



Ceylon Government Gazette

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PART II.—Legal and Judicial.

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DRAFT ORDINANCES.

MINUTE.

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

Preamble. An Ordinance to amend the Law relating to Irrigation.

Short title. 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:

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Repeal of Ordinance No. 16 of 1906. 2 "The Irrigation Ordinance, 1906," is hereby repealed.

(S. 2 adapted.) 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

[Note: The marginal references are the references to Ordinance No. 16 of 1906.]

- (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 lands 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” includes 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." "Maintenance" with reference to irrigation works (whether
(New.) 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." "Government Agent" includes Assistant Government
(New.) Agent.
- "Government Agent." "Government Agent" includes Assistant Government
(S. 54.) Agent.
- "Previous Irrigation Ordinance." "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.
(New.)
- Irrigation rate. 4 (1) An irrigation rate under this Ordinance with
(New.) 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.
- (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.
- (See ss. 32, 39.)

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 kachcheri.

(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 the provisions of this chapter, except section 5 (1), 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 belong to the Government Agent under section 8, 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 10 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 herein-after 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.

(New, 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 19, 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.

(New.)

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.
(Now.)
- 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 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.)

Costs of seizure and sale.

(S. 45 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.

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 :

- (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.

(S. 46 unchanged.)

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.

Certificate of sale.

(S. 47 unchanged.)

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.

(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.

(New, but in accordance with practice.)

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.

Re-sale by
Crown.

(New.)

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 65, 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 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.)

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."

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

(New.)

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.

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

(New.)

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.

SCHEDULE I.
(Section 65 (1).)

Whereas the sum of _____ rupees was due to our Sovereign Lord the King for _____ in respect of the land _____, hereinafter 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 _____, hereinafter 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 standing advisory committee, which makes initial rules when the district is first constituted. The Ordinance now 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 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 consolidated 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 under the present system 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 of the existing Ordinance 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 not practicable to explain all the changes of detail made by this Ordinance, but 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 emergencies 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* (Section 70).—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 to amend " The Town Schools Ordinance, 1906."

- Preamble.** WHEREAS it is expedient to amend " The Town Schools Ordinance, 1906 " : 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 Town Schools (Amendment) Ordinance, No. of 1916."
- Substitution of new definition of " local authority."** 2 For the term " local authority " in section 4 of the principal Ordinance, the following definition shall be substituted :
- The term " local authority " means—
- Within any Municipal limits, save and except the Municipal limits of the town of Colombo, the Municipal Council ;
 - Within the Municipal limits of the town of Colombo, the Director of Education ;
 - Within any Local Board town, the Local Board ;
 - Within the limits of any town or village brought under the operation of " The Small Towns Sanitary Ordinance, 1892," the Sanitary Board ; and
 - Within the administrative limits of the Nuwara Eliya Board of Improvement, the Board of Improvement.
- Amendment of section 6.** 3 In section 6 of the principal Ordinance the words " from the funds vested in them " shall be omitted.
- Amendment of section 14.** 4 The following words shall be added to sub-section (2) of section 14 of the principal Ordinance : " except fines imposed in respect of offences committed within the jurisdiction of the Municipal Council of Colombo."
- Substitution of the expression " Director of Education " for the expression " Director of Public Instruction."** 5 In all places in the principal Ordinance in which the expression " Director of Public Instruction " appears, the expression " Director of Education " shall be substituted.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, October 23, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE object of this Ordinance is to enable the Director of Education, for the purposes of elementary education in the Colombo Municipality, to take over the functions which the Ordinance assigned to the Colombo Municipality, but which for financial reasons it has been unable to discharge.

2. The head of the Department of Education being now known as the Director of Education and not the Director of Public Instruction, the necessary amendments are made throughout the Ordinance.

Attorney-General's Chambers,
Colombo, October 17, 1916.

ANTON BERTRAM,
Attorney-General.

MINUTE.

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

An Ordinance further to amend "The Medical Wants Ordinance, No. 9 of 1912."

Preamble.

WHEREAS it is expedient further to amend "The Medical Wants Ordinance, No. 9 of 1912": 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 Medical Wants (Amendment) Ordinance, No. of 1916."

Substitution of new paragraphs.

2 The following paragraphs shall be substituted for paragraphs (d) and (e) in section 30 of the principal Ordinance:

- (d) In the case of all expenditure properly chargeable to a capital account in respect of all hospital or dispensary buildings declared by the Governor, with the advice of the Medical Wants Committee, to have been primarily constructed or to be primarily maintained for the accommodation of immigrant labourers (including, in the case of buildings completed after the commencement of this Ordinance, the cost of construction), such an annual amount as would be sufficient to liquidate such expenditure, together with interest at four per centum per annum on any unliquidated part thereof, in such equal annual instalments as the Governor, with the like advice, may from time to time determine, until such expenditure is so liquidated, or alternatively, if the Governor, with the like advice, shall, with reference to any period of twelve months in question, so determine, the amount of any such expenditure, or of any part thereof outstanding, in a lump sum.
- (e) In the case of any special hospital or dispensary building completed after the commencement of this Ordinance, such contribution to the cost of construction, whether by way of annual instalments on the terms aforesaid or otherwise, as the Governor, with the advice of the Medical Wants Committee, may determine.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, October 21, 1916.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE Ordinance as it now stands provides—

- (a) For the apportionment of the expenditure incurred on all existing hospitals and dispensaries in which the general public as well as estate labourers are treated between the general revenue and the Medical Wants Fund in proportion to the extent to which they are used by the general public and by estate labourers respectively (*vide* section 30 (b) and 30 (c)); and
- (b) For the payment of all capital expenditure incurred on hospital and dispensary buildings (including, in the case of new buildings, the cost of construction) which may be determined by the Governor, with the advice of the Medical Wants Committee, to be primarily constructed or maintained for estate purposes from the Medical Wants Fund in twenty-five annual instalments (*vide* section 30 (d) and 30 (e)).

2. In the actual working of the Ordinance on point (b) above, two practical difficulties have been experienced:—

- (a) The Medical Wants Committee, although very largely in credit, is not in a position to write off immediately the whole cost of any particular expenditure against the Fund. The Committee has to wait till the expiry of twenty-five years in order to ascertain its exact financial position.
- (b) When a new hospital or dispensary is built, the Committee find it difficult sometimes to certify beforehand that such hospital or dispensary is primarily constructed for the accommodation of estate labourers, as it may turn out in actual practice that it will be as valuable to the general public as it will be to estate labourers. In such cases the Committee has no power to settle the matter by making special terms with the Government.

3. The object of this Ordinance is to give the Committee a free hand in both these directions. By new paragraph (d) it enables the Committee to liquidate its liabilities in respect of hospitals and dispensaries primarily intended for estate labourers in such manner as it finds convenient, and by new paragraph (e) it allows the Committee to make any agreement that may seem appropriate in the circumstances with reference to the construction of any new hospital or dispensary building. Subsequent capital expenditure in the way of repairs, &c., will, if the building is ultimately declared to be primarily used for estate purposes, be charged to the fund under new paragraph (d).

ANTON BERTRAM,
Attorney-General.

October 13, 1916.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of David Ernest de Saram, late of the Ceylon Civil Service, deceased.
No. C/4,646.
(Old Series.)

Clara Prins de Saram of Malabar street, Kandy. Petitioner.
Vs.

- (1) Neva Treherne Manners, widow, (2) Nina Treherne de Saram, (3) Nora Henrietta de Saram, (4) Minna Clarisa de Saram, for herself and as guardian *ad litem* of Nora Henrietta de Saram, (5) Nella Maud Aloxa de Saram, all of Woodstock, Malabar street, Kandy, (6) Francis Clara Treherne Bouchier, wife of (7) Charles Bouchier of Bellair, Puwakpitiya Respondents.

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. F. A. & G. de Saram, Proctors, on the part of the petitioner Clara Prins de Saram of Malabar street, Kandy; and the affidavit of the said petitioner dated April 18, 1916, having been read: It is ordered and declared that the said Clara Prins de Saram is entitled to have letters of administration *de bonis non* (with will annexed) issued to her accordingly, unless the respondents above named or any person or persons interested shall, on or before November 9, 1916, show sufficient cause to the satisfaction of the court to the contrary.

L. M. MAARTENSZ,
Additional District Judge

October 20, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of late Nalawattage Suatan de Silva Appuhamy of Pahala Mapitigama, deceased.
No. 5,724.

Nalawattage Aron de Silva Gunaratne Appuhamy of Pahala Mapitigama Petitioner.

And

- (1) Nalawattage David de Silva, (2) Nalawattage Aseline de Silva, (3) Nalawattage Aggie de Silva, and (4) Nalawattage Sirisena de Silva, all of Pahala Mapitigama Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 11, 1916, in the presence of Messrs. van Cuylenberg & de Witt, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 7, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the brother 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 23, 1916, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 11, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Nawagomuwege Sarah Perera, late of
No. 5,725. Welikado, in Colombo, deceased.

Galagedorage Don Charles Appu of Welikado . . . Petitioner.

And

(1) Boralugodage Alice Perera, wife of (2) Aranga-
lage Aron Perera, both of Aturugiriya, (3) Boralu-
godage Sopo, wife of (4) Hettiaratchige Charles
Perera, both of Homagama, (5) Boralugodage
Abraham of Welikado Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 11, 1916, in the presence of Mr. G. L.
Cooray, 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 son 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 16,
1916, show sufficient cause to the satisfaction of this court
to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 11, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. the late Galagedorage Dona Johana, late
No. 5,726. of Welikado, deceased.

Galagedorage Don Charles Appu of Welikado . . . Petitioner.

And

(1) Boralugodage Alice Perera, wife of (2) Aran-
lage Aron Perera, both of Aturugiriya, (3) Boralu-
godage Sopo, wife of (4) Hettiaratchige Charles
Perera, both of Homagama, (5) Boralugodage
Abraham of Welikado Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 11, 1916, in the presence of Mr. G. L.
Cooray, 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 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 16,
1916, show sufficient cause to the satisfaction of this court
to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 11, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Galagedorage James, late of Welikado,
No. 5,727. in Colombo, deceased.

Galagedorage Don Charles Appu of Welikado . . . Petitioner.

And

(1) Boralugodage Alice Perera, wife of (2) Aranga-
lage Aron Perera, both of Attugiriya, (3) Boralu-
godage Sopo, wife of (4) Hettiaratchige Charles
Perera, both of Homagama, (5) Boralugoda
Abraham of Welikado Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 11, 1916, in the presence of Mr. G. L.
Cooray, 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 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 16,
1916, show sufficient cause to the satisfaction of this court
to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 11, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of
Jurisdiction. Evans Henry Cameron Walker of
No. 5,736. Colombo, deceased.

Edna Faith Walker, presently of Braemar, Ward
place, Colombo Petitioner.

And

(1) Douglas Cameron Walker of Braemar, Ward
place, Colombo, and (2) George H. Hogg of
Kandy Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 14, 1916, in the presence of Messrs.
de Vos & Gratiaen, Proctors, on the part of the petitioner
above named ; and the affidavit of the said petitioner dated
October 6, 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 16, 1916,
show sufficient cause to the satisfaction of this court to the
contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 14, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Umma Zaheera, late of No. 58,
No. 5,741. street, Colombo, deceased.

Wapoo Marikar Alim Mohamado Yoo Petitioner.
Old Moor street, Colombo

And

(1) Pathumma Umma of No. 58, Old Moor street,
Colombo, (2) Mohamed Anis Bin Hadjie Ismail
Effendi of 68, Old Moor street, Colombo . . . Respondents.

THIS matter coming on for disposal before Lewis Matthew
Maartensz, Esq., Additional District Judge of Colombo, on
October 16, 1916, in the presence of Mr. Alvis, Proctor, on
the part of the petitioner above named ; and the affidavit
of the said petitioner dated September 21, 1916, having
been read :

It is ordered that the petitioner be and he is hereby
declared entitled, as the father 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 16, 1916,
show sufficient cause to the satisfaction of this court to the
contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 16, 1916.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Charles Frederick Arndt of
No. 5,744. Alutawata, Colombo, deceased.

(1) Cecil Osmund Arndt and (2) Vernon
Eugene Frederick Arndt, both of Wellawatta,
Colombo Petitioners.

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

on October 20, 1916, in the presence of Mr. Leslie Mack, Proctor, on the part of the petitioners above named; and the affidavits (1) of the said petitioners dated September 4, 1916, and (2) of one of the attesting witnesses dated October 19, 1916, having been read:

It is ordered that the last will of Charles Frederick Arndt, deceased, of which the original has been produced and is now deposited in this court be and the same is hereby proved, and it is further declared that the petitioners are the executors named in the said will, and that they are entitled to have probate thereof issued to them accordingly, unless any person or persons interested shall, on or before November 16, 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 declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Annette Harrison Kynaston of
No. C/6,745. 14, Bernard Gardens, Wimbledon, in the
County of Surrey, widow, deceased.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 23, 1916, in the presence of Mr. J. A. Martensz, Proctor, on the part of the petitioner Eustace Frederick de Saram of Colombo; and (1) the affidavit of the said petitioner dated October 20, 1916, (2) the power of attorney dated September 5, 1916, and (3) the order of the Supreme Court dated October 10, 1916, having been read: It is ordered that the will of the said Annette Harrison Kynaston, deceased, dated December 10, 1914, a certified copy of which under the Seal of His Majesty's High Court of Justice in England 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 Eustace Frederick de Saram is the attorney in Ceylon of the executrixes named in the said will, and that he is entitled to have letters of administration (with will annexed) issued to him accordingly, unless any person or persons interested shall, on or before November 9, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 23, 1916. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of John Aymer of Goorookoya
No. C/5,747. Group, Nawalapitiya, deceased.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 23, 1916, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner David Scott of Colombo; and (1) the affidavit of the said petitioner dated October 20, 1916, (2) the affidavit of the attesting Notary to the will dated October 14, 1916, and (3) the order of the Supreme Court dated October 19, 1916, having been read: It is ordered that the will of the said John Aymer, deceased, dated June 8, 1908, the original of which 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 David Scott is one of the executors named in the said will, and that he is entitled to have probate with power reserved to the other executor issued to him accordingly, unless any person or persons interested shall, on or before November 9, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 23, 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. Mohammado Shaik Meera Lebbe Pitche,
No. 5,748. late of No. 4, Bridge street, Slave Island,
Colombo, deceased.

Meera Lebbe Annavi Mohamat Mohideen Seenj
of Slave Island, in Colombo, presently of
Hatton.....Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 24, 1916, in the presence of Messrs. De Vos & Gratian, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 23, 1916, having been read:

It is ordered that Mr. David Matthew Jansz, as Secretary of the District Court of Colombo, be and he is hereby declared entitled to have letters of administration to the estate of the above-named deceased issued to him, unless any person or persons interested shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 24, 1916. L. M. MAARTENSZ,
Additional District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Dona Jeroncia Nanayakkara Senewi-
No. 5,752. ratne, deceased, of Waragoda.

Dona Illiancia Cornelia Welikele Dissanayake of
Waragoda.....Petitioner.

And

(1) Mrs. H. Selica Seneviratne of Nedimala in
Dehiwala, (2) George Samaratunga Randanan of
Slave Island, (3) M. Cornelia Samaraweera of
Waragoda.....Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 25, 1916, in the presence of Mr. B. O. Pullenayegum, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 8, 1916, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as a cousin of the above-named deceased, to have letters of administration to her estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 25, 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. Jane Harriet Pakkiam Anthonippillai,
No. 5,753. late of Dehiwala in Colombo, deceased.

Bastiam Pillai Anthonippillai of Wellawatta, in
Colombo.....Petitioner.

And

Philippa Chinniah of Katkovalam, Point Pedro,
Jaffna.....Respondent.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 26, 1916, in the presence of Mr. B. O. Pullenayegum, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated October 26, 1916, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 26, 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. the late Francis Dionysius Alles of 3rd
No. 5,757. division, Maradana, Colombo, deceased.

Elizabeth Mary Alles of 3rd division, Maradana,
Colombo Petitioner.

And

- (1) Doctor Emmanuel Caitan Alles of Henaratgoda,
(2) Mary Mount Carmel Muttukumaru, and her
husband, (3) Doctor Philip M. Muttukumaru,
both of Bandarawela, (4) Gertrude Alles of 3rd
division, Maradana, Colombo Respondents.

THIS matter coming on for disposal before Lewis
Matthew Maartensz, Esq., Additional District Judge of
Colombo, on October 31, 1916, in the presence of Mr. C. M.
Brito, Proctor, on the part of the petitioner above named ;
and the affidavit of the said petitioner dated September 21,
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 16,
1916, show sufficient cause to the satisfaction of this court
to the contrary.

L. M. MAARTENSZ,
October 31, 1916. Additional District Judge.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of the late Don Andris Obeyesekara
No. 1,045. Appuhamy, Vidane Arachchi of Ladduwa.

THIS matter coming on for disposal before Allan Beven,
Esq., District Judge of Kalutara, on October 16, 1916, in
the presence of Mr. J. A. Fernando, Proctor, on the part of
the petitioner Don Davith Obeyesekara of Ladduwa ; and
the affidavit of the said petitioner dated September 8, 1916,
having been read :

It is ordered that the last will and testament of the late
Don Andris Obeyesekara Appuhamy, Vidane Arachchi of
Ladduwa, deceased, dated August 16, 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 17, 1916, show sufficient cause to the
satisfaction of this court to the contrary.

It is further decreed that the said Don Davith Obeye-
sekara is the executor named in the said will, and that he
is entitled to have probate of the same issued to him
accordingly, unless any person or persons interested shall,
on or before November 17, 1916, show sufficient cause to
the satisfaction of this court to the contrary.

ALLAN BEVEN,
October 16, 1916. District Judge.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Sarifa Umma, deceased, of Trincomalee
No. 3,235. street, Kandy.

THIS matter coming on for disposal before Felix Reginald
Dias, Esq., District Judge of Kandy, on September 14, 1916,
in the presence of Mr. Wilfred A. de Silva, Proctor, on the
part of the petitioner Don Alexander de Alwis Paranawitane
of Trincomalee street, Kandy ; and the affidavit of the said
petitioner dated February 14, 1916, having been read :

It is ordered that Cassee Lebbe Marikar Zainul Abdeen
of No. 93, Hulftsdorp, Colombo, be and he is hereby declared
entitled to letters of administration to the estate of Sarifa
Umma of Trincomalee street, Kandy, deceased, as the
husband of the said deceased, unless (1) the said Cassee

Lebbe Marikar Zainul Abdeen of No. 93, Hulftsdorp, Colombo,
(2) Zainul Abdeen Mohamad Hassim, (3) Zainul Abdeen
Mohamad Salim of Trincomalee street, Kandy, (4) Zainul
Abdeen Mohamad Cassim of Trincomalee street, Kandy,
(5) Zainul Abdeen Mohamad Seedu of No. 93, Hulftsdorp,
Colombo, the 4th and 5th respondents by their guardian *ad
litem* the 3rd respondent, shall, on or before November 9,
1916, show sufficient cause to the satisfaction of this court
to the contrary.

FELIX R. DIAS,
September 14, 1916. District Judge.

In the District Court of Kandy.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Sawanna Rawanna Maha Pena Reena
No. 3,249. Periannan Chetty deceased, of Kadu-
gannawa, in Kandy (part of Yati-
nuwara.

THIS matter coming on for disposal before Felix Reginald
Dias, Esq., District Judge of Kandy, on September 14, 1916,
in presence of Messrs. Beven & Beven, Proctors, on the
part of the petitioner Sawanna Sawanna Sathappa Chetty
of Kadugannawa aforesaid ; and the affidavit of the said
petitioner dated May 5, 1916, having been read :

It is ordered that the petitioner Sawanna Sawanna
Sathappa Chetty of Kadugannawa aforesaid be and he is
hereby declared entitled to letters of administration to the
estate of the said deceased, as the attorney of the widow of
the said deceased, unless (1) Kuna. Palaniappa Chetty's
daughter Seggeppy, (2) Pena Reena Seggeppy, (3) Pena Reena
Alagamma, the 2nd and 3rd by their guardian *ad litem* Nana
Sena Muttaiya Chetty, the 1st, 2nd, and 3rd at Alagapuri,
Tirumayam Taluka, Pudukottai State, in South India, the
guardian *ad litem* being at Kadugannawa aforesaid, shall,
on or before October 19, 1916, show sufficient cause to the
satisfaction of this court to the contrary.

FELIX R. DIAS,
September 14, 1916. District Judge.

Extended and issue *Order Nisi* for November 16, 1916.

FELIX R. DIAS,
October 19, 1916. District Judge.

In the District Court of Kandy.
*Interlocutory Order on a Petition in an Action of
Summary Procedure.*

Testamentary. Ambeliyadde Pallewelagedera Muthu
Jurisdiction. Menika of Batagalla. Petitioner.
No. 3,290. Against

- (1) Weerasooriya Wijesundara Rajapakse Wasala
Mudianselage Muthu Banda, (2) ditto Punci
Banda, (3) ditto Seneviratne Banda, (4) ditto
Bandara Menika, all of Batagalla, in Gandahe
korale of Pata Hewaheta Respondents.

THIS action coming on for disposal before Felix Reginald
Dias, Esq., District Judge, Kandy, on October 3, 1916,
after reading the affidavit of Ambeliyadde Pallewelagedera
Muthu Menika, the petitioner above-named, dated October
2, 1916, and her petition praying that the 1st respondent
be appointed guardian *ad litem* of the 3rd and 4th respon-
dents for the purpose of representing them in an application
for letters of administration to the estate of Weerasooriya
Wijesundara Rajapakse Wasala Mudianselage Appuhamy
of Batagalla, deceased :

It is ordered that November 23, 1916, be and the same
is hereby appointed for the determination of the matters
in the said petition contained, and that the said 1st, 3rd,
and 4th respondents be heard in opposition, the prayer of
the same if they appear before this court on the said day.

FELIX R. DIAS,
October 3, 1916. District Judge.

In the District Court of Galle.

Order Nisi.

Amount Rs. 2,500 under.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Lokubadaturuge Dingi Babo, late of No. 4,657. Harumalgoda.

J. B. Babasinno of Habaraduwa Petitioner.

Vs.

(1) Kudavidanage Baba Nona of Habaraduwa, a minor appearing by her guardian *ad litem* (2) Kudavidanage Baba Sinno of Habaraduwa, presently of Beliatte, (3) Malalagamagamage Nonnohamy, (4) ditto Babunhamy, (5) ditto Nonahamy, wife of (6) Manikkubadaturuge Baronchi Appu, both of Koggala, (7) Malalagamagamage Babunona, wife of (8) Dodanduwe Gallege Bastian Appu, both of Koggala, (9) Malalagamagamage Sopinona, (10) ditto Daniel, (11) ditto Punchihamy, (12) ditto Punchinona, (13) ditto Baby, minors appearing by their guardian *ad litem* (14) Lamahewage Babunhamy, all of Habaraduwa Respondents.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on October 4, 1916, in the presence of Mr. D. Wickramasingha, Proctor, on the part of the petitioner Juliabadaturuge Baba Sinno of Habaraduwa; and the affidavit of the said petitioner dated October 4, 1916, having been read:

It is ordered that the petitioner Juliabadaturuge Baba Sinno of Habaraduwa be and he is hereby declared entitled to administer the estate of the said deceased, as son and heir of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent, and the 14th over 9th, 10th, 11th, 12th, and 13th respondents, unless the respondents shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 4, 1916.

L. W. C. SCHRADER,
District Judge.

In the District Court of Galle.

Order Nisi.

Amount Rs. 2,500 under.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Juliabadaturuge Salohamy, deceased, of No. 4,658. Harumalgoda.

Juliabadaturuge Baba Sinno of Habaraduwa ... Petitioner.

Vs.

(1) Kudavidanage Baba Nona, minor appearing by her guardian *ad litem* over (2) Kudavidanage Baba Sinno of Habaraduwa, presently of Beliatte Respondents.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on October 4, 1916, in the presence of Mr. D. Wickramasingha, Proctor, on the part of the petitioner Juliabadaturuge Baba Sinno of Habaraduwa; and the affidavit of the said petitioner having been read:

It is ordered that the petitioner J. B. Baba Sinno of Habaraduwa be and he is hereby declared entitled to administer the estate of the said deceased, as son and heir, and that letters of administration do issue to him accordingly, unless the respondents shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 2nd respondent be appointed guardian *ad litem* over the 1st respondent, unless the respondents shall, on or before November 16, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 4, 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. Dona Laverencia Wanigasekara Hamine, No. 2,318. deceased, of Walgama.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on September 2, 1916, in the presence of Mr. G. Weeraratna, Proctor, on the part of the petitioner Avadoris Cadanes Dias Abeygunawardane of Kumbalwella; and the affidavit of the petitioner dated August 16, 1916, having been read: It is ordered that the said petitioner, as widower of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz., (1) Dona Laverencia Weeratunga Hamine of Walgama, (2) Don David Wanigasekara of ditto, (3) Dona Sicilia of ditto, (4) Don Martin of ditto, (5) Don Fredrick of ditto, (6) Dona Sicilia of ditto, (7) Dona Alice of ditto, (8) Dona Somawatie of ditto, (9) Dona Charlotte of ditto, (10) Don Francis of ditto, shall, on or before November 8, 1916, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the said 2nd respondent be appointed guardian *ad litem* over 3rd to 10th respondents, minors, unless respondents above named shall, on or before November 8, 1916, show sufficient cause to the satisfaction of this court to the contrary.

September 2, 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 Jurisdiction. Pedrick Wijepala Palihawadana Goone, No. 2,328. ratna, deceased, of Wehella.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on October 10, 1916, in the presence of Mr. J. S. Wirasinha, Proctor, on the part of the petitioner Dona Cornelia Wijesiri Gunatilleka Wickramaratna of Wehella; and the affidavit of the said petitioner dated September 25, 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 her accordingly, unless respondents, viz., (1) Harry Gunaratna Palihawadana, (2) Therisa Gunaratna Palihawadana, (3) Andreas Gunaratna Palihawadana, (4) Charles Wijesiriwardena Weerakoon of Maharana of Wehella, shall, on or before November 10, 1916, show sufficient cause to the satisfaction of this court to the contrary. It is further ordered that the said 4th respondent be appointed guardian of the minors 1st, 2nd, and 3rd respondents, unless respondents above named shall, on or before November 10, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 10, 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 Jurisdiction. Henrietta Charlotte Victoria Altendorff, No. 2,329. deceased, of Matara Fort.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on October 10, 1916, in the presence of Mr. J. S. Wirasinha, Proctor, on the part of the petitioner Hubert Glenville Fredrick Altendorff of Kekandure in Matara; and the affidavit of the said petitioner dated September 9, 1916, having been read: It is ordered that the last will dated November 8, 1913, and filed in testamentary case No. 2,076, D. C., Matara, may be declared proved, and that letters of administration with the will annexed may be issued to the petitioner, as an heir of the deceased above named, unless the respondents, viz., (1) Winifred Victoria Altendorff of Matara, (2) Galla Victoria Ernst *nee* Altendorff and (3) husband Charles Henry Ernst, Proctor, Matara, (4) Athlind Victoria Jonklaas *nee* Altendorff, (5) Henry Oswald Jonklaas of Matara, (6) Grace Victoria Meurling *nee* Altendorff of ditto, (7) Roslind Victoria Altendorff of ditto, (8) Durand Victor

Altendorff of Colombo, (9) Leina Victoria Anthonisz nee Altendorff of Matara, shall, on or before November 10, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 10, 1916.

J. C. W. ROCK,
District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Dodampe Amarasekera Heenhamy, No. 644. deceased, of Wanduruppa.

THIS matter coming on for disposal before E. G. Auwardt, Esq., Acting District Judge of Tangalla, on October 13, 1916, in the presence of the petitioner Don John Weerasingha; and the affidavit of the said petitioner dated September 30, 1916, having been read:

It is ordered that letters of administration to the estate of the late Dodampe Amarasekera Heenhamy, deceased, be granted to the petitioner aforesaid, unless the respondents—(1) Maria Weerasinghe of Wanduruppa, (2) Sophia Weerasingha of ditto, (3) Laura Weerasingha of ditto, wife of (4) Don Samel Gunasekera of Avariapessa in Badulla District, (5) Alice Weerasinghe of Wanduruppa (minor), (6) Julius Weerasinghe of ditto, (7) Jonny Weerasinghe of ditto (minor)—and any person or persons interested shall, on or before November 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 4th respondent be appointed guardian *ad litem* over the minors, the 5th and 7th respondents, for the purpose of this case, unless the respondents and any person or persons interested shall, on or before November 6, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 13, 1916.

EUGENE G. AUWARDT,
Acting District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Last Will of the late Jurisdiction. Kannakaippillai, wife of Arumugam Sapapathippillai of Puloly West, deceased. No. 3,303. Class V.

Between

Arumugam Sapapathippillai of Puloly West Petitioner.

And

(1) Arumugam Kartikesapillai of Puloly West and his wife (2) Thangamma of ditto Respondents.

THIS matter of the petition of the above-named petitioner Arumugam Sapapathippillai, praying for grant of probate of the last will of the late Kannakaippillai, wife of Arumugam Sapapathippillai, coming on for disposal before P. E. Pieris, Esq., District Judge, on September 28, 1916, in the presence of Messrs. Casippillai & Cathiravelu, Proctors, on the part of the petitioner; and the affidavit of the petitioner and of the witnesses to the last will, which are dated September 25, 1916, having been read: It is ordered that the will of the late Kannakaippillai, wife of Arumugam Sapapathippillai, dated August 27, 1916, now deposited in this court be and the same is hereby declared proved, unless the above-named respondents or any other person shall, on or before November 7, 1916, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that Arumugam Sapapathippillai is the executor named in the said will, and that he is entitled to have probate of the said will issued to him accordingly.

October 5, 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. Kartigesu Sabapathippillai of Gampola, No. 3,297. deceased.

Sivakamipillai widow of Sabapathippillai of Alvay North in Jaffna Petitioner.
Vs.

(1) Sabapathippillai Chittampalam, (2) Vallipillai, daughter of Sabapathippillai, and (3) Kumarapper Arumugam Nagalingam, all of Alvay North in Jaffna; the 1st and 2nd respondents are minors by their guardian *ad litem* the 3rd respondent Respondents.

THIS matter of the petition of Sivakamipillai, widow of Sabapathippillai of Alvay North in Jaffna, praying for letters of administration to the estate of the above-named deceased Kartigesu Sabapathippillai of Gampola, coming on for disposal before P. E. Pieris, Esq., District Judge, on October 18, 1916, in the presence of Mr. V. T. Swaminather, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated August 5, 1916, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as the lawful widow of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to her accordingly, unless the respondents above named or any other person shall, on or before November 7, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 20, 1916.

P. E. PIERIS,
District Judge.

In the District Court of Mannar.

Order Nisi.

Testamentary In the Matter of the Estate of Kappaneina Jurisdiction. Meerasaibo, late of Tharakundu, deceased. No. 201.

Meeraneina Noorukkappudayar of Tharakundu. Petitioner.
Vs.

(1) Meeraumma, widow of Meerasaibo, (2) Mohanmadununa, wife of Uthumaneina, her husband (3) Kappaneina Uthumaneina, (4) Kappamudayar, wife of Noorukkappudayar, all of Tharakundu Respondents.

THIS matter coming on for disposal before J. D. Brown, Esq., District Judge of Mannar, on October 23, 1916, in the presence of Mr. S. Mudlr. Anantham, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated October 19, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as the husband of one of the heirs, 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 15, 1916, show sufficient cause to the satisfaction of this court to the contrary.

October 23, 1916.

J. D. BROWN,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,724. In the matter of the insolvency of James Lyndhurst Stewart Walker of Wellawatta, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 7, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,
D. M. JANSZ,

Colombo, October 30, 1916.

Secretary.

In the District Court of Colombo.

No. 2,731. In the matter of the insolvency of James Gifford de Silva of No. 115, Hulftsdorp, 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 December 7, 1916, for the grant of a certificate of conformity to the insolvent.

By order of court,
D. M. JANSZ,

Colombo, October 30, 1916.

Secretary.

In the District Court of Colombo.

No. 2,625. In the matter of the insolvency of Suleman Adam, Usoof Shakoor, and Abdulla Hajee Mohamed, all of Colombo, carrying on business under the name, style, and firm of Mohamed Abdulla & Co. at No. 44, Main street, and as Usoof Sulleman & Co. at No. 69, Main street, Colombo.

THE creditors, who have proved their debts under the petition for adjudication of insolvency filed against the above-named insolvents, are desired to meet on November 30, 1916, at 11 o'clock in the forenoon at the District Court of Colombo to decide upon accepting or refusing the offer of composition made to the creditors at a meeting held at the District Court of Colombo, on October 19, 1916, by Ismail Gija of Main street, Colombo, a friend of the insolvents.

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

Colombo, October 27, 1916.

In the District Court of Colombo.

No. 2,743. In the matter of the insolvency of Wickreme Aratchige Don Paulis Appuhamy of Siuralumulla, in the Meda pattu of Siyane korale.

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

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

Colombo, October 30, 1916.

In the District Court of Colombo.

No. 2,746. In the matter of the insolvency of Adolphus de Silva of Wasala road, Kotahena, Colombo.

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

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

Colombo, October 30, 1916.

In the District Court of Colombo.

No. 2,759. In the matter of the insolvency of Edmund Emmanuel Alles of Nugegoda.

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 December 7, 1916, for the grant of a certificate of conformity to the insolvent.

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

Colombo, October 30, 1916.

In the District Court of Colombo.

No. 2,778. In the matter of the insolvency of L. S. A. Caffoor of Prince's gate, Colombo.

WHEREAS the above-named L. S. A. Caffoor has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by S. H. Mohamado, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said L. S. A. Caffoor 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, agreeable 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 25, 1916.

In the District Court of Colombo.

No. 2,779. In the matter of the insolvency of Seyna Rawenna Thavenna Katoo Bawa of 38, Urugodawatta, Colombo.

WHEREAS the above-named Seyna Rawenna Thavenna Katoo Bawa has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by K. M. C. Kuppan, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Seyna Rawenna Thavenna Katoo Bawa insolvent accordingly, and that two public sittings of the court, to wit, on December 7, 1916, and on December 21, 1916, will take place for the said insolvent to surrender and conform to, agreeable 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 28, 1916.

In the District Court of Negombo.

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

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

By order of court,
T. B. CLAASZ,
Secretary.

Negombo, October 30, 1916.

In the District Court of Negombo.

No. 113. In the matter of the insolvency of Madana-singhage Don Pedro of Kurana, Katunayaka.

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

By order of court,
T. B. CLAASZ,
Secretary.

Negombo, October 25, 1916.

In the District Court of Galle.

No. 413. In the matter of the insolvency of Nanayakkare Andige Marthenis Fernando of Kumbalwella.

NOTICE is hereby given that a certificate of conformity has been awarded to the above-named insolvent as of the second class, which is suspended for three months.

By order of court,
V. R. MOLDRICH,
Secretary.

October 27, 1916.

In the District Court of Galle.

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

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on December 12, 1916, for the grant of a certificate of conformity to the above-named insolvent.

By order of court,
V. R. MOLDRICH,
Secretary.

October 26, 1916.

In the District Court of Galle.

No. 425. In the matter of the insolvency of Pena Runa Ana Annamale Chetty of Ambalangoda.

NOTICE is hereby given that the adjudication of insolvency made against the above-named Pena Runa Ana Annamale Chetty has been annulled.

By order of court,
V. R. MOLDRICH,
Secretary.

October 27, 1916.

In the District Court of Galle.

No. 430. In the matter of Tamby Saibu Mohamed Thasim of Dangedera.

WHEREAS Tamby Saibu Mohamed Thasim of Dangedera has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on November 28 and December 22, 1916, will take place for the insolvent to surrender and conform to agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

V. R. MOLDRICH,
Secretary.

October 25, 1916.

In the District Court of Matara.

No. 13. In the matter of the insolvency of O. S. K. Abdul Majeed of Kotuwegoda, Matara.

WHEREAS S. M. M. Hadji Mohamed Gouf-Lebbe of No. 52, 3rd Cross street, Colombo, has filed a declaration of insolvency, and a petition for the sequestration of the estate of O. S. K. Abdul Majeed of Kotuwegoda, Matara, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said O. S. K. Abdul Majeed insolvent accordingly, and that two public sittings of the court, to wit, on November 27, 1916, and on December 18, 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.

J. C. W. ROCK,
District Judge.

Matara, October 27, 1916.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

S. A. A. T. de Mel of 4th Cross street, Pettah,
Colombo Plaintiff.

No. 34,262. Vs.

- (1) Elizabeth Perera Goonawardana of Grandpass, widow of Don Samuel Perera Wijeyaratna Gunawardana, (2) Elizabeth Alexandria Gunawardana, (3) Thomas Silva Gunawardana, both of Talahena, Negombo, (4) Adaline Elianor Cooray and her husband (5) Felix Thomas Cooray, both of Kandy, (6) Samuel Richard Perera of Grandpass Defendants.

James Perera Seneviratna Gunatilleka, Mudaliyar,
of Avondale House, Maradana. . First Added Defendant.

NOTICE is hereby given that on Wednesday, November 29, 1916, will be sold by public auction at the respective premises in the following property for the recovery of the sum of Rs. 279.77 from the 1st defendant and Rs. 111.91 from the 6th defendant and Rs. 70.97 from the 2nd defendant, viz. :—

At 3 P.M.

The right, title, and interest of the 1st and 6th defendants in and to the following properties, viz. :—

- (1) An allotment of the field called Mahawillakumbura, situated at Maligawatta, in Dematagoda, within the Municipality of Colombo, belonging to the 1st and 6th defendants, the lots marked B and F, to wit: the said lot B being bounded on the north by lot C, east by the property belonging to the heirs of the late Dr. W. Dias Bandaranayaka, south by lot A, and west by the Baseline road; containing in extent 2 acres 1 rood and 23 15/100 perches.

At 3.30 P.M.

- (2) The said lot F being bounded on the north and north-west by the property belonging to the Muhammedan Mosque, east by the Baseline road, south by lot G; containing in extent 2 acres 3 roods and 18 perches.

At 4 P.M.

- (3) The right, title, and interest of the 2nd defendant in and to the following property: an allotment of the field called Mahawilekumbura, situated at Maligawatta, in Dematagoda, within the Municipality of Colombo, belonging to the 2nd defendant, the lot marked C; bounded on the north by lot D, east by the property belonging to the heirs of the late W. Dias Bandaranayaka and others, south by lot B, and on the west by the Baseline road; containing in extent 1 acre 1 rood and 28 90/100 perches.

Fiscal's Office,
Colombo, October 30, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

C. H. A. Samarakkody, Mudaliyar, of Bendiamulla
in Siyane korale Plaintiff.
No. 44,340. Vs.

Jayacodi Aratchige Don Marthenis Lazarus Appu-
hamy of Pamunugama, in the Ragam pattu of
Alutkuru korale Defendant.

NOTICE is hereby given that on Wednesday, November 29, 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. 877.57, with interest thereon at the legal rate from February 10, 1916, till payment in full, and cost of suit Rs. 125.75, viz. :—

An undivided 5/8 share of all that land called Kirillagahadalupotha, situated at Pamunugama, in the Ragam pattu of Alutkuru korale; bounded on the north and east by the Negombo lagoon and the land of Lazam Appuhamy, south by the land of Lazam Appuhamy and others, and west by the canal called Kemelton-ela and the land of J. D. Anthoni Appuhamy and others; and containing in extent 45 acres.

Fiscal's Office,
Colombo, October 31, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

Welikadage Hendrick Boteju Appuhamy of Mar-
bowilla, now of Wellawatta Plaintiff.
No. 45,055. Vs.

Timbiripolage Peternella Maria Pieris of Wella-
watta Defendant.

NOTICE is hereby given that on Thursday, November 30, 1916, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 892.78, with interest on Rs. 150, Rs. 100, and Rs. 525.50 at the rate of 16 per cent. per annum from May 12, 1916, to the date of decree (June 21, 1916), and thereafter on the aggregate amount of the decree at the rate of 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that divided portion marked A, called Kosgahawatta, being a portion of lot No. 221 in registration plan No. 2, with the buildings and trees standing thereon, situated at Wellawatta, in the Palle pattu of Salpiti korale, and bearing assessment No. 530; which said divided portion marked A is bounded on the north by lot No. 220 of T. Joseph Peiris and others, east by dewata road, south by lot B, being the other part of this land, and on the west by lots Nos. 224 and 225A belonging to the estate of the late B. A. A. Wijesinghe, Mudaliyar; containing in extent 2 roods 25 32/100 perches.

Fiscal's Office,
Colombo, October 31, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

G. A. J. Nōorbhai of Colombo, presently of Bombay,
India Plaintiff.
No. 45,695. Vs.

Edward Cadman of Maradana, Colombo Defendant.

NOTICE is hereby given that on Saturday, November 25, 1916, will be sold by public auction at the premises in the following property for the recovery of the sum of Rs. 3,000, with interest thereon at 9 per cent. per annum from July 18, 1916, till payment in full and costs, less Rs. 190, viz. :—

At 1 P.M.

(1) The lease dated January 25, 1915, in favour of the defendant (Edward Cadman of Maradana), given by the Municipality of Colombo, in respect of an allotment of land, situated at Panchikawatta road and Maradana junction, in Colombo.

At 1.30 P.M.

(2) The materials of a shed, namely, iron posts and zinc, adjoining the Pavilion Theatre Hall, built by the said defendant, and also the materials of the booking room, adjoining as aforesaid, situated at Panchikawatta road and Maradana junction, in Colombo.

Fiscal's Office,
Colombo, November 1, 1916.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Negombo.

Seena Thana Kana Nana Sana Rawanna Mana
Ramanadan Chetty of Negombo Plaintiff.
No. 11,376. Vs.

(1) Maharage Gordiano Fernando, (2) Pauluge Maria Fernando, (3) Haputantrige Juse Fernando, all of Dandugama Defendants.

NOTICE is hereby given that on November 28, 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) An undivided 7/18 share of the portion of land called Kongahawatukotua belonging to the 1st and 2nd defendants, situate at Dandugama, in Ragam pattu of Alutkuru korale; which said portion of land is bounded on the north by the cemetery, east by the high road, south by land of Kurugamage Lawaris Fernando, and on the west by land of Maharage Anthoni Fernando; containing in extent about 1 acre and 2 roods.

(2) An undivided 7/18 share of the portion of land called Welipianawatupanguwa, situate at ditto; which said portion of land is bounded on the north by land of Siman Fernando, east and south by dewata road, and west by lands of Maharage Gordiano Fernando and others; containing in extent about 1 acre.

(3) An undivided 5/18 share of the land called Kahata-gahawatukotasa, situate at ditto; which said portion of land is bounded on the north by land of Maharage Gordiano Fernando, east by drain Depa-ela, south by land of Kurugamage Amaris Fernando and others, and west by a portion of this land of Marage Amaris Fernando and others; containing in extent about 2 roods.

(4) An undivided 5/18 share from and out of $\frac{1}{3}$ share of the land called Ambagahawatta, situate at ditto; which said $\frac{1}{3}$ share is bounded on the north by land of Abaraham Perera, east by land of Gabriel Perera, Arachchi, south by land of Mutuwadige Polaris Perera, and west by land of Haputantrige Agostino Fernando; containing in extent about 30 coconut plants plantable soil.

(5) An undivided 5/54 share of the land called Ketakelagahawatta, situate at ditto; the entire land being bounded on the north by land of Carolis Fernando and others, east also by land of Carolis Fernando and others, and on the south and west by land of Anthoni Perera and others; containing in extent about $1\frac{1}{2}$ acre.

(6) An undivided $\frac{1}{3}$ share of the several contiguous portions of land, namely, the two portions of Ratmaharambagahawatta, the two portions of Ambagahawatta *alias* Kongahawatta, the portion of land Ketakelagahawatta, and the portion of land Wedawasankelagahawatta, now forming one land, situate at ditto; bounded on the north by lands of Kiripitige Christogu Fernando and Kuthandige Fidelis

Fernando and others, east by lands of Liyanage Aponsu Fernando and others, south by lands which belonged to Irippuge Pedro Fernando and Kuthandige Juse Fernando and others, and now belonging to George Perera Warnakulasuria Senaviratne, Notary, and west by the high road to Colombo; containing in extent about 2 acres.

(7) An undivided $\frac{1}{4}$ share, with the buildings standing thereon, of the portion of land called Halgahawatupangua, situate at ditto; the entire land being bounded on the north by land of Kuthandige Carolis Fernando and others, east by lands of Kuthandige Samel Fernando and others, south by the portion of Halgahawatta belonging to Lianage Samel Fernando and others, and west by the portion belonging to Kurugamage Juan Fernando and others; containing in extent about 1 parrah of paddy sowing soil.

(8) The land called Madugahawatta and the buildings standing thereon, which the 3rd defendant resides, situate at ditto; and bounded on the north and west by lands belonging to Haputantrige Selestino Fernando, east by lands belonging to Don Daniel Jayatilaka, Registrar, and others, and south by lands belonging to Don Lewis Philippo; containing in extent about $1\frac{1}{2}$ acres.

Amount to be levied Rs. 488.95, with interest on Rs. 412.95 at 9 per cent. per annum from July 31, 1916, till payment.

Deputy Fiscal's Office,
Negombo, October 31, 1916.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Central Province.

In the District Court of Kandy.

Richard Sonhoi of Trincomalee street, Kandy Plaintiff.
No. 23,496. Vs.

Arthur Augustus Tikiri Banda Pohath Kehelpannala of Gampola Defendant.

NOTICE is hereby given that on Monday and Thursday, November 27 and 30, 1916, commencing each day at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, mortgaged upon bond No. 179, dated September 5, 1914, and attested by E. C. L. Sproule of Kandy, Notary Public, for the recovery of the sum of Rs. 2,714.29, with interest thereon at 9 per cent. per annum from March 31, 1915, until payment in full, minus a sum of Rs. 300 :—

Monday, November 27, 1916, commencing at 12 noon.

An undivided $\frac{1}{3}$ part or share of and in each of the following lands :—

1. All that allotment of land called Pohathwalawwewatta or Masingederawatta, with the house bearing formerly assessment No. 204, now 208, and all plantations thereon, called and known as Kehelpannalawalawwewatta and the 2 (buildings) boutiques bearing assessment Nos. 200 and 209, situated adjoining the road leading to Kandy in the town of Gampola; and bounded on the east and north by the road leading to Illawatura, on the south by ditch of Hettihewage Punchedi Appu's property, wall of Nakulagamuwegamage Don Simon's property, Atuwa and Ferdinandus' shop presently belonging to Noor Mohamado, and on the west by the high road leading to Kandy; containing in extent $1\frac{1}{2}$ acres more or less.

2. All that field called Depeliyakumbura and Pillewa, situate at Gampolawela, in the Ganga Ihala korale of Udapalata; and bounded on the east by the half share of this field, on the south by Ambalaketia (reported Ambalamketia), on the west by the share of this field belonging to Pallege Menikrala, and on the north by Dewale-ela and Uda Nagale field; containing in extent 2 pelas and 5 lahas paddy sowing.

3. All that land called Ulpathdeniyekumbura and Pillewa, situate at Unambuwa in Ganga Pahala korale; and bounded on the east by Martin Muhandiram's land, on the south by stream, on the west by Liyangahadeniyakumbura, and on the north by ditch; containing in extent 3 pelas paddy sowing.

4. All that field called Gederawatta, situate at Angammana aforesaid; and bounded on the east by the stone fence, on the south by the limit of Dingiri Banda's garden, on the west by the ditch, and on the north by ella; containing in extent 3 chundus paddy sowing.

5. All that field called Bamunekumbura, situate at Angammana aforesaid; and bounded on the east by Angammana-oya, on the south by land mentioned in plan No. 173,791, on the west by land said to belong to Kitten Chetty, and on the north by land mentioned in plan No. 135,845; containing in extent 2 roods and 3 perches.

6. All that land called Muruthagahakumbura, situate at Angammana aforesaid; and bounded on the east by ridge, on the south by Udahawalauwekumbura, on the west by oya, and on the north by Badugedeniyekumbura; containing in extent 16 lahas of paddy sowing.

7. All that field called Kandekumbura, situate at Angammana; and bounded on the east by the limit of Chetty's land, on the south by the limit of Chetty's garden, on the west by the limit of Muruthagahakumbura, and on the north by the ridge; containing in extent 16 lahas paddy sowing.

8. All that field called Badugedeniyekumbura, situate at Angammana aforesaid; and bounded on the east by Ambagahawattedeniya, on the south by stream, on the west by the limit of Muruthagahakumbura, and on the north by the boundary of the coffee garden; containing in extent 16 lahas paddy sowing.

9. All that land called Kosgollewatta, situate at Imbalatalawa in Angammana aforesaid; and bounded on the east by Chetty's garden, on the south by Walawwewatta-agala, on the west by Chetty's land, and on the north by Nelligahamulakotuwa; containing in extent 2 amunams and 2 pelas paddy sowing.

10. All that land called Nelligahamulakotuwa, situate at Imbulatalawa aforesaid; and bounded on the east by Chetty's garden, on the south by Kosgollewatta-agala, on the west by Chetty's garden, and on the north by deniya; containing in extent 2 pelas paddy sowing.

Thursday, November 30, 1916, at 12 noon.

An undivided $\frac{1}{2}$ part or share of the following:—

11. All those houses and premises bearing assessment Nos. 1,020 and 1,021, situate at Katukele, Peradeniya road; within the town and Municipality of Kandy; and bounded on the east by Peradeniya road, on the south by the house belonging to K. D. M. Perera, on the west by grass land belonging to Moors, and on the north by house No. 1,022 belonging to J. E. Pohath, President; containing in extent $6\frac{1}{2}$ lahas paddy sowing.

Fiscal's Office,
Kandy, October 31, 1916.

A. V. WOUTERSZ,
Deputy Fiscal.

In the District Court of Nuwara Eliya.

Kiri Bandara Beddewela of Maligatenne in Kandy Administrator.

No. 40. Vs.

Lilian Andarawewe Kumarihamy, wife of Kiri Bandara Beddewela of Kandy, Florence Andarawewe Kumarihamy, wife of J. A. Danapala of Matala, Percy Andarawewe of Kumbalgomuwa, Sophia Andarawewe, wife of J. E. Abeyekoon of Matala Respondents.

NOTICE is hereby given that on Monday, November 27, 1916, and the two following days, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said respondents in the following property, viz.:—

(The first four will be sold on November 27, fifth and sixth on November 28, and the seventh on November 29, 1916.)

1. An allotment of land of 2 perches in extent, situate at Denamure in Nildandahinna, Walapane.

2. The field called Dodangaha-arawekumbura of 1 amunam paddy sowing extent, and the adjoining land called Dodangaha-arawewatta of 2 kurunies kurakkan sowing extent, situate at Tibbotugoda in Oyapalata in Walapane.

3. One-fourth share of the field called Walawwegawakumbura of 4 amunams and 2 pelas paddy sowing extent

and 6 coconut trees near the road, situate at Kumbalgomuwa in Walapane.

4. Two boutiques built on Madurumichchigalagawahena, 30 feet square, situate at Kumbalgomuwa aforesaid.

5. The field called Kittamurekumbura of 3 pelas paddy sowing extent, situate at Pannala in Walapane.

6. The land called Bokotuwemediriya of 19 perches paddy sowing extent, situate at Pannala aforesaid.

7. The land known as Mahakatuwa of 1 acre 2 roods and 4 perches (which has since been asweddumized and is of 2 pelas paddy sowing extent), situate at Lemasooriyagama in Uda Hewaheta.

Valuation Rs. 1,770.

Amount of writ Rs. 1,072.64 and costs.

Fiscal's Office, M. M. WEDDERBURN,
Nuwara Eliya, October 30, 1916. Deputy Fiscal.

Southern Province.

In the District Court of Tangalla.

Gamachehige Don Lewis Appuhami Plaintiff.
No. 1,481. Vs.

Ekenaikehatarasin Arachehige Don Carolis Appuhami Defendant.

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 premises the right, title, and interest of the said defendant in the following mortgaged property for the recovery of Rs. 1,178.37, viz.:—

At Getamanna.

The soil, the plantations, and the buildings of the land called Lolugahawatta, in extent about 4 kurunies of kurakkan sowing; and bounded on the north by Bogahakumbura, on the east by Henewatta, on the south by Liyanageruppa, and on the west by Paragahawatta.

Deputy Fiscal's Office, J. E. SENANAYAKA,
Tangalla, October 25, 1916. Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Muttukkumaruru Murukesu of Neerveli Plaintiff.
No. 11,287. Vs.

Paramaswamikurukkal Vairavanathakurukkal of Kopai North Defendant.

NOTICE is hereby given that on Monday, November 27, 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. 3,456.75, with interest on Rs. 1,840 at the rate of 12 per cent. per annum from May 22, 1916, till payment in full, provided that such further interest does not exceed Rs. 223.25, and costs of suit being Rs. 139.99 and charges and poundage, viz.:—

A piece of land situated at Kopai North, called Pandaravattai, containing or reputed to contain in extent 30 $\frac{1}{2}$ lachams of varagu culture, with houses, well, cultivated and spontaneous plants, and palmyras; bounded or reputed to be bounded on the east by the property belonging to Athi Vairavaswami Koil, north by the property belonging to Nadarasa Aiyar Kartikesu Aiyar and shareholders and by lane, west by the property belonging to Vairavanathakurukkal, the defendant, and Kartikesar Casippillai and shareholders, and on the south by lane.

Fiscal's Office, S. SABARATNAM,
Jaffna, October 25, 1916. for Fiscal.

Eastern Province.

In the District Court of Batticaloa.

T. Kumaravelu Sinnatamby of allady, Uppodai..Plaintiff.
No. 4,093. Vs.

Ahamadulevvai Marakayer Sinnalevva Marakayer
of KattancudyiruppuDefendant.

NOTICE is hereby given that on Monday, November 27, 1916, commencing at 10 o'clock in the morning, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following properties, viz. :—

1. The centre portion of Playatotam, situated at Thalancuda in Manmunai pattu ; and which centre portion is bounded on the north by the other portion of this land belonging to A. Aeyatamma, south by the other portion of this land belonging to M. K. Ahamadulevvai Marakayer, east by road, and west by jungle land ; in extent from north to south towards the east 16½ fathoms, west 17½ fathoms, and from east to west towards the north 137 fathoms, south 144 fathoms, with coconut trees and produce.

2. The northern portion of Pututotam, situated at Thalancudah in Manmunai pattu ; and which northern portion is bounded on the north by the boundary of the southern portion of this land lot No. 40, called Mankattutotam, south by the other portion of this land belonging to M. K. Ahamadulevvai Marakayer, east by road, and west by jungle land ; in extent from north to south towards the east 48 fathoms, west 26½ fathoms, and from east to west towards the north 140 fathoms, south 138 fathoms, with coconut trees and produce.

3. The northern half share out of the western half share of the garden called Kanthiddivalavu, situated at Kattancudy in Manmunai pattu ; and which northern half share is bounded on the north by garden of Sinnalevvai Marakayer, south by the other portion of this land belonging to Alia, east by garden of Mariampillai, and west by the lakeshore ; in extent from north to south 7 fathoms and from east to west 12½ fathoms, with coconut trees and produce.

4. The southern portion of the garden called Kanthaddivalavu, situated at Kattancudy in Manmunai pattu ; and which southern portion is bounded on the north by garden of P. H. Meerasaibolevvai, south by lane, east by garden of Mariampillai, and west by lakeshore ; in extent from north to south 7 fathoms and from east to west 12½ fathoms, with coconut trees and produce.

5. The garden called Sinnapalliadivalavu, situated at Kattancudy in Manmunai pattu ; and bounded on the north by garden of Pattumma, south and east by lane, and west by lane and garden of Meeralevvai ; in extent 8 perches and rights.

6. The paddy land called Palayaveli, situated at Kondavadduvan in Naducadu Sampanturai pattu ; and bounded on the north by Vaddivedaiivaikkal, south by the boundary of Manalputtivayal belonging to S. Sinnapillai, east by stream, west by odai ; in extent 48 acres, with inlet and outlet water rights.

On Friday, December 1, 1916, at 9 A.M.

7. The paddy land called Ponnancanytotam, situated at Sothayancaddu in Manmunai South-west ; and bounded on the north by Crown land, south by land presently belonging to the defendant, east by land presently belonging to Meeralevvai Ahamadulevvai, and west by land presently belong to V. V. Saibotamby ; in extent 25 acres 2 roods 15 perches, with house (or kura), well, bearing coconut trees 22, unbearing trees 2, and other rights.

Judgment Rs. 6,171.75.

Fiscal's Office, S. O. CANAGARATNAM,
Batticaloa, October 27, 1916. Deputy Fiscal.

North-Western Province.

In the District Court of Colombo.

The Mercantile Bank of India, Limited, Colombo.. Plaintiff.
No. C 41,306. Vs.

Sena Muna Kawenna Neyna Sego Salathu Lebbe
Hadjar of Walakumburamulla estate, in
KurunegalaDefendant.

NOTICE is hereby given that on Friday, December 1, 1916, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the following property mortgaged by bond No. 1,158 dated August 5, 1911, attested by Leslie William Frederick de Saram, Notary Public, by mortgage bond No. 10,445 dated July 10, 1912, attested by Frederick John de Saram, Notary Public, and by mortgage bond No. 10,667 dated June 30, 1914, and attested by the said Frederick John de Saram, Notary Public, to wit :—

All that and those the coconut estate, plantations, and premises called and known as Walakumburamulla, comprising the following allotments of land, to wit :—

1. All that allotment of land called and known as Walakumburamullawatta, situate and lying in the villages Walakumburamulla, Iriyagolla, Weralugama, Paragoda-mulla, Thalहितimulla, Kamburugoda, and Minuwangomuwa in Katugampola and Meda pattu korales, in the District of Kurunegala, North-Western Province, of the Island of Ceylon ; the said land being bounded on the north by the lands of Bandihamy, Luanis Fernando, Punchy Rala, Arachchi, Crown land, a road by the lands of Hettihamy, Kiria, Guruwa, Uduma Lebbe, and a cart road, on the east by lands of Singappu, Arachchi, C. H. de Soysa, Andihamy, Gumarathenny, Appuhamy, Muna Kawanna Neyna Sego Mohamado, Appuhamy, Kusalahamy, Hethuhamy, and Santhuhamy, N. Mirando, Manelhamy, Vedarala, and Pinhamy, Kapurula, on the south by lands of Appu Singho, Appuhamy, Generuthamy, and Muna Kawanna Neyna Sego Mohamado, on the south-west by lands of Simon Fernando, Gamarala, Ranghamy, Mudalihamy, Arachchi, Menikrala, and Domingo Annavy ; containing in extent 583 acres 1 rood and 18 perches according to the survey dated October 5, 1896, and November, 1898, made by A. S. Kirithisingha, Licensed Surveyor.

2. All that allotment of land called and known as Kongahamullahena and Hurigahawatta, situate and lying in the village Weralugama, in Katugampola hatpattu in the Katugampola korale aforesaid ; the said land being bounded on the north by land belonging to Don James Appuhamy, Herathami, and others, on the east by the high road from Pannala, on the south by the road leading to Walakumburamulla, and on the west by the estate belonging to Sego Mohamado and others ; containing in extent 16 acres 2 roods and 2 perches according to the survey dated November 19, 1898, made by the said A. S. Kirithisinghe, and which said two allotments of land are also described as follows in the transfer thereof, No. 6,490 dated September 22, 1906, under the hand of Herbert Rayner Freeman, Fiscal of the North-Western Province, of the Island of Ceylon.

All that land called Walakumburamulla, situate at Walakumburamulla, Iriyagolla, Thalहितimulla, Kamburugoda, in Miniwangamuwa, in the Katugampola and Meda pattu korales of the Katugampola hatpattu, and the buildings standing thereon, containing in extent 583 acres 1 rood and 18 perches ; the entire land being bounded on the north by the lands of Bandihamy, Luanis Fernando, Punchirala, and Arachchi, by Crown land, by a road, by lands of Hitihamy, Kiriya, Guruwa, and Uduma Lebbe, and by a cart road, on the east by lands of Sinnappu Arachchi, C. H. de Soysa, Andihamy, Gunarathami, Appuhamy, Muna Kawanna Neyna Sego Mohamado, Appuhamy, Kusalahami, Hethuhamy, Santhuhamy, N. Mirando, Manelhamy, Vedarala, and Pinhamy, Kapurula, on the south by the lands of Appu Singho, Appuhamy, Gunarathami, and Muna Kawanna Neyna Sego Mohamado, on the south-east by lands of Simon Fernando, Gamarala, Ranghamy, Mudalihamy, Arachchi, Menikrala, and Domingo, Annavi ; now the entire land forming one property is bounded on the north by lands of Jang Appu, Herathami, Telanis Appu,

Migel Appu, Ranba, Itna, Siyathuhami, Vedarala, Kiri Menika (jaya), (village road), Punchi Singh, Guruwa, Kiriya, Asanar Lebbe Tambi, Mudalihamy, Ranhamy, Vedarala, Podia, Wannihamy, Crown forest, and estate road, east by Kullyapitiya-Pannala road and lands of Soysa, Sinno Appu, John Perera, Pinhami, Kapurala, Manelhami, Vedarala, Sinno Appu, Arachchi, Santhuhami, Samel Appu, and Appuhamy, south by lands of Sinno Appu, Siyathuhamy, Andihamy, Appuhamy, Bundirala, Appu Sinno, and James Fernando, and on the west by Crown forest and lands of James Fernando, Mudalihami, Sinno, Mudalihami, Arachchi, and Dabarera; containing in extent 614 acres 3 roods and 5 perches, and described in the diagram or map annexed thereto, and marked No. 87 dated April 15, 1906, and surveyed by Mr. R. H. Canagasabay, Fiscal's Surveyor; and in which said estate as above described are included the following allotments of land:—

1. All that allotment of land called Nugawelagawahena, in Miniwanganuwa village aforesaid; bounded on the north by lot 4 in preliminary plan 300, east by lots 2 and 3 in the preliminary plan 301, south by lot 1B in preliminary plan 301, west by T. Ps. 164,415 and 164,640 and reservation for a road; containing in extent, exclusive of a road passing through the land, 10 acres and 13 perches according to the survey and description thereof, No. 270,113 dated June 17, 1910, authenticated by P. D. Warren, Surveyor-General.

2. All that allotment of land called Gallinda-agare, in Minuwanganuwa village aforesaid; bounded on the north by lot 8 in preliminary plan 301, east by lot 17 in preliminary plan 301, south and west by lot 4a in preliminary plan 301; containing in extent 17.50 perches according to the survey and description thereof, No. 271,471 dated August 12, 1910, authenticated by R. S. Templeton, Acting Surveyor-General.

3. All that allotment of land called Kongodamula-agare, in Miniwanganuwa village aforesaid; bounded on the north by lot 5 in preliminary plan 300, east by lot 4a and 4c in preliminary plan 301, south by lot 3 in preliminary plan 301, west by lot 1 in preliminary plan 301; containing in extent 1 acre and 17 perches according to the survey and description thereof, No. 271,506 dated August 13, 1910, authenticated by the said R. S. Templeton.

4. All that allotment of land called Welipenarahena, in Iriyagolla village aforesaid; bounded on the north by lots 2 and 2a in preliminary plan 300, east by lots 2a and 4 in preliminary plan 300 and T. P. 164,640, south and west by T. P. 164,640; containing in extent 3 acres 3 roods and 33.50 perches according to the survey and description thereof, No. 275,033 dated December 14, 1910, authenticated by the said R. S. Templeton.

5. All that allotment of land called Ambaghamullahenyaya, in Iriyagolla village aforesaid; bounded on the north by lots 2a and 5 in preliminary plan 300, east by lot 5 in preliminary plan 300, south by T. Ps. 270,113 and 164,640, west by T. P. 164,640 and lots 3a and 2a in preliminary plan 300; containing in extent 17 acres 1 rood and 22.50 perches according to the survey and description thereof, No. 275,034 dated December 14, 1910, authenticated by the said R. S. Templeton.

6. All that allotment of land called Kongodamula-agare, in Iriyagolla village; bounded on the north by lots 8a and 8 in T. P. 300, east by lots 8 and 8b in preliminary plan 300, south by T. P. 271,506, west by lots 4 and 2a in preliminary plan 300; containing in extent 9 acres 2 roods and 38.50 perches according to the survey and description thereof, No. 275,035 dated December 14, 1910, authenticated by the said R. S. Templeton.

7. All that allotment of land called Kosgahamulahena, Walakumburamulla estate, &c., in Iriyagolla village aforesaid; bounded on the north by lot 22 in preliminary plan 299, east by lots 22 and 1 in preliminary plan 299, and lots 8 and 15 in preliminary plan 300, south by lots 4 and 3 in preliminary plan 300, west by lot 3 in preliminary plan 300, T. P. 164,640, lots 17u, 17v, 17w, and 17z in preliminary plan 298, and a road; containing in extent 53 acres 3 roods and 10.50 perches according to the survey and description thereof, No. 275,183 dated December 15, 1910, authenticated by the said R. S. Templeton.

8. All that allotment of land called Palugahamullahenyaya, in Iriyagolla village aforesaid; bounded on the north by lot 16 in preliminary plan 983 and a road, east by T. P. 157,134, south by lots 48, 47, and 47a in preliminary plan

300, west by lot 22 in preliminary plan 299; containing in extent, exclusive of the road passing through the land, 17 acres 2 roods and 27 perches according to the survey and description thereof, No. 274,704 dated December 5, 1910, authenticated by the said R. S. Templeton.

9. All that allotment of land called Talawatiyewatta, Ranawaraghamulahena, and Walakumbura estate, in Walakumburamulla village aforesaid; bounded on the north by lot 21 in preliminary plan 987 and lot 6 in preliminary plan 986, east by lots 49, 47a, and 47 in preliminary plan 300, south by lots 44, 44a, 43, 42, and 2 in preliminary plan 300, lots 10, 19n, 19k, 19b, 17, 18d, 22a, and 1 in preliminary plan 299, and T. Ps. 274,944, 274,866, 272,783, 274,865, 274,923, 274,922, 274,803, and 274,753, west by a road; containing in extent, exclusive of the road passing through the land, 151 acres 3 roods and 25½ perches according to the survey and description thereof, No. 276,012 dated February 16, 1911, authenticated by the said R. S. Templeton.

10. All that allotment of land called Walakumburamullahena, in Kamburugoda village aforesaid; bounded on the north by reservation along the road, east by T. P. 275,183, south by lot 17T in preliminary plan 298, west by lot 17N in preliminary plan 298; containing in extent 6 acres 3 roods and 14 perches according to the survey and description thereof, No. 276,707 dated April 5, 1911, authenticated by the said R. S. Templeton.

11. All that allotment of land called Walakumburawatta, in Kamburugoda village aforesaid; bounded on the north by lot 4 in preliminary plan 987, east by lot 45 in preliminary plan 298, south by lots 26 and 28 in preliminary plan 298, west by lots 32, 44, and 38K in preliminary plan 298; containing in extent 28 acres 2 roods and 20 perches according to the survey and description thereof, No. 276,708 dated April 5, 1911, authenticated by the said R. S. Templeton.

12. All that allotment of land called Walakumburawatta and Paranawewa, in Kamburugoda village aforesaid; bounded on the north by lot 4 in preliminary plan 987, east and south by reservation along the road, west by lot 24H, 24U, J 26, and 45F in preliminary plan 298; containing in extent 139 acres 3 roods and 11 perches according to the survey and description thereof, No. 277,108 dated May 18, 1911, authenticated by the said R. S. Templeton.

13. All that allotment of land called Welipennehena, in Kamburugoda village aforesaid; bounded on the north by lot 17W in preliminary plan 298, east by T. P. 275,183, south by lot 17u and 11 in preliminary plan 298, west by lots 17n and 16 in preliminary plan 298; containing in extent 5 acres 2 roods and 20 perches according to the survey and description thereof, No. 277,109 dated May 18, 1911, authenticated by the said R. S. Templeton, declared bound and executable under the decree in the above action, for the recovery of the sum of Rs. 313,482.19, with interest on Rs. 300,000 at the rate of 7 per centum per annum from March 23, 1915, to July 2, 1915, and thereafter on the aggregate amount of the decree at the rate of 9 per centum per annum till payment in full, and costs of suit amounting to Rs. 954.34.

Fiscal's Office, S. D. SAMARASINGHE,
Kurunegala, October 31, 1916. Deputy Fiscal.

In the District Court of Kurunegala.

Malinnege Manuel Aponso of Polgahawela. Plaintiff.
No. 5,806. Vs.

(1) Disanayake Mudianselage Dingiri Banda of Haliyale, (2) Helamba Arachchige Don Jonis Appuhamy of Polgahawela. Defendant.

NOTICE is hereby given that on Saturday, November 25, 1916, commencing at 12 o'clock in the noon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property mortgaged by bond No. 6,166, dated May 8, 1914, and attested by S. P. Wijesuriya, Notary Public, viz. :—

1. An undivided 1/10 share of the field called Watawanawela from and out of all these high and low lands the field called Watawanawela of 3 amunams paddy sowing in extent and its adjoining extent of 2 pelas paddy sowing of Dewatagahapitiyakumbura and Watawanawatta of 8 lahas kurakkan sowing extent, situate at Wellowa in Udapola

Otota korale; and bounded on the north by Pinkumbura and field of Punchirala, and on the east by wella and Welioda, on the south by the liminary ridge of the field of Dingiri Menika and the roda of Gallemullekumbura, and on the west by the roda on which jak tree stands.

2. An undivided 1/10 share of Karandagahakumbura of 1 amunam paddy sowing in extent, situate at Haliyale, in the said korale; and bounded on the north by Welroda, on the east and south by Welroda, and on the west by the garden of Appuhamy and Meegahakumbura.

3. An undivided 1/10 share of Bakmeegahakotuwekumbura of 5 lahas paddy sowing in extent and of its adjoining Galagawawatta of 1 timba kurakkan sowing in extent, situate at the same village; and bounded on the north by Maharayagewatta, on the east by the garden of Appuhamy, late Korale Arachchi, and the garden of Ranhamy, on the south by Noygahamulakumbura, and on the west by the chena of Menikhamy.

4. An undivided 1/10 share of Maharayagewatta of 6 lahas kurakkan sowing extent and its adjoining Amuhenawatta of 3 lahas kurakkan sowing extent, situate in the same village; and bounded on the north by the garden of Appuhamy and the garden of Kiri Menika, on the east by the garden of Bandirala and the garden of Appuhamy, late Korale Arachchi, on the south by Galagawawatta and jak fence of the garden of Dingiri Menika, and on the west by the garden of Appuhamy Vidane, the garden of Dingiri Menika, and the chena of Mudalihamy.

5. An undivided 1/10 share of Walagamagewatta of 1 laha kurakkan sowing extent, situate at Polambe, in the aforesaid korale; and bounded on the north by the field, on the east by Watta, and on the south by garden of Ranhamy, and on the west by garden of Appu.

6. An undivided 1/10 share of Udapitiyeparadepottehena of 4 seers kurakkan sowing extent, situate at Ratmalagoda, in the said korale; and bounded on the north by the bund of tank and the garden of Ranhamy, on the east by the chena of Mudalihamy, on the south by the fence of the chena of Appu and the chena of Kira Henaya, and on the west by the endaru fence of Muhandiramagepillewa and the endaru fence on the limit of the land of Sobichchihamy.

7. An undivided 1/2 share of Pokunewatta of 10 seers kurakkan sowing in extent, situate in the same village; and bounded on the north by Pinkumbura, on the east by the garden of Appuhamy Vidane, on the south by the chena of Pinhamy Arachchi and others, and on the west by the stones on the limit of the chena of Ranhamy Notary.

Amount to be levied Rs. 1,318.98, with interest at 9 per cent. per annum from November 30, 1915, till payment.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, October 27, 1916. Deputy Fiscal.

In the District Court of Chilaw.

A. Abeyaratne of Bandirippuwa Plaintiff.
No. 5,035. Vs.

Pemianu Fernando of Bandirippuwa Defendant.

NOTICE is hereby given that on Tuesday, November 28, 1916, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property, viz. :—

The land called Rukkattanagahawatta *alias* residing garden, situate at Bandirippuwa, in Otara palata, Pitigal korale south, in the District of Chilaw; and bounded on the north by land of Bartholomeus Appu, east by Gansabha road, south by garden of Elizabeth and others, and west by field of Bartholomeus Muppurala and others; containing in extent about 3½ acres.

Amount to be levied Rs. 364.87, and poundage.

Deputy Fiscal's Office, A. V. HERAT,
Chilaw, October 31, 1916. Deputy Fiscal.

In the District Court of Negombo.

Palihawadana Aratchige Davith Perera of Etgala .. Plaintiff.
No. 10,716. Vs.

Porutotage Isabel Fernando, widow of Kuranage Deago Perera of Boralessa Defendant.

NOTICE is hereby given that on Tuesday, November 28, 1916, at 11.30 o'clock in the forenoon, will be sold by

public auction at the premises the right, title, and interest of the said defendant in the following property subject to a mortgage bond, viz. :—

The land now called and known as Kongahawatta described in plan No. 1,533 dated October 2, 1915, made by Mr. Graham Panditsekere, Licensed Surveyor, comprised of several contiguous land, viz. :—A, B, C, D, E, F; and G, situate at Boralessa, in Kammal pattu of Pitigal korale south, in the District of Chilaw; and bounded on the north by Dewata road, east by land of Bernardu Wass, south, south-west, and west by lands of Manuel Fernando and others; containing in extent 35 acres 2 roods and 13 perches.

Amount to be levied Rs. 2,638.52, with interest on Rs. 2,500 at 9 per cent. per annum from September 13, 1915, till payment in full and poundage.

Deputy Fiscal's Office, A. V. HERAT,
Chilaw, October 31, 1916. Deputy Fiscal.

In the District Court of Negombo.

Muna Muttu Karuppen Pulle of Negombo Plaintiff.
No. 11,335. Vs.

(1) Mahasinghe Arachchige Dona Anjalinahamy of Bandirippu and another Defendants.

NOTICE is hereby given that on Tuesday, November 28, 1916, at 10.30 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

The land called Meegahawatta, with the buildings standing thereon, situate at Bandirippu, in Otara palata of Pitigal korale south, in the District of Chilaw; and bounded on the north by field of H. Don Hendrick Appuhamy, Vel Vidane, and the land belonging to the heirs of Anjalinahamy, east by land of the heirs of the late Juanis Appu and Don Francisku Appuhamy, south by field of Don Francisku Appuhamy, Vidane, and west by land of the heirs of Anjalinahamy; containing in extent about 5 acres.

Amount to be levied Rs. 582.75, with interest on Rs. 508.75 at 9 per cent. per annum from July 20, 1916, till payment in full and poundage.

Deputy Fiscal's Office, A. V. HERAT,
Chilaw, October 30, 1916. Deputy Fiscal.

In the District Court of Puttalam.

Assencandu Pulle Sego Mohiadeen of Kothantivo . Plaintiff.
No. 2,735. Vs.

K. U. M. L. Mohamado Thakir Lebbe of Puttalam. Defendant.

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

(a) The house and premises called Veetadykany, situate at Perukuwattan, in Akkarai pattu, in the Puttalam District, measuring in extent from east to west 40 cubits and from north to south 40 cubits together with the house, coconut trees, and other things thereon; and bounded on the north by the coconut garden Veetadykany described under head (f) to paragraph 3 of this plaint and belonging to the defendant above named, east by land belonging to Sinnatamby Nagoor Pitche and others, south by land belonging to Segalado Mohamado Cassim, and west by coconut garden belonging to the defendant.

(b) 100 coconut trees plantable coconut garden called Sanditotam, situate in the village Perukuwattan aforesaid, and containing in extent about 1 acre; and bounded on the north and south by the garden belonging to the heirs of Magudu Neina Marikar Mohamado Ali Marakar, east by the land called Kinathadytotam belonging to the defendant above named and described under head (c) to paragraph 3 of this plaint, and west by reservation.

(c) The land called Kinathadytotam, situate in the village Perukuwattan aforesaid, containing in extent about 1/2 acre consisting of coconut trees and tobacco garden, of this excluding the tobacco gala of the extent of 20 perches on the northern side, the remaining divided portion of the extent of about 1 rood and 20 perches, together with the cocount trees

contained within it; boundaries are on the north the adjoining portion of this land belonging to the heirs of the said Mohamado Ali Marakar, garden, and tamarind tree, east by channel and partition limit of land belonging to the heirs of Mohamado Ali Marakar, south by the partition limit of the land belonging to Mohamado Ali Marakar Mohamado Cassim Marikar, and west by land described above under head (b) and the adjoining portion of this land belonging to the heirs of the said Mohamado Ali Marakar.

(d) The coconut garden consisting of 32 coconut trees called Veetadipirivu, situate in the village of Perukuwattan aforesaid, and containing in extent $\frac{1}{4}$ acre; and bounded on the north and north-west by garden belonging to Cassim Saibo Mohideen Saibo, east by garden belonging to the estate of the late Tamby Marakar Mohideen Pitche and others, south by garden belonging to Nagoor Pitche Sego Meera Lebbe and others, west by land belonging to the estate of the late A. M. C. Casiechetty. The entirety of the things within the said boundaries, excluding only 2 coconut trees.

(e) The coconut garden called Mohamadotambytotam, situate at Perukuwattan aforesaid, containing in extent

about $\frac{1}{2}$ acre; and bounded on the north by garden belonging to Segalado Pitche Marikar, east by the ridge of the field belonging to the heirs of Magudu Naina Marikar Mohamado Ali Marikar and the bund of the madu (or pool), south by the common limit of the garden belonging to Sinnatamby Nagoor Pitche, and west by the garden belonging to Cassim Saibo Mohideen Saibo and others and the partition limit of the house and premises belonging to Abdul Cader Ponnimuttu.

(f) The coconut garden called Veetdaytotam, situate at Perukuwattan aforesaid, containing in extent about 1 acre, of this a divided $\frac{1}{2}$ share on the southern side, containing in extent $\frac{1}{2}$ acre and coconut trees thereon; bounded on the north by the adjoining portion of this land belonging to Meeratamby Nagur Pitche, east by land belonging to Nagoor Pitche Sego Meera Lebbe and others, south by land belonging to the defendant above named, and west by reservation.

Amount of writ Rs. 2,817.75, with legal interest thereon from July 20, 1916.

Deputy Fiscal's Office, S. M. P. VANDERKOEN,
Puttalam, October 26, 1916. Deputy Fiscal.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that three months from the date hereof Police Court, Colombo, cases from the year 1904 to 1910 will be destroyed under the provisions of Ordinance No. 12 of 1894.

Any person interested in any case may personally, by Proctor, or by duly authenticated petition, claim, upon good cause shown, that such case may not be destroyed.

Police Court,
Colombo, October 28, 1916.

G. FURSE ROBERTS,
Police Magistrate.

DRAFT ORDINANCE.

(Continued from page 907.)

MINUTE.

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

An Ordinance to amend "The Police Ordinance, 1865."

Preamble.

WHEREAS it is expedient to amend "The Police Ordinance, 1865": 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 Police (Amendment) Ordinance, No. of 1916."

Addition of new section 24 A.

2 The following section shall be added immediately after section 24 of the principal Ordinance, and shall be numbered 24 A:

Appointment of Deputy Inspectors-General.

24 A. The Governor may appoint Deputy Inspectors-General of Police to discharge such respective functions of the Inspector-General of Police as the Inspector-General of Police may from time to time assign to them, and the expression "Inspector-General of Police" in this or any other Ordinance shall be deemed to include any Deputy Inspector-General of Police already appointed under such designation, or hereafter appointed in pursuance of this section.

Amendment of section 33 of the principal Ordinance.

3 In section 33 of the principal Ordinance, after the words "all other expenses," there shall be inserted the words following: "including where there is a public water supply, the cost of supplying water to the police station, premises, quarters, and barracks."

Amendment of section 34 of principal Ordinance.

Provision for apportionment of expenses of police force between town and adjoining district.

Addition of sub-sections to section 40 of the principal Ordinance.

Addition of new section 40 A.

Repeal of Ordinance No. 5 of 1867.

4 The following proviso shall be added to section 34 of the principal Ordinance immediately before the last proviso to the said section :

Provided further that where the police force in any town is maintained for the joint purposes of such town and any adjoining district not included in the limits of such town, such sum shall not exceed such fair proportion of the total amount necessary for the maintenance of the said force, as the Governor, with the advice and consent of the Executive Council, shall from time to time determine and appoint.

5 The following sub-sections shall be added to section 40 of the principal Ordinance :

(2) Such notice shall further intimate that written objections to the assessment will be received at a place stated in the notice within one month from the date of the service of the notice.

(3) The Government Agent shall cause all objections so received to be registered in a book to be kept for this purpose, and shall give notice in writing to each objector of the day, time, and place when and whereat his objections will be investigated.

(4) At the time and place so fixed the Government Agent shall investigate or cause to be investigated the objections, in presence of the objector (or an agent authorized by him in writing) if he shall appear, and if not, in his absence. The Government Agent may adjourn his investigation from time to time for reasonable cause.

(5) When any objection is disposed of by the Government Agent, he shall cause his decision to be notified to the objector, and the same shall be noted in the book of objections, and any necessary amendment shall be made in the assessment book.

(6) Every assessment, against which no objection is made, shall be final for the year.

6 The following section shall be added immediately after section 40 of the principal Ordinance, and shall be numbered 40 A :

40 A. (1) If any person is aggrieved by the decision of the Government Agent with regard to the assessment of any house, building, land, or tenement, he may within one month of receiving the notification of the Government Agent's decision under the last preceding section institute an action objecting to such decision in the Court of Requests having jurisdiction in the place where such house, building, land, or tenement is situate, if the amount of the rate or rates on the annual value of such house, building, land, or tenement does not exceed three hundred rupees, and in the District Court having such jurisdiction where such amount exceeds the sum of three hundred rupees.

(2) Upon the trial of any action under this section, the plaintiff shall not be allowed to adduce evidence of any ground of objection which is not stated in his written objection to the Government Agent.

(3) Every such court shall hear and determine such action according to the procedure prescribed for such court by the law for the time being in force regulating the hearing and determination of actions brought in such court, and the decision of such court shall in all cases be subject to appeal to the Supreme Court.

(4) Every such appeal shall be governed by the provisions of chapter LVIII. of "The Civil Procedure Code, 1889," or by any Ordinance hereafter enacted, regulating the making of appeals to the Supreme Court from any judgment, decree, or order of Courts of Requests or District Courts.

(5) Neither the institution of such action nor any appeal therein shall stay the levying of the whole or any part of such rate or rates, and the excess, if any, collected shall be returned according to the decision of such Court of Requests or District Court if there be no appeal, or of the Supreme Court if in case of appeal.

7 Ordinance No. 5 of 1867 is hereby repealed.

By His Excellency's command,
Colonial Secretary's Office, R. E. STUBBS,
Colombo, October 30, 1916. Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance deals with four points :—

(a) It gives formal recognition to the appointment of Deputy Inspectors-General of Police (section 2).

(b) It makes it clear that, where a police station is established in a town which has a public water supply, water must be supplied to the station free of charge (section 3).

(c) It empowers the Governor in Executive Council, in cases where a Police Force is maintained in any town for the joint purposes of that town and the surrounding district, to charge the town with a fair proportion only of the expense of its maintenance. "The Police Ordinance, 1865," only contemplates towns where a Police Force is maintained for the exclusive purpose of the town itself (section 4).

(d) It enlarges the facilities for objections to assessments of police rates. At present, by the combined effect of section 40 of "The Police Ordinance, 1865," and Ordinance No. 5 of 1867, any person aggrieved by the assessment of a rate must institute an action within fifteen days after the service of notice of the assessment. The present Ordinance assimilates the procedure for objections to that in force under "The Municipal Councils' Ordinance, No. 6 of 1910." It provides for objections being first made and considered by the Government Agent, and allows for application to the courts within one month after notification of the Government Agent's decision to the objector (sections 5 and 6).

October 18, 1916.

ANTON BERTRAM,
Attorney-General.