

Ceylon Government Gazette

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PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Land Settlement.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to amend the Law relating to Irrigation.

Preamble.

WHEREAS it is expedient to amend the law relating to irrigation: 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 Irrigation Ordinance, No. of 1916," and shall come into operation at such date as the Governor shall, by Proclamation in the "Government Gazette," appoint.

CHAPTER I.

Preliminary.

Repeal of Ordinance No. 16 of 1906.

(S. 2 adapted.)

2 "The Irrigation Ordinance, 1906," is hereby repealed.

Provided that—

- (a) Any district already constituted, or deemed to have been constituted, an irrigation district under the said Ordinance, shall be deemed to have been constituted an irrigation district under this Ordinance; and
- (b) Any rule now in force under the said Ordinance, or purporting to be made thereunder, shall be deemed to be duly in force, and shall continue in force until otherwise provided; and
- (c) Any headman or other officer, Village Council or Committee, elected, appointed, or established, or deemed to have been elected, appointed, or established, under the said Ordinance, shall continue and be deemed to have been duly elected, appointed, and established under this Ordinance; and

- (d) All rates, subscriptions, contributions, charges, and assessments established, leviable, or made under the said Ordinance, or preserved in force and effect thereunder, shall not be in any wise prejudicially affected by reason of the passing of this Ordinance, but may be enforced, levied, or given effect to as fully and effectually as if they had been irrigation rates, subscriptions, contributions, charges, and assessments established, authorized, or made under this Ordinance ; and
- (e) Any specification, plan, estimate, or report prepared or made in pursuance of any of the provisions of the said Ordinance, or deemed to have been prepared or made under, or for the purposes of, the said Ordinance, shall be deemed to have been duly prepared or made under, and for the purposes of, this Ordinance ; and
- (f) Any enactment referring to the said Ordinance, or to any Ordinance thereby repealed, shall be construed to refer to this Ordinance, or to the corresponding enactment in this Ordinance.

Interpretation
clause.
(S. 3, with
modifications.)
Proprietor.

3 In this Ordinance, and in any scheme or resolution sanctioned in pursuance of this Ordinance, unless the intention otherwise appears—

- “ Proprietor ” means the owner of lands irrigable by any irrigation work, and includes the cultivator or person in actual possession of any such land and any person or persons nominated by a Government Agent to represent the Crown when Crown lands are irrigable by such irrigation work.
- “ Occupant.” “ Occupant ” includes a person having the charge, management, or control of any land or premises.
- “ District.” “ District ” means any korale, pattu, or village, or any other subdivision of a province or any area whatsoever which may from time to time be defined by the Governor by Proclamation in the “ Government Gazette.”
- “ Water-course,
“ channel,”
“ ela,” or
“ tank.” “ Water-course,” “ channel,” “ ela,” or “ tank ” include the banks and bunds of the “ water-course,” “ channel,” “ ela,” or “ tank,” as the case may be, and any reservation defined by, or by the authority of, the Director of Irrigation, either by demarcation on the ground or in any map or plan as belonging thereto.
- “ Majority of
proprietors.” “ Majority of proprietors ” means a majority consisting of two-thirds at least of the proprietors present. Provided that such majority shall represent at least one-third of the irrigable acreage ; and if they do not represent one-third, then the votes of the proprietors representing two-thirds of the irrigable acreage shall constitute the majority.
- “ Contributions.” “ Contributions ” includes all rates, subscriptions, charges, and assessments made under this Ordinance or under any Ordinance thereby repealed.
- “ Tract.”
(New.) “ Tract ” means any portion of any area irrigable under any irrigation work defined as a tract by, or in pursuance of, any scheme under this Ordinance.
- “ Irrigation
work.”
(New.) “ Irrigation work ” includes—
(a) Any tank, bund, anicut, ela, channel, distributary, field channel, or water-course comprised in, or incidental or ancillary to, the irrigation work ;
(b) Any structure, road, bridge, sluice, gate, or other engineering work comprised in, or incidental or ancillary to, the construction or maintenance of the irrigation work.
- “ Construction.”
(New.) “ Construction ” with reference to irrigation works includes any improvement or extension of any irrigation work, or the repair or restoration of any abandoned irrigation work, or (subject to the definition of “ maintenance ” hereinafter contained) any operation for the protection of any irrigation work, or the irrigable area thereof, or of any part of such work or area ; and the expenses of construction include the

expenses of survey and inquiries and such reasonable contribution in respect of establishment charges, and the cost of plant, as shall be approved by the Governor.

- “Maintenance.” (New.) “Maintenance” with reference to irrigation works (whether constructed under this Ordinance or under any previous Irrigation Ordinance) includes any operation for the protection of any existing irrigation work, or the irrigable area thereof, or of any part of such work or area which the authority responsible for the maintenance of the work may declare to be a minor operation; and the expenses of maintenance may include such reasonable contribution in respect of establishment charges, and the cost of plant, survey, and inquiries, as may be approved by the Governor.
- “Land.” “Land” in the case of land held on lease from the Crown means the interest of the lessee in the land, and the expression “owner” with reference to such land means the lessee.
- “Owner.” (New.) “Government Agent.” (S. 54.) “Previous Irrigation Ordinance.” (New.) “Government Agent” includes Assistant Government Agent.
- “Previous Irrigation Ordinance.” (New.) “Previous Irrigation Ordinance” includes the Ordinance hereby repealed, Ordinance No. 23 of 1889 and any Ordinance thereby repealed, and Ordinances No. 6 of 1892, No. 10 of 1901, No. 20 of 1908, and No. 11 of 1915.
- Irrigation rate. (New.) 4 (1) An irrigation rate under this Ordinance with reference to any land to which it relates is a charge in favour of the Crown imposed upon the land in respect of water supplied, or to be supplied, to the said land, or in respect of the cost of, or incidental to, the construction or maintenance of any irrigation work benefiting, or intending to benefit, the said land, or of all or any of such matters in combination.
- (2) Any such charge may be imposed either—
- (a) By the instrument under which such land is granted, leased, held, or occupied at the time of such grant or lease, or the commencement of such tenancy or occupation; or
- (b) By express agreement between the Crown and the owner, lessee, tenant, or occupant of the land; or
- (c) By resolution of the majority of the proprietors of the irrigable area or tract in which the land is comprised, in pursuance of, and subject to, the provisions of this Ordinance; or
- (d) By any order by which an irrigation rate may be imposed under this Ordinance.
- (3) Any such charge may be either in perpetuity, or in the case of a lease, tenancy, or occupancy, for the term of such lease, tenancy, or occupancy, and may be either conditional or unconditional, and may be either for a fixed amount, or may be subject to estimate, measurement, or variation in accordance with the terms of the instrument, resolution, or order by which it is imposed.
- (See ss. 32, 39.) (4) Every such charge shall be binding on the land and every part thereof, and such land and every part thereof, and the proprietors of such land and every part thereof, shall be liable for the payment of the same into whosoever hands the ownership, possession, tenancy, or occupancy of such land or any part thereof under any circumstances may at any time pass until the said charge shall be extinguished, and such charge shall have priority over all mortgages, hypothecations, incumbrances, and charges whatsoever, whether antecedent in date or otherwise, affecting the land.

CHAPTER II.

Irrigation Districts.

Governor in Council may proclaim irrigation districts.

(S. 6 modified.)

5 (1) It shall be lawful for the Governor in Council, by Proclamation for that purpose to be published in the “Government Gazette,” to declare any district an irrigation district.

Government Agent to call public meeting of proprietors.

(S. 6 modified.)

(2) The Government Agent shall, as soon as may be after the publication of such Proclamation as aforesaid, or in the case of any existing district in which no committee shall be in office, at such time as may be convenient for the purpose, call a public meeting of proprietors within such district to elect a committee for the purpose of consulting with him and advising him upon matters connected with irrigation in the district.

(3) In case the extent of the district should render more meetings than one necessary, the Government Agent may form several divisions of each district and hold a meeting in each division.

(4) For the purposes of this section, the term "proprietors" shall not include any person appointed to represent the Crown.

Public notice of such meeting.

(S. 7 unchanged.)

6 The Government Agent shall, one month at least before the day of holding any such meeting, cause notices to be published throughout such district, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding such meeting and of the object for which the same is to be held; and shall in such notices call upon all proprietors within any such district or division to attend at such meeting.

Election of advisory committee. Proceedings at the meeting.

(S. 8 modified.)

7 (1) Every meeting so convened shall be held at the time and place appointed in the presence of the Government Agent; and at every such meeting every proprietor within the district or division for which the meeting has been called, who shall be present thereat, shall be entitled to vote.

(2) The proprietors at such meeting shall elect by a majority of the votes of the persons actually present a committee of not more than twelve nor less than three persons to be associated with the Government Agent for the purpose aforesaid.

(3) Where more meetings than one are held for any district, it shall be the duty of the Government Agent to see that each division is allowed to appoint its proportion of the committee to make up the number for the entire district.

(4) If any members of any committee shall die or leave the district, or shall have been convicted of any crime, which in the opinion of the Government Agent disqualifies them for holding any responsible office, or shall neglect or refuse to act, it shall be lawful for the Government Agent to appoint others in their stead who shall hold office for the remaining part of the period for which such members have been elected.

(5) The Government Agent shall enter or cause to be entered in the minutes of such meeting the number of votes given for each person, and shall, at the close of such meeting, sign the said minutes, and publicly declare the result of the votes given thereat, and shall cause the said minutes to be deposited in the provincial or district kacheheri.

(6) Committeemen elected under this section shall hold office for a period of five years, and at the expiration of such period a like number of committeemen shall be elected in their place in manner aforesaid.

(7) At any election outgoing committeemen shall be eligible for re-election.

Objections to votes how decided.

(S. 9 unchanged.)

8 If at any such meeting any question shall be raised as to the right of any person to vote, it shall be lawful for the Government Agent then and there to make such inquiry as he may deem requisite, and to declare whether such person has the right of voting or not; and the decision so made shall be final. And an entry shall be made in the minutes of such meeting of any such question and of the decision thereon.

Government Agent may make rules in districts where proprietors cannot publicly meet.

(S. 11 re-cast and varied.)

9 If owing to the sparseness of the population or the circumstances of the inhabitants of any district, or from any other cause, no public meeting, which in the opinion of the Government Agent is adequately representative of the proprietors of the district, can be convened or held in manner hereinbefore provided, it shall be lawful for the Government Agent, either himself to nominate a committee, or with the approval of the Governor, by order published in the "Government Gazette," to declare that this chapter shall not be in operation in such district.

CHAPTER III.

Powers of Meetings of Proprietors.

Powers of proprietors of irrigation district to make rules.

(New, but see Chapters III. and V.)

10 The proprietors within any irrigation district may, by any resolution passed by a majority of proprietors at any meeting summoned by the Government Agent for the purpose, make rules for the following purposes :

- (a) For the encouragement, extension, regulation, and management of paddy cultivation in the district, and of any form of cultivation which is capable of being assisted by irrigation ;
- (b) For the enforcement of ancient customs affecting such cultivation ;
- (c) For regulating the powers, duties, and remuneration of irrigation headmen ;
- (d) For regulating and assessing the contributions of labour to be made by the proprietors for the purposes of works for the construction or maintenance of which the proprietors are, in whole or in part, responsible, and for the commutation of such contributions ;
- (e) Generally for the maintenance, conservation, protection, and management of irrigation works in the district.

Special powers of proprietors under irrigation work.

(New, but see Chapter VII.)

11 The proprietors within the irrigable area of any irrigation work, or of any tract comprised in such area, by a resolution passed by a majority of proprietors at a meeting summoned by the Government Agent for the purpose, shall have power—

- (a) To make special rules with respect to such area or tract for all or any of the purposes for which rules may be made under the last preceding section ;
- (b) To approve of any scheme under chapter VI. of this Ordinance, or to impose or vary any irrigation rate in pursuance of any such scheme ;
- (c) To validate any irregularity, correct any informality, or make good any defect in any scheme sanctioned, or resolution sanctioned or passed in pursuance, or intended pursuance, of this Ordinance or of any previous Irrigation Ordinance, or in any proceeding antecedent to the sanctioning of such scheme, or the passing of such resolution ;
- (d) To decide upon or otherwise deal with any question arising in connection with or in the operation of any scheme under this Ordinance, or any resolution of the said proprietors passed under any previous Irrigation Ordinance, which may be referred to the proprietors by the Governor.

Procedure at meetings of proprietors.

12 (1) All meetings of proprietors, for the purposes of this chapter, shall be summoned by the Government Agent in accordance with section 6.

(2) The Government Agent, or some person deputed by him in that behalf, shall preside at every such meeting, and the Government Agent, or such person so deputed, shall have the same powers for determining all questions as to the right to vote at such meeting as belongs to the Government Agent under section , and shall have full power for determining the validity of proxies and any question of procedure arising in the course of the meeting.

(3) It shall be the duty of the Government Agent, or the person deputed in his behalf, to take full minutes of every such meeting, and to preserve a record of such proceedings at the kachcheri.

Power to make rules, &c., to include power to amend, &c.

(See Chapter V.)

13 In this chapter power to make any rule or to pass any resolution shall be deemed to include power to amend, vary, rescind, or revoke any existing rule or resolution, subject to the approval or disallowance of the Governor, and all references to the making of rules and the passing of resolutions shall be construed accordingly.

Rules in certain districts may be made by Government Agent.
(S. 11.)

14 In any district which under section 9 is excluded from the operation of chapter II., the power to make rules accorded to a meeting of the proprietors of a district by section 14 may be exercised by the Government Agent for all the purposes specified in that section.

Power to depute the making of rules to a committee.

(Now, but see s. 8.)

15 (1) For the purposes of making any rules under this chapter, the Government Agent presiding at any meeting, or the person deputed by him to preside at such meeting, may call upon the proprietors present to elect a committee of such number as he may specify to consider the question of making such rules on behalf of the proprietors.

(2) In any such case notice of the object of the meeting to be given under section 6 shall explain that it is proposed to call upon the proprietors to elect a committee for the said purpose.

(3) The committee elected under this section shall have the same powers for the making of rules as are accorded under this chapter to the meeting of proprietors electing such committee.

Rules how to be made valid and binding.

(S. 20 modified.)

16 All rules made and all resolutions passed in pursuance of the provisions of this chapter shall be transmitted by the Government Agent to the Governor for approval or disallowance thereof by the Governor in Executive Council; and in case such rules or resolutions shall be approved, the said rules or resolutions shall be published in the "Government Gazette," and shall be further published in the vernacular language or languages of the district in such manner as shall seem to the Government Agent best adapted for bringing the terms and purport of such rules and resolutions to the notice of the persons affected thereby, and upon such publication in the "Government Gazette" shall become binding upon all proprietors affected by such rules or resolutions, and shall be as legal, valid, and effectual as if the same had been inserted herein.

CHAPTER IV.

Irrigation Headmen.

Election of irrigation headmen.

(S. 13 modified.)

17 There shall be elected in the manner hereinafter provided for each irrigation district or for any area therein defined by the Government Agent one or more irrigation headmen, whose duty it shall be, subject to the direction and control of the Government Agent—

(a) To attend to all matters connected with the irrigation and cultivation of the lands therein, and the maintenance of rights and works connected therewith; and

(b) To prevent, so far as practicable, any act or omission contrary to any rules in force under this Ordinance, or to ancient customs, or whereby damage may accrue to any of the proprietors.

Elections how conducted, &c.

(S. 14 re-cast.)

18 (1) Such headmen shall be elected by a majority of the proprietors of the district or area at a meeting of such proprietors summoned by the Government Agent for the purpose.

(2) In any case in which no person shall be elected at any such meeting for the office of headman, the Government Agent shall himself appoint a person to such office.

(3) No person who has been convicted of any crime, which, in the opinion of the Government Agent, disqualifies him for holding any responsible office, shall be eligible to be elected or appointed a headman.

(4) The Government Agent may at any time dismiss any headman elected or appointed, or deemed to be elected or appointed, under this Ordinance, who shall be guilty of any misconduct in the execution of his office, or who shall be convicted of any crime which, in the opinion of the Government Agent, disqualifies him for holding any responsible office.

(5) In the event of any vacancy occurring in the office of irrigation headmen by death, resignation, dismissal, or otherwise, the Government Agent shall cause such vacancy to be filled by the election of a headman at a meeting of proprietors summoned for the purpose, and it shall be lawful for the Government Agent to appoint a headman provisionally until one can be elected.

Duties of headmen.

(S. 15, with verbal modifications.)

19 (1) Whenever any act shall be committed contrary to rules or ancient customs, or whereby damage may accrue to any of the proprietors within any such district or area as

aforesaid, the headman thereof shall forthwith repair to the spot, and, if the act complained of be of a nature to call for prompt action to prevent injury, shall take such steps as shall be necessary to remedy the evil likely to result; and shall forthwith report the matter to the Government Agent.

(2) Whenever the headman can safely defer taking any steps until he shall have been able to communicate with the Government Agent, it shall be his duty to desist from action until he shall have received the instructions of the Government Agent.

(3) In cases where the headman shall have taken prompt action to prevent injury, such prompt action shall not be held to prevent the act complained of being investigated under the provisions of chapter V.

Mode of recovering expenditure incurred by headmen.

(S. 16 unchanged.)

20 Whenever a headman shall incur any expenditure in the execution of his duty as aforesaid, and the person in consequence of whose act such expenditure was incurred shall deny his liability to pay the same, or fail to satisfy it, the Government Agent shall, on his being satisfied that such expenditure was properly incurred, and that it is reasonable, sign a certificate thereof setting out the name of the person in consequence of whose act such expenditure was incurred, the amount thereof, the nature of the act complained against, and the name of the headman by whom the expenditure was incurred, and transmit the same to such person. And if such person shall fail to pay the same within ten days from the service of the certificate, the Government Agent shall proceed to recover the same as provided in chapter VIII. of this Ordinance.

Liability of headmen.

(S. 17 unchanged.)

21 If any headman shall fail or neglect to perform the duties devolving upon him, or shall act in excess of the authority hereby conferred upon him, or in bad faith, or without probable cause, or wantonly and maliciously, he shall, besides being answerable in damages to the person injured by his act or omission, be guilty of an offence, and be liable to a fine not exceeding thirty rupees.

Resistance to headmen.

(S. 18 unchanged.)

22 Any person unlawfully resisting, molesting, or obstructing any headman in the execution of any duty imposed upon him by this Ordinance shall be guilty of an offence, and be liable to a fine not exceeding thirty rupees.

Payment to irrigation headmen.

(S. 19 modified.)

23 Subject to any rules made under chapter III., it shall be at the discretion of the committee appointed under section 7, or for the Government Agent if no committee shall have been appointed, to award remuneration to irrigation headmen for their services as such, either in kind from the produce of the district or area for which each such headman shall be elected or appointed, or in money, and the proprietors of the irrigable lands within such district or area shall be liable to make such remuneration, and in case of default in making such remuneration, or in making the remuneration provided by rules under this Ordinance, the same shall be recovered in manner provided by chapter VIII. of this Ordinance.

Trial of offences under this chapter.

(New.)

24 All offences under this chapter shall be triable in accordance with the provisions of chapter V.

CHAPTER V.

Village Councils.

Trial of offences by Village Councils.

(S. 22 re-cast.)

25 Any person committing any breach of any rule made under this Ordinance, or of any ancient customs relating to irrigation or cultivation, shall be guilty of an offence, and shall be triable by a Village Council chosen in manner hereinafter provided under the presidency of the Government Agent, or some person deputed by him either generally or specially in that behalf.

Powers of Village Councils.

(S. 22 re-cast.)

26 (1) Any person convicted before any such Council of any such offence shall be liable to a fine not exceeding thirty rupees, and where such offence is a continuing offence, and shall be continued after such conviction, shall be liable on a

further conviction, in addition to such fine aforesaid, to a fine not exceeding five rupees for every day on which the offence shall have been so continued.

(Now, but see
s. 29.)

(2) Where the complainant shall have sustained damage by reason of the act complained of, or where such act shall be of a nature to call for prompt action to prevent injury, and expenditure shall have been incurred for that purpose by the headman under section 20, or by any officer in pursuance of a rule made under chapter VII., and shall not have been recovered under section 20, it shall be competent to the Village Council, in addition to any fine it may inflict upon the offender, to adjudge him to pay the amount of such damage or the amount of any such expenditure reasonably so incurred, and such amount shall be recoverable in manner provided by chapter VIII.

Village Council
how constituted.

(S. 23.)

27 (1) The Village Council shall consist of not less than three nor more than seven men, selected by the President of such Council from among the proprietors of irrigable lands situated in the district or area.

(2) In case of any difference of opinion between the President and the Councillors or any of them, the opinion of the President shall prevail and shall be taken to be the decision in the case, but in every such case a record shall be made of such difference of opinion.

Trial of offences
by Government
Agent.

(S. 24.)

28 In any district in which rules shall have been made by the Government Agent under section 14, breaches of such rules, or of ancient customs relating to irrigation or cultivation, or of rules made under chapter VII., may be tried by the Government Agent, or some person deputed by him either generally or specially in that behalf, and for that purpose the Government Agent, or the person so deputed, shall have all the powers of a Village Council under this chapter, and may award all the penalties and adjudge the payment of all the damages and expenditure which a Village Council is competent to award or adjudge.

Proceedings to
be filed of record
in the kachcheri.
(S. 25
unchanged.)

29 It shall be the duty of the Government Agent or the person authorized by him as aforesaid to record in writing the proceedings at such inquiry, and to transmit such record to the kachcheri to be there filed of record.

And to be
summary and
free from any
formalities.

(S. 26 modified.)

30 (1) The proceedings before the Village Council, Government Agent, or person authorized by him as aforesaid shall be summary, and not subject to the formalities of judicial proceedings, and it shall be the duty of such Council, Government Agent, or authorized person to do substantial justice on all questions coming before them or him, and no advocate, proctor, or other person (except husbands for their wives, guardians and curators for minors and wards, and agents doing business in the district or area for absent principals) shall be permitted to appear on behalf of any person concerned in or affected by such proceedings.

(2) In any such proceedings the President or the Government Agent or the person authorized by the Government Agent may by summons require the attendance of any person complained against. If such person fails to attend as so required, the President or the Government Agent or authorized person may thereupon issue a warrant to secure his attendance.

(3) The Governor in Executive Council may from time to time make rules regarding the form and manner of proceeding to be observed in such proceedings, the process to be issued therein and the mode of enforcing the same.

(4) The provisions of section 50 A of "The Village Communities Ordinance, 1889," shall be applicable to summonses and warrants issued under this Ordinance by any President, Government Agent, or authorized person.

No appeal or
injunction
allowed, but
party aggrieved
may petition the
Governor after
applying for
relief in the first
instance to the

31 No appeal shall lie to any court against the decision or award of any such Council, Government Agent, or authorized person, on any plea or pretext whatsoever, nor shall any injunction or prohibition be issued by any court in respect of any matter of which they or he may take cognizance by virtue of this Ordinance; but it shall be competent to the Government Agent to take action in any case in which any person feeling aggrieved by any such decision may apply to

- Government Agent. him for relief, and to make, or direct to be made, further inquiry into the matter in question, or to order a new inquiry, or to confirm, modify, or reverse the decision.
- Proviso. Provided always that it shall be the right of any person feeling aggrieved as aforesaid to apply to the Governor by petition if he should fail to obtain the desired relief in the first instance from the Government Agent; and it shall be lawful for the Governor in Council to direct further inquiry, or to confirm, modify, or reverse such decision.
- (S. 27 modified.)
- Proviso. Provided also that the powers conferred by this section on the Government Agent to take action in any case in which an aggrieved person may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him in person or by a written petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision complained of shall have been given; and no petition to the Governor under this section shall be entertained unless the same is received within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision of the Government Agent shall have been communicated to the petitioner.
- Extent of jurisdiction of Village Council. **32** A Village Council shall have no jurisdiction to try any case except between parties who would be subject to the exclusive jurisdiction of Village Tribunals under "The Village Communities Ordinance, 1889," unless any party otherwise excluded shall invoke or submit to the jurisdiction of such Council.
- (New, but in accordance with practice.)
- Penalty for breach of rules how enforced. **33** Whenever any person shall be adjudged by such Council, Government Agent, or person authorized as aforesaid, to pay any penalty as aforesaid, the President of such Council, the Government Agent, or authorized person may, unless the same be paid forthwith or within such time as the Government Agent or person authorized may allow, order the amount of the penalty to be recovered in manner provided by chapter VIII. of this Ordinance, or he may sentence the defaulter to simple or rigorous imprisonment for any period not exceeding one month; provided that no sentence of imprisonment shall be carried into execution unless confirmed by the Government Agent. And every Fiscal or Deputy Fiscal shall, within the province or district for which he is respectively empowered to act, execute such sentence, and the provisions of sections 5, 8, and 81 of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by such President, Government Agent, or authorized person in pursuance of such sentence.
- (S. 28 unchanged.)
- Trial of offences by Village Tribunals. **34** The provisions of this chapter shall be subject to the provisions of section 29 of "The Village Communities Ordinance, 1889," and the powers of a Village Tribunal under that section shall include the powers accorded to a Village Council by sub-section (2) of section 26 of this Ordinance, and any amount adjudged to be paid under such powers shall be recoverable in manner provided by chapter VIII.
- (New as to latter portion.)
- Jurisdiction of Police Court. **35** The Government Agent may direct that any case otherwise triable by a Village Council shall be triable by a Police Court, and in any case in which the breach of any rule made under this Ordinance, or of any ancient custom relating to irrigation or cultivation, or any offence ordinarily triable under this chapter, is in the circumstances of the case not a matter within the jurisdiction of a Village Council or Village Tribunal, a Police Court shall have jurisdiction to try the case, and shall have power on conviction to impose the same penalties and to order the same imprisonment in default of payment as a Village Council under this Ordinance, and shall, in addition thereto, have the same powers to adjudge the payment of damages and expenditure as are accorded to Village Councils by section 26, and any amount adjudged to be paid under such powers shall be recoverable in manner provided by chapter VIII.
- (New.)
- Appropriation of penalties. **36** All penalties imposed by any court or authority under this chapter shall be appropriated in aid of minor irrigation works, or in remuneration of irrigation headmen or officers, as the Government Agent shall determine.
- (S. 29 modified.)

CHAPTER VI.

*Construction and Maintenance of Irrigation Works.*Irrigation
schemes.

(Now.)

37 In any case in which it is proposed that any irrigation work shall be constructed by or with the approval or assistance of Government, or that any variation shall be made, or any question determined, with reference to the conditions of the construction or maintenance of any irrigation work, or the supply of water thereunder, a scheme for the said purpose may be prepared in accordance with the provisions of this chapter.

Scope of
irrigation
schemes.

(New.)

38 A scheme under this chapter may provide for all or any of the following matters :

- (a) For the construction or maintenance of the irrigation work ;
- (b) For the division of the responsibility for the construction or maintenance of the whole or any part of the work between the Government and the proprietors ;
- (c) For the imposition of any irrigation rate upon any lands irrigable, or to be irrigable, under the scheme ;
- (d) For the levying of contributions in labour upon the proprietors for the purpose of the construction or maintenance of the irrigation work, or any part thereof, and for the commutation of such contributions into an irrigation rate ;
- (e) In cases in which the irrigation work is wholly or mainly constructed by the proprietors without Government aid, for the assessment of contributions, whether in labour or money, from the several proprietors for the commutation of such contributions as shall be assessed in labour, and for the recovery of such contributions ;
- (f) For the variation of the conditions of the construction or maintenance of the irrigation work, or of the supply of water thereunder, or of any scheme for any of the said purposes ;
- (g) For the division of the irrigable area into tracts, and for the conditions and methods of the distribution of water to such tracts ;
- (h) For the estimation and levying of special irrigation rates in respect of water derived by seepage, mechanical appliances, or other special means ;
- (i) For the adjustment of the expenses of the maintenance of any irrigation work, in any case in which a scheme involves any extension of the work, between the land comprised in the original irrigable area and the lands comprised in the area rendered irrigable by the effect of the extension ;
- (j) For the abandonment of any irrigation scheme or work ;
- (k) For any other matter which, in the opinion of the Governor in Executive Council, may be appropriately included in any scheme.

Rates to be
variable in
accordance
with scheme.

(New.)

No rate to be
imposed without
approval of
proprietors.(New, but see
Chapter VII.)

39 All irrigation rates provided for by any scheme under this chapter shall be subject to periodical revision in accordance with the scheme.

40 (1) Save as in this section provided, no irrigation rate or contribution, whether in money or in labour, shall be imposed or varied by or under any irrigation scheme, unless such scheme, or such rate, or contribution, or the variation thereof, or the arrangements for its assessment, shall have been approved by a resolution of the majority of the proprietors of the irrigation area or tract in which such land is comprised at a meeting of the proprietors called for the purpose.

(2) No adjustment of the expenses of maintenance of any irrigation work shall be made for the purpose of any irrigation scheme under paragraph (i) of section 38, unless the proprietors of the original irrigable area, at a meeting summoned by the Government Agent for the purpose, have, by a resolution passed by a majority of the proprietors, approved a scheme embodying such adjustment, or unless such adjustment shall have been ordered by an award under section 54.

- Publication of scheme. (New.)
- 41 In any case in which any scheme, or any proposal for the imposition or variation of any rate or contribution under any scheme, or any proposal with respect to any other question arising under, or in the course of, the operation of a scheme, is to be submitted to a meeting of proprietors, the scheme or proposal to be so submitted shall be published in the vernacular language or languages of the district in such manner as shall seem to the Government Agent best adapted for bringing the terms and purport of the scheme or proposal to the notice of the persons affected thereby.
- Sanction of scheme. (New.)
- 42 All schemes under this chapter shall be submitted for sanction to the Governor in Executive Council, and upon being so sanctioned shall be published, together with a notice of such sanction, in the "Government Gazette," and shall take effect upon such publication.
- Specifications. (See ss. 31, 32, 34, 35.)
- 43 (1) For the purpose of any irrigation rate leviable under this Ordinance, or any rate leviable in respect of irrigation under any previous Irrigation Ordinance, the Government Agent, with the assistance of the Director of Irrigation and the Surveyor-General, shall from time to time, in such manner as to him may appear expedient, prepare a specification showing the several lands irrigated, or to be irrigated, with the names of the proprietors and the contribution, in money or labour, payable by each in respect of his land, and such specification shall be conclusive proof that the lands included in the specification and the proprietors thereof are severally bound and liable for the payment or rendering of such contribution.
- (2) The Government Agent may from time to time amend any specification, and add thereto such additional lands as may from time to time be found irrigable, or may exclude from liability to contribution any lands included in any specification which may from time to time be found not to be irrigable.
- (3) Every specification prepared under this chapter, and all amendments thereof, and all additions thereto or exclusions therefrom, shall from time to time be published in the "Government Gazette."
- Seepage rates under existing works. (New.)
- 44 (1) Any lands under any existing irrigation work, which are deriving substantial benefit from such work by seepage, shall be liable to the imposition in respect of such seepage of an irrigation rate not exceeding the rate ordinarily payable by the proprietors of lands irrigable under the said irrigation work.
- (2) In any case in which the Director of Irrigation shall be satisfied that any lands are liable to the imposition of a seepage irrigation rate under this section, he shall, by notice in writing, inform the proprietors of such lands that it is proposed to impose upon such lands a seepage irrigation rate of the amount specified in the notice, and call upon them, if they object to the imposition of a seepage irrigation rate, to make application in the manner, and within the time, provided for by this section.
- (3) Any proprietor, who objects to the imposition of a seepage irrigation rate on the ground that any land in question is not deriving substantial benefit from the irrigation work, may within one month of the receipt of the notice apply to the District Judge for a declaration that the land in question is not liable to the imposition of a seepage irrigation rate, and the District Judge shall have jurisdiction to inquire into and determine the question, and his decision (except on any question of law that may arise in the course of the case) shall be final.
- (4) In any case in which no such application shall be made within the time limited, or in which on such application the question at issue shall be determined in favour of the Director of Irrigation, it shall be lawful for the Governor, by order published in the "Government Gazette," to impose an irrigation rate upon such lands in accordance with this section, and to direct the inclusion of the said lands in respect of such rate in the specification in force for the purposes of the irrigation work.

Irrigation by
mechanical
appliances.

(New.)

45 (1) In any case in which any lands, not otherwise irrigable under any existing irrigation work, are capable of deriving benefit from such work by the use of any mechanical appliance, it shall not be lawful to use such appliance for the said purpose, unless the proprietor shall obtain an order issued by, or under the authority of, the Director of Irrigation, or otherwise than in accordance with the terms of such order.

(2) An order issued under this section may impose an irrigation rate upon the lands so benefited, and such lands shall be included in the specification in force in respect of such irrigation work.

Occasional
irrigation rates.

(New.)

46 The Government Agent or the Director of Irrigation may, in respect of any special supply of water from any irrigation work, by order notified in the "Government Gazette," impose a special irrigation rate upon the lands of the proprietors of any area not ordinarily entitled to a supply of water from such work, in any case in which the proprietors of such area, by a resolution passed by a majority of the proprietors at a meeting summoned for the purpose have agreed to the payment of such special irrigation rate, or in any case in which proprietors representing two-thirds of the irrigable lands of the said area have signed an undertaking to the same effect.

Annual rate
for
maintenance.

(S. 39 modified.)

47 (1) Save as in sub-section (5) provided, in the case of any irrigation work constructed, or in course of construction, at the date of the passing of this Ordinance, the lands included in the specification relating to such work, and the proprietors thereof, shall be severally bound and liable to an annual irrigation rate for the maintenance of such irrigation work.

(2) The said rate shall be assessed by the Government Agent, who shall divide the same *pro rata* among the lands set out in the specification. In making his assessment the Government Agent shall be guided, in the case of a new work by the estimate of the probable cost of annual maintenance for such work, which shall be prepared by the Director of Irrigation, and in the case of any work which has been maintained for a period of more than five years by the actual cost of maintenance of such work for the preceding five years.

(3) Such rate shall be re-assessed by the Government Agent at the end of every period of five years, or at such later date as shall in any case be sanctioned by the Governor.

(4) A rate under this section may be assessed either separately in respect of a single irrigation work, or generally in respect of any group of irrigation works. A work which is subject to a rate separately assessed may, on the occasion of any re-assessment, be included in a group of works, and be made subject to a general assessment in respect of such group of works and *vice versa*.

(5) This section shall not apply—

(a) To any irrigation work in respect of which a fixed rate per annum in perpetuity is leviable;

(b) To any irrigation work in respect of which other special arrangements for the maintenance thereof are sanctioned by this Ordinance, or shall subsequently be sanctioned in pursuance thereof;

(c) To any irrigation work which is not maintained by Government.

(6) For the purposes of a maintenance rate under this section, the Government Agent shall from time to time prepare a specification in the manner provided by section 43, and all the provisions of that section shall, with the necessary modifications, apply to such specification.

Power to
exempt work
from
maintenance
rate.

(New.)

48 (1) The Director of Irrigation, in the case of any irrigation work in respect of which a maintenance rate is leviable under the last preceding section, may, in pursuance of a resolution passed at a meeting of the proprietors of the lands liable to such rate by a majority of the proprietors, and subject to the approval of the Governor, by order published in the "Government Gazette," declare that any such work shall be exempt from the provisions of the last preceding section.

(2) In any such case such work shall be exempt from the provisions of the last preceding section, and shall be maintainable by the proprietors in accordance with rules made under chapter III.

Provided that in any case in which the proprietors shall fail to maintain such work to the satisfaction of the Director of Irrigation, and the Director of Irrigation shall be of opinion that the maintenance thereof is necessary, he may (subject to the approval of the Governor), by order published in the "Government Gazette," cancel such aforementioned order, and thereafter such work shall cease to be exempt from the provisions of the said section.

Power to
subject to
maintenance
rate.

(New.)

49 (1) In any case in which any village work not maintained by Government is so defectively maintained by the proprietors as, in the opinion of the Director of Irrigation, to endanger or impair the effectiveness of any irrigation work maintained by Government, with which such first-mentioned irrigation work is connected, the Governor may order that, unless within a time fixed by the order the arrangements for the maintenance of the said work are made effective to the satisfaction of the Director of Irrigation, and unless the said work shall be subsequently maintained to his satisfaction, the said work will be made subject to an irrigation rate in respect of maintenance under section 47 hereof.

(2) If the requirements of the said order are not complied with, it shall be lawful to the Governor, by order published in the "Government Gazette," to direct that the said work shall be subject to the provision of section 47, and such work shall thereupon become maintainable by Government, and shall be subject to an irrigation rate in respect of maintenance in pursuance of the said section as though it were a new work.

Power to
remit rate.
(New.)

Payment of
contributions
in kind.

(S. 38
unchanged.)

50 The Governor may at any time in respect of any year or years remit any irrigation rate or any part thereof.

51 It shall be lawful for the Government Agent to receive in kind instead of in money any contributions under this Ordinance. Such payment in kind shall be made at such rate of commutation and shall be collected in such manner as the Government Agent shall from time to time direct and appoint. If default be made in such payment in kind at the time and place appointed by the Government Agent, the amount of the contribution for which such payment in kind shall have been substituted shall be recovered in the manner provided in chapter VIII. of this Ordinance.

Procedure in
case of default
in making
specification.

(S. 40,
with verbal
modifications.)

52 Whenever it appears to the Governor in Executive Council, with respect to any irrigation work undertaken or completed under the provisions of this or any previous Irrigation Ordinance—

- (a) That the specification, which according to such Ordinance ought to have been made, has not in fact been made; or
- (b) That any such specification which has been made is invalid or of doubtful validity by reason of non-compliance with the requirements of such Ordinance—

it shall be lawful for the Governor in Council to direct a specification to be prepared showing the lands irrigated or to be irrigated by the work, and every specification so made shall have for all purposes the like force and validity as if it had been duly made under the provisions of the Ordinance under which the work was undertaken.

Procedure on
correction of
irregularity,
informality,
or defect.

(New.)

53 Where any difficulty arises in the preparation of any specification, or with reference to any existing specification, on the ground of an irregularity, informality, or defect in the specification, or in some proceeding antecedent to the preparation of the said specification, and the necessary steps have been taken to deal with such irregularity, informality, or defect under section 11 (c) of this Ordinance, a specification prepared in accordance with a resolution passed for the purpose under the said section shall for all purposes have the effect of a specification prepared in pursuance of a scheme sanctioned under this Ordinance.

Reference of
certain
questions to
arbitration.

(New.)

54 (1) If any question arises with reference to any irrigation work relating to the mutual rights and obligations of the proprietors and the Government with respect to the maintenance of the work, or to the condition of the supply of water therefrom, or to the adjustment of the expenses of maintenance under section 40 (2), and it shall not prove

practicable to settle such question by agreement by means of a scheme in accordance with this chapter, it shall be lawful for the Governor in Executive Council, in any case in which he shall consider such a proceeding to be appropriate, to order that the question shall be referred to arbitration under this section.

(2) The arbitrators in any such arbitration shall consist of one arbitrator nominated by the proprietors in manner hereinafter provided, one arbitrator nominated by the Director of Irrigation, and the District Judge of the district.

(3) For the purpose of the nomination of an arbitrator on behalf of the proprietors, the Government Agent shall, by notice in the vernacular language or languages of the district, and published in such manner as shall be in his opinion best calculated to bring the matter to the knowledge of the persons concerned, summon a meeting of the proprietors to be held at a date not less than one month from the date of the notice.

(4) At such meeting the arbitrators to be nominated shall be elected by a majority of the proprietors, and it shall be the duty of the Government Agent to report the election to the District Judge. In the event of no arbitrator being duly elected at the meeting, the Government Agent shall report the fact to the District Judge, who shall thereupon nominate an arbitrator on behalf of the proprietors.

(5) Every arbitration under this section shall be free from the formalities of legal procedure, and shall be conducted in such manner as shall be determined by the District Judge for the purpose of securing an effective settlement of all substantial questions at issue between the parties in the matter under reference, and the arbitrators shall have full power for the purpose aforesaid to make any award which they may deem to be reasonable and equitable to all the circumstances of the case.

(6) In any case in which the arbitrators (or, in the event of a difference of opinion, the District Judge) shall be of opinion that it is not possible to make an effective settlement of the questions at issue between the parties without an amendment or enlargement of the terms of the order of reference, the District Judge may apply to the Governor, and the Governor in Executive Council may make any such amendment or enlargement of the said terms as he shall think fit.

(7) The District Judge shall preside at the arbitration and shall determine all questions of procedure arising therein, and his decision on all such questions shall be final.

(8) In the event of the arbitrators not being able to arrive at a unanimous decision, the opinion of the District Judge shall prevail, and shall constitute the award.

(9) An award in any arbitration under this section may provide (subject to the terms of the order of reference) for any matter which may be comprised in any scheme under this chapter.

(10) The award in any such arbitration shall be published in the "Government Gazette," and upon such publication shall be binding on the parties, and shall have the effect of a scheme sanctioned under this Ordinance.

(11) No award so published shall be liable to be challenged or impeached on the ground of any alleged defect therein, or in any proceeding antecedent thereto.

55 (1) Save as is herein expressly provided, and subject in particular to the powers accorded to meetings of proprietors, nothing in this Ordinance shall affect the mutual rights and obligations of the Crown and the proprietors with reference to any irrigation work constructed or in course of construction at the date of the passing thereof.

(2) Nothing in this chapter, or in any scheme or resolution sanctioned or passed in pursuance of this or any previous Irrigation Ordinance, shall preclude the Crown on the occasion of the sale or lease of any Crown lands irrigable by any irrigation work from imposing in the grant or lease an irrigation rate of such amount and variable in accordance with such conditions as to the Governor may seem fit.

Saving of mutual rights and obligations of Crown and proprietors.

(New.)

Saving as to rights of the Crown.

(New.)

CHAPTER VII.

Protection of Irrigation Works and Conservation of Water.

Control of
supply of
water from
major
irrigation
works.

(S. 56 modified.)

56 (1) The Governor in Executive Council may, by order notified in the "Government Gazette," declare any irrigation work constructed and maintained by Government to be a major work, and in the case of any such work the supply of water for irrigation therefrom shall be under the control and management of the Director of Irrigation, acting in consultation with the Government Agent.

(2) All irrigation works proclaimed under section 56 of the Ordinance hereby repealed shall be deemed to be major works within the meaning of this section.

Rules for the
protection of
works and
conservation
of water.

(S. 56 modified.)

57 (1) In the case of all major works the Director of Irrigation, after consulting with the Government Agent, and in the case of all other irrigation works, the Government Agent, after consulting with the Director of Irrigation, shall have power, subject to the approval of the Governor in Executive Council, to make rules for the following purposes :

- (a) For the prevention of the obstruction, diversion, or cutting of any ela, channel, or other water-course comprised in the irrigation work, or of any other damage thereto ;
- (b) For the prevention of any encroachment upon any such ela, channel, or water-course ;
- (c) For the prevention of any interference with any sluice, dam, or regulating work in or upon any such ela, channel, or water-course ;
- (d) For the prevention of the obstruction or interference with any road or path comprised in any irrigation work ;
- (e) For the construction of field channels and dams in approved places and in accordance with approved alignments ;
- (f) For the prevention of the waste of any water supplied from any irrigation work ;
- (g) For the prevention of the obtaining of water from any ela, channel, or other water-course in any manner not authorized ;
- (h) For the prevention of the diversion of such water by any act or neglect from any of the purposes for which it is intended ;
- (i) For the regulation of the powers of irrigation officers, and for preventing and remedying damage to irrigation work, or any breach of rules made hereunder ;
- (j) For any other purposes necessary for the protection of the irrigation work, or for the conservation of water supplied therefrom.

(2) The power to make rules under paragraphs (f) and (g) in the last preceding sub-section shall include power to provide for the enhancement of irrigation rates payable in respect of lands to, on, or from which such waste occurs, or for which such water is obtained.

Offences.

(S. 57 modified.)

58 Any person who—

- (a) Wilfully and mischievously blocks up or obstructs, or causes to be in any way blocked up or obstructed, any channel or water-course comprised in any irrigation work ; or
- (b) Wilfully and mischievously cuts the bund, banks, or sides of any irrigation work ; or
- (c) Wilfully and mischievously causes waste of water conserved by any irrigation work ; or
- (d) Wilfully and wrongfully draws off or converts to his own use any such water—

shall be guilty of an offence, and shall be liable on conviction before a Police Magistrate to imprisonment of either description for a period not exceeding six months, or to a fine not exceeding one hundred rupees, or to both.

Diversion of
water from
public stream.
(New.)

59 (1) The Director of Irrigation may, with a view to the protection of the general interests of existing or future cultivators deriving, or likely to derive, benefit from the use of the waters of any public stream by means of irrigation, by notice

in writing require any person who is diverting, or proposes to divert, water from such public stream for the purpose of irrigation, within one month from the receipt of such notice, to apply to him for a license for the purpose, and to conform to the conditions of any license granted in pursuance of any such application.

(2) Any person who is aggrieved—

- (a) By any requirement of the Director of Irrigation that he shall apply for a license ; or
- (b) By the refusal of the Director of Irrigation to grant him a license ; or
- (c) By any condition in any license to which he is required to conform on the ground that the diversion, or proposed diversion, of the water in question is not in excess of his legal rights, or that the said condition is in derogation of his legal rights—

may, within one month of the receipt of the notice above mentioned, or of the refusal of the license applied for, or of the notification to him of such condition, or of the receipt of the license containing such condition, as the case may be, apply to the District Court for a declaration of his legal rights in the matter in question, and the court shall have power, on such application, to declare such rights, and to give all necessary directions with regard to such license and the conditions thereof, so as to secure all legal rights of the applicant.

(3) Any license granted under this section shall contain a notification that, if the licensee is aggrieved by any condition of the license on the ground that such condition is in derogation of his legal rights, he is required to apply to the court in accordance with the last preceding sub-section, and if he does not so apply, he will be bound by such condition. All licenses under this section shall be in English and the vernacular language or languages of the district.

(4) Save as in the last sub-section provided, nothing contained in this section shall be deemed to derogate from the legal rights of any person thereby affected.

(5) Any person who, having been required to apply for a license under this section, diverts water from any public stream without having been granted a license for the purpose, or in breach of the conditions of any license so granted, unless he shall have made application to the court for the determining of his legal rights in manner, and within the time, in this section provided, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding one hundred rupees, and in the event of a subsequent conviction, to a fine not exceeding five hundred rupees, and to a further fine not exceeding fifty rupees per day for every day on which such offence shall have been continued after such previous conviction.

CHAPTER VIII.

Recovery of Money due under this Ordinance.

Seizure and sale of property of defaulters.

(S. 42 modified.)

60 All contributions under this Ordinance, or under any previous Irrigation Ordinance, shall be due in respect of each calendar year, and shall be payable on the thirtieth day of June in each year, or on such other date as the Governor, by order notified in the "Government Gazette," may appoint for any province or district. The recovery of such contributions shall be made under, and in accordance with, the provisions of this chapter.

Recovery of contributions.

(S. 43, with verbal modifications.)

61 (1) If default be made in the payment of any contribution due under this Ordinance, or under any previous Irrigation Ordinance, it shall be lawful for the Government Agent or any person authorized by writing under his hand to seize the land herein declared specially bound and liable for such payment and any crop or produce thereof, and any movables thereon, to whomsoever such land, crop, or movables may belong ; and if the amount of such contribution, together with any costs payable under section 63, shall not be sooner paid or tendered, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

(2) If default be made in the payment of any sum payable under this Ordinance, or of any fines imposed for any offence or breach of rules made thereunder, it shall also be lawful for the Government Agent or any person authorized by writing under his hand to proceed to seize any property whatsoever belonging to the defaulter, wheresoever the same may be found, and to sell the same by public auction at any time not less than twenty-one days from the date of seizure, if such sum, together with any costs payable under section 63, shall not be sooner paid or tendered.

Proviso.

Provided that no seizure of any land shall be made under this section if the defaulter surrenders sufficient free and unclaimed movable property to satisfy the total amount due by him.

Proviso.

Provided also that no land seized under sub-section (1) shall be sold until and unless the crop or produce thereof, and the movables thereon, if any, shall have been first sold, and shall have failed to realize sufficient to cover the total amount due.

(3) In all cases the sale of immovable property shall be conducted on the spot, unless the Government Agent shall otherwise direct.

Keeping a person in charge of property seized.
(S. 44 unchanged.)

62 It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid pending such sale, if authorized thereto by general or special instructions issued by the Government Agent.

Costs of seizure and sale.

63 It shall be lawful for the Government Agent, or any person authorized by him as aforesaid, to demand, take, and receive from such defaulter, or from the owner or any joint owner of any property lawfully seized, the several sums of money mentioned as follows :

(S. 45 unchanged.)

- (a) For cost of proceeding to seize property,—a charge not exceeding fifty cents for every ten rupees due.
- (b) For keeping a person in possession,—a charge not exceeding fifty cents per day.
- (c) For the expenses of sale,—a charge not exceeding twenty-five cents for every ten rupees of the nett proceeds of the sale.

Return of overplus to owner or person making default.

64 In the event of a sale of property seized the Government Agent at whose instance such seizure was made shall, after deducting the amount due as aforesaid, and also the costs payable under section 63 (which said costs such Agent is hereby authorized to retain), restore the overplus, if any, arising from such sale to the owner or joint owners of the property sold.

(S. 46 unchanged.)

Certificate of sale.

65 (1) If land be sold, a certificate substantially in the form given in schedule I. hereto, signed by the Government Agent, shall be sufficient to vest the land sold in the purchaser, and in the case of land sold under sections 61, 69, or 73, the same shall so vest free from all incumbrances whatsoever, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

(S. 47 unchanged.)

(2) If the land so sold be purchased on behalf of the Crown by the Government Agent, who is hereby authorized to bid for and purchase the same, or by any person authorized by the Government Agent in writing, the certificate, which shall not be liable to any stamp duty, shall be substantially in the form given in schedule II. hereto.

Cancellation of sale.

66 In any case in which land so sold has been purchased on behalf of the Crown by the Government Agent, it shall be lawful for the Government Agent, at any time on payment by, or on behalf of, the proprietor of the amount due in respect of the said land (including the costs of seizure and sale), together with interest thereon at the rate of nine per cent. per annum, by endorsement on a certified copy of the certificate referred to in sub-section (2) of the last preceding section, to cancel the sale, and upon the registration of such endorsement in the office of the Registrar of Lands the said land shall re-vest in the proprietor as though such sale had never been made.

(New, but in accordance with practice.)

Re-sale by
Crown.

(Now.)

67 (1) In any case in which land so sold has been purchased on behalf of the Crown, and the sale has not been cancelled under the last preceding section, it shall be competent to the Government Agent, at any time on re-sale of the said land, to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in sub-section (2) of section , all the right, title, and interest, which would have been acquired by the purchaser if he had purchased the land at the original sale, and upon the registration of such endorsement in the office of the Registrar of Lands, such right, title, and interest shall vest in the purchaser accordingly.

(2) Every such endorsement shall be liable to the same stamp duty and charges as a certificate to a purchaser at the original sale, such duty and charge being payable by the purchaser.

CHAPTER IX.

Miscellaneous.

Plan or survey
of channels,
water-courses,
tanks, and
ponds to be
conclusive.

(S. 48
unchanged.)

68 If by any plan or survey, purporting to have been made under the authority of the Surveyor-General or of the Director of Irrigation, it shall appear that any channel, water-course, or tank has been encroached upon, such plan or survey shall be deemed and taken to be conclusive proof of the facts exhibited therein, unless satisfactory proof to the contrary shall be established.

Removal of
obstruction or
encroachment.

(S. 49
unchanged.)

69 It shall be lawful for the Government Agent to give order by notice in writing, to any person obstructing or encroaching upon any channel, water-course, or tank situate within his province, forthwith to remove such obstruction or encroachment or abate the same. And if any such person shall refuse or neglect to comply with the same within a reasonable time, or if there be any doubt as to who is the proper person to whom such order should be given, it shall be lawful for the Government Agent to cause such obstruction or encroachment to be forthwith removed or abated; and for that purpose it shall be lawful for the Government Agent, or any person thereto authorized in writing by the Government Agent, where necessary, to enter into any garden, enclosure, or other premises, and to cause to enter therein such persons with such instruments and things as may be necessary, and to proceed to do therein, or cause to be done all such things as may be necessary for such removal or abatement, and for the removal of the earth or substances put into or obstruction made of such channel, water-course, or tank, and the Government Agent shall proceed to recover the costs which have been incurred in effecting such removal or abatement from the party on account of whose non-compliance with any such order such costs were incurred, in manner provided in chapter VIII. of this Ordinance.

Settlement of
questions
relating to
obstruction of
channels or
injury to
fields by
silt.

(New; see
ss. 50-52.)

70 (1) In any case in which any question arises upon any complaint made to a Government Agent—

(a) With reference to the blocking up or obstruction of any channel, water-course, or ela used for irrigation purposes; or

(b) With reference to any injury caused to fields below, or adjacent to such channel, water-course, or ela—

by silt, earth, water, or any other substance owing to the clearing or draining of any land or premises situated above such channel, water-course, or ela, by the owner or occupant thereof, and the Government Agent is not able to settle by agreement between the parties concerned what steps should be taken and what obligations assumed by the owner or occupant of such land or premises, and by the cultivators of the said fields with or without such assistance as the Director of Irrigation (not being a party concerned), may be willing to contribute, for the purpose of removing such blocking up or obstruction, the repairing of such injury, or the prevention of the recurrence of such blocking up, obstruction, or injury, it shall be lawful for the Government Agent, by written notice addressed to the parties, to direct that the matter shall be referred to the arbitration of such arbitrator or arbitrators.

as may be agreed upon by the parties, or if any difficulty arises with regard to the prompt appointment of such arbitrator or arbitrators by agreement, then to the arbitration of the District Judge and such assessors, if any, as the District Judge may appoint to assist him for the said purpose.

(2) In the said notice the Government Agent shall inform the parties that, unless by a date specified in the notice or on such further date as he may on application fix, the parties have notified to him the name of an agreed arbitrator or arbitrators, he will apply to the District Judge to act as arbitrator, and to appoint assessors, and if he is not so notified, shall apply accordingly, and it shall be the duty of the District Judge to act in accordance with such application.

(3) The Government Agent may appoint any person for the purpose of representing the interests of the cultivators of the said fields in the question and in any arbitration that may take place for its settlement.

(4) It shall be the duty of the arbitrator or arbitrators to visit the place with respect to which the question arises, and to determine the same without any formalities of legal procedure, and to make such award with reference to the steps to be taken by the said owner or occupant and by the said cultivators, and the obligations to be imposed upon them respectively, as shall be reasonable in all the circumstances of the case.

(5) In any case in which the Government Agent, or the Director of Irrigation (not being a party concerned), with a view to assisting any award, undertakes to execute any work for the purpose of carrying off silt, earth, water, or any other substance, or of preventing injury to fields, an order for the execution of such work may be embodied in the award.

(6) In any case in which the parties consent to the arbitrator or arbitrators determining any claim for damages that may have been made by a party, an order for the payment of damage may be embodied in the award, and in any such case no action shall lie in respect of such claim.

Enforcement of award.

(New.)

71 Every award made by any arbitrator or arbitrators under the last preceding section, on being registered in the District Court, shall be binding on all parties concerned, and may be enforced in the same manner as a judgment of the court, and in so far as it relates to any obligation to be assumed by the said cultivators, shall have the force of a rule made under chapter III., and all the provisions of the Ordinance relating to the enforcement of rules under chapter III. shall apply to such order.

Power of Government Agent to carry out order of arbitrators.

(S. 52 modified.)

72 In any case in which by any such award any order is made upon the owner or occupant of the said land or premises, the Government Agent shall cause a copy of such order to be served upon such owner or occupant, and if such owner or occupier shall make default in complying with the said order, the Government Agent may from time to time, after reasonable notice to such owner or occupant, himself take the necessary steps to carry out the order, and for that purpose shall have power, and he is hereby authorized, to enter upon any land or premises, and cause to enter therein such persons with such instruments and things as may be required.

Costs to be a first charge, and recoverable under chapter VIII.

(S. 53 unchanged.)

73 (1) The costs which have been incurred by the Government Agent under the last preceding section shall be certified under his hand, and shall be a first charge on the land and on premises mentioned in sub-section (1) of section 70 and on any crop or produce thereof, and on any movable thereon.

(2) The Government Agent shall proceed to recover such costs by seizing and selling such land, premises, crop, produce, or movables, in manner provided in section 61, and the provisions of chapter VIII. of this Ordinance shall, *mutatis mutandis*, apply to every such seizure and sale.

Encouragement of paddy cultivation.

(S. 55; last two sub-sections omitted.)

74 (1) Whenever it appears that the inhabitants of any village or group of villages forming a subdivision for the purposes of part IV. of "The Village Communities Ordinance, 1889," are unable, by reason of poverty, sparseness of population, or other cause, to bring into cultivation any Crown lands served by any irrigation work constructed or repaired under the provisions of this Ordinance or any previous Irrigation

Ordinance, the Governor in Council may, by order to be published in the "Government Gazette," set apart such allotment of Crown land as he shall think fit for the purpose of being brought into cultivation under this section, and may empower one or more Village Committees of the subdivision to proceed to bring the same into cultivation in manner hereinafter appearing.

(2) Subject to the approval of the Government Agent, any Village Committees which have been authorized as aforesaid may make advances from the funds applicable to village purposes to persons desirous of cultivating the Crown land so set apart as aforesaid for the purpose of enabling them to purchase seed paddy and other requisites for cultivation.

(3) The Government Agent shall not sanction the making of such advances until he is satisfied that adequate provision has been made, by village rule, for the recovery of such advances.

(4) When the Village Committees of any subdivision have been empowered as aforesaid, it shall be lawful for the inhabitants in the manner provided by part III. of "The Village Communities Ordinance, 1889," and subject to the conditions therein contained, to make rules for all or any of the following purposes :

- (a) For prescribing the conditions under which advances may be made from the village fund and for securing the repayment of the same with or without interest.
- (b) For the clearing and cultivation of the Crown land allotted as aforesaid by means of labour contributed by the inhabitants in pursuance of rule passed under section 6 (17a) of the above-named Ordinance.
- (c) Generally for the cultivation and regulation of the land so allotted.

(5) Breaches of rules made under this section shall be punishable as if such rules were made under section 6 of "The Village Communities Ordinance, 1889."

(6) The Governor may in his discretion issue Crown grants in respect of any land which has been brought into cultivation under this section in such manner and to such persons as may appear equitable.

(7) The particulars of all Crown grants issued under this section shall be published in the "Government Gazette."

75. Land required for the purposes of this Ordinance shall be deemed to be land required for a public purpose within the meaning of "The Land Acquisition Ordinance, 1876."

76 All schemes which have been the subject of agreement between the Government and the proprietors of lands irrigable by any irrigation work before the passing of this Ordinance, and for the purpose of which resolutions have been passed, with the sanction of Government, by a majority of proprietors purporting to impose, or agree to, an irrigation rate, shall be deemed to be schemes duly sanctioned under this Ordinance, and shall take effect in accordance with the terms of the said resolutions, notwithstanding that at the date of such resolution, or the sanctioning thereof, no provision was made for such schemes in any previous Irrigation Ordinance then in force, and all specifications prepared and contributions collected in accordance with such schemes shall be deemed to have been validly prepared and collected.

77 In any case in which, on the sale or lease of Crown lands, such lands were sold or leased on the condition that they should be subject to an irrigation rate, variable in such manner as was specified in the said conditions, such lands shall be, and shall be deemed to have been, subject to an irrigation rate in accordance with the said conditions, notwithstanding that at the time such lands were sold or leased no provision existed for the imposition of variable irrigation rates under any previous Irrigation Ordinance then in force, and all contributions collected and included in the specifications in accordance with such conditions shall be deemed to have been validly so collected and included.

Acquisition of land for irrigation purposes. (S. 35 unchanged) Validation of schemes previously sanctioned.

(New.)

Validation of sales of Crown land subject to variable irrigation rates.

(New.)

SCHEDULE I.
(Section 65 (1).)

Whereas the sum of _____ rupees was due to our Sovereign Lord the King for _____ in respect of the land _____, herein-after more fully mentioned and described, and a further sum of _____ rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof; and whereas the said land was seized in conformity with the Ordinance No. _____ of _____, and sold also in conformity therewith, on the _____ day of _____, and the same was purchased by _____, of _____, for the sum of _____ rupees, which has been duly paid by the said _____:

Now know Ye that I, _____ (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*), has been sold to _____, and purchased by the said _____, for the sum of _____ rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said _____, his heirs, executors, administrators, and assigns. (*Add, free from all incumbrances, in the case of land sold under sub-section (1) of section 61 or under section 69 or 73.*)

Given under my hand this _____ day of _____, 19 —.

(Signed) _____,
Government Agent.

SCHEDULE II.
(Section 65 (2).)

Whereas the sum of _____ rupees was due to our Sovereign Lord the King for _____ in respect of the land _____, herein-after more fully mentioned and described, and a further sum of _____ rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof; and whereas the said land was seized in conformity with the Ordinance No. _____ of _____, and sold also in conformity therewith, on the _____ day of _____, and the same was purchased for and on behalf of our Sovereign Lord the King by (the Government Agent) for the sum of _____ rupees, which has been duly credited to our said Lord the King in part satisfaction (*or full, as the case may be*) of the sum due as aforesaid and _____ rupees for costs:

Now know Ye that I, the said (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*), has been sold and purchased by the said _____ for and on behalf of our said Lord the King for the sum of _____ rupees, and that the said premises are and shall henceforward be absolutely vested in our said Lord the King, his heirs, and successors. (*Add, free from all incumbrances, in the case of land sold under sub-section (1) of section 61 or under section 69 or 73.*)

Given under my hand this _____ day of _____, 19 —.

(Signed) _____,
Government Agent.

By His Excellency's command,
Colonial Secretary's Office, R. E. STUBBS,
Colombo. October 20, 1916. Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance is a general revision of our irrigation legislation, but its principal object is to substitute a new and more variable and adaptable system of irrigation schemes and rates for the rigid and restricted system at present in force.

2. The irrigation system of Ceylon is the result of a process of development extending for a long period. Its special and peculiar feature is the autonomous privileges of the cultivators exercised under the supervision of the Government Agent. Irrigation districts are governed by irrigation rules framed by the cultivators. These rules are administered by elected headmen, and breaches of them are triable by Village Councils. On this system there has been super-imposed in recent years an Irrigation Department administered by expert engineers, which constructs and controls large irrigation works, the rates for the supply of water from these works being fixed in advance of their construction by the votes of the cultivators themselves.

3. The essential principles of this system remain undisturbed in the present Ordinance, but in certain directions they have been developed and adapted to the growth of circumstances.

4. *Irrigation Districts.*—At present every irrigation district must consist of some recognized administrative area. It possesses, or is supposed to possess, a standard advisory committee, which makes initial rules when the district is first constituted. The Ordinance provides that any area whatever, whether it is recognized an administrative area or not, may be constituted an irrigation district. So that the rules made for the district (which may thus consist of any irrigable area wherever situated) may be drawn up by persons conversant with the special local needs. Irrigation Committees are in practice generally dormant, but their functions are retained in view of possible future developments.

5. *Irrigation Rules.*—A slight change is made with regard to the making of rules. At present the initial rules are made by the Irrigation Committee, and all subsequent rules and amendments are made by the cultivators (or, as they are called in the Ordinance, the proprietors) in general meeting. It is now proposed that both initial rules and subsequent additions or amendments shall be made either by meetings of the cultivators or by a committee elected at a meeting of the cultivators for that special purpose.

6. *Powers of Meetings of Proprietors.*—The powers of meetings of proprietors have been collected, codified, and enlarged by a special chapter (III.). The proprietors of a district have a general power to make rules for the district, and their powers under this head are more fully and specifically stated than in the past (section 10). The proprietors under an irrigation work have power, not only to make special rules for the work, but also power to determine any question relating to the scheme of the work or the rates payable under the scheme, which may be referred to them by the Governor (section 11).

7. *Irrigation Schemes* (Chapter VI.).—This is the most important chapter of the Ordinance. The defects of the present system are obvious, and Government have for some time past refused to sanction the construction of irrigation works on the present legal basis. Rates are fixed before the construction of the work for the whole supposed irrigable area. The forms of rate that may be adopted are limited in number and character. The favourite form has been a fixed perpetuity rate for all time. It has proved impossible in the past to estimate with exactitude the cost of construction or the extent of the irrigable area, and it has been found that under many works the perpetuity rate in force does not cover the annual cost of maintenance. No provision exists for future developments; for making any change in any irrigation scheme or rate when once adopted; for curing mistakes or meeting unforeseen contingencies, or for making any special arrangement with the cultivators or any part of them. From time to time such special arrangements have been made, but they have no legal validity, and they have required approval or validation by special Ordinances.

8. The Ordinance aims at greater elasticity in the provision for irrigation schemes, and greater precision in their adoption. Section 38 accordingly defines the scope of irrigation schemes in the widest possible manner. Rates under a scheme may be of any character that may be agreed upon, and may be varied from time to time. But no rate may be imposed or varied, and no other burden may be imposed upon the proprietors, except in accordance with the vote of a meeting of the proprietors (section 40). Proprietors under existing schemes are entitled to maintain their existing privileges, however extensive they may be, and their legal rights cannot be affected except by their own consent (section 55). All schemes and proposals to be submitted to the proprietors must be formally published both before submission and after adoption (sections 41 and 42).

9. There is only one exception to the principles above stated (see section 40 (2)), which may best be explained in conjunction with another matter of general application. It may be determined to extend any existing irrigation work by arrangement with the proprietors of a new tract to be made irrigable. The work, however, may be subject to a maintenance rate (either fixed or variable every five years), and the new extension must affect the expense of maintenance. It

will, therefore, be necessary to adjust the expenses of maintenance between the new and the old proprietors, and it may not prove possible to do this by agreement. This is the particular case referred to.

10. The general matter in connection with which it is to be considered is as follows. While it is not proposed to do anything to affect the mutual rights and obligations of the Government and the cultivators, disputes may arise, and in practice have arisen, as to what those mutual rights and obligations actually are. No means exist at present for determining these rights. Provision is now accordingly made for the settlement of such questions by arbitration, and this provision extends to the matter referred to in the last preceding paragraph.

11. *Protection of Irrigation Works and Conservation of Water* (Chapter VII.).—This is also a chapter of importance. By section 56 of the existing Ordinance certain works are placed under the control of the Director of Irrigation. His officers are given special powers with regard to them, and he is empowered to make rules for their maintenance, conservation, and protection. Further, by section 57 special offences are created in connection with these works with regard to damage and waste of water, punishable with special penalties, and provision is also made for the enhancement of irrigation rates whenever waste of water is proved.

12. It has been thought desirable that the works placed in this special category should be specified with reference to some general principle, instead of being individually proclaimed; that the nature of the control of the Director of Irrigation should be more particularly specified, and that the subjects of the rules he is empowered to make should be more clearly defined.

13. It is accordingly now determined that the works to be placed with the Director of Irrigation shall be those which are in future declared "major works"; that his control shall not extend to the regulation of cultivation (except in so far as may be necessary for the prevention of waste), but only to the supply of water, and that that control shall be exercised in consultation with the Government Agent.

14. With regard to the rules to be made under this chapter, these are rules for the protection of the work and for the conservation of the water from waste. Rules on these subjects are not naturally within the competence of cultivators, who are concerned more particularly with their own customs and mutual rights and obligations. They are accordingly made, in respect of major works by the Director of Irrigation after consulting the Government Agent, and in respect of other works by the Government Agent after consulting the Director of Irrigation. These subjects are more specifically defined. The enhancement of rates on account of waste is transferred from the penal to the rule-making section, and the penal section has been re-modelled. Offences under this section are triable by Police Courts. It is intended for application to gross cases only; all ordinary infractions of rules made under this chapter being triable by Village Tribunals, subject to the same conditions and exceptions as infractions of rules made by the cultivators.

15. A further important section in this chapter is section 59. It is necessary to take some steps for the protection of the general interests of existing or future cultivators in public streams. The Director of Irrigation is accordingly empowered to require persons making use of the water of public streams for irrigation purposes to take out a license, and to conform to the conditions of the license. The rights of riparian owners, and any other persons who may have any special right to the use of the waters of the stream, are fully protected, and special provision is made to secure that no conditions are imposed upon any person which are an infringement of his legal rights. The section is of no immediate significance, but there are indications that it is likely to be of great future importance.

16. It is impossible to explain all the changes of detail made by this Ordinance. The following points are of special importance:—

(a) *Section 3.*—The definitions of "tract," "irrigation work," "construction," "maintenance," and "land" are

new, but for the most part explain themselves. The only change of importance is in the definitions of "maintenance" and "construction," where it is provided that the expenses of construction and maintenance shall include a reasonable contribution in respect of establishment charges, &c.

(b) *Section 4.*—The nature of an irrigation rate is for the first time clearly explained and defined. The only special point to note is the provision that an irrigation rate may be variable.

(c) *Village Councils.*—At present Village Councils cannot award damages, but may inflict fines up to Rs. 30, and award part of the fines so inflicted to the aggrieved party, the fine being often enhanced for this purpose. It is now provided that these Councils may award damages instead of fines, so that all questions arising may be disposed of in one proceeding.

(d) *Special Rates (Sections 44, 45).*—Special provision is made for imposing seepage rates and rates for water derived by mechanical appliances from existing irrigation works. These special rates will in regard to future works be provided for by schemes.

(e) *Occasional Rates (Section 46).*—Provision is made for the occasional supply of water in emergency to lands not ordinarily irrigable by the work from which the water is supplied, and for imposing a charge in respect of the water.

(f) *Maintenance (Sections 48, 49).*—Provision is made for handing over irrigation works to be maintained by the proprietors under an agreement with them; and for taking over the maintenance of irrigation works where they are so faultily maintained by the proprietors as to impair the efficiency of Government works with which they are connected.

(g) *Section 53.*—The fullest possible powers are given to meetings of cultivators for the correction of irregularities, informalities, and defects in existing arrangements.

(h) *Crown Grants and Leases (Section 55).*—Section 55 (2) makes it clear that in Crown grants and leases variable rates may be provided for a point which the existing Ordinance left in obscurity.

(i) *Lands sold for Default of Payment of Irrigation Rate.*—Section 66 allows these lands to be redeemed by the proprietors without the necessity of a special grant and survey. Section 67 empowers the Crown when it has bought in such lands at the sale to transfer them to intending purchasers by a simple endorsement of the certificate.

17. *The Silt Question.*—There is a further point of some special importance. The provisions of the Ordinance with regard to the protection of channels and fields from water and silt sent down by the extension of agricultural operations on the neighbouring high ground are not found to be effective, and the questions that arise under this head cannot be conveniently settled by a bare determination of the legal rights of the parties. What is required is general co-operation between the estate proprietors and the cultivators, with the assistance in many cases of a contribution from the irrigation authorities. Developments of agriculture require that both the estate owners and the cultivators should assume obligations, and that irrigation officers should adopt irrigation arrangements to meet new conditions thus created. These questions can best be settled by all parties meeting together, and determining to do what is reasonable in the circumstances of the case. An agreement, however, cannot always be reached, and the Ordinance accordingly makes provision for the reference of such questions to arbitration on general lines.

18. *Validation of Existing Schemes and Rates (Sections 76, 77).*—In anticipation of this Ordinance, for the purpose of assisting cultivators whose cases seem to be urgent, special arrangements for the supply of water to their fields have been made by schemes which were not authorized by the existing Ordinance, and sales of Crown lands subject to variable rates have been made under the same circumstances. Sections 76 and 77 validate these schemes and sales.

MINUTE.

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

An Ordinance further to amend "The Volunteer Ordinance, 1910."

Preamble.

WHEREAS it is expedient further to amend "The Volunteer Ordinance, 1910": 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 Volunteer (Amendment) Ordinance, No. of 1916," and shall come into operation on such date as the Governor shall by Proclamation appoint.

Amendment of section 1 of the principal Ordinance.

2 The following words shall be added to section 1 of the principal Ordinance :

"Part IV.—Obligatory Provisions."

Addition of new part to principal Ordinance.

3 The following new part shall be added to the principal Ordinance :

PART IV.

Obligatory Provisions.

Application of Part IV.

34. (1) This part of the Ordinance shall apply to the following persons (not being members of His Majesty's Navy or Army, or of their reserves, or of the Police Force of the Colony), that is to say—

Every European of the male sex resident in the Colony who is a British subject, and is between the ages of eighteen and fifty-five.

(2) If any question arises as to whether any person is a person to whom this part of the Ordinance applies, such question shall be referred to the Governor in Executive Council, and the decision of the Governor in Executive Council shall be final.

Obligatory enlistment.

35. Within one month of the date of the coming into operation of this part of the Ordinance, or in the case of persons to whom this part of the Ordinance shall become applicable subsequently to that date, within three months of the date at which it becomes applicable, it shall be obligatory on every person to whom this part of the Ordinance applies who is not a volunteer—

(a) If he is between the ages of eighteen and forty, both inclusive, to enrol himself in a Volunteer Corps formed under this Ordinance ;

(b) If he is between the ages of forty-one and fifty-five, both inclusive, to enrol himself in a Town Guard, which has been constituted a Volunteer Corps under this Ordinance, or a reserve corps or company of any such Town Guard.

(See Volunteer Ordinance, 1910, s. 4 (3).)

Power to prescribe drills, &c.

36. With reference to persons to whom this part of the Ordinance applies, the power of the General Officer Commanding the Troops to make regulations under section 12 shall include power to make regulations requiring such persons at prescribed dates or within prescribed intervals—

(a) Until they attain the prescribed standard of efficiency, to attend the drills and courses of instruction, and to execute the practice prescribed for the purpose of the attainment of such standard ; and

(b) After they attain such standard, to attend the drills and courses of instruction, and to execute the practice prescribed for the purpose of maintaining the standard so attained.

(See s. 9.)

- Offences.** 37. Any person to whom this part of the Ordinance applies, who—
- (a) Infringes any provision of this part of the Ordinance, or any rule or regulations made in pursuance thereof; or
 - (b) Refuses to take the oath or affirmation of allegiance provided for by section 28; or
 - (c) Commits any act or neglect for which he is liable to be ordered into arrest or custody under section 18 (iii.),
- shall be guilty of an offence, and shall be liable on conviction as hereinafter provided to a fine not exceeding two hundred rupees, or in the case of an offence which is in the nature of a continuing default, not exceeding fifty rupees for every day during which the default continues, or if such fine be not duly paid, to imprisonment of either description for a period not exceeding three months.
- Committees.** 38. (1) The Governor may, for the purposes of this part of the Ordinance, appoint committees composed of such number of persons and with such local jurisdiction as he may determine, and every such committee shall have the powers following, that is to say—
- (a) To order the exemption of any person from the application of this part of the Ordinance on the ground of the ill-health or infirmity of such person, or on the ground that the place of residence of such person renders compliance with the provisions of this part of the Ordinance impracticable, or for any other prescribed cause;
 - (b) To try all offences for which provision is made in this part of the Ordinance.
- (2) Any person aggrieved by any refusal of exemption or by any conviction or sentence of any such committee may appeal by petition to the Governor in Executive Council, and the decision of the Governor in Executive Council shall be final.
- Power of Governor to exempt.** 39. The Governor may by order exempt any person from the application of this part of the Ordinance.
- Powers of Governor in Executive Council.** 40. The Governor in Executive Council may make rules—
- (a) For the registration of all persons to whom this part of the Ordinance applies;
 - (b) For regulating the procedure to be followed by the committees appointed under section 38, and the exercise of their powers under that section;
 - (c) For providing for the enforcement of the sentences of the said committees;
 - (d) Generally for the purpose of the execution of the provisions of this part of the Ordinance.
- Exclusion of certain provisions.** 41. (1) Section 6 shall not extend to any person to whom this part of the Ordinance applies.
- (2) The provisions of section 24 relating to the recovery of fines shall not extend to fines imposed by a committee under this part of the Ordinance.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, October 10, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE object of this Ordinance is to establish a system of compulsory military training for Europeans resident in the Colony.

2. It applies to every male European British subject between the ages of 18 and 55 resident in the Colony, and it requires every such person, not already a volunteer, who is between the ages of 18 and 40 to join one of the ordinary Volunteer Corps, and every such person, not already a volunteer, between the ages of 41 and 55 to join a Town Guard or a reserve corps or company of a Town Guard.

3. All persons to whom the Ordinance applies, whether they join in accordance with the obligatory provisions of the Ordinance or are already volunteers, may be required to attend a prescribed number of drills, and to qualify in the prescribed manner for the purpose of attaining the necessary standard of efficiency, and may further be required, after they have attained that standard, to attend sufficient drills, &c., to maintain their efficiency (section 36).

4. All persons to whom these compulsory provisions apply are subjected to penalties if they do not comply with them, or if they are guilty of misconduct or indiscipline (section 37).

5. Committees are to be appointed with power to exempt persons from the application of these obligatory provisions on certain defined grounds, and these committees are given jurisdiction to try the offences in respect of which the penalties referred to in the last paragraph may be imposed. An appeal lies from the orders, convictions, and sentences of these committees to the Governor in Executive Council (section 38).

6. It will probably prove necessary that all persons to whom these obligatory provisions apply should be registered. Section 40 authorizes the Governor in Executive Council to make rules for this and for other purposes.

Attorney-General's Chambers, ANTON BERTRAM,
Colombo, September 20, 1916. Attorney-General.

MINUTE.

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

An Ordinance to amend "The Branch Roads Ordinance, 1896."

- Preamble.** WHEREAS it is expedient to amend "The Branch Roads Ordinance, 1896": 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 Branch Roads (Amendment) Ordinance, No. of 1916."
- Amendment of section 6.** 2 In line 20 of section 6 of the principal Ordinance, after the word "erroneously" and before the word "included," there shall be inserted the words "or otherwise."

By His Excellency's command,
Colonial Secretary's Office, R. E. STUBBS,
Colombo, October 6, 1916. Colonial Secretary.

Statement of Objects and Reasons.

THE Branch Roads Ordinance, while it allows the inclusion in a district of estates which may have been "inadvertently or otherwise excluded," only allows the exclusion of estates that have been "erroneously included." This Ordinance puts the Provincial Committee's power of exclusion on the same footing as its powers of inclusion.

Attorney-General's Chambers, ANTON BERTRAM,
Colombo, September 6, 1916. Attorney-General.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Tuppahige Don Peter Sinno of Kahawela,
No. 5,719. in the Meda pattu of Hewagam korale,
deceased.

Mapatunage Sediris Perera of Padukka, in Meda
pattu of Hewagam korale Petitioner.

And

- (1) Subasinghe Atchigey Gima Nona of Mawala-
gama, in the Udugaha pattu of Hewagam korale,
(2) Tuppahige Johanis Appu, and (3) Talagalage
Nonno Hamy, both of Kahawela, aforesaid . . Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 3, 1916, in the presence of Mr. A. C.
Abeyewardene, Proctor, on the part of the petitioner above
named; and the affidavit of the said petitioner dated
September 27, 1916, having been read:

It is ordered that the petitioner be and he is hereby
declared entitled, as a brother-in-law of the above-named
deceased, to have letters of administration to his estate
issued to him, unless the respondents above named or any
other person or persons interested shall, on or before
November 2, 1916, show sufficient cause to the satisfaction
of this court to the contrary.

October 3, 1916. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Pattam Peruma Aratchige Don Francisco,
No. 5,733. late of Hendala, deceased.

Hapu Aratchige Don Jagarias of Mahara Petitioner.

And

- (1) Tudugala Mudalige Porlentina Hamy, (2)
Pattam Peruma Aratchige Augustina of Mahara,
(3) Pattam Peruma Aratchige Agnes, (4) Pattam
Peruma Aratchige Joseph, (5) Pattam Peruma
Aratchige Liliyan Engrasi, all of Hendala. . . Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 13, 1916, in the presence of Messrs.
Goonewardhane & Joseph, Proctors, on the part of the
petitioner above named; and the affidavit of the said
petitioner dated October 5, 1916, having been read:

It is ordered that the petitioner be and he is hereby
declared entitled, as the son-in-law of the above-named
deceased, to have letters of administration to his estate
issued to him, unless the respondents above-named or any
other person or persons interested shall, on or before
November 2, 1916, show sufficient cause to the satisfaction
of this court to the contrary.

October 13, 1916. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. John Edward de Silva, of Kurunegala,
No. 5,739. late of Colombo, deceased.

Theresa Ellen de Silva of Kurunegala Petitioner.

And

- (1) Eric Vincent de Silva, (2) Charlotte Louisa de
Silva, (3) Ann Benedicta de Silva, all of Kurune-
gala Respondents.

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

Colombo, on October 17, 1916, in the presence of Mr. A. I. de
S. Abeyewickreme, Proctor, on the part of the petitioner
above named; and the affidavit of the said petitioner dated
October 14, 1916, 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
November 2, 1916, show sufficient cause to the satisfaction
of this court to the contrary.

October 17, 1916. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Testament of Christina Gordon Renton or
No. C/5,743. Robson, of 12, Albert Terrace, Edinburgh,
Scotland, widow, deceased.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 20, 1916, in the presence of Messrs.
Julius & Creasy, Proctors, on the part of the petitioner,
David William Watson of Colombo; and the affidavit of the
said petitioner dated October 13, 1916, certified copies of
probate and will of the above-named deceased, power of
attorney in favour of the petitioner and Supreme Court's
order dated October 3, 1916, having been read; It is ordered
that the will of the said Christina Gordon Renton or Robson,
deceased, dated April 12, 1916, of which a certified copy
has been produced, and is now deposited in this court, be
and the same is hereby declared proved, and it is further
declared that the said petitioner is the attorney of the
executor named in the said will and that he is entitled to
have letters of administration with copy of the said will
annexed issued to him accordingly, unless any person or
persons interested shall, on or before November 2, 1916,
show sufficient cause to the satisfaction of this court to the
contrary.

October 20, 1916. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. late Jane Rejo Seneviratne nee Alwis of
No. 5,746. Galkissa Walauwa, Dehiwala, deceased.

Arthur Fritz Seneviratne of Galkissa Walauwa,
Dehiwala Petitioner.

And

- (1) Edwin Henry Seneviratne, (2) James Christophel
Seneviratne, a minor by his guardian *ad litem*
the 1st respondent, both of Galkissa Walauwa,
Dehiwala Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 19, 1916, in the presence of Messrs.
de Livera & Jacolyn, Proctors, on the part of the petitioner
above named; and the affidavit of the said petitioner
dated September 14, 1916, having been read:

It is ordered that the petitioner be and he is hereby
declared entitled, as an heir 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 November 2, 1916,
show sufficient cause to the satisfaction of this court to the
contrary.

October 19, 1916. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Francisu Fernandolage Hendrick Fernando of Desastra, Kalutara, deceased. No. 1,042.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara, on October 11, 1916, in the presence of Mr. C. S. Orr, Proctor, on the part of the petitioner Maddumage Charles Helenis Fernando of Wadduwa; and the affidavit of the said petitioner dated October 11, 1916, having been read:

It is ordered and decreed that the petitioner Maddumage Charles Helenis Fernando of Wadduwa, be and he is hereby declared entitled to administer the estate of the said deceased, as brother-in-law of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents—(1) Francisu Fernandolage Denister Fernando, (2) ditto Michel Fernando, (3) ditto Walter Fernando, (4) Sellaperumage Dona Marthina Fernando—shall, on or before October 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 11, 1916.

ALLAN BEVEN,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Last Will and Testament Jurisdiction. of the late Don Louis Wittahatchy, No. 1,043. Vidane-Arachchi of Nugoda, deceased.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara, on October 13, 1916, in the presence of Mr. S. Goonetilleke, Proctor, on the part of the petitioner Kottagodagey Dona Elpi Nonahamine of Nagoda; and the affidavit of the said petitioner dated October 13, 1916, having been read:

It is ordered that the last will and testament of the late Don Louis Wittahatchy, Vidane-Arachchi of Nagoda, deceased, dated April 7, 1916, and now deposited in this court, be and the same is hereby declared proved, unless any person or persons interested shall, on or before November 3, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Kottagodagey Dona Elpinona of Nagoda, is the executrix named in the said will, and that she is entitled to have letters of the same issued to her accordingly, unless any person or persons interested shall, on or before November 3, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 13, 1916.

ALLAN BEVEN,
District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Yamangedera Bodia, deceased, of Pelawa, No. 3,294. Medapalata, Yatinuwera.

THIS matter coming on for disposal before Felix Reginald Dias, Esq., District Judge, Kandy, on October 11, 1916, in the presence of Messrs. Beven & Beven, Proctors, on the part of the petitioner Yamangedera Kira of Pelawa, Medapalata, Yatinuwera; and the affidavit of Yamangedera Kira, the petitioner above named, dated October 3, 1916, having been read:

It is ordered that the petitioner Yamangedera Kira of Pelawa, Medapalata, Yatinuwera, be and he is hereby declared entitled to letters of administration to the estate of Yamangedera Bodia of Pelawa, deceased, as son of the said deceased, unless (1) Siambalagastennegedera Ukku, (2) Yamangedera Baba *alias* Sangananda Unnanse, (3) Yamangedera Bandia, the 1st and 2nd of Pelawa, Medapalata, Yatinuwera, and the 3rd of Alawattegama, Harispattu, shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 11, 1916.

FELIX R. DIAS,
District Judge.

In the District Court of Galle.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the late Jurisdiction. Henry Baptist Wijenayaka Abeyasekera No. 4,649. Appuhamy, deceased, of Godagama.

THIS matter coming on for disposal before L. W. Schrader, Esq., District Judge of Galle, on September 8, 1916, in the presence of Mr. C. W. W. Kanngara on the part of the petitioner Dona Robertina Edirisingha Kodituwakku Hamine of Godagama; and the affidavit of the said petitioner dated September 8, 1916, having been read:

It is ordered that the will of the said Henry Baptist Wijenayaka Abeyasekera, deceased, dated July 10, 1916, be and the same is hereby declared proved, unless anybody interested shall, on or before October 12, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner Dona Robertina Edirisingha Kodituwakku Hamine is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless anybody interested shall, on or before October 12, 1916, show sufficient cause to the satisfaction of this court to the contrary.

September 23, 1916.

F. H. DE VOS,
District Judge.

The date for showing cause against this *Order Nisi* being made absolute has been extended to November 16, 1916.

Galle, October 19, 1916.

L. W. C. SCHRADER,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Kanakkehewage Danoris de Silva, No. 4,654. deceased, of Kataluwa.

Kanakkehewage Charlis Appu of Kataluwa. Petitioner.
Vs.

(1) Uyenege Punchihamy, (2) Kanakkehewage Amarius Appu, (3) ditto Babanona, (4) ditto Peulis Appu, minors, appearing by their guardian *ad litem* the 1st respondent. Respondents.

THIS matter coming on for disposal before F. H. de Vos, Esq., District Judge of Galle, on September 25, 1916, in the presence of Mr. D. Wickramasinha, Proctor, on the part of the petitioner Kanakkehewage Charlis Appu of Kataluwa; and the affidavit of the said petitioner dated September 21, 1916, having been read:

It is ordered that the 1st respondent be appointed guardian *ad litem* over the 2nd, 3rd, and 4th respondents, unless respondents shall, on or before November 2, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said K. Charlis Appu, petitioner, is an heir of the said deceased, and that he is entitled to have letters of administration issued to him accordingly, unless respondents shall, on or before November 2, 1916, show sufficient cause to the satisfaction of this court to the contrary.

September 25, 1916.

L. W. C. SCHRADER,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Gangoda Vitana Gamage Don Cornelis de No. 2,322. Silva, deceased, of Midigama.

THIS matter coming on for disposal before J. C. W. Rock Esq., District Judge of Matara, on September 21, 1916, in the presence of his own person on the part of the petitioner Gangoda Vitana Gamage Don Andris de Silva of Midigama; and the affidavit of the said petitioner dated September 20, 1916, having been read: It is ordered that the said petitioner, as son of the deceased above named, is entitled

to have letters of administration issued to him accordingly, unless respondents—viz., (1) Gangoda Gamage Punchihami, (2) Gangoda Vitana Gamage Siciliana, both of Midigama—shall, on or before October 27, 1916, show sufficient cause to the satisfaction of this court to the contrary.

September 21, 1916.

J. C. W. ROCK,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Don
Jurisdiction. Lewis Samarajeewa Siriwardena,
No. 2,323. deceased, of Puhulwella.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on September 29, 1916, in the presence of his own person the petitioner David Isaris Samarajeewa Siriwardena of Walgama; and the affidavit of the said petitioner dated September, 1916, having been read: It is ordered that the petitioner, as son of the above-named deceased, is entitled to have letters of administration issued to him accordingly, unless respondents—viz., (1) Wadanambi Aratchige Dona Ciciliana of Puhulwella, (2) Dona Ciciliana Samarajeewa Siriwardena, wife of D. D. Goonesekera Wellapuli of Talahaganwaduwa, (3) Dona Susana Samarajeewa Siriwardena, wife of D. A. Wijesinha of Getamanna, (4) Don Davith Samarajeewa Siriwardena of Puhulwella, and Don Charles Samarajeewa Siriwardena of Alawwa station, C. G. R.,—shall, on or before November 1, 1916, show sufficient cause to the satisfaction of this court to the contrary.

September 29, 1916.

J. C. W. ROCK,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Hewa
Jurisdiction. Kankanange Gimarahhamy, deceased, of
No. 2,326. Kirinda.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on October 2, 1916, in the presence of Mr. W. Gunasekera, Proctor, on the part of the petitioner Gamatchige Don Mathes of Kirinda; and the affidavit of the said petitioner dated September 29, 1916, having been read: It is ordered that the said petitioner, as widow of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless respondents—viz., (1) Hewa Kankanange Don Davith, (2) ditto Don Carolis, both of Getamanna—shall, on or before November 8, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 2, 1916.

J. C. W. ROCK,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Thangam, wife of Ramu Sadayar, of
No. 3,273. Nallur, deceased.

Ramu Sadayar of Nallur Petitioner.

Vs.

(1) Vyramattu Supiramaniam alias James Ariyanayagam of Nallur, (2) Sadayar Nagalingam, (3) Sadayar Ponnampalam, (4) Sadayar Kanagasooriar, (5) Thilakupathy, daughter of Sadayar, (6) Segasathy, daughter of Sadayar, the 2nd, 3rd, 4th, 5th, and 6th respondents are minors appearing by their guardian *ad litem* the above-named 1st respondent, all of Nallur Respondents.

THIS matter of the petition of Ramu Sadayar of Nallur, praying for letters of administration to the estate of the above-named deceased, Thangam, widow of Ramu Sadayar

of Nallur, coming on for disposal before P. E. Pieris, Esq., District Judge, on September 24, 1916, in the presence of Mr. G. N. Tissaverasinghe, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated July 14, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as the lawful husband of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents above-named or any other person shall, on or before November 2, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 13, 1916.

P. E. PIERIS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Ledchumppillai, wife of Valuppillai
No. 3,291. Kadiresu of Karaveddi North, deceased.

Murugar Sithamparanather Velayutar of Karaveddi North Petitioner.

(1) Valuppillai Kadiresu of Karaveddi North and
(2) Kadiresu Kandasamy of ditto, the 2nd respondent is a minor appearing by his guardian *ad litem* the 1st respondent Respondents.

THIS matter of the petition of Murugar Sithamparanather Velayutar, praying for letters of administration to the estate of the above-named deceased, Ledchumppillai, wife of Valuppillai Kadiresu, coming on for disposal before P. E. Pieris, Esq., District Judge, on August 24, 1916, in the presence of Mr. K. Tambiah, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated August 24, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as father of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents above named or any other person shall, on or before October 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 13, 1916.

P. E. PIERIS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Thanka Muttu, widow of Nannitamby of
No. 3,306. Manipay, late of Madura, deceased.

(1) Perambalam Elangainayagam and wife
Meenatchippillai, both of Sandiruppay Petitioners.

Vs.

Sinnachyppillai, widow of Perambalam, of
Sandiruppay Respondent.

THIS matter of the petition of the above-named petitioners praying for letters of administration to the estate of the above-named deceased, Thankamuttu, widow of Nannitamby of Manipay, coming on for disposal before P. E. Pieris, Esq., District Judge, on October 5, 1916, in the presence of Mr. M. Vythialingam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 4, 1916, having been read: It is declared that the petitioner is the sole heir of the said intestate and as such the petitioners are entitled to have letters of administration to the estate of the said intestate issued to them, unless the respondent or any other person shall, on or before October 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 5, 1916.

P. E. PIERIS,
District Judge.

S. J. 41
 In the District Court of Jaffna.
 Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Nannitamby Kanapathypillai of Manipay, late of Kuala Lumpur, deceased.
 No. 3,307.

(1) Perambalam Elangainayagam and wife, (2) Meenatchipillai, both of Sandiruppay, Petitioners.

Vs.

Sinnachypillai, widow of Perambalam, of Sandiruppay Respondent.

THIS matter of the petition of the above-named petitioners praying for letters of administration to the estate

of the above-named deceased, Nannitamby Kanapathypillai of Manipay, coming on for disposal before P. E. Pieris, Esq., District Judge, on October 5, 1916, in the presence of Mr. M. Vythialingam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 4, 1916, having been read: It is declared that the petitioner is the sole heir of the said intestate and as such the petitioners are entitled to have letters of administration to the estate of the said intestate and as such the respondent or any other person shall, on or before October 31, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 5, 1916.

P. E. PIERIS,
 District Judge.

S. J. 41
 2998

NOTICES OF INSOLVENCY.

In the District Court of Colombo.
 No. 2,646. In the matter of the insolvency of Kula Mohideen Saibo Abdul Rahiman Saibo, Adam Saibo Abdul Rahiman Saibo, Kader Saibo Ismail Saibo, and Ossen Saibo Rahimath Una Saibo, all of 43, Prince street, Colombo, at one time carrying on business under the name and style and firm of "Adam Saibo & Company."

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 9, 1916, to consider what steps the assignee should take to get the transfer made by the insolvents of all their property in favour of V. E. M. Abdulla Saibo set aside, and to obtain leave of court to bring an action to get the said transfer set aside, on the ground of fraud and failure of consideration.

By order of court,
 D. M. JANSZ,
 Colombo, October 17, 1916. Secretary.

In the District Court of Colombo.
 No. 2,725. In the matter of the insolvency of Vythianathan Murugasar of Jampettah street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 23, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,
 D. M. JANSZ,
 Colombo, October 14, 1916. Secretary.

In the District Court of Colombo.
 No. 2,727/2,718. In the matter of the insolvency of Manuel Stephen Villavarayan and Soosai Savarimuttu Coonga of No. 74, Bankshall street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court on November 30, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,
 D. M. JANSZ,
 Colombo, October 23, 1916. Secretary.

In the District Court of Colombo.
 No. 2,734. In the matter of the insolvency of Ana Mana Mammoo of St. John's road, 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 23, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,
 D. M. JANSZ,
 Colombo, October 14, 1916. Secretary.

In the District Court of Colombo.
 No. 2,749. In the matter of the insolvency of Gamage Don Elias Appuhamy of No. 135, Layard's roadway, 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 30, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,
 D. M. JANSZ,
 Colombo, October 23, 1916. Secretary.

In the District Court of Colombo.
 No. 2,756. In the matter of the insolvency of Edwin Ernest Ludekens of Kelaniya.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 30, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,
 D. M. JANSZ,
 Colombo, October 23, 1916. Secretary.

In the District Court of Colombo.
 No. 2,774. In the matter of the insolvency of Joseph Vethacan Santhanam of No. 7, Colpetty lane, Colombo.

WHEREAS the above-named Joseph Vethacan Santhanam has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by Peter Daniel, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Joseph Vethacan Santhanam insolvent accordingly, and that two public sittings of the court, to wit, on November 23, 1916, and on December 7, 1916, 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,
 Colombo, October 16, 1916. Secretary.

In the District Court of Colombo.
 No. 2,775. In the matter of the insolvency of Tamby Dorey Abdul Caffoor of No. 32, Messenger street, Colombo.

WHEREAS the above-named Tamby Dorey Abdul Caffoor has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by A. C. A. Hamid, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Tamby Dorey Abdul Caffoor insolvent

accordingly, and that two public sittings of the court, to wit, on November 23, 1916, and on December 7, 1916, 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 16, 1916.

In the District Court of Colombo.

No. 2,776. In the matter of the insolvency of Charles Peter de Silva of No. 18, 2nd Fishers' lane, Pettah, Colombo.

WHEREAS the above-named Charles Peter de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by F. Munasinghe, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Charles Peter de Silva insolvent accordingly, and that two public sittings of the court, to wit, on November 23, 1916, and on December 7, 1916, 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 16, 1916.

In the District Court of Colombo.

No. 2,777. In the matter of the insolvency of Kawenna Sego Mohamado of No. 63, Gintupitiya street, Colombo.

WHEREAS the above-named Kawenna Sego Mohamado has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by N. K. S. Arumogana Chetty, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Kawenna Sego Mohamado insolvent accordingly, and that two public sittings of the court, to wit, on November 30, 1916, and on December 14, 1916, 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 24, 1916.

In the District Court of Kalutara.

No. 155. In the matter of the insolvency of Usubu Lebbe Marikar Ismail Lebbe Marikar of Alutgama, in Kalutara.

NOTICE is hereby given that the sitting of this court in the above matter is adjourned to November 3, 1916, for insolvent's balance sheet.

By order of court,
R. MALALGODA,
Secretary.
Kalutara, October 19, 1916.

In the District Court of Galle.

No. 422. In the matter of the insolvency of Nanayakarewassen Carrijjawattege Arnolis Appu of Alutwala.

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 17, 1916, for the public examination of the insolvent.

By order of court,
V. R. MOLDRICH,
Secretary.
October 23, 1916.

In the District Court of Galle.

No. 426. In the matter of the insolvency of Cassim Lebbe Maricar Mohamed Ismail of Kumbalwella.

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 8, 1916, for examination of the insolvent.

By order of court,
V. R. MOLDRICH,
Secretary.
October 18, 1916.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

(1) Rasamma and (2) Jagarias David, husband and wife, both of Kotahena, in Colombo..... Plaintiffs.

No. 36,281. Vs.

(1) P. Canthiah and (2) Ramalingam Nagamma, husband and wife, both of Chekku street, in Colombo Defendants.

NOTICE is hereby given that on Wednesday, November 22, 1916, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff and decreed and ordered to be sold by the order of court dated September 22, 1916, for the recovery of the sum of Rs. 1,495 with interest on Rs. 1,000 at 12 per cent. per annum from May 2, 1913, to November 28, 1913, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full and costs of suit, viz. :—

An undivided $\frac{1}{2}$ part or share of all that allotment of land, with the house standing thereon, bearing assessment No. 82, situated at Chekku street, within the Municipal limits of Colombo, Western Province; and bounded on the north by the house bearing assessment No. 81 of F. C. Candappa, on

the east by the house bearing assessment Nos. 8 and 9 of Sedambaram Pillay, on the south by the house bearing assessment No. 83 of W. J. Ondatchy, Mudaliyar, and on the west by the Chekku street; and containing in extent 8 81/100 perches.

Fiscal's Office, W. DE LIVERA,
Colombo, October 23, 1916. Deputy Fiscal.

In the District Court of Colombo.

Meneripitiyage Don David Karunaratna Appuhamy of Bendiamulla Plaintiff.

No. 43,779. Vs.

Jayamannamohottige Don John Appuhamy of Alutgama, Pituwalgoda, in the Medapattu of Siyane korale Defendant.

NOTICE is hereby given that on Tuesday, November 28, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 349.41, with interest thereon at 9 per cent. per annum from December 10, 1915, till payment in full and costs taxed at Rs. 84.50 and poundage, viz. :—

An undivided $\frac{2}{3}$ of the land called Madagewatta, situated at Uruwala, in the Medapattu of Siyane korale, in the

District of Colombo; and bounded on the north by the ditch of the land belonging to Haranchi Appoo and also claimed by Goonatillaka, east by the ditch of the land of Migel Perera, south and west by the water-course; containing in extent 26 acres and 1 rood.

Fiscal's Office,
Colombo, October 24, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

J. de S. Rupesinghe of Colombo Plaintiff.
No. 44,224 C. Vs.

F. D. Jayasinha of 3rd division, Maradana, in Colombo, administrator of the estate of R. A. Miranda, deceased, and another Defendant.

NOTICE is hereby given that on Thursday, November 23, 1916, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the following property, mortgaged with the plaintiff, and decreed and ordered to be sold by the decree entered in the above action for the recovery of the sum of Rs. 10,000 with interest at the rate of 8 per cent. per annum from February 19, 1914, to April 7, 1916, and thereafter further interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full and costs, Rs. 423.62, viz. :—

All those portions of the garden called Ettambagahawatta with the buildings standing thereon, bearing assessment No. 65, situated at Maradana, within the Municipal limits of Colombo, in the District of Colombo, Western Province; and bounded or reputed to be bounded on the north by a portion of this garden belonging to Rupesinha Adirian Silva, on the east by the garden of Maggina Mirando Siman de Silva, on the south by the garden of Colomin Bastian Silva Wickramaratna Gunatillaka Arachchi and his other portion of this garden, on the inner east by a road of 9 feet wide, and on the west by a drain; containing or reputed to contain in extent 2 roods and 30 square perches, which said property now bears assessment No. 68, situated at Maradana in Ward No. 7, within the Municipality of Colombo, in the District of Colombo, Western Province, and according to the figure of survey bearing No. 265 dated June 16, 1905, made by A. E. Van Rooyan, Registered Licensed Surveyor; bounded on the north by the property belonging to the estate of the late Adrian de Silva Rupesingha, on the east by the property of C. D. S. W. Goonatillaka and a road reservation twelve links wide, and on the west by a Government reservation; and contain in extent 3 roods and 28 perches, together with all the right, privileges, easements, servitudes, and appurtenances whatsoever to the said premises belonging or usually held, occupied, used, or enjoyed therewith, and all the estate, right, title, interest, property, claim, and demand whatsoever of the said R. A. Miranda in, to, out, or upon the same at the date of the said bond, and the said property subject to a primary mortgage for Rs. 12,000, and interest created by bond No. 418 dated June 20, 1905, attested by L. W. F. de Saram of Colombo, Notary Public.

Fiscal's Office,
Colombo, October 23, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

P. R. N. K. R. Nalla Caruppen Chetty of Sea street,
Colombo Plaintiff.
No. 44,887. Vs.

(1) Awanna Perumal Nadar of No. 41, 2nd Cross street, Pettah, Colombo, (2) Thana Suppiah Thevar of Sea street, Colombo Defendants.

NOTICE is hereby given that on Monday, November 27, 1916, 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 1st defendant in the following property for the recovery of the sum of Rs. 730, with interest thereon at the rate of 9 per cent. per annum from April 7, 1916, till payment in full and costs, Rs. 190, viz. :—

All that house and premises bearing assessment No. 41, situated at 2nd Cross street, within the Municipality of Colombo; and bounded on the north by house bearing

assessment No. 40; on the east by house and premises bearing assessment No. 39, belonging to Amaris Fernando, on the south by the house and premises No. 42, and on the west by the 2nd Cross street; containing in extent about 8 perches.

Fiscal's Office,
Colombo, October 24, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

Awanna Muna Saminathan Chetty of Sea street,
Colombo Plaintiff.
No. 45,803. Vs.

Hewaradage Salman Fernando of Eswatta, in the Udugaha pattu of Hewagam korale, in the District of Colombo Defendant.

NOTICE is hereby given that on Friday, November 24, 1916, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff and declared bound and executable under the decree entered in the above action for the recovery of the sum of Rs. 1,192.50, with interest at 9 per cent. per annum from August 3, 1916, till payment in full, and costs, viz. :—

At 11 A.M.

(1) An undivided 1/7 part or share of and from the land called Mundigalkandadelgahawatta, situated in the village Eswatta, in the Udugaha pattu of Hewagam korale, in the District of Colombo, Western Province; bounded on the north and east by the land belonging to Girigoris Pieris, Fiscal's Officer, south by the land belonging to Baddehakuruge Babanisa, and west by Pinnakahatagahawatta belonging to Podi Unnanse; containing about 8 bushels of paddy sowing extent.

At 11.15 A.M.

(2) An undivided 1/14 part or share of the irawella towards the south of and from the land called Mellagahawatta, situated at Eswatta aforesaid; bounded on the east by the garden belonging to Baddehakuruge Michona, south by the land belonging to Girigoris, Fiscal's Officer, west by Millagahawattairawella belonging to Baddehakuruge Salonchia and others, and north by irawella towards the north of Millagahawatta; containing about 6 bushels of paddy sowing extent.

At 11.30 A.M.

(3) An undivided 3/70 part or share of the irawella, towards the north of and from the land called Millagahawatta, situated at Eswatta aforesaid; bounded on the east by Mudunpitakotuwa belonging to Baddehakuruge Juseya and others, south by irawella towards the south of Millagahawatta, west by Millagahawattairawella belonging to Baddehakuruge Salonchia and others, and north by Eti-gahawatta; containing about 8 bushels of paddy sowing extent.

At 11.45 A.M.

(4) An undivided 1/78 part or share of and from the land called Pilladeniya, situated at Eswatta aforesaid; and bounded on the east by the land belonging to Girigoris Pieris, Fiscal's Officer, south by Crown land and the garden of Mrs. Drieberg, west and north by Crown land; containing in extent about 8 bushels of paddy sowing.

At 12 noon.

(5) An undivided 1/14 part or share of and from the land called Ettigaladeniyairawella, situated at Eswatta aforesaid; bounded on the east by Ettigalawatta belonging to Kudakotunnage Isa, south by the other irawella of Ettigaladeniya belonging to Baddehakuruge Salonchia and others, west by the land belonging to Podizanchia and others, and north by the field belonging to Baddehakuruge Janga; containing about 1 bushel of paddy sowing in extent.

At 1.30 P.M.

(6) An undivided 1/14 part or share of and from the land called Mahadeniya, situated at Eswatta aforesaid; bounded on the east by Delgahawatta, south by Mahadeniyawewakumbura, west by the garden of Mananadewage Samel Fernando, and north by the field belonging to Baddehakuruge Podizanchia; containing about 1½ bushels of paddy sowing extent.

At 1.45 P.M.

(7) An undivided 1/63 part or share of and from the land called Mahadeniyawewakumbura, situated at Eswatta aforesaid; bounded on the east by Wewakandiya, south by the garden belonging to Walimunidewago Babbuwa, west and north by Mahadeniya; containing about 3 bushels of paddy sowing extent.

At 2 P.M.

(8) An undivided 1/42 part or share of and from the land called Delgahawatta, situated at Eswatta aforesaid; bounded on the east by Helambagahakumbura *alias* Pahalakumbura, south by Medollawetiyakumbura, west by Mahadeniya, and north by Hadduwelandairawella belonging to Podizanchia and others; containing about 10 bushels of paddy sowing extent.

At 2.15 P.M.

(9) An undivided 1/42 part or share of and from Helambagahakumbura *alias* Pahalakumburairawella, situated at Eswatta aforesaid; bounded on the east by Mahaowita, south by another irawella of this field belonging to Baddehakuruge Apponsuwa, west by Delgahawatta, north by live fence of Heenatikotuwa; containing about 2 bushels of paddy sowing extent.

At 2.30 P.M.

(10) An undivided 1/140 part or share from the land called Millagahakumbura, situated at Eswatta aforesaid; and bounded on the east by the garden belonging to Mahadewage Podi Naide, south by the garden belonging to Podihamy, west by Depawella, and north by Pandeniya-kumbura and Wanatuwatta; containing about 6 bushels of paddy sowing.

At 2.45 P.M.

(11) An undivided $\frac{1}{2}$ part or share of and from a portion of land called Hadduwelanda, situated at Eswatta; and bounded on the east by the limit of the ditch of the portion belonging to Baddehakuruge Mitcha, south by the land belonging to Walimunidewage Battia, west by the land belonging to Walimunidewage Battia, and north by the limits of the land belonging to Kudakotumage Isa and others; containing about 6 bushels of paddy sowing extent.

At 3 P.M.

(12) An undivided $\frac{1}{2}$ part or share of an allotment of land called Kahatagahalanda, situated in the village Eswatta aforesaid, together with the buildings thereon; bounded on the north-west and north by land claimed by Davith Appuhamy, north-east and east by a water-course, south by land said to belong to the Crown, west by reservation along Mundikaloya; containing in extent 4 acres and 15 perches.

Fiscal's Office,
Colombo, October 24, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Negombo.

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

No. 9,414. Vs.

Kumarasin Katunayake Appuhamilage Don Carolis
Appuhami, Police Headman of Pedipola... Defendant.

NOTICE is hereby given that on November 25, 1916, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

An undivided $\frac{1}{2}$ share of the residing land and the tiled house standing thereon in which the defendant resides, situate at Pedipola, in Dasiya pattu of Alutkuru korale; the entire land being bounded on the north by land belonged to the heirs of Loose Appu, deceased, east by land belonging to Yohanis Appu, south by land belonging to the heirs of the late Carolis Appu, and west by land belonging to Don Brampy Appu and others; containing in extent about 4 acres.

Amount to be levied Rs. 689.09, with interest on Rs. 532.50 at 9 per cent. per annum from November 15, 1915, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, October 24, 1916. Deputy Fiscal.

In the District Court of Negombo.

Awanna Veena Kana Nana Ramasami Palle of
Negombo Plaintiff.
No. 11,070. Vs.

(1) Marsal Joranis Fernando and wife, (2) Maria
Miral, (3) Ana Croos, and (4) Veronica Miral, all
of Kudapaduwa Defendants.

NOTICE is hereby given that on November 22, 1916, 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) Undivided $\frac{1}{2}$ share of divided 1/9 share of the land called Pamburugahawatta, situate at Eththukah, in Dunagaha pattu of Alutkuru korale; the said divided 1/9 share is bounded on the north by a portion of this land of Jacob Suse Miral, east by a portion of this land of Jacob Kostan Croos, south also by the land of Jacob Kostan Croos, and west by a portion of this land of Manuel Croos; containing in extent about 13 $\frac{1}{2}$ perches, and the buildings standing thereon.

(2) Undivided $\frac{1}{2}$ shares of the land called Peyarugahawatu-kubella, situate at ditto; the entire land being bounded on the north by garden of Manuel Peries, east by the garden of Theresiya Miral, now of Jacob Costan Croos, south also by a portion of this land of Jacob Costan Croos, and west also by another of this land; containing in extent about $\frac{1}{2}$ rood, and the buildings standing thereon.

(3) Undivided $\frac{1}{2}$ shares of the land called Pathgurathottam, situate at ditto; the entire land being bounded on the north by the garden of Isabel Croos, east by the garden of Gabriel Miral and others now of Jacob Costan Croos and another, south by the garden of Manuel Croos, and on the west by the garden of Gabriel Miral and others; containing in extent about 1 acre, and the buildings standing thereon.

(4) Undivided $\frac{1}{2}$ share of the land called Pamburugahawatta, situate at ditto; the entire land being bounded on the north by the land of Gabriel Miral and others, east by land of Gabriel Miral, now of Jacob Kostan Croos, south by land of Bastian Miral, now of Jacob Kostan Croos, and west by land of Gabriel Miral and others, now of Jacob Costan Croos; containing in extent about 1 acre and 2 roods, and the buildings standing thereon.

Amount to be levied Rs. 443.50, with interest on Rs. 364.75 at 9 per cent. per annum from May 11, 1916, till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, October 24, 1916. Deputy Fiscal.

In the District Court of Kalutara.

Catline Lily Charlotte Tillekeratne of Bentota Plaintiff.
No. 5,101. Vs.

(1) Jayanettikorallage Richard Tillekeratne Appuhamy, (2) Albert Kulasekera, (3) Don William Tillekeratne Appuhamy, (4) Don Siman Tillekeratne Appuhamy, all of Welipenna Defendants.

NOTICE is hereby given that on Friday, November 24, 1916, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 639.72, viz. :—

1. $\frac{1}{2}$ share of the soil and of the plantation belonging to the 1st defendant of the land called Bopattiyawatta, situate at Welipenna in Walallawiti pattu of Pasdun korale west, in the District of Kalutara; and bounded on the north by Punchedurumulla, east by Elledola, south by Dolegodakumbura, and on the west by ela; containing in extent about 3 acres.

2. The soil and all the trees of the land called Berawagodalandawatta together with the house of 11 cubits (in length) standing thereon, situate at ditto, belonging to the 1st defendant aforesaid; and bounded on the north by Berawagodakumbura, east by Millagahawatta, south by a portion of the same land, and on the west by a portion of the same land; containing in extent about 1 $\frac{1}{2}$ acre.

3. 1/80 share belonging to the 2nd defendant and $\frac{1}{2}$ of $\frac{1}{2}$ share belonging to the 1st, 3rd, and 4th defendants of the soil and of the soil share trees of the western portion of Millagahawatta, situate at ditto; which portion is bounded

on the north by Pelaketiyawatta *alias* Pannapitiyawatta, east and south by the portion of the same land, and on the west by Berawagodakumbura; containing in extent about 2½ acres.

4. ¼ of ¼ of ¼ share belonging to the 2nd defendant and ¼ of ¼ share belonging to the 1st, 3rd, and 4th defendants of the soil and of the soil share trees of the land called Pelaketiyawatta *alias* Pannapitiyawatta, situate at ditto; and bounded on the north by Potuwilekumbura, east by the land of Johanis Appu, and on the south and west by Millagahawatta; containing in extent about 3 acres.

5. 1/80 share belonging to the 2nd defendant and ¼ of ¼ share belonging to the 1st, 3rd, and 4th defendants of the field called Embatapolewela, situate at ditto; and bounded on the north by Peragahaowita, east by the land belonging to Don Bastian, south by Crown jungle, and on the west by Welipenne-ganga; containing in extent about 8½ acres.

6. ¾ shares of the soil and of all the other remaining trees belonging to the 1st, 3rd, and 4th defendants (after excluding 12 coconut trees and 8 arecanut trees planted by the plaintiff and the ¼ share of the soil and of the remaining trees sold to Don Charles Tillekeratne) of the land called Meegahawatta, together with 1/80 share belonging to the 2nd defendant and ¾ shares belonging to the 1st, 3rd, and 4th defendants of the house of 13 cubits (in length) standing thereon, situate at ditto; and bounded on the north by Balawileaswedduma and Iriyagahakumbura, east by Hividiattakumbura, south by the land belonging to Mallage James Perera, and on the west by Handungalawatta; containing in extent about 8 acres.

7. 9 shares belonging to the 1st, 3rd, and 4th defendants and 1/80 share belonging to the 2nd defendant of Kohuwala *alias* Puhuwalagawakattiya of the land called Balawileaswedduma, situate at ditto; the said land is bounded on the north by Pahalakattiya of the same yaya, east by Ihalakattiya of Balawileaswedduma, south by Hividiattakumbura, and on the west by Dalugalakanda *alias* Peragahaowita; containing in extent about 14 acres.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, October 24, 1916. Deputy Fiscal.

In the District Court of Kalutara.

Hepewattage Agosthinu Peiris of Kehelwatta in
Panadure Plaintiff.
No. 6,289. Vs.

(1) Kothalawalage Charles Peiris of Kehelwatta, in
Panadure, (2) ditto Gabriel Peiris of ditto... Defendants.

NOTICE is hereby given that on Saturday, November 25, 1916, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property (mortgaged by the defendants with plaintiff and declared bound and executable for the decree entered in the above case) for the recovery of Rs. 840.75, with interest on Rs. 75 at 9 per cent. per annum from April 30, 1915, till payment in full, viz. :-

(a) The soil and all the trees and plantations, together with the buildings standing thereon, of the defined 1/7 portion of the ¼ share of the land called Puswelgaladolewatta, situated at Kehelwatta; and bounded on the north by the land belonging to Johannes Mathew de Mel, on the east by a portion of this land belonging to Dombagahapathirage Hendrick Peiris, on the south by ½ share of this land belonging to the heirs of the late Parangige Juwanis Peiris, and on the west by a portion of this land belonging to Parangige Johanis Peiris; and containing in extent about 2 roods and 26¾ perches.

(b) The soil and all the trees and plantations, together with the buildings standing thereon, of the defined portion of the land called Puswelgaladolewatta, situated at Kehelwatta; and bounded on the north by the land belonging to Vidanelage Johannes de Mel, on the east by a portion of this land belonging to Mututantirige Selestina Cooray, on the south by a portion of this land belonging to others, and on the west also by a portion of this land belonging to others; and containing in extent about 2 roods.

(c) The soil and all the trees and plantations of the northern defined 1/14 portion of the land called Puswelgaladolewatta *alias* Kaiyakkalagewatta, situated at Kehelwatta;

and bounded on the north by Badalgehena, on the east by Puswelgaladolewatta and Kurunduwatta, on the south by a portion of this land belonging to Lewis, and on the west by the 1/14 portion of this land belonging to Janohamy; and containing in extent 1 rood and 11 3/7 perches.

(d) Undivided ¾ share of the soil and of all the trees and plantations (excluding the planter's ¼ shares of the 1st plantation) of the ¼ portion of the land called Puswelgaladolewatta, situated at Kehelwatta; and bounded on the north by the portion of this land belonging to Kothalawalage Charles Peiris and ditto Gabriel Peiris, on the east by portion of this land belonging to the estate of Abraham de Mel, on the south by a portion of this land belonging to Dombagahapathirage Sadris Peiris, and on the west by Dolewatta-agala; and containing in extent about ½ an acre.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, October 24, 1916. Deputy Fiscal.

In the District Court of Kalutara.

Don Brampy Weerakoon of Pinidiamulla... Plaintiff.
No. 6,797. Vs.

Wanniatchige Don Charles De Barnes Abayawar-
dene Appuhamy of Suwandathimulla, now of
Metiyalamulla Defendant.

NOTICE is hereby given that on Wednesday, November 22, 1916, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property (mortgaged by the defendant with plaintiff and declared bound and executable for the decree entered in the above case) for the recovery of Rs. 2,296.37, with interest on Rs. 2,187 at 12 per cent. per annum from March 17, 1916, till May 26, 1916, and thereafter at 9 per cent. per annum on the aggregate till payment in full, viz. :-

An undivided ½ share of the soil and soil share trees of the land called Delgahawatta, situated at Paiyagala in Paiyagal badda; and bounded on the north by a portion of Delgahawatta, east by river, south by Delgahawatta, and west by the high road; containing in extent about 1 rood and 36 perches.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, October 24, 1916. Deputy Fiscal.

Central Province.

In the Additional Court of Requests of Kandy.

Kuna Pana Kana Nana Veanna Rana Kannappa
Chetty of Kandy Plaintiff.
No. 7,997. Vs.

(1) Kana Muna Pathuma of No. 1,083, Peradeniya
road, Kandy, administratrix of the estate of
Kawanna Pana Meera Saibo of Kandy, deceased,
(2) Meyanna Muna Omer Mohideen of Matale. Defendants.

NOTICE is hereby given that on Tuesday, November 28, 1916, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 136, with interest thereon at 9 per cent. per annum from February 16, 1916, till payment in full, and costs of Rs. 25.25, together making the sum of Rs. 161.25, viz. :-

All that house and ground bearing assessment No. 850, situate at Katukelle, in Peradeniya road, within the town and Municipality of Kandy; and bounded on the east by a road, south by house No. 849 belonging to Ana Mohamado Talip, west by Mr. Blaze's estate, and north by house No. 851 belonging to Burhon Noordeen; containing in extent 16 feet in breadth along the road and 492 feet in length.

Fiscal's Office, A. V. WOUTERSZ,
Kandy, October 24, 1916. Deputy Fiscal.

In the District Court of Kandy.

Abgunawala Sumana Unnanse of Ampitiya Pansala, in Gandaha korale of Lower Hewaheta . . . Plaintiff.
No. 22,233 (Part II.). Vs.

Nanayakkara Lianege Moses Perera Senaratne, Town Arachchi of Ampitiya, Kandy . . . Substituted Defendant.

NOTICE is hereby given that on Thursday, November 30, 1916, at 12 noon, will be sold by public auction at the premises the substituted defendant's rents and profits of the following land, with the right to possession thereof for thirty years, for the recovery of the sum of Rs. 388·87, with further 72 bushels of paddy and Rs. 36 per annum until the said sum is paid, viz. :—

All that contiguous fields called Kadawatekumbura and Weliliyaddekumbura, containing in extent 3 acres and 5 perches; and bounded on the north-east by Kadawattegederawatta belonging to Kadawattegedera Vidane, Weliliyaddeawatta belonging to Pantiyegedera Nanduwa, by field belonging to Pantiyegedera Naida, on the east by water-course, on the south by water-course, and on the north-west by Kadawattegederawatta belonging to Kadawattegedera Vidane, situate at Ampitiya, in Gandaha korale of the Pata Hewaheta, in the District of Kandy, Central Province.

Fiscal's Office,
Kandy, October 24, 1916.

A. V. WOUTERSZ,
Deputy Fiscal.

In the District Court of Kandy.

W. G. G. Abeysinghe of Gampola . . . Plaintiff.
No. 22,577. Vs.

(1) Ramasamy Seruvaran's daughter Rakamma of Kurugalla estate, Gampola, (2) Agnes Lemercier (dead) by substituted defendant, C. E. Ferdinand, Secretary, District Court, Kandy, (3) Paul Lemercier of Lower Dangan estate, Matale, (4) Eleanor Downall and (5) her husband Reginald Henry Downall of Bethworth estate, Galagedera, (6) Arthur Thomas Hawke, (7) Beatrice Macdonald (dead) by the substituted defendant, C. E. Ferdinand, Secretary, District Court, Kandy, and (8) Robert Macdonald of Kurugalla estate, Gampola . . . Defendants.

NOTICE is hereby given that on Tuesday, November 21, 1916, commencing at 12 o'clock noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property mortgaged upon bond No. 202, dated July 7 and 14, 1912, and attested by T. B. Panabokke, Notary Public of Gampola, for the recovery of the sum of Rs. 14,055, with legal interest from March 23, 1916, till payment in full, and costs of suit, viz. :—

An undivided $\frac{1}{2}$ share from and out of all that estate called Kurugalla, now called Maryland, situated in the villages of Uda Aludeniya and Wegiriya, in the Medapalata of Udunuwara, and in the village of Kirinde, in Gangapahala korale, Udapalata, all in the District of Kandy, Central Province, and comprising of the following allotments of land :—

(a) All that land called Mulletahena, situate at Uda Aludeniya, in Medapalata, Udunuwara, Kandy District, Central Province; and bounded on the north by land claimed by natives, on the north-east by land described in plan No. 55,896 and by land claimed by natives, on the east and south-east by land described in plan No. 50,089, on the south-west by land described in plan No. 53,764, and on the west by land said to belong to the Crown and by land claimed by natives, and on the north-west by land described in plan No. 55,896 and by lands claimed by natives; and containing in extent (exclusive of the path passing through the land) 9 acres 3 roods and 17 perches.

(b) All that tract of land, situate at Uda Aludeniya aforesaid and at Kirinde, in Gangapahala korale, Udapalata, Kandy District aforesaid; and bounded on the north-west by land said to belong to the temple, and on all other sides by land claimed by natives; and containing in extent 45 acres 2 roods more or less.

(c) All that allotment of land called Gangumahena (Ganemehena according to the seizure report), situate at Wegiriya in Medapalata aforesaid; and bounded on the north and north-east by paddy fields claimed by natives, and land said to belong to the temple, on the south-east and east by land described in plan No. 50,089, and south and south-west by land claimed by natives, and on the north-west by land claimed by natives and by paddy fields claimed by natives; and containing in extent 4 acres 1 rood and 25 perches more or less.

(d) All that chena land called Kurugallahena *alias* Gallanahena of 2 pelas in extent, situate at Kurugalla, in Gangapahala korale, Udunuwara aforesaid; and bounded on the east by mango tree standing on ganima of Udunuwara, on the south by the galdetta, on the west by the stone fence, and on the north by the coffee estate owned by John James.

(e) All that chena land called Kurugallahena *alias* Gallanahena of 2 pelas in extent; and bounded on the east by the stone fence, on the south by the Galdetta, on the west by the demada of Gamagedarahena, and on the north by the coffee estate which was owned by John James; situate at Kurugalla aforesaid, and all the right, title, interest, and claim whatsoever of the said defendants in, to, upon, or out of the said several premises mortgaged by the defendants.

Fiscal's Office,
Kandy, October 24, 1916.

A. V. WOUTERSZ,
Deputy Fiscal.

In the District Court of Colombo.

Muna Pana Lana Palaniappa Chetty of Sea Street, Colombo . . . Plaintiff.
No. 42,287. Vs.

(1) Sithie Noorne Yien *alias* Nona Davy and (2) Amath Kalier Awal Cuttilan, wife and husband, of Slave Island, Colombo, presently of Kandy . . Defendants.

NOTICE is hereby given that on Thursday, November 30, 1916, at 12 noon, will be sold by public auction at the spot the following property mortgaged with the plaintiff and ordered to be sold by order of court dated March 3, 1916, for the recovery of the sum of Rs. 2,353, with interest on Rs. 2,000 at 12 per cent. per annum from July 27, 1915, to March 3, 1916, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that piece of land, together with the building standing thereon, No. 246, situated at Trincomalee street, within the town of Kandy, Central Province; bounded on the north by the property of Don Philip Zoysa, on the east by Trincomalee street, on the south by the remaining portion of this land, and on the west by the land claimed by Asgiriya Vihare; containing in extent 12 $\frac{67}{100}$ perches.

Fiscal's Office,
Kandy, October 24, 1916.

A. V. WOUTERSZ,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Anthony Nicholas de Silva of Kotahena . . . Plaintiff.
No. 11,388. Vs.

(1) William Samaranayaka and (2) Don Hendrick de Silva Abeynayaka, both of Bentota . . . Defendants.

NOTICE is hereby given that on Thursday, November 16, 1916, at 12 o'clock in the noon, will be sold by public auction at the premises in the following mortgaged property, viz. :—

1. The undivided $1\frac{1}{2}$ part of the soil and of the remaining fruit trees exclusive of the planter's share of the 2nd plantation of the garden called Basnayakagewatta, situate at Obadawatta in Bentara; and bounded on the north-west by river, north-east by ela, south-east by Yonawatta or Bogahawatta and Madinagewatta; containing in extent about 1 acre.

2. The undivided $1\frac{1}{2}$ part of the planter's $1\frac{1}{2}$ share of the fruit trees of the 2nd plantation of the land called Babaiyegewatta and of the 18 cubits house standing thereon, situate at Obadawatta; and bounded on the north by river, east by Merenchigewatta and Calambawatta, south by Calambayawatta and Jambirisigewatta, west by Wedayawatta and river; containing in extent about $1\frac{1}{2}$ acres.

On Saturday, November 18, 1916, at 12 noon.

3. The undivided $\frac{3}{4}$ parts of the entire soil and of the rubber and coconut plantations of the land called Galgodakele, situate at Peyadde in Bentota; and bounded on the north by Godellewatta belonging to Amaris and others and lands appearing in plans Nos. 152,853, 152,852, and 152,851, east by lands appearing in plans Nos. 160,064 and 160,066, south by lands appearing in plans Nos. 152,846, 135,560, and 135,159, and west by Galgodakele *alias* Bataketiyaakele; containing in extent 6 acres 1 rood and 2 perches.

On Monday, November 20, 1916, at 12 noon.

4. All that the entire field called Dehigahawela, situate at Nawadagala; and bounded on the north by Keremaniyekumbura and Dehigahawela Pawaraduwa, north-east by Crown land called Dehigahawela, Pawaraduwa, Urumerudeniya, and land appearing in plan No. 139,940, south by Crown land called Urameruduwa, Hickgasgodaduwa, and Hickgasgodamanana, south-west by Crown land called Hickgasgodaduwa, west by Crown land called Hickgasgodamanana and Waturabasnawa, north-west by Waturabasnawa, Dehigahawela, Pawaraduwa, and land appearing in plan No. 140,331; containing in extent 9 acres 1 rood and 17 perches.

5. All that the field called the tract of land No. 12,283 of Keremaniyekumbura, situate at Nawadagala; and bounded on the north-east by Elpiti-ela, north-west by tract of land No. 12,282, south-west by land No. 12,282, south by Urameruduwa, and the tract of land No. 12,284; containing in extent 2 acres 1 rood and 38 perches.

Amount of writ Rs. 2,955.43 with interest on Rs. 2,725.63 at 9 per cent. per annum from August 10, 1912, till payment in full.

Fiscal's Office,

J. A. LOURENSZ,

Galle, October 19, 1916.

Deputy Fiscal.

In the District Court of Galle.

Bope Wiratungage Louis and others... Defendant-creditors.

No. 11,399.

Vs.

Bon Davith Nagahawatte Appuhamy of Hapugala and another... Defendants-debtors.

NOTICE is hereby given that on Saturday, November 25, 1916, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said 1st and 2nd defendants in the following property, viz. :—

All the soil and trees of the defined lot No. 3 of the land called Elhenegodawatta, which defined lot is 5 acres 1 rood and 23.46 perches in extent, situate at Illuwitike; bounded on the north by lots 2 and 1A and Galsgawa-addarakumbura, east by Galagawa-addarakumbura, south by lot No. 4, and west by the high road from Galle to Baddegama.

Writ amount Rs. 108.60.

Fiscal's Office,

J. A. LOURENSZ,

Galle, October 21, 1916.

Deputy Fiscal.

In the District Court of Matara.

Francis Wimalasuriya of Dodanduwa... Substituted plaintiff.

No. 5,873.

Vs.

(2) Mahammadu Neina Marikar Mahammadu of Watagedaramulla... Defendant.

NOTICE is hereby given that on Thursday, November 30, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of Rs. 633.50 and Fiscal's charges, viz. :—

1. All the fruit trees and soil of Kaluwagahahena, containing in extent 40 acres 1 rood and 7 perches, situate at Iluppella, in the Weligam korale of Matara District;

and bounded on the north by land appearing in title plans No. 184,821, east by lands appearing in title plans Nos. 157,648 and 163,958 and Crown land, south by Crown land, and on the west by Crown land, reserved land, and land appearing in title plan No. 184,819, valued at Rs. 1,600.

2. All the fruit trees and soil of Galpotttehena, containing in extent 10 acres 1 rood and 9 perches, situate at Akuressa, in ditto; and bounded on the north by land reserved along Galpotttedeniyaedola, land appearing in title plan No. 184,007 and land claimed by villagers, east by Pillehenedola, south and west by Crown land; valued at Rs. 500. Total Rs. 2,100.

Deputy Fiscal's Office,

J. S. DE SARAM,

Matara, October 24, 1916.

Deputy Fiscal.

In the District Court of Matara.

Francis Wimalasuriya of Matara... Plaintiff.

No. 6,354.

Vs.

Cornelius Munasinha Dissanaikie of Palolpitiya... Defendant.

NOTICE is hereby given that on Tuesday, November 21, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,716.75, and also Fiscal's charges, viz. :—

1. Ihalawewadeniyathmaga *alias* Pottedeniyathmaga bearing No. 10,812, Ihalawewadeniyathmaga *alias* Pottedeniyathmaga bearing No. 10,813, Ihalawewadeniyathmaga *alias* Pottedeniyathmaga bearing No. 10,814, Ihalawewadeniyathmaga *alias* Pottedeniyathmaga bearing No. 461, Ihaladeniyudumulla bearing No. 10,815, and Ihaladeniyudumulla-athmaga bearing No. 10,816, all adjoining one another, in extent 9 acres 1 rood 14 perches, situated at Vitiyala, in the Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by Crown land called Keddammullekanda, east by Crown land Galendehena, Dolakeddemullakanda, Potudeniya, claimed by H. L. Don Abaran and others, and another dola, south by Crown land Galendehena, west by Ihalawewadeniya claimed by H. L. Don Abaran and others, Ihalawewa and Pahalawewa claimed by P. Wijehami and others, Pahalawewatta claimed by P. Don Hendrick, Maragahawatta claimed by P. Don Hendrick, the Crown land called Ihaladeniyaudumulleathmaga, Ihaladeniya claimed by P. Hendrick and Pansala claimed by H. D. Andris. Rs. 932.55.

2. Beddedeniya bearing No. 10,861, Hindakaraldeniya-athmaga No. 10,862, Kampotttegahahena No. 10,864, all adjoining one another forming one land, in extent 11 acres 2 roods 4 perches, situate at ditto; and bounded on the north by Kanagangodayakumbura claimed by A. Don Methias and others, Kanagangodayadeniya claimed by H. Seadoris, the land mentioned in plan No. 168,712, Egodahawatta claimed by D. Abaran, and Pahalawewa claimed by R. Siman and others, east by Hindakaraldeniya claimed by W. Don Adirian and others, Pansalegodellewatta claimed by W. Puchiappu, and land mentioned in plan No. 168,717, south by lands given in plans Nos. 168,717 and 158,243, a dola, Halgamuwegewewa claimed by Illangkoon Mudaliyar, and Halgamuwege Pinliyadda belonging to temple, west by Mahakumbura claimed by Illangkoon Mudaliyar. Rs. 1,152.50.

3. All the fruit trees and soil of Puhulhena, in extent 9 acres and 27 perches, situate at ditto; and bounded on the north by lands given in plans Nos. 168,715 and 168,716, east by Pansalagodellawatta, Beragamagewattakoratuwa, Beragamagewatta claimed by W. Puchiappu, Bibulegawatta claimed by W. D. Adirian, Bibulugewatta claimed by H. D. Carolis, Bulugahakanattewatta claimed by W. Adirian, and Gasinnaidegewatta claimed by H. Jamis Appu, south by Walagewatta claimed by E. D. Costan, west by Phulhena belonging to Crown, lands given in plans Nos. 158,243, 158,243, and the land reserved for Crown. Rs. 916.87.

4. All the fruit trees and soil of Kendaketiya *alias* Delgahakoratuwa, in extent 2 acres 2 roods and 4 perches, at Urapola, in the said Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by Pansalewatta, east by Rubasingewatta, Batuwitagedarawatta, and Potuwilagodawatta, south by Rubasingedeniya, west by Jambughahaliyadda, Kohilaketiya, and Wadiyadeniya. Rs. 454.37.

5. The undivided $\frac{1}{4}$ part of all the fruit trees and of soil (exclusive of the roads running through the centre) of the land Arambegodakanda, in extent 19 acres 2 roods 26 perches (but reported by Mudaliyar of the pattu as 9 acres 3 roods and 13 perches), situate at Ihlavitiyala, in the said Gangaboda pattu of the Matara District, Southern Province; and bounded on the north by lands mentioned in plans Nos. 212,305 and 208,011, lands reserved, lands claimed by Arambegoda Pansala and the villagers, a pond, a road, ground reserved along the road, and Crown land, east by land claimed by villagers, and lot No. 21,347 of the original plan No. 7,502, south by land claimed by villagers, portions of land bearing No. 241,708, west by land claimed by villagers, land mentioned in plan No. 208,012, and Crown land. Rs. 983.12.

6. The undivided $\frac{1}{4}$ part of all the fruit trees and of soil of Arambegodakanda, in extent 27 perches (but reported by the Mudaliyar of the pattu as $13\frac{1}{2}$ perches) at ditto; and bounded on the west by land claimed by villagers, north, east, and south by lands given in plan No. 241,707. Rs. 8.43.

Deputy Fiscal's Office,
Matara, October 20, 1916.

J. S. DE SARAM,
Deputy Fiscal.

In the District Court of Matara.

Hewa Visenti Don Arnolis de Silva of Denepitiya. . Plaintiff.

No. 6,361.

Vs.

Polwatta Gallege Don Cornelis Samarawickrema
of Denepitiya. Defendant.

NOTICE is hereby given that on Monday, November 20, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 764.44 with interest at 9 per cent. on Re. 652.60 from May 10, 1915, till payment in full and Fiscal's charges, viz. :—

1. The planter's $\frac{1}{2}$ part of the 2nd plantation and the $\frac{7}{20}$ shares of the soil of the land called Pandigewatta *alias* Palliyogewatta, in extent 3 acres, situate at Tibbotuwawa, in the Gangaboda pattu of Matara District; and bounded on the north by Potuwila and Badalgekanatta, east by Mahakumbura, south by Galwadugewatta, and on the west by high road, valued at Rs. 205.

On Monday, November 27, 1916, at 1 P.M.

2. An undivided $\frac{1}{4}$ part of all the fruit trees and of soil of the land called Gallege Okandahena, in extent 2 acres situate at Polwatta, in the Weligam korale of Matara District; and bounded on the north by high road, east by Karatotawatta, south by Gallege Okandehena, Mudunpita-tibena Nūgagahalese, and on the west by Pokunewatta *alias* hena, valued at Rs. 100.

3. All the fruit trees and soil of the lot C of the land called Dematawatta *alias* Kankanangekoratuwa, in extent about 1 acre 15.81 perches, situate at Denepitiya in ditto; and bounded on the north-east by ela, north-west by lot B of the land called Dematawatta *alias* Kankanangekoratuwa, east by lot D of the same land, south and south-west by ela (subject to the life-interest of claimant, Dona Emelia Samarasinhe Hamine as well as to the rights of her grand children), valued at Rs. 800.

On Monday, December 4, 1916, at 1 P.M.

4. An undivided $\frac{1}{4}$ part of the field called Deegoda-kumbura, whole in extent 5 pelas of paddy sowing, situate at Malimboda, in the Weligam korale of Matara District; and bounded on the north by Addarakumbura, east by Moladduwagewatta, south by Wilakumbura, and on the west by Bempeella, valued at Rs. 100. Total Rs. 1,205.

Deputy Fiscal's Office,
Matara, October 18, 1916.

J. S. DE SARAM,
Deputy Fiscal.

In the District Court of Matara.

Arunabaduge Don Davith Gunawardena *alias* Aha-
gama Plaintiff.

No. 6,873.

Vs.

Dona Leisa Kariyaperuma Kulatunga Hamine of
Babarenda and others. Defendants.

NOTICE is hereby given that on Wednesday, November 22, 1916, at 1 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 1,563.83, with further interest and also Fiscal's charges, viz. :—

1. The planter's $\frac{1}{2}$ share of the fruit trees of the 3rd plantation and the undivided $\frac{1}{4}$ share of the remaining fruit trees and of soil of the land Mailagahawatta, in extent about 6 acres and the tiled house 13 cubits standing thereon, situate at Babarenda, in the Wellaboda pattu of the Matara District, Southern Province; and bounded on the north by wela and Kongahawatta *alias* Paragahadeniyawatta, east by wela, south dewata and deniya, west by Ihalaruppa and Setugewatta, Rs. 1,500.

2. The undivided $\frac{1}{4}$ part of all the remaining fruit trees and of soil (save and except the planter's $\frac{1}{2}$ share of the fruit trees of the 3rd and 4th plantations) of the land Nelunwewa-addarawatta *alias* Aratchimahatmayapadinchiwahitiyawatta, in extent about 3 acres, and the undivided $\frac{1}{2}$ part of the tiled house of 11 cubits built presently facing the east thereon, situate at ditto; and bounded on the north by Mullegheha, east by Nelunwewa-ahabodadeniya *alias* Webodadeniya, south by Surawiragewatta, west by Dangahawatta and Mullegheha, Rs. 1,000.

3. The soil and all the fruit trees of Dangahakoratuwa *alias* Pitakoratuwa, in extent about $1\frac{1}{2}$ acres, situate at ditto; and bounded on the north by Mailagahawatta, east by Aratchimahatmayapadichihahitiyagedarawatta, south by Mullegekoratuwa *alias* Dangahakoratuwa, west by Setugewatta and high road, Rs. 800.

4. The undivided $\frac{7}{24}$ parts of Bogahadeniya, in extent 1 amunam of paddy, situate at ditto; and bounded on the north by Talapittaniya, east by Wewagoda, south by Nelunwewa, west by Bogahahena, Rs. 260.

Deputy Fiscal's Office,
Matara, October 18, 1916.

J. S. DE SARAM,
Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Arunasalam Suppiah of Manippai Plaintiff.

No. 11,392.

Vs.

Sinnattambi Nannittambi and wife (2) Sellamuttu,
both of Kondavil, presently of Kokkuvil. . . . Defendants.

NOTICE is hereby given that on Thursday, November 23, 1916, 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. 2,385, with further interest on Rs. 1,500 at the rate of 12 per cent. per annum from July 7, 1916, until payment in full, provided that such interest does not exceed Rs. 615, and costs of suit being Rs. 108.02 and charges and poundage.

In a piece of land situated at Kokkuvil called Mattanai, containing or reputed to contain in extent 24 lachams varagu culture and $7\frac{1}{2}$ kulies with stone built house, well, and spontaneous and cultivated plants; bounded or reputed to be bounded on the east by the property of Nitchingar Veluppillai and lane, north by the property belonging to Subramania Swami Koil, west by the properties of Than-gamma, wife of Tillaiampalam Tankam, wife of Sivakuru, Sinnattankachchi, wife of Aiyampillai and Annam, wife of Muttattampi, south by the property of Walliammaippillai, wife of Ponnambalam and the heirs of the late Periatthambi Ilayathambi, Velauther Ponnambalam and by Nitchingar Veluppillai.

Fiscal's Office,
Jaffna, October 19, 1916.

S. SABARATNAM,
for Fiscal.

In the Court of Requests of Jaffna.

Sanmugam Cheddiar Ponnambalam of Vannarponnai East Plaintiff.

No. 11,462/A. Vs.

Sanmugam Cheddiar Vytialinga Cheddiar, and his wife (2) (dead) Suntharam of Vannarponnai East Nagalinga Cheddiar Muttuvelu Cheddiar, and his wife, (2) Sivakkolunthu of Vannarponnai, (3) Arunasalam Cheddiar Muttu Cheddiar, and his wife Rasamany of ditto, defendants substituted in the room of 2nd defendant, deceased Defendants.

NOTICE is hereby given that on Monday, November 20, 1916, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said 1st defendant and of his late wife Suntharam, the following property for the recovery of Rs. 45, being damages and costs of suit being Rs. 101.15 and charges and poundage, viz. :—

1. A piece of land situated at Vannarponnai East called Veddaikkarantarai and Anshalanditalvu, containing or reputed to contain in extent 3 lachams of varagu culture with well cultivated and spontaneous plants, portico, and house pertaining thereto; bounded or reputed to be bounded on the east by the property of Arunasalam Sabapathi, north by the property of Nakanathar Kanapathippillai and by property belonging to the heirs of the late Ponnambalam Perunthurai, west by road, and on the south by the property of the plaintiff Sanmugam Cheddi Ponnambalam, of this the right of use of a path $2\frac{1}{2}$ cubits broad, leading along the north to the plaintiff's land and to the southern boundary land thereof and also the share of the well and the right of use of way and water-course belonging to the southern lands, are however excluded.

Fiscal's Office,
Jaffna, October 19, 1916.

S. SABARATNAM,
for Fiscal.

Eastern Province.

In the District Court of Batticaloa.

Lionel Frederic Tissaverasinghe of Batticaloa, administrator of the estate of the late J. M. Tissaverasinghe Plaintiff.

No. 4,268. Vs.

Sunier Sinnattamby of Tampiluvil Defendant.

NOTICE is hereby given that on Saturday, November 11, 1916, commencing at 2 o'clock in the evening, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following properties, viz. :—

(1) The coconut estate, land lot No. 3,798, situated at Tampiluvil, in Akkarai pattu; and bounded on the north presently by the estate belonging to K. V. Markandu, south by land reserved for lane, east by Crown land, and west by land mentioned in plans Nos. 151 and 587 belonging to K. V. Markandu; in extent 3 acres 3 roods 1 perch, with house, well, 370 coconut trees, and other produce.

At about 3 P.M.

(2) An undivided $\frac{1}{2}$ share of the paddy sowing land called Senkatchoolaiveli, situated at Urakkaivelivaddai, in Tampiluvil, in Akkarai pattu; and bounded on the north by land of Kunchattai, widow of Pattiniyar, south by land of K. Arumukam and others, east by Attuppiddy, and west by Sivanakulattuveddikkadu belonging to P. H. Sankamappody and the other portion of this land; in extent 16 acres.

Judgment Rs. 2,087.91, with interest on Rs. 1,911.91 at 9 per cent. per annum from March 11, 1916.

Fiscal's Office,
Batticaloa, October 17, 1916.

S. O. CANAGARATNAM,
Deputy Fiscal.

In the District Court of Batticaloa.

T. K. Kathirgamatamby Udayar of Kallady, Uppodai Plaintiff.

No. 4,304. Vs.

Ramasamy Ponnu Durasamy of Pottuvil Defendant.

NOTICE is hereby given that on Saturday, November 25, 1916, at about 10 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

An undivided one-half share, with all the coconut plants and other produce contained therein, in a coconut estate, bearing lot No. 3898/93988, called Ulichantivukadu belonging to the salt plain or Karachchai described in plan No. 266,339, situated in the village of Pottuvil, in Panama pattu, Batticaloa, Eastern Province; the boundaries of the whole of the said estate are on the north by reef of rocks, on the east by seashore and Crown land, on the south by land lot No. 93989 described in preliminary plan No. 3,898, and on the west by Pottuvil kalappu or lagoon; containing in extent 81 acres and 20 perches.

Judgment Rs. 3,862.72, with interest on Rs. 3,746.53 at 9 per cent. per annum from April 4, 1916, till payment.

Fiscal' Office, S. O. CANAGARATNAM,
Batticaloa, October 23, 1916. Deputy Fiscal.

In the District Court of Trincomalee.

Thamodarampillai Supramaniam of Trincomalee, executor of the last will and testament of Namasivayam Kadirgamatamby, deceased Plaintiff.

No. 613. Vs.

Theivanaipillai, widow of Eliyatamby of Division No. 6, Trincomalee Defendant.

NOTICE is hereby given that on the dates and time mentioned below, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

On Thursday, November 23, 1916, at 3.30 P.M.

1. Life-interest of the defendant to an undivided $\frac{1}{2}$ share of a piece of land, situated at Division No. 5, Trincomalee, with tiled house, outhouses, and all other appurtenances relating thereto; bounded on the east by land belonging to V. Swaminathapillai, on the west by house and land of V. C. Arumugam, on the south by road, and on the north by the land of the heirs of Nallasagarampillai Udayar; extent 1 rood and 28 $\frac{27}{100}$ perches.

On Thursday, November 23, 1916, at 5 P.M.

2. Life-interest of the defendant to an undivided $\frac{1}{2}$ share of a piece of land with coconut trees and other plantations standing thereon, situated at Division No. 4, Trincomalee; bounded on the west by land belonging to Annappillai, widow of Sinnar, on the north by land belonging to Mutucumaraswami temple, south by land belonging to Victor Covington, and on the east by lane; extent 2 acres 3 roods and 7 $\frac{64}{100}$ perches.

On Friday, November 24, 1916, at 2 P.M.

3. The life-interest of the defendant to an undivided $\frac{1}{2}$ share of a piece of land, situated at Champadu attached to Sampativu, with coconut trees and plantations, and all rights relating thereto; bounded on the east by road leading to Mangalai, on the north by land of Valauther Annamalai, on the west by land belonging to Chellachipillai, wife of Chellatamby and others, and on the south by land belonging to Vallipillai, widow of Murugasu and others; extent 6 acres and 20 perches.

On Friday, November 24, 1916, at 4 P.M.

4. Life-interest of the defendant to an undivided $\frac{1}{2}$ share of land Parankitharai Kaddadivayal Vettiyankeeru, situated at Champianar, Trincomalee; bounded on the north-east and south-east by water-course, south-west by hill and jungle, and on the north-west by the land once belonging to K. Mutucumararu, and now belonging to others; extent 12 acres 3 roods and 13 $\frac{66}{100}$ perches.

On Saturday, November 25, 1916, at 5 P.M.

5. Half share of a paddy field called Alavaraivayal and Alapattavayal, situated at Periyakulam in Kaddukulam pattu east, Trincomalee; bounded on the north-east and south-east by Crown jungle, on the south-west and north-west by the land of V. C. Theruvankada Chetty; extent 12 acres and 21 64/100 perches.

Writ amount Rs. 1,055.65.

N.B.—(a) The life-interest of the defendant to the 2nd and 3rd properties are mortgaged with other properties, including property No. 5 mentioned above to M. Muttutambay and T. Muttucumaru for Rs. 2,250.

(b) The life-interest of the defendant to the 2nd and 3rd properties are also under lease to K. Paramanatham and S. Velupillai for Rs. 250 and 150 respectively per annum.

(c) The 5th property together with other properties and life interest of the defendant to 2nd and 3rd properties are under mortgage to M. Muttutambay and T. Muttucumaru for Rs. 2,250.

Deputy Fiscal's Office, M. SUBRAMANIAM,
Trincomalee, October 23, 1916. Deputy Fiscal.

In the District Court of Colombo.

M. P. A. Palaniappa Chetty of Sea street,
Colombo Plaintiff.

No. 44,562. Vs.

A. Chithiravelu of Colombo, presently of Trincomalee, and another Defendants.

NOTICE is hereby given that on Monday, November 20, 1916, at 3 o'clock in the evening, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property, viz. :—

(1) A piece of land in Division No. 6, Trincomalee, with a tiled house of three rooms, well, well sweep, and posts standing thereon, and all rights relating thereto, excluding the life-interest in one of the rooms on the western side in favour of Kanapathippillai purchased by Velupillai Chellathurai; bounded on the north-east by Main street, on the south-east by the land of T. Oppilamani, on the south-west by the land of the heirs of Konamalai Kathircamatamby, and on the north-west by the land of the heirs of V. C. Arunasalem; in extent 1 rood 4 67/100 square perches.

On Tuesday, November 21, 1916, at 3 o'clock in the evening.

(2) Half on the south-eastern side of a garden called Franchikarantottam, situated at Division No. 12, Trincomalee; bounded on the north-east by seashore, on the south-east by land called Brownthottam, on the south-west by North Coast road, on the north-west by the land of W. Allegacone; extent of the whole land is 15 acres 3 roods and 4 80/100 perches.

Writ amount Rs. 2,628.63, with further interest, and costs.

N.B.—The sales of the above property advertised in *Government Gazette* No. 6,828 of October 6, 1916, for November 1 and 2, 1916, are hereby cancelled.

Deputy Fiscal's Office, M. SUBRAMANIAM,
Trincomalee, October 18, 1916. Deputy Fiscal.

In the District Court of Colombo.

M. P. A. Palaniappa Chetty of Sea street,
Colombo Plaintiff.

No. 44,562. Vs.

Velupillai Selvaturai of Colombo, presently of Trincomalee, and another Defendants.

NOTICE is hereby given that on Monday, November 20, 1916, at 4 o'clock in the evening, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property, viz. :—

A piece of land in Division No. 6, Trincomalee, with a tiled house of three rooms, well, well sweeps, and posts, and other appurtenances relating thereto; bounded on the north-east by Main street, on the south-east by the land of T. Oppilamani, on the south-west by the land of the heirs

of Konamalai Kathircamatamby, on the north-west by the land of the heirs of V. C. Arunasalam; extent 1 rood and 4 67/100 square perches.

Out of this property the life-interest of Kanapathippillai to one room on the western side purchased by Velupillai Selvadurai has been seized and advertised.

Writ amount Rs. 2,628.63, with further interest, and costs.

N.B.—The sale of the above property advertised in *Government Gazette* No. 6,828 of October 6, 1916, for November 1, 1916, is hereby cancelled.

Deputy Fiscal's Office, M. SUBRAMANIAM,
Trincomalee, October 18, 1916. Deputy Fiscal.

North-Western Province

In the District Court of Puttalam.

Sina Thana Vianna Runa Ramasamy Pillai of
Puttalam Plaintiff.

No. 2,723. Vs.

(1) Segu Madar Katu Wawa, (2) Kattu Wawa
Abdul Hameedo of Puttalam Defendants.

NOTICE is hereby given that on Saturday, November 25, 1916, commencing at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the defendants in and to the following property, viz. :—

(a) The coconut garden called Periyakulamkado and Pankulamkado, in extent 13 acres 1 rood and 10 perches, situate at Kuruwikulam in Puttalam pattu, Puttalam District, of this a divided half share on the southern side, in extent 6 acres 2 roods and 25 perches, together with the coconut trees, mango trees belonging thereto, boundaries of the said divided portion are on the north by the adjoining portion of this land belonging to Arunasalam Retty's heirs, on the east by land mentioned in title plan No. 159,265, south by garden belonging to Martino Fonseka, and on the west by footpath, an undivided half share within the above boundaries.

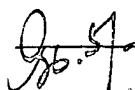
(b) The coconut garden called Periakulamkado, in extent 9 acres, situate at Kuruwikulam aforesaid of this a divided half share on the western side, in extent 4 acres 2 roods, together with the coconut, mango, jak trees, &c., boundaries of the said half share are on the north by road, east by adjoining portion of this land belonging to Sara Umma, wife of the first defendant, south by land belonging to the heirs of U. M. C. Cassie Chetty and Nagur Piche Hamido Ussen, west by land belonging to Ana Sina Idroos and others, the entirety within these boundaries.

(c) The coconut garden called Mawadytotum, bearing assessment No. 141, situate at Lakeshore street, Puttalam town, measuring in extent from north to south 136 cubits, east to west 112 cubits; boundaries are on the north by the garden belonging to Segu Tamby Meera Saibo Maraiakar and others, east by plain, south by garden belonging to Ibrahim Naina Pariyary Pitchetamby, and on the west by the garden belonging to Elevatamby Maraiakar Kottuwa Marikkar, an undivided half share of the land within the above boundaries.

(d) The coconut garden called Periakulamkado, situate at Nindeni, in Puttalam pattu, in extent 17 acres 2 roods and 6 perches, of this a divided portion on the south-eastern side of the eastern half share measuring in extent from east to west 345 feet, from north to south 719 feet, together with the coconut, mango, and jak trees, and other trees belonging thereto; boundaries of the said divided portion are on the north by the adjoining portion of this land belonging to Paekir Kuppe Pitche, east by road, on the south by land belonging to Ena Chena Muna Mohammado Cassim Marikkar and others, and on the west by land belonging to Ambalukurum Ibrahim Saibo, the entirety within these boundaries.

Amount of writ Rs. 4,233.18, with interest on Rs. 3,987.75 at 9 per cent. per annum from August 17, 1916.

Deputy Fiscal's Office, S. M. P. VANDERKOEEN,
Puttalam, October 20, 1916. Deputy Fiscal.



In the District Court of Puttalam.

(1) Mary de Rosairo, (2) Austin de Rosairo, and
(3) Peter Wilmot de Rosairo, all of Puttalam. Plaintiffs.

No. 2,630.

Vs.

(1) Sinna Wappu Moheydeen Pitche of Kana-
moola, (2) Mohamado Cassim Parikari Moha-
mado Ibrahim Peeru Rawther of Mutipala-
kulam.....Defendants.

NOTICE is hereby given that on Saturday, November 18, 1916, commencing at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the defendants in and to the following property, viz. :—

1. Noordiyampirivu in Manjadicholai, in Akkarai pattu, Puttalam District, in extent 11 acres 2 roods and 30 perches; bounded on the north by reservation, east by reservation and land appearing in plan No. 139,724, south by Thirumalai-pagathy, west by land of Ussena Marakar Unis, the defendan's right, title, and interest of the house and land.

2. Wavunadipadukany, situate as aforesaid, in extent 2 roods and 1 perch; bounded on the north and east by reservation, south by the land in plan No. 139,783, west by Noudayanpirivukany and land in plan No. 79,273, the defendant's right, title, and interest of the lease of the above land.

3. Thirumalapaguthy, situate as aforesaid, in extent 6 acres 2 roods and 7½ perches; bounded on the north by Noudayanpirivu and land in plan No. 79,273, east by reservation, south by common fence of land owned by M. A. Noordin, west by Saruwanpirivu of the defendant's right, title, and interest of the lease of the above land.

4. Maduripagudy, situate at Manjadycholai aforesaid, in extent 34 acres 3 roods; bounded on the north by lands owned by villagers, east by land in plan No. 50,564, south by reservation, west by David Marian de Rosairo's land and common fence, the defendant's right, title, and interest of the lease of the above land.

Amount of writ Rs. 2,500 and interest.

Deputy Fiscal's Office, S. M. P. VANDERKOEN,
Puttalam, October 18, 1916. Deputy Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

WHEREAS twenty-five bags of tea, weighing about two thousand nine hundred pounds, have been produced before this Court by Inspector Hay de Saram in P. C., Colombo, case No. 2,590.

Notice is hereby given that all persons who may have a claim to the said tea, should appear before the Police Magistrate, Colombo, within six months from the date hereof and establish their claims.

Colombo, October 12, 1916.

G. FURSE ROBERTS,
Police Magistrate.