Appeal.<br>(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.  |
| Constitution of tribunal.   | 85 (1) The Tribunal of Appeal shall be appointed by the Governor, and shall consist of a President and two assessors.<br>(2) The President shall be either a District Judge or a public officer or a retired public officer of not less than seven years' judicial experience.<br>(3) One of the assessors shall be appointed by the Governor and the other by the local authority.  |
| Duration of office.   | 86 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.   | 87 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.   | 88 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.  | 89 Each member of the tribunal shall be entitled to such remuneration, either by way of annual salary or by way of fees, or partly in one way and partly in the other, as the Governor may from time to time fix.  |
| Expenses of the tribunal.   | 90 The remuneration mentioned in the last preceding section and any incidental necessary expenses of the tribunal shall be paid by the local authority. Provided that if Improvement Commissioners have been appointed within any administrative limits, the special expenses of any proceeding before the tribunal shall be borne by the authority out of whose act or order the proceedings originated, and the general expenses of the tribunal shall be divided equally between the local authority and the Improvement Commissioners. For the purposes of this section the act or order of the Chairman of an authority shall be deemed the act of the authority.                 |
| Enforcement of the decision of the tribunal.                                    | 91 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.                   | 92 (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.<br>(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.

93 (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 attendance of any person and 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.

Regulation to procedure and fees.

94 The Governor in Executive Council may 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.

95 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.

### CHAPTER III.

#### *Miscellaneous Provisions.*

Standard of fitness for human occupation.

96 (1) Any room 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 or any part thereof by the Governor in Executive Council.

Provided that no judicial or administrative authority in exercise of its powers under this or any other Ordinance 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 tenement or part of a tenement by persons of the poorer or labouring classes.
- (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.

97 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-six square feet and a cubical space of three hundred and sixty feet, and for each child under ten years of age residing in the room a floor space of eighteen square feet and a cubical space of one hundred and eighty feet.

## Recovery of charges.

98 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 of a notice 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.
- (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 six per cent. per annum, within a period not exceeding twenty 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, unless such agreement shall, in stipulating for the payment of such amount by the occupier, make express reference to this Ordinance.
- (8) Where any land or building charged with the payment of any sum under this section is subject to a mortgage, and the mortgagee has registered his mortgage at the office of the local authority (for which purpose the local authority is hereby required to make provision), it shall be the duty of the local



authority, on serving a notice under sub-section (2) hereof, to serve a copy of such notice on such mortgagee, and any such mortgagee in default of payment by the mortgagor shall be entitled himself to pay the sum due, and any amount so paid shall be added to the principal of the mortgaged debt and shall be deemed to be due under the mortgage.

Service of notices.

99 (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.

Provided always that where any local authority has made provision for the registration of owners of property and any owner of property has registered his name and address in accordance therewith, any such notices, orders, and documents shall be served upon him by registered letter at such address.

(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 sub-section 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.

(6) Where under the provisions of any local by-law or under any other arrangement made by the local authority the mortgagee of any land or building comprised in any improvement scheme shall have registered his mortgage at the office of the local authority, it shall be the duty of the authority framing the scheme to serve upon such mortgagee copies of all notices, orders, and documents required to be served upon the owners of any such land or building for the purpose of the scheme within the same time as that limited for the service of such notices, orders, or documents.

Relief against informalities.

100 (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 may, 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.



- (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.) 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.
- (v.) 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.
- (vi.) The height of a building for the purpose of this rule shall be measured from a point at the centre of the face of the building on the level of the centre of the street on which it is situated.

Proportion of site for domestic building, &c., which may be built upon.

*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) Subject to the last preceding paragraph, no roof or projection shall be constructed over any part of the area so reserved.

(4) The area reserved under this rule shall include any space reserved in order to give effect to the provisions of rules 4 and 5.

(5) The local authority, subject to the approval of the Governor in Executive Council and any Board of Improvement Commissioners for the purpose of any improvement scheme, may exempt any area within the administrative limits of any Municipality from the operation of this rule in respect of any class of building on the ground of the high site value obtaining in such area or other special cause.

Size and ventilation of inhabited rooms.

*Rule 3.*—Every habitable room in a domestic building must comply with the following conditions:—

- (a) It must have an average height of at least 10 feet.
- (b) It must have a clear superficial area of not less than 120 square feet.
- (c) 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.

An "open verandah" for the purpose of this rule means a verandah whose exterior face is not obstructed to the extent of more than one-third at any one point in its length.

- (e) Every window necessary for the purpose of compliance with paragraph (d) hereof must open on to a standard light plane, and the whole space above such plane must be open to the sky and free from any obstruction other than eaves or sunshades projecting to an extent of not more than one and a half feet from the face of the building, or such further or other architectural embellishments and amenities as may be authorized by local by-laws, or in the absence of such by-laws, as may be allowed by the Chairman.

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

In any case in which there is any obstruction other than an obstruction authorized under the last preceding paragraph over any plane so drawn, the plane may be drawn from the line of intersection of the plane of the floor level of the room and the perpendicular plane of the extreme edge of the obstruction.

Open air spaces at side or interior of buildings.

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

- (a) 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 its lowest inhabited storey at an angle of  $63\frac{1}{2}^{\circ}$  to the horizontal ;
- (b) Must in no case be less than  $7\frac{1}{2}$  feet in width ;
- (c) 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.

Provided further, that such common open space shall not be less than 15 feet in width.

Open space in rear of buildings.

*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, factory, or warehouse an open space of not less than 10 feet in depth throughout extending along the entire width of the building. Such open space must belong 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.

(2) In the case of a domestic building or factory 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 horizontal, such lines being drawn at the surface of the ground from the boundary of the land belonging to the building or (if the building abuts upon a public street or lane) from the centre of the street or lane.

(3) 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.

Relaxation of rule 5.

*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 such open space shall be left as the Chairman may consider practicable, having regard to the circumstances of the case.

Access from single room tenements to street.

*Rule 7.*—The following special provisions shall apply to ranges or blocks of building wholly or mainly adapted to be inhabited in tenements by persons of the poorer or labouring classes :—

- (a) Every face of any such range or block of buildings upon which any of its tenements front, and which is not less than 100 feet in length, shall abut upon a street. Every face of any such range or block which is less than 100 feet in length shall be provided with adequate direct access to a public street from each tenement to the satisfaction of the Chairman.
- b) Where any of the tenements of any such range or block (not being tenements which under the last preceding paragraph are required to abut upon a street) front upon any interior courtyard enclosed, wholly or mainly, upon three or four sides thereof, the following conditions shall be enforced :—
  - (i.) The interior of such courtyard shall be not less than 15 feet in all directions.
  - (ii.) If such courtyard is enclosed, wholly or mainly, on four sides thereof, the definition of "standard light plane" in rule 3 shall, for the purpose of all habitable rooms depending for light and air upon such courtyard, read as though " $45^{\circ}$ " were substituted for " $63\frac{1}{2}^{\circ}$ ," unless the interior of the courtyard is connected with the open space required to be reserved under rule 5 by a passage extending to the whole height of the building of a width adequate for the purpose of ventilation, to be determined by the Chairman, not being less than 10 feet,

- (c) No tenements in any such range or block shall be placed back to back unless the Health Officer (with the approval of the Chairman) shall certify that the said tenements are so constructed and arranged as to secure effective ventilation of all habitable rooms in every tenement.
- (d) Any such range or block shall not exceed three storeys in height, without the permission of the Chairman, and in no case shall exceed four storeys in height.
- (e) A range or block of tenements which complies with the requirements of this rule shall be exempt from the requirements of rule 2.

Width of street.

*Rule 3.*—(1) Every new street intended for carriage traffic which is defined or approved by a local authority or a Board of Improvement Commissioners shall be of not less than 40 feet in width.

Provided that where in any area not being an area mainly let in tenements to persons of the poorer or labouring classes, the street is intended for the service of a limited number of premises (not exceeding six), the width of the street may be of such less extent as the Chairman may sanction according to the circumstances of the case, subject to such conditions as may be imposed by him in reference to such further development of the area as may thereafter arise.

(2) In any area occupied wholly or mainly by detached residential buildings a local authority or a Board of Improvement Commissioners may declare any street which in their opinion is not likely to be extensively used for traffic to be a minor street, and any such minor street may be of such width not less than 30 feet as may be defined or approved by the authority or the board.

Provided that when any such minor street has been defined or approved in accordance with this Ordinance, no building or other permanent structure shall be erected within 20 feet of the centre of the street.

(3) Nothing in this rule shall be deemed to prevent a local authority or a Board of Improvement Commissioners from defining or approving—

- (a) A street intended for foot traffic only, of not less than 20 feet in width ;
- (b) A back lane or other service passage for sanitary or other special purposes, of not less than 10 feet in width.

Passed in Council the Thirtieth day of September, One thousand Nine hundred and Fifteen.

A. G. CLAYTON,  
Clerk to the Council.

Assented to by His Excellency the Governor the Eighth day of October, One thousand Nine hundred and Fifteen.

R. E. STUBBS,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 20 of 1915.

An Ordinance to amend "The Dog Registration Ordinance, 1901."

ROBERT CHALMERS.

Preamble. WHEREAS it is expedient to amend "The Dog Registration Ordinance, 1901," in certain particulars: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title. 1 This Ordinance may be cited as "The Dog Registration (Amendment) Ordinance, No. 20 of 1915."

Substitution of new definition of "proper authority." 2 For the definition of "proper authority" in section 3 of the principal Ordinance the following definition shall be substituted:

"Proper authority" shall mean, within any town wherein a Municipal Council or Local Board of Health and Improvement has been or may hereafter be established, the Chairman of such Municipal Council or Local

- Board, and within the limits of any town or village which has been brought or may hereafter be brought under the operation of "The Small Towns Sanitary Ordinance, 1892," the Chairman of the Sanitary Board, and without the limits of any such town or village, the Government Agent or any person duly authorized by him in writing.
- Amendment of section 5.      3 In section 5 of the principal Ordinance, after the words "of the town of Nuwara Eliya" there shall be inserted the words "or within the limits of any town or village brought under the operation of 'The Small Towns Sanitary Ordinance, 1892.'"
- Addition of a new sub-section to section 11.      4 The following sub-section shall be added to section 11 of the principal Ordinance and shall be numbered (3) and shall be inserted immediately after sub-section (2) of the said section :
- Amendment of section 14.      (3) The Governor may from time to time, by order in the *Government Gazette*, authorize any Village Tribunal therein named to take cognizance of any offence punishable under this Ordinance, and in any such case such Village Tribunal shall have the same jurisdiction and the same power as a Police Magistrate under this Ordinance.
- 5 In section 14 of the principal Ordinance, after the words "for the local fund" there shall be inserted the words "and all such like sums and penalties paid by or recovered from the inhabitants residing within the limits of any town or village brought under the operation of 'The Small Towns Sanitary Ordinance, 1892,' shall be taken and received by the Sanitary Board for the fund of the said Board."

Passed in Council the Thirtieth day of September, One thousand Nine hundred and Fifteen.

A. G. CLAYTON,  
Clerk to the Council.

Assented to by His Excellency the Governor the Eighth day of October, One thousand Nine hundred and Fifteen.

R. E. STUBBS,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 21 of 1915.

An Ordinance to amend "The Copyright Ordinance,  
No. 20 of 1912."

ROBERT CHALMERS.

- Preamble.      WHEREAS by section 27 of the Act of the Imperial Parliament known as "The Copyright Act, 1911," set out in the schedule to "The Copyright Ordinance, No. 20 of 1912," it is provided that the Legislature of any British Possession to which the Act extends may modify or add to any of the provisions of that Act in its application to the Possession on any question relating to procedure and remedies :
- And whereas it is expedient to modify the provisions of section 14 of that Act : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :
- Short title.      1 This Ordinance may be cited as "The Copyright (Amendment) Ordinance, No. 21 of 1915."
- Substitution of New Section 14.      2 "The Copyright Act, 1911," in its application to Ceylon shall be read as though the following section were substituted for section 14 thereof :
- Importation of copies.      14 (1) Copies made out of Ceylon of any work in which copyright subsists which if made in Ceylon would infringe copyright, and as to which the owner of the copyright gives notice in writing by himself or his agent to the Principal

Collector of Customs that he is desirous that such copies should not be imported into Ceylon, shall not be so imported, and shall, subject to the provisions of this section, be deemed to be included in the table of prohibitions and restrictions contained in section 36 of the Ordinance for the General Regulation of Customs in the Island of Ceylon, No. 17 of 1869, and that section shall apply accordingly.

(2) Before detaining any such copies, or taking any further proceedings with a view to the forfeiture thereof under the law relating to the Customs, the Principal Collector of Customs may require the regulations under this section, whether as to information, conditions, or other matters, to be complied with, and may satisfy himself in accordance with those regulations that the copies are such as are prohibited by this section to be imported.

(3) The Principal Collector of Customs may make regulations, either general or special, respecting the detention and forfeiture of copies the importation of which is prohibited by this section, and the conditions, if any, to be fulfilled before such detention and forfeiture, and may by such regulations determine the information, notices, and security to be given, and the evidence requisite for any of the purposes of this section, and the mode of verification of such evidence.

(4) The regulations may apply to copies of all works the importation of copies of which is prohibited by this section, or different regulations may be made respecting different classes of such works.

(5) The regulations may provide for the informant reimbursing the Principal Collector of Customs all expenses and damages incurred in respect of any detention made on his information, and of any proceedings consequent on such detention, and may provide for notices under "The Copyright Ordinance, 1908," being treated as notices given under this section, and also that notices given to the Commissioners of Customs and Excise of the United Kingdom and communicated by them to the Principal Collector of Customs shall be deemed to have been given by the owner to the Principal Collector of Customs.

Passed in Council the Thirtieth day of September, One thousand Nine hundred and Fifteen.

A. G. CLAYTON,  
Clerk to the Council.

Assented to by His Excellency the Governor the Eighth day of October, One thousand Nine hundred and Fifteen.

R. E. STUBBS,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 22 of 1915.

An Ordinance to amend "The Oaths Ordinance, 1895."

ROBERT CHALMERS.

Preamble.

WHEREAS it is expedient to amend "The Oaths Ordinance, 1895," by empowering the Governor to appoint Commissioners with power to administer oaths: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Oaths (Commissioners) Ordinance, No. 22 of 1915."

Addition of new sections.

2 The following sections shall be added to the principal Ordinance:

Commissioners for Oaths.

13 (1) The Governor may from time to time, by commission signed by him, appoint fit and proper persons to be Commissioners for Oaths.

(2) A Commissioner for Oaths appointed under this Ordinance may by virtue of his commission administer any oath or affirmation or take any affidavit for the purpose of any legal proceedings or otherwise in all cases in which a Justice of the Peace is authorized by law so to do, and in all cases in which an oath, affirmation, or affidavit is commonly administered or taken before a Justice of the Peace; and any oath or affirmation or affidavit administered or taken by a Commissioner for Oaths shall in all legal proceedings and for all other purposes have the same effect as an oath, affirmation, or affidavit administered or taken before a Justice of the Peace; and all enactments relating to oaths, affirmations, and affidavits administered or taken before a Justice of the Peace shall, with the necessary modifications, apply thereto.

Provided that a Commissioner for Oaths shall not exercise the powers given by this section in any proceeding or matter in which he is proctor to any of the parties, or in which he is otherwise interested.

(3) Every Commissioner before whom any oath or affirmation is administered, or before whom any affidavit is taken under this Ordinance, shall state truly in the jurat or attestation at what place and on what date the same was administered or taken, and shall initial all alterations, erasures, and interlineations appearing on the face thereof and made before the same was so administered or taken.

False oath or affidavit before a Commissioner or Justice of the Peace.

14 Whoever wilfully and dishonestly swears or affirms falsely in any oath, affirmation, or affidavit administered or taken, for the purpose of any legal proceedings or otherwise, before a Commissioner for Oaths appointed under this Ordinance, or a Commissioner to administer Oaths appointed under section 20 of "The Courts Ordinance, 1889," or a Justice of the Peace, shall be guilty of the offence of giving false evidence in every case where if he had so sworn in a judicial proceeding before a court of competent jurisdiction he would be guilty of the offence of giving false evidence.

Passed in Council the Thirtieth day of September. One thousand Nine hundred and Fifteen

A. G. CLAYTON,  
Clerk to the Council

Assented to by His Excellency the Governor the Eighth day of October, One thousand Nine hundred and Fifteen.

R. E. STUBBS,  
Colonial Secretary.

Ordinance enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 23 of 1915.

An Ordinance to provide Compensation for Losses by Riots.

ROBERT CHALMERS.

Preamble.

WHEREAS it is desirable to make provision for the payment of compensation in the case of damage caused by riots: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Riot Damages Ordinance, No. 23 of 1915."

CHAPTER I.—PRELIMINARY.

Definitions.

2 In this Ordinance the expression "administrative division" means—

- (a) In the case of a village, the village headman's division;
- (b) In the case of any town or village within the jurisdiction of a Sanitary Board, Local Board, or a Board of Improvement, the area contained within the administrative limits thereof.



The expression "labour tax lists" means the returns or lists for the time being in force for the purpose of the annual liability to perform labour on the public roads or otherwise, under Ordinances No. 10 of 1861, No. 31 of 1884, No. 18 of 1892, and No. 13 of 1898.

Provision of compensation for damage by riots.

3 Where any house, shop, or building has been injured or destroyed, or the property therein has been injured, stolen, or destroyed, by any persons riotously and tumultuously assembled together, compensation shall be payable to the owners thereof for the damage so caused in such manner as is provided by this Ordinance.

#### CHAPTER II.—COMMISSIONERS.

Governor may appoint Commissioners.

4 (1) For the purpose of assessing any damage so caused and for awarding compensation in respect thereof, the Governor may appoint Commissioners, with such powers and duties as are hereinafter defined.

(2) Where a Commissioner has been appointed, damages shall not be recoverable by any person in respect of any matter specified in section 3 which is within the jurisdiction of the Commissioner, except in pursuance of the provisions of this Ordinance, and all actions already instituted for the recovery of such damages shall abate accordingly.

Duties of Commissioners.

5 It shall be the duty of the Commissioners so appointed—

- (a) To ascertain by personal inquiry the amount of the damage;
- (b) To report the amount of such damage to the Governor;
- (c) To apportion to any area for which they may be appointed the shares respectively payable by the administrative divisions comprised in such area;
- (d) To allot the sums payable as compensation for such damage among the persons residing or owning property within each administrative division.

Powers of Commissioners.

6 (1) The Commissioners so appointed shall have the following powers:—

- (a) All the powers of a Police Magistrate for the purpose of summoning witnesses and enforcing the attendance of persons, the production of documents, the administration of oaths, and the issue of search warrants, and any other powers belonging to a Police Magistrate which may be reasonably required for the discharge of their duties under this Ordinance.
- (b) The power to call upon any person to declare on oath the amount of any damage which he may have sustained and in respect of which he claims compensation.
- (c) The power to require any person to furnish to them in such form as they may demand a full return in writing of all movable and immovable property of which such person is possessed, as well as his total annual income from all sources.

(2) Any person who within any time fixed by the Commissioner for the purpose (without reasonable excuse, the proof whereof shall be on him) refuses or neglects to furnish to a Commissioner any return demanded by the Commissioner under the last preceding sub-section shall be guilty of an offence, and liable on conviction to a fine not exceeding one hundred rupees, and in default to rigorous imprisonment not exceeding three months.

(3) Any person who in any inquiry held by a Commissioner, or in any document furnished upon his demand, or in any declaration made before him or presented to him, makes any statement which he knows, or has reason to believe, to be false shall be deemed to be guilty of the offence of giving false evidence in a judicial proceeding, and shall be punishable in accordance with the Penal Code.

## CHAPTER III.—ASSESSMENT OF COMPENSATION.

Notice of  
assessment.

7 Before assessing any damage the Commissioner shall give public notice in such manner as may be prescribed by order under section 12, or in the absence of such order in such manner as he may deem appropriate, either generally with reference to damage in any administrative division or part thereof, or particularly with reference to any special premises, stating—

- (a) The time and place at which he proposes to make the assessment;
- (b) The manner in which claims for assessment shall be presented to him;
- (c) A date (not being less than one month from the date of the notice) beyond which no claims for the assessment of damage will be entertained.

Limit of time  
for claims for  
assessment.

8 No claim for assessment of damages which is presented after the date fixed in any notice given under the last preceding section shall be entertained by the Commissioner, unless on good cause shown he in his discretion shall otherwise order.

Notice of  
adverse claims.

9 In any case in which a Commissioner receives notice that two or more persons claim adversely to be entitled to compensation in respect of any damage which he is assessing or which he proposes to assess, he shall serve upon each of the persons so claiming adversely a notice requiring him to take such steps as may be necessary to obtain a judicial decision on the matter at issue between them, and shall, pending such decision, proceed to assess the damage in question subject thereto.

Assessment  
to be conclusive.

10 Any assessment of damage made by a Commissioner or Commissioners in pursuance of this Ordinance shall be conclusive as to the amount of such damage.

Provided that the Governor in Executive Council may in his discretion in any case direct a re-assessment.

## CHAPTER IV.—APPORTIONMENT OF COMPENSATION.

Riot areas.

11 (1) For the purpose of the recovery of compensation in respect of damage for which provision is made by this Ordinance, the Governor in Executive Council may declare any area of the Colony to be a riot area, and (subject to the provisions of Chapter IX.) may direct the recovery from the persons resident and owning property within such area—

- (a) Of the amount of all such damage in such area; and
- (b) Of the costs of suppressing within such area the riots or disturbances within such area, by which such damage was occasioned.

(2) A certificate under the hand of the Colonial Secretary shall be conclusive as to the amount of such costs.

Provided that the Governor in Executive Council may direct that such costs shall in any case be deemed to be such percentage of the amount of the assessed damage as he shall specify.

Power of  
Governor in  
Executive  
Council.

12 (1) The Governor in Executive Council may, either generally with regard to any damage caused in the manner referred to in section 3 of this Ordinance, or particularly with regard to any special damage so caused, by Order in Council give directions in respect of all or any of the following matters:—

- (a) The assessment of damages.
- (b) The apportionment of the shares recoverable from the several administrative divisions of a riot area.
- (c) The allotment of such shares among the persons resident or owning property in such area.
- (d) The classification of such persons for the purpose of such allotment.
- (e) The dates on which the sums due in respect of compensation shall be paid, and the instalments, if any, in which they shall be so paid.
- (f) Generally, with respect to the exercise of the powers and the performance of the duties of Commissioners under this Ordinance.

(2) The Governor in Executive Council may exempt any class of persons from liability to pay compensation under this Ordinance, or may direct that special terms shall be granted to any class of persons, or to any administrative division, or may exempt any administrative division or any part thereof within a riot area from such liability.

Apportionment among administrative divisions.

13 (1) Subject to any directions that may be contained in any order made under the last preceding section, the total amount of all damages and costs directed to be recovered in respect of any riot area shall, if such area comprise more than one administrative division, be apportioned among the administrative divisions of the area—

- (a) In proportion to the number of the male population of such division contained in the labour tax lists;
- (b) Alternatively, in such other proportion as shall be directed under the last preceding section.

(2) The Governor in Executive Council may at any time cancel any apportionment and direct a fresh apportionment, or may revise any apportionment.

Amount of apportionment to be a charge on the administrative division.

14 The Governor in Executive Council, by order published in the *Government Gazette*, may direct that any sums so apportioned, or, in the case of a riot area comprising only a single administrative area, any sums directed to be recovered under section 11, shall be a charge payable by the administrative division in respect of which the apportionment or direction is made.

#### CHAPTER V.—ALLOTMENT OF LIABILITY.

Allotment among persons liable.

15 Any sum declared to be a charge upon an administrative division by order under the last preceding section (together with the costs of any proceedings under this Chapter) shall be allotted by the Commissioner or Commissioners in manner in this Chapter provided.

Method of allotment.

16 (1) In each administrative division the Commissioner or Commissioners appointed for such division—

- (a) Shall cause lists to be made of all males of eighteen years and upwards residing within such division, and of all persons owning immovable property therein;
- (b) Shall divide the persons contained in such lists into classes, in accordance with such principles of classification as may be prescribed by the Governor in Executive Council under section 12, having regard to the means and ability to pay of the persons comprised in each class;
- (c) Shall assign to each class a proportion of the amount charged, in accordance with such principles as may be prescribed by the Governor in Executive Council under section 12;
- (d) Shall allot the amount of the proportion assigned to each class equally among the persons comprised in such class.

(2) For the purpose of the preparation of the lists referred to in paragraph (a) the lists prepared in accordance with section 42 of Ordinance No. 10 of 1861 shall be accepted as *prima facie* evidence of the particulars therein stated.

Exemptions and modifications.

17 (1) The Commissioner or Commissioners, for good cause shown, may exempt any person in whole or in part from any liability to which he may be subject under the last preceding section, or may extend the time for the discharge of any such liability.

(2) Where any person included in any list in any administrative division has been included or is liable to be included in any other list in some other administrative division, the Commissioner or Commissioners shall have regard to such inclusion or to such liability in any allotment made.

- Publication of notice of allotment.** 18 (1) The Commissioner or Commissioners shall cause to be published in the administrative division in respect of which any allotment under this Chapter is made a notice to the effect—
- (a) That such allotment has been made ;
  - (b) That the sums allotted shall be payable before such dates and in such instalments, if any, as may be specified in the notice ;
  - (c) That lists showing the amount payable by each person are open to inspection at such place or places within the limits of the administrative division as may be specified in the notice.
- (2) Every such notice shall be published by beat of tom-tom in such administrative division, and copies of such notice, in the language or languages of the inhabitants, shall be posted up in conspicuous places within such administrative division.
- Conclusiveness of lists.** 19 A list showing the amounts allotted by a Commissioner or Commissioners in accordance with this Chapter, and signed by the Commissioner or Commissioners, shall be conclusive as to the liability of the persons contained in the list to pay the sums therein stated.
- Provided that the Governor in Executive Council may in any case in his discretion direct that a fresh allotment shall be made or may revise any allotment.
- Supplementary allotment.** 20 Where the full amount of the sum declared to be a charge upon the administrative division cannot be recovered owing to the default in payment on the part of persons to whom liabilities have been allotted under this Chapter, the Commissioner may make a supplementary allotment in the manner provided in this Chapter, and all the provisions of this Chapter shall apply to any allotment so made.
- Commutation of liability by the performance of labour.** 21 Any person liable to pay any sum in accordance with any allotment list under this Chapter shall have the same right to commute the money payment due from him by the performance of labour as a person liable in accordance with "The Repression of Crime (Consolidation) Ordinance, 1903," under section 13 of that Ordinance and all the provisions of that section shall, with the necessary modifications, apply to the case as if they had been embodied in this section.

#### CHAPTER VI.—ENFORCEMENT OF LIABILITY.

- Recovery of amounts allotted.** 22 If any sum allotted as payable by any person under this Ordinance, or any instalment thereof, is not duly paid, the amount shall be recovered by the Government Agent or Assistant Government Agent in whose Province or District the administrative division is situated, in manner provided by section 41 and sections 43 to 48 of "The Police Ordinance, No. 16 of 1865," and all the relevant provisions of the said sections shall, with the necessary modifications, apply, as if they had been embodied in this section.
- Alternative method of enforcement.** 23 In addition to, or in lieu of, proceeding in manner provided under the last preceding section the Government Agent or Assistant Government Agent may proceed in manner provided for in sections 14 and 15 of "The Repression of Crime (Consolidation) Ordinance, No. 3 of 1903," and all the relevant provisions of the said sections shall, with the necessary modifications, apply, as if they had been embodied in this section.
- Provided that in any such case the scale of punishment shall, in lieu of that prescribed by section 15 (2) of the said Ordinance, be as follows :—
- For any sum not exceeding one hundred rupees, one month.
- For any sum of one hundred rupees or over, but not exceeding one thousand rupees, not less than one month and not more than six months.
- For any sum exceeding one thousand rupees, not less than one month and not more than twelve months.
- Provided further, that subject to the furnishing of such bail and sureties as he may order, the Magistrate to whom application is made under this section may suspend the execution of any order of imprisonment subject to the payment of the sum due in such instalments extending over a period not exceeding six months as he may deem fit.

## CHAPTER VII.—VOLUNTARY CONTRIBUTIONS.

Power of village to discharge liability by money payment or bond.

24 In lieu of taking proceedings for the allotment of liability under Chapter V., the Commissioner or Commissioners appointed in respect of any administrative division may agree to accept from the inhabitants and owners of property thereof, or such inhabitants or owners of property as may present themselves on behalf of the division, either payment in money of such amount as he or they may be authorized by the Governor to receive in discharge of the liability of the division, or a mortgage bond or other obligation executed by such inhabitants or owners of property and secured in such manner as the Commissioner or Commissioners may approve, pending full payment of such amount by instalments or otherwise.

Substitution of allotment under Ordinance.

25 (1) In the following cases, that is to say—

- (a) Where the amount secured by any such bond or obligation, or any instalment thereof, is not paid or not completely paid ;
- (b) Where the Commissioner or Commissioners shall be satisfied that any person or persons among the inhabitants or owners of property in any administrative division have refused to contribute the share equitably due from him or them in respect of any payment made, or of any bond or obligation accepted ;
- (c) Where the Commissioner or Commissioners shall be satisfied that it is the general desire of the signatories of any bond or obligation to be relieved of their liability thereunder, and to have the liability of the division allotted in manner hereinbefore provided ;

the Commissioner or Commissioners may (and in case (c) shall) proceed to allot the compensation payable by the inhabitants and owners of property in such division as though such bond or obligation had not been accepted.

(2) In any such case credit shall be given in the allotment lists to all persons in respect of any sum or sums they may have paid, and the balance due, if any, shall be alone recoverable.

(3) Where such allotment takes place in pursuance of paragraph (b) of sub-section (1) of this section, the costs of the allotment (or such proportion thereof as the Commissioner or Commissioners may deem reasonable) may in the discretion of the Commissioner or Commissioners be charged against any person who in the opinion of the Commissioner or Commissioners shall have been responsible for the necessity of such allotment, and shall be added to, and shall be recoverable in the same manner as, the amount allotted to such person in the allotment list.

(4) In any case under the said paragraph in which the Commissioner or Commissioners shall be satisfied that a general allotment is not necessary, the Commissioner or Commissioners may make a special allotment in respect of the liability of the person or persons refusing as aforesaid, and the amount of such allotment and (subject to the discretion of the Commissioner or Commissioners) the costs of making the same shall be recoverable in the same manner as a sum allotted in an allotment list, and shall be disposed of in such manner as the Governor in Executive Council shall direct.

## CHAPTER VIII.—PAYMENT OF COMPENSATION.

Riot Damages Fund.

26 (1) Subject to the provisions of the next succeeding Chapter, in the case of any riot or disturbance in respect of which this Ordinance shall be applied there shall be established a fund, to be called "The Riot Damages Fund," and to be kept by the Treasurer, and there shall be paid into such fund—

- (a) All sums collected in discharge of any liability under this Ordinance ;
- (b) All other contributions towards the defrayal of the damage occasioned ;
- (c) All fines or other sums collected in connection with the said riot or disturbance which the Governor may direct to be so credited.

- (2) There shall be paid out of such fund all sums payable for or in respect of compensation, and any other sums on account of expenses incurred in connection with the said riot or disturbance which the Governor may direct to be so paid.
- Payment of compensation.**
- 27** (1) Subject as aforesaid, in any case in which a Commissioner is satisfied that any person is entitled to any sum as compensation in respect of any damage which has been assessed under this Ordinance, he may (subject to the direction of the Governor) pay to such person such sum, in such manner, and in such instalments as he may determine.
- (2) In the case of adverse claims the Commissioner shall withhold payment pending a settlement or a judicial decision upon such claims.
- Subsequent claims barred.**
- 28** Upon the payment of any such sum no subsequent claim shall be entertained in respect of the same matter :  
Provided that the person receiving such sum shall be deemed to receive it on behalf of the person who would be entitled thereto if the claim to compensation had been a right enforceable by a civil action.
- CHAPTER IX.—MUNICIPALITIES.**
- Special provisions for Municipalities.**
- 29** In any case in which the Municipal limits of any Municipality have been declared a riot area, the damage shall be assessed and compensation shall be payable in accordance with the provisions of this Chapter.
- Appointment of Commissioners.**
- 30** (1) The Commissioner or Commissioners shall be appointed by the Chairman of the Municipal Council, who may appoint himself a Commissioner, and section 47 of "The Municipal Councils Ordinance, No. 6 of 1910," shall not apply to any such appointment.
- (2) A Commissioner appointed under this Chapter shall have all the powers accorded to a Commissioner under section 6 of this Ordinance, and all the provisions of that section shall apply to a Commissioner so appointed.
- (3) All the provisions of sections 4 (2), 7 to 10, 36, 37, and 39 to 42 shall, with the necessary modifications, apply as if they had been embodied in this Chapter.
- Amount of assessment to be a charge upon Municipal revenue.**
- 31** (1) Upon the completion of the assessment, particulars thereof shall be published in the *Government Gazette*. Such particulars shall specify the several premises in respect of which the assessment is made, the amount of the assessment in each case, and (subject to the provisions of section 9) the person to whom compensation is due ; and thereupon the total amount of the assessment so published shall become a charge upon the Municipal fund of the Municipality in respect of which it is made.
- (2) The Governor in Executive Council may direct that such charge shall be increased by the addition of such percentage as he may deem reasonable, as a contribution to the costs of suppressing the riot or disturbance by which the damage assessed was occasioned. The amount of such increase shall be deemed to be part of the charge and shall be payable out of the Municipal fund to the Treasurer, and shall be disposed of in such manner as the Governor in Executive Council shall direct.
- Municipal Council may frame scheme.**
- 32** (1) The Municipal Council may frame a scheme for the liquidation of the charge imposed upon its revenues under the last preceding section.
- (2) Every such scheme shall be subject to the approval of the Governor in Executive Council, and any scheme so approved, on being published in the *Government Gazette*, shall have the force of law.
- (3) A scheme under this section may provide for the recovery of the amount payable by means of—
- (a) The levying of a rate on all property assessed for the purpose of Municipal rates ;
  - (b) A tax on persons liable to a labour tax under section 129 of "The Municipal Councils Ordinance, No. 6 of 1910," or on all males over the age of eighteen, or on such other persons as the Council may determine
  - (c) Any combination of any of the above methods of taxation ;
  - (d) Any other method approved by the Governor in Executive Council.

(4) A scheme under this section may provide for all or any of the following matters:—

- (a) The use or adaptation, for the purpose of the scheme, of any provisions of "The Municipal Councils Ordinance, No. 6 of 1910," or any by-laws made thereunder, relating to the collection and enforcement of rates and taxes or of the commutation of any tax.
- (b) The enforcement of any liability imposed by this section in accordance with Chapter VI., or any modification or adaptation thereof.
- (c) The exemption of any area or of any class of persons from the operation of the scheme, and the grant of special terms to any class of persons.
- (d) The liquidation of the charge imposed upon the Municipal fund by instalments; and
- (e) Any other matter which in the opinion of the Governor in Executive Council may be necessary or desirable for the purpose of the scheme.

Power to borrow.

**33** (1) It shall be lawful for any Municipal Council on whose fund any charge is imposed under this Chapter, with the sanction of the Governor in Executive Council, to borrow such sum or sums as may be necessary for the purpose of discharging the same, on such terms and conditions as may be approved by the Governor in Executive Council.

(2) The limitation on the borrowing powers of a Municipal Council prescribed by section 216 of "The Municipal Councils Ordinance, No. 6 of 1910," shall not apply to a loan made under this section.

Rate to be Municipal rate.

**34** A rate imposed in accordance with a scheme under this Chapter shall be deemed to be a Municipal rate, and all the relevant provisions of "The Municipal Councils Ordinance, No. 6 of 1910," shall apply thereto.

Provided that in any agreement between any owner and any occupier by which provision is made for the incidence of Municipal rates or tax imposed by any Municipal Council falling upon the occupier, such provision shall not apply to a rate imposed under this Chapter.

Action by claimants for compensation.

**35** (1) Where any scheme has been approved under this Chapter, any person to whom compensation is declared to be due in the assessment published in pursuance of section 30, or in the case of adverse claims, any person to whom it is declared to be due in pursuance of section 36, whose claim is not discharged by the Municipal Council in accordance with the scheme, may bring an action against the Municipal Council for the payment of any sum due to him in accordance with the scheme.

(2) If no scheme is approved within three months of the publication of the assessment under section 31 of this Chapter, any such person may bring an action against the Municipal Council for the amount declared to be due to him, as aforesaid.

(3) Section 231 of "The Municipal Councils Ordinance, No. 6 of 1910," shall apply to any such action.

(4) Where judgment has been recovered against the Municipal Council in any such action, the amount of such judgment shall be payable out of the Municipal fund of such Council in accordance therewith.

(5) Upon the payment of any sum in pursuance of any scheme or assessment under this Chapter, whether upon a judgment or otherwise, no subsequent claim shall be entertained in respect of the same matter:

Provided that the person receiving such sum shall be deemed to receive it on behalf of the person legally entitled thereto.

#### CHAPTER X.—MISCELLANEOUS PROVISIONS.

Adverse claims.

**36** In any case in which adverse claims are made to compensation under this Ordinance, any person so claiming may petition the District Court for a declaration of the respective rights of the persons so claiming, and the Court shall have jurisdiction to make order accordingly.





## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Last Will and Testament of Assen Lebbe Mai Lebbe of No. 5,323. No. 64, Piachaud's lane, Maradana, in Colombo, deceased.

Kader Lebbe Idroos of No. 65, Piachaud's lane, Maradana, Colombo, and presently of New Moor street, Colombo ..... Petitioner.

THIS action coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on September 23, 1915, in the presence of Mr. M. R. Akbar, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 2, 1915, and (2) of the Notary and attesting witnesses dated August 30, 1915, having been read:

It is ordered that the last will of Assen Lebbe Mai Lebbe, 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 executor named in the said will, and that he is entitled to have probate thereof issued to him accordingly, unless any person or persons interested shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,  
Additional District Judge.

September 23, 1915.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Mahamayagodage Jusey Dias of Katunayake, in the District of Negombo, deceased.

Abeyasekera Wannaku Aratchige Dona Johanna Abeyasekera Hamine of Kotarupe, in the Ragam pattu of Alutkuru korale ..... Petitioner.

And

(1) Mahamayagodage Nicholas Dias, (2) Mahamayagodage Simon Dias, (3) Mahamayagodage Arthur Dias, (4) Mahamayagodage Stephen Dias, (5) Mahamayagodage Jagarias Dias of Katunayake, in the Dasiya pattu of Alutkuru korale, (6) Don Thomas Abeyasekera of Kotarupe ..... Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on September 24, 1915, in the presence of Mr. Samarakkody, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated September 23, 1915, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

L. MAARTENSZ,  
Additional District Judge.

September 24, 1915.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Balkis Umma (wife of Wappoo Marikar Mohamado Haniffa) of No. 59, Panchikawatta in Maradana, Colombo, deceased.

Wappoo Marikar Mohamado Haniffa of No. 62, Deans road, in Maradana, Colombo ..... Petitioner.

And

(1) Samsie Lebbe Bawa Lebbe, (2) Habeeba Umma, wife of Samsie Lebbe Bawa Lebbe, both of No. 59, Panchikawatta, Colombo ..... Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of

Colombo, on September 28, 1915, in the presence of Mr. M. R. Akbar, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 14, 1915, 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 or any other person or persons interested shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,  
Additional District Judge.

September 28, 1915.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. late Vaithy Swamypillai, late of No. 97, No. 5,331. Dam street, Colombo, deceased.

Veatkula Maria of No. 97, Dam street, Colombo....Petitioner.

And

(1) Swamypillai Francis, (2) Swamypillai Santiago Pillai, (3) Swamypillai Mariam Pillai, (4) Swamypillai Thevasayagam, all of No. 97, Dam street, Colombo ..... Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 1, 1915, in the presence of Messrs. Rajaratnam and Vandergert, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 27, 1915, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,  
Additional District Judge.

October 1, 1915.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Johanna Isabella Abeyagunawardena No. 5,341. nee Greero, late of Egoda Uyana in Salpiti korale, deceased.

Johannes Dias Abeyagunawardena of Egoda Uyana ..... Petitioner.

And

(1) Joseph Cyril Abeyagunawardena, (2) Agnes Clara Abeyagunawardena, (3) Grace Abeyagunawardena, (4) Lily Abeyagunawardena, (5) John Damian Abeyagunawardena, (6) Joseph Ivan Abeyagunawardena, all of Egoda Uyana ..... Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 7, 1915, in the presence of Mr. Wanige-sooria, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 5, 1915, 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 October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,  
Additional District Judge.

October 7, 1915.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. the late Kalahawattege Martin Perera of  
No. 5,329. Church street, Slave Island, in Colombo,  
deceased.

Kalahawattage Simon Perera of Nagoda, in the  
Ragam pattu of Alutkuru Korale South . . . . . Petitioner.

THIS matter coming on for disposal before Lewis  
Matthew Maartensz, Esq., Additional District Judge of  
Colombo, on September 30, 1915, in the presence of Mr. B.  
O. Pullenayagam, Proctor, on the part of the petitioner  
above named; and the affidavit of the said petitioner  
dated September 30, 1915, having been read:

It is ordered that the petitioner be and he is hereby  
declared entitled, as the son of the above-named deceased,  
to have letters of administration to his estate issued to him,  
unless any person or persons interested shall, on or before  
October 28, 1915, show sufficient cause to the satisfaction  
of this court to the contrary.

September 30, 1915. L. M. MAARTENSZ,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. the late Katugampolage Don Allis of  
No. 5,342. Sangarama, in Salpiti korale, deceased.

Epusinge Dona Elisahamy of Sangarama, in  
Salpiti korale . . . . . Petitioner.

And

(1) Katugampolage Dona Helena Hamy, (2)  
Katugampolage Don Hendrick, (3) Katugam-  
polage Dona Mai Nona, (4) Katugampolage  
Dona Girohamy, (5) Katugampolage Dona  
Podinona, (6) Katugampolage Don Liveris,  
all of Sangarama aforesaid . . . . . Respondents.

THIS matter coming on for disposal before Lewis  
Matthew Maartensz, Esq., Additional District Judge  
of Colombo, on October 8, 1915, in the presence of Messrs.  
Silva and Perera, Proctors, on the part of the petitioner  
above named; and the affidavit of the said petitioner  
dated October 8, 1915, having been read:

It is ordered that the petitioner be and she is hereby  
declared entitled, as the widow of the above-named deceased,  
to have letters of administration to his estate issued to her,  
unless the respondents above named or any other person  
or persons interested shall, on or before October 28, 1915,  
show sufficient cause to the satisfaction of this court to the  
contrary.

October 8, 1915. L. M. MAARTENSZ,  
Additional District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Sesma Lebbe Avoo Lebbe Marikar  
No. 5,344. Hadjar of Dematagoda, deceased.

A. L. M. Hadjar Mohamed of Silversmith street . . . . . Petitioner.

Vs.

(1) A. L. Mohideen Natchia, (2) A. L. M. Hadjar  
Pathuma Umma, both of Dematagoda, (3)  
A. L. M. Hadjar Abdul Aziez of Messenger  
street, Colombo, (4) A. L. M. Hadjar Mohamed  
Hassim of Hultsdorfp, and (5) A. L. M. Hadjar  
Mohamed Issadeen of Dematagoda . . . . . Respondents.

THIS matter coming on for disposal before Lewis  
Matthew Maartensz, Esq., District Judge of Colombo,  
on October 11, 1915, in the presence of Mr. G. A. Wille,  
Proctor, on the part of the petitioner Avoo Lebbe Marikar  
Hadjar Mohamed of Silversmith street, in Colombo; and  
the affidavit of the said petitioner dated October 7, 1915,  
having been read:

It is ordered that the said petitioner, as a son of the  
above-named deceased, be and he is hereby declared

entitled to administer the estate of the said deceased, and  
that he is entitled to have letters of administration thereof  
issued to him accordingly, unless any person interested  
shall, on or before October 28, 1915, show sufficient cause  
to the satisfaction of this court to the contrary.

October 12, 1915. L. MAARTENSZ,  
District Judge.

In the District Court of Negombo.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Sembukutti Arachchige Henry William  
No. 1,541. Perera Appuhamy of Boragodawatta, in  
Dasiya pattu of the Alutkuru korale,  
deceased.

THIS matter coming on for disposal before H. E. Beven,  
Esq., District Judge of Negombo, on September 21, 1915,  
in the presence of Mr. Samaratunga, Proctor, on the part  
of the petitioner Thammitage Johanahamy of Kovinna;  
and the affidavit of the petitioner dated September 17,  
1915, having been read:

It is ordered that the petitioner be and she is hereby  
declared entitled to administer the estate of the said  
deceased, and that letters of administration do issue to her  
accordingly, unless the respondents—(1) Henerat Arach-  
chige Nonohamy of Boragodawatta, (2) Sembukutti  
Arachchige Gijonona assisted by her husband M. Simon  
Vedara of Boragodawatta, (3) Sembukutti Arachchige  
Emonona assisted by her husband H. Sai Appu of Dagonna  
—shall, on or before October 26, 1915, show sufficient  
cause to the satisfaction of this court to the contrary.

September 21, 1915. H. E. BEVEN,  
District Judge.

In the District Court of Kalutara.

*Order Nisi declaring Will proved.*

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of the late Sopia Proletina Muna-  
No. 965. singha Hamine of Ittapana, deceased.

THIS matter coming on for disposal before Allan Beven,  
Esq., District Judge of Kalutara, on July 21, 1915, in the  
presence of Messrs. Wijeyeratne and Marikar, Proctors, on the  
part of the petitioner Don Andreas Wijesinghe Gunatileke  
Appuhamy of Ittapana; and the affidavit of the said peti-  
tioner dated February 22, 1915, having been read:

It is ordered that the said last will and testament of the  
late Sopia Proletina Munasinghe Hamine of Ittapana,  
deceased, dated December 4, 1914, and now deposited in  
this court be and the same is hereby declared proved, unless  
the respondent Joseph Munasinghe Senaratna Appuhamy  
of Pantia shall, on or before September 10, 1915, show suffi-  
cient cause to the satisfaction of this court to the contrary.

It is further declared that the said Andreas Wijesinghe  
Gunatileke Appuhamy of Ittapana is the executor named  
in the said will, and that he is entitled to have probate of  
the same issued to him accordingly, unless the respondent  
Joseph Munasinghe Senaratna Appu of Pantia shall, on or  
before September 10, 1915, show sufficient cause to the  
satisfaction of this court to the contrary.

July 21, 1915. ALLAN BEVEN,  
District Judge.

The date of showing cause extended till October 14, 1915.

September 10, 1915. ALLAN BEVEN,  
District Judge.

The date of showing cause extended till October 28, 1915.

October 14, 1915. ALLAN BEVEN,  
District Judge.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Kuruppuachige Don Kustan Appuhamy  
No. 973. of Gammanpila, deceased.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara, on September 16, 1915, in the presence of Mr. F. A. C. Tirimanne, Proctor, on the part of the petitioner Guruge Carlina Perera of Gammanpila; and the affidavit of the said petitioner dated May 26, 1915, having been read:

It is ordered that Guruge Carlina Perera of Gammanpila be and she is hereby declared entitled to administer the estate of the said deceased, as widow of the said deceased, and that letters of administration do issue to her accordingly unless the respondents (1) Nandarama Terunnanse, (2) Kuruppuachige Dona Asilin Nona, (3) ditto Don Pabilis, (4) ditto Don Martin, (5) Kuruppuachige Don Mendis Appuhamy, all of Gammanpila shall, on or before October 21, 1915, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said (5) Kuruppuachige Don Mendis Appuhamy be appointed guardian *ad litem* over the minors (1) Wandarama Terunnanse, (2) Kuruppuachige Dona Asilin Nona, (3) ditto Don Pabilis, (4) ditto Don Martin, all of Gammanpila, unless the respondents above named, shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

September 16, 1915.

ALLAN BEVEN,  
District Judge.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Ponnahennedige Jinoris Samuel Dias of  
No. 976. Pattiya North, in Panadure, deceased.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara, on October 1, 1915, in the presence of Mr. Solomon Fernando, Proctor, on the part of the petitioner Ponnahennedige Domingo Thomas Dias of Pattiya North, in Panadure; and the affidavit of the said petitioner dated September 30, 1915, having been read:

It is ordered that the petitioner Ponnahennedige Domingo Thomas Dias of Pattiya North, in Panadure, be and he is hereby declared entitled to administer the estate of the said deceased, as son of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents—(1) Engeltina de Silva Weerasingha Siriwardene, (2) Ponnahennedige Arthur Edwin Dias, (3) Dora Charlotte Dias, all of Pattiya North, in Panadure—shall, on or before November 4, 1915, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said (2) Ponnahennedige Arthur Edwin Dias be appointed guardian *ad litem* over the minor respondent (3) Dora Charlotte Dias, unless the respondents above named shall, on or before November 4, 1915, show sufficient cause to the satisfaction of this court to the contrary.

October 1, 1915.

ALLAN BEVEN,  
District Judge.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Pathinigerdera Mudalihamy, deceased,  
No. 3,198. of Ukkuwela, in Medasiya pattu of Matala, deceased.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge, Kandy, on September 30, 1915, in the presence of Messrs. Beven and Beven, Proctors, on the part of the petitioner Waduge Carolis Fernando of Pussetenna, in Udangomuwa in Udasiya

pattu of Matala; and the affidavit of Waduge Carolis Fernando of Pussetenna, in Udangomuwa, the petitioner above named, dated September 29, 1915, having been read:

It is ordered that letters of administration to the estate of Pathinigerdera Mudalihamy, deceased, be issued to any one of the following respondents, namely, (1) Pathinigerdera Muta Menika, (2) Pathinigerdera Kiri Banda, (3) Ukku Banda, (4) Pathinigerdera Mudianse, all of Ukkuwela, in Medasiya pattu of Matala, as the heirs at law of the said deceased, and in the event of the said respondents refusing or neglecting to take out letters of administration to the estate of the said deceased, that such letters of administration do issue to the 5th respondent Charles Edgar Ferdinand, Secretary, District Court, Kandy, unless the said respondents or any other person or persons interested shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

September 30, 1915.

FELIX R. DIAS,  
District Judge.

In the District Court of Kandy.

*Order Nisi declaring Will proved, &c.*

Testamentary In the Matter of the Last Will and Testa-  
Jurisdiction. ment of Hettitantrige Don William  
No. 3,199. Perera, deceased, of Ampitiya, in Gandahaye korale of Lower Hewaheta.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge of Kandy, on October 8, 1915, in the presence of Messrs. Liesching and Lee, Proctors, on the part of the petitioner Hettitantrige Don Charles Perera of Ampitiya and presently of Dehiwala, on the part of the respondent; and the affidavits of Hettitantrige Don Charles Perera of Ampitiya, the petitioner above named, and Kanattege David de Silva, Hettiaracchige Don Charles Andy Perera, Warusahennedige Harmanis Soysa, Thanatulege Francis Fernando, and Yalagalage Jacob Peris, all of Ampitiya, dated September 27 and October 2, 1915, having been read:

It is ordered that the will of Hettitantrige Don William Perera of Ampitiya, in Gandahaye korale of Lower Hewaheta, deceased, dated September 5, 1915, and now deposited in this court be and the same is hereby declared proved, unless any person or persons interested shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Hettitantrige Don Charles Perera of Ampitiya and presently of Dehiwala, the petitioner above named, is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person or persons interested shall, on or before October 28, 1915, show sufficient cause to the satisfaction of this court to the contrary.

October 8, 1915.

FELIX R. DIAS,  
District Judge.

In the District Court of Nuwara Eliya holden at Hatton.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. the late J. T. Gabriel Appu, deceased, of  
No. 37. Walahapatana, Lindula.

THIS matter coming on for disposal before Thomas Arthur Hodson, Esq., District Judge of Nuwara Eliya-Hatton, on July 16, 1915, in the presence of Messrs. Van Rooyen & Modder, Proctors, on the part of the petitioner, Maadoowage Abraham Silva Jayasooriya, Vidana Arachchi of Agrapatna; and the affidavit of the said petitioner dated July 10, 1915, having been read: It is ordered that the said Maadoowage Abraham Silva Jayasooriya is entitled to have letters of administration issued to him accordingly, as being empowered by the Assistant Government Agent, Nuwara Eliya, to apply for and obtain the same,

unless any person or persons interested shall, on or before October 25, 1915, show sufficient cause to the satisfaction of this court to the contrary.

July 16, 1915.

T. A. HODSON,  
District Judge.

In the District Court of Matara.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Samuel Ludovici Anthonisz, deceased, No. 2,223. of Matara.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on September 29, 1915, in the presence of Proctor Mr. J. S. Wirasinha, on the part of the petitioner Lena Victoria Anthonisz *nee* Altendorff of Matara; and the affidavit of the said petitioner dated May 26, 1915, having been read: It is ordered that the 1st respondent may be appointed guardian over 2nd, 3rd, and 4th respondents, and 7th respondent as guardian over 5th and 6th respondents, unless the following respondents, viz., (1) Phyllis Helen Maud Anthonisz of Matara, (2) Gladys Blanche Violet Anthonisz of ditto, (3) Samuel Algernon Ludovici Anthonisz of ditto, (4) Christobel May Ludovici Anthonisz, (5) Victor Rose Ludovici Anthonisz of ditto, (6) Rena Victorine Anthonisz of ditto, and (7) Henry Oswald Jonklaas of ditto, shall, on or before October 12, 1915, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said petitioner, as widow of the deceased above named, is entitled to have letters of administration issued to her accordingly, unless respondents above named shall, on or before October 12, 1915, show sufficient cause to the satisfaction of this court to the contrary.

September 29, 1915.

J. C. W. ROCK,  
District Judge.

The above *Order Nisi* is extended till November 3, 1915.

October 12, 1915.

J. A. BASTIANSZ,  
Secretary.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Achchimuttu, wife of Kadiravelu Thambimuttu of Uduvil, deceased. No. 3,096.

(1) Nannyer Vyravy and wife (2) Vallar, both of Uduvil..... Petitioners.

Vs.

(1) Kadiravelu Thambimuttu of Uduvil, presently employed as Guard, Federated Malay States Railways, Ipoh, Perak, (2) Chidampary Aruppillay and his wife (3) Chinachy of Uduvil, (4) Vyravy Kanagar of Uduvil, (5) Vyravy Chellappa of ditto, (6) Vyravy Vallipuram of ditto..... Respondents.

THIS matter of the petition of Nannyer Vyravy and wife Vallar of Uduvil, praying for letters of administration to the estate of the above-named deceased Achchimuttu, wife of Kadiravelu Thambimuttu of Uduvil, coming on for disposal before M. S. Sreshta, Esq., District Judge, on August 3, 1915, in the presence of Mr. K. Ethirnayagam, Proctor, on the part of the petitioners; and the affidavit of the said 1st petitioner dated August 2, 1915, having been read: It is ordered that the petitioners be and they are hereby declared entitled, as heirs of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to them accordingly, unless the respondents above named or any other person shall, on or before October 26, 1915, show sufficient cause to the satisfaction of this court to the contrary.

August 9, 1915.

M. S. SRESHTA,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Meenadchippillai, wife of Kanagaratnam No. 3,111. of Puloly West, deceased.

Wallippillai, widow of Vissuvanather of Puloly West..... Petitioner.

Vs.

(1) Kanagaratnam Subramaniam, (2) Meenamamma, daughter of Kanagaratnam, (3) Kanagaratnam Vissuvanathan, (4) Kanagaratnam Sangarapillai, minors, by their guardian *ad litem* Theivanaippillai, widow of Sithamparappillai of Puloly West..... Respondents.

THIS matter of the petition of the above-named petitioner praying for letters of administration to the estate of the late Meenadchippillai, wife of Kanagaratnam, coming on for disposal before M. S. Sreshta, Esq., District Judge, on October 7, 1915, in the presence of Mr. S. Subramaniam, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the petitioner be and she is hereby declared entitled, as mother of the husband of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to her accordingly, unless the respondents above named or any other person shall, on or before November 4, 1915, show sufficient cause to the satisfaction of this court to the contrary.

October 12, 1915.

M. S. SRESHTA,  
District Judge.

In the District Court of Jaffna.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Visalatchy, wife of Arumugam Visuvalingam of Point Pedro, deceased. No. 3,127.

Arumugam Visuvalingam of Point Pedro..... Petitioner.

Vs.

(1) Sivakamasundram, daughter of Visuvalingam, and (2) Visuvalingam Mailvaganam, minors, by their guardian *ad litem* Perianayagam, widow of Muthukkrishnapillai of Point Pedro..... Respondents.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the late Visalatchy, wife of Arumugam Visuvalingam, coming on for disposal before M. S. Sreshta, Esq., District Judge, on October 15, 1915, in the presence of Mr. S. Subramaniam, Proctor, on the part of the petitioner; and the affidavit of the petitioner having been read: It is ordered that the petitioner be and he is hereby declared entitled, as husband of the said deceased, to administer the estate of the said deceased, and that the letters of administration do issue to him accordingly, unless the respondents above named or any other person shall, on or before November 4, 1915, show sufficient cause to the satisfaction of this court to the contrary.

October 15, 1915.

M. S. SRESHTA,  
District Judge.

In the District Court of Batticaloa.

Testamentary In the Matter of the Estate and Effects Jurisdiction. of Umarulevvai Similettamma of Katan-kuddy, deceased. No. 843.

Ahamadolevai Mohamadotamby Alimsaibu of Katan-kuddy..... Petitioner.

Vs.

(1) Mohamadotamby Alimsaibu Bilkasatu Nabisatummah, (2) Mohamadotamby Adambawa Assamma and husband (3) Tombudore Adamlevvai Marakair Umerulevai, all of Katan-kuddy..... Respondents.

THIS matter coming on for disposal before T. B. Russell, Esq., District Judge of Batticaloa, on September 3, 1915, in the presence of Mr. Setukavalar, Proctor, on the part

of the petitioner; and the affidavit and petition of the said petitioner dated September 2 and 3, 1915, respectively, having been read:

It is ordered that the 2nd respondent be appointed guardian *ad litem* of the minor the 1st respondent, and that letters of administration be granted to the petitioner, as the husband of the deceased, unless the respondents or any other person or persons interested shall, on or before September 30, 1915, show sufficient cause to the satisfaction of court to the contrary.

September 3, 1915. T. B. RUSSELL,  
District Judge.

This *Order Nisi* is extended to October 14, 1915.

T. B. RUSSELL,  
District Judge.

This *Order Nisi* is further extended to October 26, 1915.

T. B. RUSSELL,  
District Judge.

In the District Court of Ratnapura.  
*Order Nisi.*  
In the Matter of the Intestate Estate of  
Jurisdiction. Wijesiriwardene Wijekoon Dissanayaka  
No. 573. Mabarana Banda, ex-Korala of Kolonna,  
deceased.

Panane Dassanayaka Mudiyansele Punchi  
Kumarihami of Imbulamuro ..... Petitioner.  
Vs.

(1) Dona Ana Wijesiriwardene Weerakoon Mabarana of Rotambe, (2) Imbulamure Dassanayaka Mudiyansele Mutu Banda of Imbulamure, (3) Wijekoon Dassanayaka Samuel Mabarana of Meda Uyangoda, (4) Hathiringe Davith of Heendalukwinna, heir under the will of Wijesiriwardene Wijekoon Dassanayaka Mabarana Punchi Banda, administrator, deceased. .... Respondents.

THIS matter coming on for disposal before A. L. Crossman, Esq., District Judge, Ratnapura, on August 27, 1915, in the presence of Mr. Cyril Ellawala, Proctor, on the part

of the petitioner above named; and the affidavit of the petitioner dated August 4, 1915, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled to administer the estate of the deceased, and that letters of administration do issue to her accordingly, unless the respondents above named or any other person interested shall, on or before October 25, 1915, show sufficient cause to the satisfaction of this court to the contrary.

August 27, 1915. A. L. CROSSMAN,  
District Judge.

In the District Court of Ratnapura.  
*Order Nisi.*

D. C., No. 659. In the Matter of the Estate of the late  
Testamentary. Mudduwa Gamaetiralalaye Maddumhamy Gabada Mohottala, deceased.

Between

(1) Delkandure Danapala Mudiyansele Punchi-mahatmeya Gunasekara of Hakamuwa, (2) D. H. W. Tennakoon of Ratnapura ..... Petitioners.

And

(1) Mudduwa Gamaetiralalaye Hanteratna Menike, (2) ditto Dingiri Mudiyanse, (3) ditto Madduma Menike, (4) ditto Jayawardane Menike, all of Hakamuwa, by their guardian *ad litem* Delkandure Danapala Mudiyansele Mohottihamy of Hakamuwa ..... Respondents.

THIS matter coming on for disposal before A. L. Crossman, Esq., District Judge, Ratnapura, on October 5, 1915, in the presence of Mr. J. Van Denberg, Proctor, on the part of the petitioners above named; and the affidavit of the said 1st petitioner dated September 1, 1915, having been read:

It is ordered and decreed that the said 1st petitioner, as uncle of the respondents above named, the children of the deceased, and 2nd petitioner above named, as surety, be and they are hereby declared entitled to administer the estate of the said deceased, and that letters of administration do issue to them accordingly, unless sufficient cause be shown to the contrary on November 10, 1915, by the respondents or any other person or persons interested.

October 5, 1915. E. T. HUGHES,  
District Judge.

### NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,605. In the matter of the insolvency of Karthigesu Nadarajah of No. 18, Victoria Arcade, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 11, 1915, to carry out the directions of the Supreme Court.

By order of court,  
D. M. JANSZ,  
Secretary.

Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,654. In the matter of the insolvency of D. N. Simon Goonewardene of Wellawatta, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 25, 1915, for the grant of a certificate of conformity to the insolvents.

By order of court,  
D. M. JANSZ,  
Secretary.

Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,665. In the matter of the insolvency of Frederick Pearson of Devon House, Cinnamon Gardens, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 11, 1915, for the appointment of an assignee.

By order of court,

D. M. JANSZ,  
Secretary.  
Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,681. In the matter of the insolvency of Uduma Lebbe Idroos Lebbe Marikar and Idroos Lebbe Marikar Mohamado Salih, carrying on business at Piliyandara, under the name, style, and firm of Ana Muna.

WHEREAS the above-named Uduma Lebbe Idroos Lebbe Marikar and Idroos Lebbe Marikar Mohamado Salih have filed a declaration of insolvency, and a petition for the sequestration of their estate has also been filed by M. L. P. Mohamado Lebbe, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Uduma Lebbe Idroos Lebbe Marikar and Idroos Lebbe Marikar Mohamado Salih insolvents accordingly, and that

two public sittings of the court, to wit, on November 18, 1915, and on December 2, 1915, 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,

D. M. JANSZ,  
Secretary.  
Colombo, October 15, 1915.

In the District Court of Colombo.

No. 2,682. In the matter of the insolvency of Charles Edmund de Silva of No. 101, 2nd Division, Maradana, Colombo.

WHEREAS the above-named Charles Edmund de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by L. V. Wickremeratne, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Charles Edmund de Silva insolvent accordingly, and that two public sittings of the court, to wit, on November 25, 1915, and on December 9, 1915, 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,

D. M. JANSZ,  
Secretary.  
Colombo, October 15, 1915.

In the District Court of Colombo.

No. 2,683. In the matter of the insolvency of Peter de Silva Wijeyeratne of Homeleigh, Castle street, Colombo.

WHEREAS the above-named Peter de Silva Wijeyeratne has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by M. Cornelis Perera, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Peter de Silva Wijeyeratne insolvent accordingly, and that two public sittings of the court, to wit, on November 25, 1915, and on December 9, 1915, 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,

D. M. JANSZ,  
Secretary.  
Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,684. In the matter of the insolvency of Wijemuni-dewage William Fernando Wijeyesinghe of Peliyagoda.

WHEREAS the above-named Wijemunidewage William Fernando Wijeyesinghe has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by K. J. Fernando, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Wijemunidewage William Fernando Wijeyesinghe insolvent accordingly, and that two public sittings of the court, to wit, on November 25, 1915, and on December 9, 1915, 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,

D. M. JANSZ,  
Secretary.  
Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,685. In the matter of the insolvency of Richard Mendis Wickremesinghe of Maradana, Colombo.

WHEREAS the above-named Richard Mendis Wickremesinghe has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by E. S. Bennet de Silva, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Richard Mendis Wickremesinghe insolvent accordingly, and that two public sittings of the court, to wit, on November 25, 1915, and on December 9, 1915, 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,

D. M. JANSZ,  
Secretary.  
Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,686. In the matter of the insolvency of Muna Kawanna Muna Mohamed Sheriff of Kurunegala, at present of the Hulftsdorp Jail, Colombo.

WHEREAS the above-named Muna Kawanna Muna Mohamed Sheriff has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853, and it appears that he has been in actual custody within the walls of a prison for debt for more than twenty-one days: Notice is hereby given, that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on November 25 and December 9, 1915, will take place for the 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,

D. M. JANSZ,  
Secretary.  
Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,687. In the matter of the insolvency of Muna Ana Abdul Wahid of Owitigama, at present of the Hulftsdorp Jail.

WHEREAS the above-named Muna Ana Abdul Wahid has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853, and it appears that he has been in actual custody within the walls of a prison for debt for more than twenty-one days: Notice is hereby given, that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on November 25 and December 9, 1915, will take place for the 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,

D. M. JANSZ,  
Secretary.  
Colombo, October 18, 1915.

In the District Court of Colombo.

No. 2,688. In the matter of Santhana Pitche Pulle of Andival street, Colombo, an insolvent.

WHEREAS the above-named Santhana Pitche Pulle has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853, and it appears that he has been in actual custody within the walls of a prison for debt for more than twenty-one days: Notice is hereby given, that the said court has adjudged him an insolvent accordingly,

and that two public sittings of the court, to wit, on November 25 and December 9 1915, will take place for the 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,  
D. M. JANSZ,  
Colombo, October 18, 1915. Secretary.

In the District Court of Negombo.

No. 108. In the matter of the insolvency of Warnekulesuriya Lodwick Manual Fernando of Hunupitiya.

NOTICE is hereby given that the sitting of this court in the above matter is adjourned to November 9, 1915, for the examination of the insolvent.

By order of court,  
T. B. CLAASZ,  
Negombo, October 13, 1915. Secretary.

In the District Court of Negombo.

No. 110. In the matter of the insolvency of Senapatige Bastian Rodrigo of Kanuwana.

WHEREAS Senapatige Bastian Rodrigo of Kanuwana has filed a declaration of insolvency, and a petition for the sequestration of the estate of S. B. Rodrigo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said S. B. Rodrigo of Kanuwana insolvent accordingly, and that two public sittings of the court, to wit, on November 18, 1915, and on December 20, 1915, 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,  
T. B. CLAASZ,  
Negombo, October 18, 1915. Secretary.

In the District Court of Kalutara.

No. 152. In the matter of the insolvency of Geekiyanage Charles de Silva Gunawardene of Pohaddaramulla.

WHEREAS Geekiyanage Charles de Silva Gunawardene of Pohaddaramulla has filed a declaration of insolvency, and a petition for the sequestration of his estate has also

been filed by Galhenegge Charles Perera Vedarala of Kuda Wadduwa, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Geekiyanage Charles de Silva Gunawardene of Pohaddaramulla insolvent accordingly, and that two public sittings of the court, to wit, on November 19, 1915, and on December 16, 1915, 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,  
B. D. FONSEKA,  
Kalutara, October 15, 1915. for Secretary.

In the District Court of Galle.

No. 417. In the matter of the insolvency of Kristobu Baduge Sinno Appu of Tangalla.

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 November 12, 1915.

By order of court,  
V. R. MOLDRICH,  
October 15, 1915. Secretary.

In the District Court of Kegalla.

No. 41. In the matter of the insolvency of Graham Collin Ward Brohier of Kegalla.

NOTICE is hereby given that the second sitting in the above insolvency case fixed for this day is adjourned for November 1, 1915.

By order of court,  
C. P. W. GUNASEKERE,  
Kegalla, October 7, 1915. Secretary.

In the District Court of Kegalla.

No. 43. In the matter of the insolvency of Widiyaratne Herat Mudiyanse of Siyambalapitiya.

NOTICE is hereby given that the second sitting in the above insolvency case fixed for this day is adjourned for November 9, 1915.

By order of court,  
C. P. W. GUNASEKERA,  
Kegalla, October 13, 1915. Secretary.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Negombo.

Sawanna Thana Sena Letchimanan Chetty of Negombo ..... Plaintiff.

No. 10,463. Vs.

(1) Handunmuni Nicholas de Zoysa of Mahahunupitiya, presently of Cargills, Ltd., Colombo, (2) Walimuni Jimoris de Silva of Mahahunupitiya ..... Defendants.

NOTICE is hereby given that on Thursday, November 18, 1915, will be sold by public auction at the respective premises the right, title, and interest of the said first defendant in the following property for the recovery of the sum of Rs. 853, with interest thereon at 9 per cent. per annum from September 15, 1915, till payment in full, viz. :—

At 3 P.M.

1. The divided portion bearing assessment No. 19 from and of Rallagahawatta *alias* Nelligahawatta, situate at Blomendahl street, within the Municipality of Colombo ;

bounded on the north-east by the garden of Eliyadura Isteena Soysa, north-west by a portion of this garden, south-east by the garden of Denis de Zoysa, and south-west by the garden of Aththanayake Savariel Fernando ; containing in extent 1 rood and 20 perches with the buildings standing thereon.

At 3.30 P.M.

2. A tract of land, which is now being used as a road, situate at Blomendahl street aforesaid ; bounded on the north by garden formerly of N. Stephen Soysa, and now belonging to Alutdurage Jeramias Fernando Goonasekera, south by the garden which was claimed by R. Juan Fonseka, E. Andrey Mendis Abeynayake, and Simon Silva, and now belonging to Alutdurage Jeramias Fernando Goonasekera, on the east by the garden belonging to Nissange Aratchige Adirian de Silva, and on the west by the aforesaid Blomendahl street ; containing in extent within these boundaries 2½ perches.

Fiscal's Office,  
Colombo, October 18, 1915.

W. DE LIVERA,  
Deputy Fiscal.



In the District Court of Colombo.

Bertram Herbert de Zoysa and others of Maligakanda, Colombo ..... Plaintiffs.

No. 36,278. Vs.

Myana Mohideen Saibo of Wolfendahl ..... Defendant.

NOTICE is hereby given that on Tuesday, November 23, 1915, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 577.75, as costs in the said action, viz:—

An undivided 2/8 part or share of all that house and ground called Ambagahawatta, situated at Ketawalamulla, within the Municipality of Colombo, bearing assessment No. 21; bounded on the north by lot marked E belonging to F. L. Mohammado Lebbe Marikar, on the east by the field of T. L. Mohamado Lebbe Marikar, on the south by lot C belonging to the estate of the late R. Jusey Fernando, and on the west by the passage and land belonging to the Crown; containing in extent 2 roods and 38 28/100 perches.

Fiscal's Office, Colombo, October 18, 1915. W. DE LIVERA, Deputy Fiscal.

In the District Court of Colombo.

The Commissioners of the Loan Board, Colombo .. Plaintiff.

No. C 39,024. Vs.

(1) Idroos Lebbe Marikar Hadjar Mohamado Lebbe Marikar of New Moor street, Colombo, and (2) Colenda Marikar Abdul Hassen, executors of the last will and testament of Ahamado Lebbe Marikar Meera Lebbe Marikar, deceased .... Defendants.

NOTICE is hereby given that on Monday, November 15, 1915, will be sold by public auction at the premises the following mortgaged property declared bound and executable under the decree entered in the above action for the recovery of the sum of Rs. 5,021.10, with interest on Rs. 5,000 at the rate of 7 per cent. per annum from July 23, 1914, to January 15, 1915, and thereafter on the aggregate amount at the rate of 9 per cent. per annum till payment, and costs of suit taxed at Rs. 335.12, viz:—

At 4 o'clock in the afternoon.

All that allotment of land with the buildings standing thereon bearing assessment No. 21 D, called and known as St. Catherines, situated at Maligakanda, in the 2nd Division Maradana, within the Municipality of Colombo, in the District of Colombo, Western Province; bounded on the north by the road to Maligakanda, on the east and south by the portions of land retained by Mrs. Theresa Clotilda Wright, and on the west by the property of S. P. Ibrahimsa; containing in extent 30 square perches according to the figure of survey No. 1,023, dated May 5, 1906, made by Juan de Silva, Licensed Surveyor.

Fiscal's Office, Colombo, October 18, 1915. W. DE LIVERA, Deputy Fiscal.

In the District Court of Colombo.

Warnacula Aratchirallage Don Saterniners of Faiyagala ..... Plaintiff.

No. 39,194. Vs.

(1) Deekirikewege Don Paul of Bopitiya, in the Ragam pattu of Alutkuru korale, (2) Johannes Marcellas Valentine Rodrigo Weerasinghe Gunawardane of Hendala, (3) Josephine Maria Peter-nella Kekulawala of Hunupitiya, (5) Bastian Korallage Victoria Rodrigo Weerasinghe Gunawardane of Bopitiya ..... Defendants.

NOTICE is hereby given that on Saturday, November 20, 1915, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said first defendant in the following property, for the recovery of the sum of Rs. 18,891.56, with legal interest from August 19, 1914, till payment in full and costs of suit, viz:—

The land called Appusinghogehena and all the appurtenances thereof, situated at Hendala, in the Ragam pattu

of Alutkuru korale; bounded on the north by the road leading to Hendala, on the east by dewata road leading to Yodayakanatta, on the south by Mudiansegewatta and Mudiansegehena, and on the west by lands belonging to Albina Fonseka and others; containing in extent 24 acres.

Fiscal's Office, Colombo, October 18, 1915. W. DE LIVERA, Deputy Fiscal.

In the Court of Requests of Colombo.

A. William Perera of Kolonnawa ..... Plaintiff.

No. 39,954. Vs.

M. James Peiris of Kolonnawa road, Dematagoda ..... Defendant.

NOTICE is hereby given that on Tuesday, November 16, 1915, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 253.80, with legal interest thereon from July 15, 1914, till payment in full, and costs of suit Rs. 28.25, viz:—

The house and premises bearing assessment No. 2, New Kolonnawa road, in Dematagoda, Colombo, together with all the buildings standing thereon; and bounded on the north by the portion separated from this land, on the east by the high road leading to Kolonnawa, and on the south and west by the land belonging to Sarnelis Mudalali, deceased; containing in extent about 20 perches more or less.

Fiscal's Office, Colombo, October 18, 1915. W. DE LIVERA, Deputy Fiscal.

In the District Court of Colombo.

P. K. Goonetilleke of Panchikawatta, Colombo ..... Plaintiff.

No. 40,670. Vs.

A. J. Dabera of warahenpita, Colombo ..... Defendant.

NOTICE is hereby given that on Wednesday, November 24, 1915, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,000, with interest thereon at 9 per cent. per annum from January 30, 1915, till payment in full and costs of suit, viz:—

At 3.30 P.M.

1. One half part of Ambagahawatta and owita and of the buildings standing thereon, situated at Narahenpita in the Palle pattu of Salpiti korale; bounded on the north by the ditch of Diulgahawatta, east by the ditch of the same land belonging to Don Abraham Appuhamy, south by the ditch of Talgahawatta, and west by the new ditch of Meegahawatta; containing in extent 3 acres and 30 perches.

At 4 P.M.

2. The land called Talgahawatta, together with the buildings standing thereon, situated at Narahenpita aforesaid; bounded on the north by Arachigeowita, east by lands belonging to Arachige Simon Dabera and Peiris Dabera, south by land belonging to Aratchige Simon Dabera, and west by land belonging to Kannagara Aratchige Don Sopy Hamy; containing in extent about 3 roods and 12 perches.

Fiscal's Office, Colombo, October 18, 1915. W. DE LIVERA, Deputy Fiscal.

In the District Court of Colombo.

P. L. L. Letchimanan Chetty of Sea Street, Colombo ..... Plaintiff.

No. 40,897. Vs.

(1) J. G. G. Abeyasinghe and his wife (2) P. T. G. Abeyasinghe, both of No. 87, Barber street, Colombo ..... Defendants.

NOTICE is hereby given that on Monday, November 22, 1915, at 3 o'clock in the afternoon, will be sold by public auction at the residence of the defendants, No. 87, Barber street, Colombo, the following movable property for the



recovery of the sum of Rs. 2,098.30, with interest thereon at 9 per cent. per annum from February 19, 1915, till payment in full and costs, viz. :—

Five lounges, 5 teapots, 6 arm chairs, 1 wooden stand, 4 antlers, 1 whatnot, 2 ebony chairs, 2 tamarind wood couches, 2 bentwood chairs, 3 rattan chairs, 2 chairs, 6 folding chairs, 1 piano, 1 clock, 2 stands, 60 pictures, 2 mirrors, 6 procelain flower pots, 1 settee, 1 table, 2 low chairs, 1 tamarind bureau almirah, 1 sideboard, 1 table in three pieces, 2 jakwood almirahs, 1 harmonium, 1 coil matting, and 1 horse carriage.

Fiscal's Office,  
Colombo, October 18, 1915.

W. DE LIVERA,  
Deputy Fiscal.

In the Court of Requests of Colombo.

Sayed Yaya Khan of Slave Island, Colombo . . . . . Plaintiff.  
No. 45,096. Vs.

M. L. Abdul Hamid of Sutherland road, Maradana,  
Colombo . . . . . Defendant.

NOTICE is hereby given that on Wednesday, November 17, 1915, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 200, with legal interest thereon from April 30, 1915, till payment in full, and costs of suit Rs. 32.25, viz. :—

All that house and premises bearing assessment No. 314A-13 and 617, situated at Pinchaud's lane, Maradana, within the Municipality of Colombo; bounded on the north by the property of W. L. M. M. Mohideen, on the east by the property of S. L. Amsa Umma, on the south by the property of A. L. M. Meera Lebbo Marikar, and on the west by the property of Aniffa Umma; containing in extent about 2 perches.

Fiscal's Office,  
Colombo, October 18, 1915.

W. DE LIVERA,  
Deputy Fiscal.

In the Court of Requests of Colombo.

Sayad Yakoob Bai of No. 58, Wekanda, Slave  
Island, Colombo . . . . . Plaintiff.  
No. 46,417. Vs.

Tuan Kitchil Noore of Maradana . . . . . Defendant.

NOTICE is hereby given that on Friday, November 19, 1915, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 291.50, with legal interest thereon from July 30, 1915, till payment in full, and costs Rs. 52.75, viz. :—

A divided  $\frac{1}{2}$  share of all that premises bearing assessment No. 4, situate at Rudd's lane, in Maradana, within the Municipality and District of Colombo, Western Province; bounded on the east by a portion of the same garden belonging to Corea, on the south by the high road (Rudd's lane), on the west and north by a portion of the same garden (No. 3, and Hamy's property respectively); containing in extent 11 square perches more or less.

Fiscal's Office,  
Colombo, October 18, 1915.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Negombo.

Nana Vana Ana Krisnan Pulle of Negombo . . . . . Plaintiff.  
No. 10,256. Vs.

(1) Arumapurage Jusey Fernando, (2) Walentipurage Juse Fernando, and (3) Weeramundage Marsilin Fernando, all of Dalupotha . . . . . Defendants.

NOTICE is hereby given that on November 22, 1915, 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) An undivided  $\frac{1}{2}$  share of the land called Kahatagahawatta, situate at Dalupotha in Dunagaha pattu of Alutkuru

korale; the entire land being bounded on the north by land of Weeramundage Marthelis Fernando and others, east by land of M. F. Weeramunda and the road, south by dewata road, and on the west by lands of Arumapurage Davith Fernando and others; containing in extent about 2 acres.

(2) An undivided  $\frac{1}{2}$  share of the land called Talgahawatta, situate at ditto; the entire land being bounded on the north by lands of Arumapurage Romel Fernando and Juse Fernando, east by land of Weerapurage Alpias Fernando, south by dewata road, and on the west by land of the heirs of Weeramundage Cowis Fernando; containing in extent about 2 acres.

(3) An undivided  $\frac{1}{2}$  share of land called Talgahawatta, situate at ditto; the entire land being bounded on the north by land of Arumapurage Juwana, east by live fence separating this land, south by land of Arumapurage Romel Fernando, and on the west by land of Weerapurage Thelenis Fernando; containing in extent about 1 acre.

(4) An undivided  $\frac{1}{2}$  share of the land called Bakmigahadeniya, situate at ditto; the entire land being bounded on the north by land of Weeramundage Migel Fernando, east by land of the heirs of Weeramundage Paulu Fernando, south by land of Weerapurage Alpias Fernando, and on the west by lands of Arumapurage Juse Fernando; containing in extent about 2 roods.

(5) An undivided  $\frac{1}{2}$  share of the land called Dambugahawatta, situate at ditto; the entire land being bounded on the north by dewata road and land of the heirs of Paulu Fernando, east by land of Anthony Fernando and Vera Fernando, south by land of Adonis Soysa and David Fernando, and on the west by land of W. Anthoni Fernando and others; containing in extent about 1 acre and 1 rood.

Amount to be levied Rs. 530.41, with interest on Rs. 411 at 9 per cent. per annum from May 5, 1915, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,  
Negombo, October 19, 1915. Deputy Fiscal.

In the District Court of Colombo.

Dr. A. Chinniah of Slave Island, Colombo . . . . . Plaintiff.  
No. 41,046. Vs.

(2) Somawati Amarasinghe of Udugampola . . . . . Defendant.

NOTICE is hereby given that on November 20, 1915, 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 2nd defendant in the following property, viz. :—

1. The land called Kongahawatta, the tiled house, and the other buildings standing thereon, in which the defendant resides, situate at Udugampola in Dasiya pattu of Alutkuru korale; and bounded on the north by high road, east by lands belonging to Loos Appu, deceased, and others, south by lands belonging to Potupiti Arachchige Suwaris Appu and others, and on the west by land belonging to Hettiarachchige Baron; containing in extent about 2 $\frac{1}{2}$  acres.

2. The land called Dawatagahawatta and the tiled house standing thereon, situate at ditto; and bounded on the north by high road, east by dewata road, and on the south and west by land belonging to Simon Perera Amarasinha; containing in extent about 1 acre.

Amount to be levied Rs. 4,000, with interest thereon at 15 per cent. per annum from March 1, 1915, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,  
Negombo, October 19, 1915. Deputy Fiscal.

Central Province.

WITH reference to the notice of sale published in the *Government Gazette* No. 6,744, dated October 1, 1915, in page 566, it is hereby notified that the correct number of the writ is 22,633 and not 22,663.

Fiscal's Office,  
Kandy, October 14, 1915.

A. V. WOUTERSZ,  
Deputy Fiscal.

WITH reference to the notice of sale published in the *Government Gazette* No. 6,745, dated October 8, 1915, in page 581, under D. C., K., 23,942, it is hereby notified that the description of the third land is as follows:—

One-half share of the house and premises No. 107, situate at Colombo street, Kandy; and bounded on the north by Colombo street, on the east by the land bearing No. 106, belonging to Meenachi Amma, on the south by land No. 109, now belonging to V. Paulu Fernando, and on the west by the land No. 108 belonging to V. Paulu Fernando; containing in extent 30 ft. in breadth and 105 ft. in length.

Fiscal's Office, A. V. WOUTERSZ,  
Kandy, October 14, 1915. Deputy Fiscal.

In the Court of Requests of Colombo.

A. W. P. Don Davit, trading under the name, style, and firm of Don Davit and Sons, of Pettah, in Colombo ..... Plaintiffs.  
No. 42,854. Vs.

E. W. Abeygoonsekera of Cyril Dale, Trincomalee street, Kandy ..... Defendant.

NOTICE is hereby given that on Saturday, November 20, 1915, commencing at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 106.26, with legal interest from December 22, 1914, till payment in full and costs Rs. 23.25:—

1. An undivided 1/9 share of the houses and premises bearing assessment Nos. 90 and 91, situate at Trincomalee street, Kandy; and bounded on the east by pavilion ground, south by house No. 89, west by Trincomalee street, and on the north by house and premises No. 92; containing in extent 26 feet along the road in breadth and 35 feet in length.

And the life interest of the defendant in and to the following:—

2. The house and premises bearing assessment No. 364, situate at Trincomalee street, Kandy; and bounded on the east by Trincomalee street, south by house No. 365, west by the wall of the house, and on the north by house No. 363; containing in extent 20 feet along the road in breadth and 60 feet in length.

3. The house and premises bearing assessment No. 156, situate at Trincomalee street, Kandy; and bounded on the east by the compound, south by house and premises belonging to the estate of Wadawala Korala, west by Trincomalee street, and on the north by Stephen's boarding house; containing in extent 44 feet along the road in length and 30 feet in breadth.

Fiscal's Office, A. V. WOUTERSZ,  
Kandy, October 19, 1915. Deputy Fiscal.

### Southern Province.

In the District Court of Galle.

Vina Valli Appa Pillai of Kaluwella ..... Plaintiff.  
No. 12,800. Vs.

(1) A. Babanis Fernando, (2) Yakgaha Hewage Egoris, both of Angulugaha ..... Defendants.

NOTICE is hereby given that on Friday, November 12, 1915, at 10 o'clock in the morning, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz.:—

1. An allotment of land called Illukketiyemullebedda, situate at Angulugaha, in the Talpe pattu of Galle; and bounded on the north by Crown land and Mala-dola, east by Mala-dola, lot No. 5,095 in preliminary plan No. 647 and T. P. 92,479, south by reservation along the road, west by land described in T. P. No. 242,943 and Crown land; containing in extent 24 acres and 15 perches.

2. An allotment of land called Polgahadeinyewattebedda, situate at Angulugaha, in the Talpe pattu of Galle; and bounded on the north by land described in T. P. Nos. 86,568 and 86,564, Parakumburewatta, east by a part of Parakumburewatta and Crown land, south by lands described

in T. P. Nos. 187,318 and 170,036 and land claimed by natives, west by reservation along the road, land claimed by natives, and Yatawagurewatta; containing in extent 8 acres 1 rood and 6 perches.

To be sold at 1 P.M., on the same date.

3. All those 3 allotments of land called Tukatiyamullebedda, together with all the plantations, tea mill, and buildings standing thereon, situate at Howpe, in the Talpe pattu of Galle; and bounded on the north by the land said to belong to the natives *alias* Maragahakarekumbura, east by land described in plan No. 92,480 and by land claimed by Kiriwandalage Siman and others, south-east by land claimed by Kiriwandalage Siman and others, south by land said to belong to the Crown and Heendeniyekumbura, west by Crown land and Hirigodayayekumbura, and north-west by a road and land said to belong to the Crown; containing in extent (exclusive of the road and reservation, 50 links wide, passing through the land) 16 acres 3 roods.

4. An undivided  $\frac{1}{4}$  part of an allotment of land called Tukatiyamullebedda, situate at Howpe, in the Talpe pattu of Galle; and bounded on the north by land claimed by natives, east by Kibellagahagoda *alias* Crown land, south by land claimed by Kiriwandalage Siman and others, and west by land described in plan No. 92,479; containing in extent 8 acres and 23 perches.

Following property will be sold on Tuesday, November 16, 1915, at 12 noon.

5. An undivided  $\frac{1}{4}$  of  $\frac{1}{4}$  of 1/16 part of all the soil and trees of the land called Paragahawatta *alias* Laolugahawatta, situate at Walpola, in the Talpe pattu of Galle; and bounded on the north by Kinalairawalla, east by Kanattewatta, south by Dawatagahadeniya, and west by Miriswatta; containing in extent about 8 acres.

6. An undivided  $\frac{1}{2}$  part of Bogahaowita, situate at Walpola, in the Talpe pattu of Galle; and bounded on the north by ganga, east by Mikande-elleowita, south by Kanatheriyanakumbura, and west by Puwakwatta; containing about 24 kurunies of paddy sowing extent.

Writ amount Rs. 461.72, with interest on Rs. 412 at 9 per cent. per annum from August 4, 1914, till payment in full.

Fiscal's Office, J. A. LOURENSZ,  
Galle, October 19, 1915. Deputy Fiscal.

In the District Court of Galle.

V. E. L. S. Letchiman Chetty of Galle ..... Plaintiff.  
No. 13,581. Vs.

J. S. Jayawardana, Advocate, Colombo ..... Defendant.

NOTICE is hereby given that on Monday, November 15, 1915, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz.:—

(1) Lot No. 1622 of the land called Akulehena, Pashawulhena, Horahenekandemukulana, situate at Udumalagala; and bounded on the north by land described in title plan No. 180,820 and lot No. 1623 of the same lands, east by lots Nos. 82 and 83 in preliminary plan No. 8,924 and Horahenekanda, south by lots Nos. 1624, 1625, 1627 of the same lands and Ukdandeduwakanda, and west by lot No. 1629 of the same lands; extent about 90 acres.

(2) Lot marked No. 1621 of the lands called Akulehena, Pashawulhena, Horahenekandemukulana, situate at Udumalagala; and bounded on the north by lot No. 1634 of the same lands, lot No. 26457 in preliminary plan No. 8,874 and Nakiyadeniya jungle and Pashawulhena, east by Nakiyadeniya jungle, Pashawulhenekele, and lot No. 1636 of the same lands, and west by lands described in plan No. 180,820, lots Nos. 1632 and 1634 of the same lands, south by lot No. 1623 of the same lands; extent 23 acres 2 roods and 26 perches.

(3) The land called Dawatagahadywa, situate at Udumalagala; and bounded on the north and west by reservation along the road and land described in T. P. 206,223,

south by lots Nos. 1639 and 1634 in preliminary plan No. 9,320, east by reservation along the road; extent 1 acre 1 rood and 12 perches.

Writ amount Rs. 2,016-03, together with interest on Rs. 1,755 at 9 per cent. per annum from August 26, 1915, till payment in full.

Fiscal's Office,  
Galle, October 14, 1915.

J. A. LOURENSZ,  
Deputy Fiscal.

*S. 4*  
**Northern Province.**

In the District Court of Jaffna.

(1) Ramanatar Kantappu and wife (2) Ponnupillai  
of Karaitivu West ..... Plaintiffs.  
No. 8,302. Vs.

Aiyampillai Ramanatan of Karaitivu West.... Defendant.

NOTICE is hereby given that on Friday, November 26, 1915, at 10 o'clock in the forenoon, will be sold by public auction at the spot the following property decreed to be sold under the above action for the recovery of Rs. 808-30, with interest on Rs. 537-37 at the rate of 10 per cent. per annum from December 20, 1911, until payment in full, and costs of suit being Rs. 81-69, and charges, viz. :—

A piece of land situated at Thankodai in Karaitivu West, called Varyanthanai, containing or reputed to contain in extent 27 lachams of paddy and varagu culture; bounded or reputed to be bounded on the east by the property of Gnanamma, north by the property of Aiyampillai Arunugam, west by the property belonging to the temple called Vaiteesparankovil and by the property of Veluppillai Tambiah, and south by tank of this share of water of the well standing hereon and watercourse, are however excluded.

Fiscal's Office,  
Jaffna, October 19, 1915.

S. SABARATNAM,  
Deputy Fiscal.

*S. 4*  
In the Court of Requests of Jaffna.

Sinnatambiy Veluppillai of Vannarponnai East.... Plaintiff.  
No. 11,119/A. Vs.

V. Kandar Sinnar of Vannarponnai East.... Defendant.

NOTICE is hereby given that on Monday, November 22, 1915, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 28-35, and charges, viz. :—

A piece of land situated at Vannarponnai East, called Ammaikovilveli, containing or reputed to contain in extent 6 lachams of varagu culture and 6 kullies, with well and plantations; bounded or reputed to be bounded on the east by the property of Appakkuddi Sanmugam, north by the property of Annappillai, wife of Ramu, west by bye-lane, and on the south by the property of Kanapatipillai Kulantaivelu.

Fiscal's Office,  
Jaffna, October 19, 1915.

S. SABARATNAM,  
for Fiscal.

*S. 4*  
**Eastern Province.**

In the District Court of Batticaloa.

Thombuthor Kanthaperumal Kadiramatampy  
Udayar of Kallady Uppodai..... Plaintiff.  
No. 4,053. Vs.

(1) Akamathulevvai Assenarlevvai, (2) Aliyarlevvai  
Sulaimalevvai of Eraur..... Defendants.

NOTICE is hereby given that on Saturday, November 20, 1915, commencing at 9 o'clock in the morning, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following properties, viz. :—

At 9 A.M.

(1) A land called Kudavelypooomey, situated at Vandaramoolai, in Eraur, in Eraur pattu; and bounded on the

north by Alle land belonging to the Crown, south by Peruthavelly, east by Kudavelly, and west by Parachy-chuttukuda; in extent 13 acres 2 roods and 20 perches, with all rights.

At 11 A.M.

(2) A garden, lot No. 1891, called Murunkeyadikenikadoc situated at Eraur in Eraur pattu; and bounded on the north by land described in plan No. 195,006, east and south by reservation for road, and west by land described in plan No. 195,008; in extent 2 acres 2 roods and 8 perches, with coconut trees, plantations, and produce.

At 1 P.M.

(3) A coconut estate called Ayenkenikadu, lot No. 1895, situated at Eraur in Eraur pattu; and bounded on the north by Crown land called Ayenkenikadu, east by land described in plan No. 195,011, and south and west by reservation along the road; in extent 2 acres 3 roods and 14 perches.

Amount to be levied Rs. 1,622-19, with interest at 9 per cent. per annum from May 27, 1915, till payment.

Fiscal's Office,  
Batticaloa, October 18, 1915.

S. O. CANAGARATNAM,  
Deputy Fiscal.

*S. 4*  
**North-Western Province.**

In the District Court of Chilaw.

Joseph Herat Sandaratna of Madampe ..... Plaintiff.

No. 4,503. Vs.

Henry Wijeyesinghe Ekanayake, Peace Officer  
of Ihalagama, and wife ..... Defendants.

NOTICE is hereby given that on Wednesday, November 10, 1915, at 4 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. :—

1. The portion of land bearing letter I in plan No. 1,592, surveyed by J. A. C. Corea, Licensed Surveyor, situate at Ihalagama, in Madampe of Pitigal Korale Central, in the District of Chilaw, containing in extent 2 roods and 14 perches.

2. The portion of land bearing letter J in plan No. 1,592, surveyed by J. A. C. Corea, Licensed Surveyor, situate at Ihalagama, in Madampe aforesaid, containing in extent 3 roods and 6 perches.

Amount to be levied Rs. 387-23, with further damages, and poundage.

Deputy Fiscal's Office,  
Chilaw, October 12, 1915.

A. V. HERAT,  
Deputy Fiscal.

*S. 4*  
In the District Court of Negombo.

P. L. R. M. Sokkalingam Chetty, by his attorney  
P. L. R. M. Lechchimanan of Negombo ..... Plaintiff.

No. 9,230. Vs.

K. A. S. Mohammado Saibo Marikakar by his attorney  
Ana Abdul Rahiman of Etiyawala .... Defendant.

NOTICE is hereby given that on Saturday, November 20, 1915, at 10.30 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in and to the unexpired term of the lease bond No. 10,268 dated September 7, 1907, attested by L. C. Patiratne, Notary Public, in respect of 3/12 shares of the garden called Mahaovita and 2/6 shares of the garden called Bogahaovita and Godaovita, situate at Jankurawela, in Otara palata of Pitigal Korale South, in the District of Chilaw.

Amount to be levied Rs. 1,363-97½, with interest on Rs. 1,217-60 at the rate of 9 per cent. per annum from March 13, 1913, till payment in full and poundage.

Deputy Fiscal's Office,  
Chilaw, October 15, 1915.

A. V. HERAT,  
Deputy Fiscal.

## Province of Sabaragamuwa.

In the District Court of Kegalla.

Kulatunga Wijekoon Mudianselage Punchimahatmaya, Korala of Mapitigama ..... Plaintiff.

No. 2,857. Vs.

Kudakeemara Maddumage Punchappu of Gona-gala ..... Defendant.

NOTICE is hereby given that on Saturday, November 13, 1915, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property for the recovery of the sum of Rs. 823.75.

The land called Alutgam mookalana of 21 acres 1 rood 5 perches in extent; bounded on the north and east by land belonging to the Crown, south by land belonging to the Crown, west by Pamankadahena, Ulpotadeniyahena, and Kabaragalahena, situate at Moraliya in Dehigampal korala.

Fiscal's Office,  
Avisawella, October 13, 1915.A. RANASINGHE,  
Fiscal's Marshal.

In the District Court of Colombo.

Sarafully Mulla Miaji of 4th Cross street, Pettah, Colombo ..... Plaintiff.

No. 37,820. Vs.

Madar Mastan Senul Abudeen of Kannattota, administrator of the estate of the late Oona Usubu Lebbe, deceased ..... Defendant.

NOTICE is hereby given that on Saturday, November 20, 1915, beginning 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 for the recovery of the sum of Rs. 753.40, with legal interest on

Rs. 515.75 from January 20 to 22, 1914, and thereafter with further interest on the aggregate amount at 9 per cent. per annum till payment, viz. :-

1. An undivided  $\frac{5}{6}$  shares of the land called Galowitawatta, situate at Gonaramba; bounded on the north by Nedunekumbura, east by Kannattotagehena and watta, south by Gonarambapatirannehelagekumbura, west by Kannattotagekumburewella, containing in extent 12 nelies of kurakkan sowing.

2. An undivided  $\frac{1}{4}$  share of Kiriwanekumburalangawatta, situate at ditto; bounded on the north by lands belonging to Induranage and Kerawalgamage people, east by high road, Dorakadaowitawatta, and Pahalawatta, south by chena lands belonging to Kahatapitiyage people, west by lands belonging to Patirannehelage people, containing in extent 6 pelas of paddy sowing.

3. An undivided  $\frac{1}{4}$  share of Muttettuwagawawatta, situate at ditto; bounded on the north by Tawalamewatta and Tembiligahaowitawatta, east by Muttettuwakumbura and Gonarambapatirannehelagekumbura, south by ditch, west by ditch, containing in extent 2 pelas of paddy sowing.

4. An undivided  $\frac{17}{18}$  shares of Palamagawa-assedduma and Walapelakumbura, situate at ditto; bounded on the north by Wedageliyaddeinniara, east by Galowitawatta, south by Kannattagekumbura and Tuntotayakumbura, west by high road, containing in extent 1 pela  $\frac{3}{4}$  kurunies of paddy sowing.

5. An undivided  $\frac{1}{2}$  share of Durayalageihalakumbura, situate at ditto; bounded on the north by inniara of Induranekumbura, east by Patirannehelagewatta, south by Kirawalgagemillagahayataliyadda, west by garden belonging to Kiriellewalawwa, containing in extent 1 pela and 1 kuruni of paddy sowing.

6. The land called Tembiligahaowitawatta, situate at Gonaramba; bounded on the north by ditch, east by high road, south by Warawalawatteagala, west by Gurugoda-oya, containing in extent 6 nelies of kurakkan sowing.

Fiscal's Office,  
Avisawella, October 13, 1915.A. RANASINGHE,  
Fiscal's Marshal.