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Part II.—Legal.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance relating to Money Lending.

Preamble.

WHEREAS it is necessary that provision should be made for the better regulation of money-lending transactions: 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 Money Lending Ordinance, No. of 1917," and shall come into operation on such date as the Governor shall, by Proclamation, appoint.

Reopening of money-lending transactions.

2 (1) Where proceedings are taken in any court for the recovery of any money lent after the commencement of this Ordinance, or the enforcement of any agreement or security made or taken after the commencement of this Ordinance in respect of money lent either before or after the commencement of this Ordinance, and there is evidence which satisfies the court—

- (a) That the interest charged in respect of the sum actually lent is excessive, or that the amount charged for expenses, inquiries, fines, bonus, premium, renewals, or other charges is excessive, and that in either case the transaction is harsh and unconscionable ; or
- (b) That the transaction is induced by undue influence, or is otherwise such that according to any recognized principle of law or equity the court would give relief ; or
- (c) That the lender took as security for the loan a promissory note or other obligation in which the amount stated as due was to the knowledge of the lender fictitious, or the amount due was left blank,

the court may reopen the transaction and take an account between the lender and the person sued, and may, notwithstanding any statement or settlement of account or any agreement purporting to close previous dealings and create a

new obligation, reopen any account already taken between them and relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest, and charges as the court, having regard to the risk and all the circumstances, may adjudge to be reasonable; and if any such excess has been paid or allowed in account by the debtor, may order the creditor to refund it; and may set aside either wholly or in part, or revise, or alter any security given or agreement made in respect of money lent, and if the lender has parted with the security may order him to indemnify the borrower or other person sued.

(2) Any court in which proceedings might be taken for the recovery of money lent shall have and may, at the instance of the borrower or surety or other person liable, exercise the like powers as may be exercised under the last preceding sub-section, and the court shall have power, notwithstanding any provision or agreement to the contrary, to entertain any application under this Ordinance by the borrower or surety or other person liable, notwithstanding that the time for repayment of the loan or any instalment thereof may not have arrived.

(3) In any insolvency proceedings on any application relating to the admission or amount of a proof in respect of any money lent, the court may exercise the like powers as may be exercised under this section when proceedings are taken for the recovery of money.

(4) The foregoing provisions of this section shall apply to any transaction which, whatever its form may be, is substantially one of money lending.

(5) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any court.

Prescription.

3 In the exercise of its powers under the last preceding section the court shall have regard to the lapse of time, the conduct of the party praying for release, and any other equitable considerations that the justice of the case may require to be taken into account, but the provisions of Ordinance No. 22 of 1871 shall not apply for any claim to relief under the said section.

Provided that in any case in which any amount claimed at any time to be due has been settled on account, no repayment or re-adjustment of the account shall be ordered in respect of any sum paid or allowed in account at a date exceeding six years before the date of the application to the court for relief.

Meaning of undue influence.

4 (1) A transaction is said to be induced by "undue influence," within the meaning of section 2 of this Ordinance, where the relations subsisting between the parties are such that one of the parties is in a position to dominate the will of the other, and uses that position to obtain an unfair advantage over the other.

(2) Where a person who is in a position to dominate the will of another enters into a contract with him, and the transaction appears, on the face of it or on the evidence adduced, to be unconscionable, the burden of proving that such contract was not induced by undue influence shall lie upon the person in a position to dominate the will of the other.

Nothing in this sub-section shall affect the provisions of section 111 of "The Ceylon Evidence Ordinance, 1895."

Illustrations.

- (a) A having advanced money to his son, B, during his minority, upon B's coming of age obtains, by misuse of parental influence, a bond from B for a greater amount than the sum due in respect of the advance. A employs undue influence.
- (b) A commercial firm, dealing with the owner of certain plumbago mines indebted to the firm, who is in insolvent circumstances, offer, as an alternative to obtaining an adjudication of his insolvency, to lend him a sum of money on condition of his repaying the amount in instalments at the customary rate of interest, but on the further condition of his binding himself to supply the firm during the period prescribed for the repayment of the loan, and if so required for the rest of his life, with the produce of his mines at a rate twenty per cent. below the ordinary market rate for the time being. The mine owner, having no means of contesting any action the firm may take, consents. The commercial firm employs undue influence.

(c) A, being in debt to B, a money lender of his village, contracts a fresh loan on terms which appear to be unconscionable. It lies on B to prove that the contract was not induced by undue influence.

5. Section 2 of this Ordinance shall not apply to transactions in the ordinary course of business by—

- (a) Any mutual provident or specially authorized society registered under "The Societies Ordinance, 1891";
- (b) Any society incorporated under "The Building Societies Ordinance, 1891";
- (c) Any society registered under "The Co-operative Credit Societies Ordinance, 1911";
- (d) Any body corporate or incorporated empowered by a special Ordinance to lend money in accordance with such special Ordinance;
- (e) Any duly incorporated and registered bank or banking company;
- (f) Any person or company *bona fide* carrying on the business of insurance;
- (g) Any pawnbroker licensed under "The Pawnbrokers Ordinance, 1893."

Duties of persons carrying on money-lending business.

6 (1) A person who carries on the business of money lending, or who advertises or announces himself, or holds himself out in any way as carrying on that business—

- (a) Shall keep or cause to be kept a regular account of each loan, clearly stating in plain words and numerals the items and transactions incidental to the account, and entered in a book paged and bound in such a manner as not to facilitate the elimination of pages or the interpolation or substitution of new pages; and
- (b) Shall on reasonable request, and on tender of a reasonable sum for expenses, furnish the borrower from time to time with a true and certified copy of the said account, and of any document relating to the loan or any security therefor, and shall on the like request allow him, or any person authorized by him in writing in that behalf, to compare such copy with the original; and
- (c) Shall at the time when any payment is made by or on behalf of the borrower on account of the loan tender to the borrower or the person making the payment on his behalf, whether he demand the same or not, a written receipt for the amount of such payment. An entry in any pass book or statement of account furnished to the borrower by the lender shall be deemed to be equivalent for the purposes of this section to the grant of a receipt for the amount so entered.

(2) If any person subject to the obligations of the last preceding sub-section fails to comply with any of the requirements therein contained, he shall be guilty of an offence, and be liable on summary conviction to a fine not exceeding one hundred rupees.

(3) If the default be made in respect of any of the requirements of paragraph (a), no claim shall be enforceable against the borrower in respect of any transaction in relation to which the default shall have been made.

Provided that in any case in which the court is satisfied—

- (a) That the principal business or occupation of the lender is not the business of money lending; and
- (b) That the default was due to inadvertence and not to any intention to evade the provisions of this section; and
- (c) That the receipt of the loan, the amount thereof, the amount of the payments on account, and the other material transactions relating thereto satisfactorily appear by other evidence,

the court may give relief against any such default, subject to the disallowance of the claim of the lender to an extent not exceeding the amount of the fine which might have been imposed in respect of the default.

(4) If the default be made in respect of any of the requirements of paragraphs (b) or (c), the court may disallow the claim of the lender in respect of the transaction to an extent not exceeding the amount of the fine which might have been imposed in respect of the default.

(5) In any case in which a disallowance shall have been made under the last two preceding sub-sections, no charge shall be maintainable in respect of the same matter under sub-section (2).

Particulars to be set forth in negotiable instruments, &c.

7 (1) In every promissory note given as security for the loan of money, and in every contract, agreement, or other transaction in writing for the loan of money executed or entered into after the commencement of this Ordinance and purporting to state the terms of the loan, there shall be separately and distinctly set forth upon the document—

- (a) The capital sum actually borrowed ;
- (b) The amount of any sum deducted or paid at or about the time of the loan as interest, premium, or charges paid in advance ;
- (c) The rate of interest per centum per annum promised or paid in respect of such loan ; and
- (d) The period of the loan.

(2) Where, by way of interest, consideration other than cash is given or is payable in any such transaction as aforesaid, the nature and value of such consideration shall be clearly expressed in the document.

(3) Any promissory note, contract, agreement, or other document not complying with the provisions of this section shall not be enforceable.

(4) The setting forth of the particulars required by sub-sections (1) and (2) shall not affect the negotiability of any promissory note.

(5) Any promissory note setting forth the said particulars substantially in the form given in the schedule to this Ordinance shall be deemed to be in compliance with this section.

(6) The provisions of this section shall apply to renewals of any loan.

Protection of bona fide holder for value.

8 Nothing in sections 2, 6, or 7 hereof shall impair the rights of any *bona fide* holder for value of any promissory note, mortgage, or other security given in respect of any loan, without notice of any matter affecting the enforceability of such security.

Provided that in any case in which any borrower is prejudiced by the operation of this section, he shall be entitled to be indemnified by the lender to the extent to which he is so prejudiced.

Penalties for false statements and representations.

9 If any person by any false, misleading, or deceptive statement, representation, or promise, or by any dishonest concealment of material facts, fraudulently induces or attempts to induce any person to borrow money or to agree to the terms on which money is or is to be borrowed, he shall be guilty of the offence of cheating, and shall be liable on conviction to the penalties prescribed for that offence in the Ceylon Penal Code.

Penalty for taking fictitious or blank promissory note as security.

10 Any person who shall take as security for any loan a promissory note or other obligation in which the amount stated as due is to the knowledge of the lender fictitious, or in which the amount due is left blank, shall be guilty of an offence, and shall be liable on conviction to a fine not exceeding five hundred rupees, or in the event of a second or subsequent offence, either to a fine not exceeding one thousand rupees, or to simple imprisonment for a period not exceeding six months.

Meaning of "fictitious."

11 A promissory note or other obligation given in respect of a loan with regard to which a deduction was made or a sum paid at or about the time of the loan in respect of interest, premium, or charges payable in advance, without such deduction or payment being set forth upon the document in accordance with section 7, or with regard to which at or about

the time of the loan any payment was made, or any collateral transaction entered into with a view to disguising the actual amount of the sum advanced, or the rate of interest payable in respect thereof, shall be deemed to be a promissory note or obligation in which the amount stated as due is, to the knowledge of the lender, fictitious within the meaning of sections 2 and 10 of this Ordinance.

Besetting residence, &c., of debtor.

12 Any person carrying on the business of money lending, who, with a view to harassing or intimidating his debtor or any member of his family, either personally or by any person acting on his behalf, watches or besets the residence or place of business or employment of the debtor, or any place at which the debtor receives his wages or any other sum periodically due to him, shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding one hundred rupees, or to imprisonment of either description for a period not exceeding six months.

Provided that a person shall not be deemed to commit an offence under this section merely because, either personally or by any person acting on his behalf, he calls at reasonable intervals at such residence or place of business or employment for the purpose of demanding payment of his debt.

Loans to women or children of householders by itinerant money lenders.

13 Any person carrying on the business of money lending, who, by visiting the residence of any person, induces the wife or child of any such person to contract a loan without his written consent, shall be guilty of an offence, and liable on summary conviction to a fine not exceeding one hundred rupees or to imprisonment of either description for a period not exceeding six months, or to both such fine and imprisonment.

Burden of proof.

14 In any proceedings taken under, or in pursuance of the provisions of, this Ordinance in which the lender in any money-lending contract is a person of the class commonly known in Ceylon as "Afghans," such person shall be presumed to be a person carrying on the business of money lending, unless the contrary is proved to the satisfaction of the court.

Save as aforesaid, if any question arises as to whether any person is a person carrying on the business of money lending, the burden of proving that such person in fact carries on such business shall lie on the party alleging it.

SCHEDULE.

Particulars required by "The Money-lending Ordinance, No. of 1917."

Promissory Note given in respect of a Loan.

Stamp.

1. Capital sum borrowed, Rs. _____ to _____, or order, the sum of Rupees _____, with interest thereon at the rate of _____ per centum per annum.

2. Interest, premium, or charges deducted or paid in advance, if any, Rs. _____.

3. Rate of interest per centum per annum: _____.

(Note.—If payable in kind, this should be so stated.)

4. Period of loan: _____.

(Signature of Borrower.)

By His Excellency's command,
Colonial Secretary's Office, R. E. STUBBS,
Colombo, September 28, 1917. Colonial Secretary.

Statement of Objects and Reasons.

THE present Ordinance is in effect the Ordinance reported by the Select Committee appointed to consider an Ordinance on the same subject on March 16, 1917. That report recommended extensive amendments of the original Bill, and in view of the time which has elapsed since the presentation

of the report to the Legislative Council, it has been thought better that the Bill, as reported, should be re-introduced as a new Bill, so that the public may have the best possible opportunity of appreciating its proposals.

2. The central principle of the Bill is that the courts should be given the widest possible powers of equitable relief in money-lending transactions. The Ordinance originally presented proposed for this purpose that money lenders should be registered, and it confined the powers of relief of the courts to transactions with money lenders so registered, and to certain other transactions with persons who carried on the business of money lending incidentally to some other business, and who under the provisions of that Ordinance, were not required to be registered.

3. The economic conditions of this Colony are such that it would be often extremely difficult to determine whether a man was liable to registration or not. The number of persons who, to a greater or less extent, make a practice of lending out their spare money at interest is very large. There are many persons who, in fact, do lend money in this manner, who are not commonly understood to have the status of "money lenders." To require these persons to be registered as "money lenders" would be misleading to the public and unwelcome to the persons concerned. Further, it appeared not to be reasonable that the question whether a debtor was to receive relief should depend upon the question whether his creditor is on one side or the other of a line very difficult to draw. It also appeared hardly reasonable that the relief extended to debtors in the other cases mentioned in the last paragraph should be confined to debtors of the special class of persons therein referred to.

4. Under the circumstances, the present Bill proposes that the relief of debtors should be extended to all money-lending transactions, with certain general exceptions. The scope of these objections may be seen by reference to section 5. They comprise principally loans by banks, building societies, co-operative credit societies, mutual provident societies, pawn-brokers, and such institutions as the Loan Board and the Public Service Mutual Provident Association. They are substantially identical with the exemptions from the liability to register under the general Ordinance, except as to paragraph (g) and (h) of section 2 of that Ordinance.

5. The effect of the proposals of the Bill now presented is to extend the relief accorded to debtors to three classes of cases. In the first—(a)—it is a condition precedent to the relief that it should be shown that the interest payable, or the other sums charged, are, in fact, excessive, and further, that the transaction is harsh and unconscionable. With regard to the second class—(b)—it is sufficient to show that the transaction was induced by undue influence (see section 4), or is otherwise such that a court would give relief according to the recognized principles which it administers. The third class—(c)—relates to the special class of fictitious or blank promissory notes.

6. The question of prescription in regard to claims for relief was not dealt with by the original Bill. It was considered by the Select Committee, but the recommendation of the Committee was by inadvertence overlooked in the revision of the Bill for presentation. That recommendation will be found in section 3, which is substantially on the lines of what is understood to be the English Law, with a proviso which limits any orders for the repayment or re-adjustment in account of any item which has been settled in account and to a period of six years from the application for relief. The limit of this period was not formally determined by the Committee.

7. Persons who carry on the business of money lending, though not required to be registered, are under certain special obligations. They must keep regular accounts in proper books, furnish copies of their accounts to their debtors, and furnish them with receipts of any payments on account.

These provisions are applicable to all persons who carry on business as money lenders, or who advertise or announce or hold themselves out in any way as carrying on that business (section 6).

8. These provisions are to be enforced by special sanctions. With regard to persons who possess the undoubted status of professional money lenders, and who carry on this business as their principal occupation, it is considered that it is necessary to retain the provision of the original Bill that, unless their transactions are supported by regularly kept books, their claims to repayment of money lent shall not be enforceable. It is felt, however, that this principle might work with a certain hardship in cases in which the status of the lender is not so clearly defined. It is, therefore, provided that in cases in which the person concerned does not carry on the business of money lending as his principal business, the court shall have power to give relief against the disability above referred to, where it is satisfied the default was due to inadvertence, and that all the material transactions relating to the loan satisfactorily appear by other evidence.

9. Section 7 deals with the question of blank and fictitious promissory notes. It reinforces the provisions of the original Ordinance by the introduction of a section derived from an Act in force in Cape Colony. Briefly stated, the effect of this provision is that on every promissory note given as security for a loan of money there shall be clearly stated on the face of the note—

- (a) The capital sum actually borrowed ;
- (b) The amount of any deductions of interest or other sums in advance ;
- (c) The rate of interest per cent. per annum charged ; and
- (d) The period of the loan.

A promissory note on which interest has been deducted in advance without the amount of the deduction being recorded is declared to be a note for a "fictitious" amount; and consequently within the penal provisions of section 10, which makes the taking of a fictitious promissory note, as the security of a loan, a criminal offence.

Section 11 gives a very full explanation of the term "fictitious" in this connection.

10. The provisions of the original Ordinance with regard to the watching or besetting of the residence or place of employment of a debtor has been subjected to a revision, the effect of which appears in section 12. The section is limited to cases of watching or besetting with a view to harassing or intimidating the debtor. On the other hand, it is extended to cases of watching or besetting with a view to harassing or intimidating any member of the debtor's family, and to cases of watching or besetting places at which the debtor receives his wages or any other sum periodically due to him, such as a pension. It excludes from the application of its provisions cases in which a creditor merely calls at reasonable intervals for the purpose of demanding payment of his debt.

11. Section 13 deals specially with the case of an itinerant money lender inducing the wife or children of an absent householder to contract a loan without his consent.

12. Section 14 retains the presumption of the original Ordinance that the class of persons commonly known in Ceylon as Afghans are persons carrying on business of money lending, but to prevent the provisions of section 6 (relating to the keeping of account books) from being taken advantage of by unscrupulous debtors when sued for the repayment of an ordinary loan, it specifically declares that the burden of proof that any person is carrying on the business of money lending shall lie on the party alleging it.

PASSED ORDINANCES.

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

No. 29 of 1917.

An Ordinance to amend "The Land Registration Ordinance, 1891."

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to amend "The Land Registration Ordinance, 1891": 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.

Commencement.

1 This Ordinance may be cited as "The Land Registration (Amendment) Ordinance, No. 29 of 1917," and shall come into operation on such date as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

Substitution of new section for section 25 of the principal Ordinance.
Caveat in certain cases.

2 The following section shall be substituted for section 25 of the principal Ordinance:

25. (1) It shall be competent to any party to lodge with the registrar a caveat to prevent the registration of any deed or other instrument affecting any land or other property as aforesaid subsequently tendered for registration. Such caveat shall state a postal address within the Island of the party lodging the same, shall bear the prescribed stamp, and shall be registered free of further duty.

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

(3) A caveat shall be in force for six months from the date of its being lodged, unless the caveat limits the time of its operation to a shorter period.

(4) Any existing caveat which has been in force for six months or upwards shall be deemed to be vacated within three months of the passing of this Ordinance.

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

Addition of new section to the principal Ordinance.
Registration of *lis pendens*.

3 The following section shall be added to the principal Ordinance:

27 A. (1) *Nolis pendens* affecting land or other immovable property shall bind a purchaser, mortgagee, or lessee, unless or until the same shall be registered in the branch office of the district in which such land or property is situate.

(2) Such registration shall not be in force beyond a period of five years from the date of registration; provided, however, that a *lis pendens* may be re-registered as often as may be necessary, and every such re-registration shall have the effect of an original registration.

(3) The Governor in Executive Council may frame rules prescribing the form of an application for the registration of a *lis pendens* and the particulars to be stated therein, and the manner of registering the same.

(4) The stamp duty payable for the registration of a *lis pendens* shall be five rupees for an action instituted in a District Court, two rupees for an action instituted in a Court of Requests, and fifty cents for an action instituted in a Village Tribunal.

(5) Every Registrar shall on receipt of a properly stamped application for the registration of a *lis pendens* register the same in the manner specified by the rules framed under sub-section (3).

Passed in Council the Twentieth day of September, One thousand Nine hundred and Seventeen.

A. G. CLAYTON,
Clerk to the Council.

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

R. E. STUBBS,
Colonial Secretary.

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

No. 30 of 1917.

An Ordinance to validate the Stamps on certain Instruments and Documents, and for other purposes.

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to make provision with regard to certain instruments and documents stamped in accordance with the provisions of "The Stamp Ordinance, 1909," after the duties provided for by that Ordinance had been varied by "The Stamp (Amendment) Ordinance, No. 16 of 1917," and before it was known that the said amending Ordinance was in force: 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 Stamp Validation Ordinance, No. 30 of 1917," and shall come into operation on such date as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

Application of Ordinance.

2 This Ordinance shall apply to instruments or documents which between the 29th day of June, 1917, and the 6th day of July, 1917, were stamped in accordance with the duties with which they would have been chargeable under "The Stamp Ordinance, 1909," if "The Stamp (Amendment) Ordinance, No. 16 of 1917," had not been passed, instead of in accordance with the duties with which they became chargeable after the passing of that Ordinance.

All instruments stampable with five cents deemed to be duly stamped.

3 All instruments to which this Ordinance applies, and which under "The Stamp Ordinance, 1909," were chargeable with a duty of five cents only, shall be deemed to have been duly stamped, and no objection shall be taken, or, if already taken, shall be maintainable in any legal proceedings, to the admission in evidence or to the validity of any such instrument, on the ground that such instrument was insufficiently stamped.

Power to treat instruments and documents as duly stamped.

4 In the case of an instrument or document to which this Ordinance applies, any person required to impound the same under "The Stamp Ordinance, 1909," may, upon stamps to the amount of the deficiency of the stamp duty being affixed thereto, endorse thereon a certificate that the said instrument or document has been duly stamped under this Ordinance, and thereupon the said instrument or document shall for all purposes have effect, and shall be treated in all respects as duly stamped.

Registration.

5 (1) No registration of any instrument or document to which this Ordinance applies shall be deemed to be invalidated by reason of the fact that at the date of such registration it was insufficiently stamped. Provided that stamps to the amount of the deficiency have been duly affixed to the instrument or document, and the instrument or document shall have endorsed thereon a certificate of the fact by the registering officer.

(2) The registration of any instrument or document to which this Ordinance applies, which was not registered at the time when it was originally tendered for registration on the ground that it was insufficiently stamped, shall have effect for all purposes as from the date when it was originally tendered for registration. Provided that the necessary stamps are tendered for the purpose of effecting such registration within three months of the commencement of this Ordinance.

Passed in Council the Twentieth day of September, One thousand Nine hundred and Seventeen.

A. G. CLAYTON,
Clerk to the Council.

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

R. E. STUBBS,
Colonial Secretary.

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

No. 31 of 1917.

An Ordinance to amend "The Notaries Ordinance, 1907."

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to amend "The Notaries Ordinance, 1907," in certain particulars: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

Commencement.

Addition of new sub-sections to section 35 of the principal Ordinance.

1 This Ordinance may be cited as "The Notaries (Amendment) Ordinance, No. 31 of 1917," and shall come into operation on such date as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

2 The following sub-sections shall be added to section 35 of the principal Ordinance immediately after sub-section (2), and shall be numbered (3) and (4):

(3) Where a notary who is a proctor of the Supreme Court has engaged for the purposes of his business an assistant who is also a notary, and such assistant practises as a notary under such an engagement for the purposes of the business of the said proctor-notary, and the terms of such engagement have been notified by the parties to the Registrar-General, upon such assistant dying or leaving the service of his principal, the Registrar-General may (subject to the terms of the engagement) empower the said principal to retain the documents specified in (a) of section 35 (1), and all such documents shall thereupon, for the purposes of this Ordinance, be deemed to be documents executed or acknowledged before such principal, or possessed by him in right of his office. But a list of the said documents shall be furnished to the Registrar-General by the principal, who shall be responsible for their safe custody and for their delivery to the Registrar-General.

(4) Where the Registrar-General is satisfied that any notary has purchased the goodwill of the notarial business of another notary who carried on business in a place in the area within which the purchaser is authorized to practise, but who has since died or who has ceased to act in the office of notary otherwise than by reason of the cancellation or suspension of his warrant, the Registrar-General may

empower the heirs, executors, or administrators of the deceased notary, or the notary so ceasing to act, to transfer to the notary so purchasing the goodwill of the said business the documents specified in (a) of section 35 (1) (not being wills or codicils, or drafts, minutes, or copies of the same), or if such documents have been already delivered to the Registrar-General, may himself transfer the said documents as aforesaid, and the said documents shall thereupon, for all the purposes of this Ordinance, be deemed to be documents executed or acknowledged before the notary purchasing the goodwill or possessed by him in right of his office. But a list of the said documents shall be furnished to the Registrar-General by such notary, who shall be responsible for their safe custody and for their delivery to the Registrar-General.

Transitory provisions.

3 It shall be lawful to the Registrar-General to extend the application of the provisions of the sub-sections added to section 35 of the principal Ordinance by the last preceding section—

- (a) To any case in which an assistant has died or left the service of his principal within five years prior to the commencement of this Ordinance, notwithstanding that no notice of the terms of the engagement of such assistant has been given to the Registrar-General; or
- (b) To any case in which any notary has died, or has ceased to act in the office of notary within the said period otherwise than by reason of the cancellation or suspension of his warrant.

Provided that the Registrar-General is satisfied that such a course has been assented to by all persons interested.

Passed in Council the Twentieth day of September, One thousand Nine hundred and Seventeen.

A. G. CLAYTON,
Clerk to the Council.

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

R. E. STUBBS,
Colonial Secretary.

NOTICES OF INSOLVENCY.

9/25-2/50
18/2/27
In the District Court of Colombo.

No. 2,722. In the matter of the insolvency of Oona Seyna Sego Mohamado Marikar of Prince street, Pettah, 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 October 25, 1917, for the proof of further claims.

By order of court, P. DE KRETZER,
Colombo, October 4, 1917. Acting Secretary.

9/25-2/50
18/2/27
In the District Court of Colombo.

No. 2,755. In the matter of the insolvency of Jayamaha Madan Das Nicholas of Bopitiya in Ragam pattu.

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 October 25, 1917, for the proof of further claims.

By order of court, P. DE KRETZER,
Colombo, October 4, 1917. Acting Secretary.

9/25-2/50
18/2/27
In the District Court of Colombo.

No. 2,840. In the matter of the insolvency of Pitche Tamby Meera Lebbe Marikar of No. 18, Piachaud's lane, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on November 1, 1917, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,
Colombo, October 6, 1917. for Secretary.

9/25-2/50
18/2/27
In the District Court of Colombo.

No. 2,840. In the matter of the insolvency of Pitche Tamby Meera Lebbe Marikar of No. 18, Piachaud's lane, 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 October 25, 1917, for proof of further claims and for the appointment of an assignee.

By order of court, A. E. PERERA,
Colombo, October 11, 1917. for Secretary.

In the District Court of Colombo.

No. 2,864. In the matter of the insolvency of Muna Lena Abubacker of Avissawella.

WHEREAS the above-named Muna Lena Abubacker has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by K. Abdul Cader, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said Muna Lena Abubacker insolvent accordingly, and that two public sittings of the court, to wit, on November 8, 1917, and on November 22, 1917, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
Colombo, October 6, 1917. for Secretary.

In the District Court of Colombo.

No. 2,865. In the matter of the insolvency of Dewale Don Abraham of Walane in Panadure.

WHEREAS the above-named Dewale Don Abraham has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by K. E. Pieris, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said Dewale Don Abraham insolvent accordingly, and that two public sittings of the court, to wit, on November 8, 1917, and on November 22, 1917, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
Colombo, October 6, 1917. for Secretary.

In the District Court of Colombo.

No. 2,866. In the matter of the insolvency of Henry Thomas de Silva of Maradana in Colombo.

WHEREAS the above-named Henry Thomas de Silva has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by J. A. Dias, under the Ordinance No. 7 of 1853 : Notice is hereby given that the said court has adjudged the said Henry Thomas de Silva insolvent accordingly, and that two public sittings of the court, to wit, on November 8, 1917, and on November 22, 1917, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
Colombo, October 9, 1917. for Secretary.

In the District Court of Galle.

No. 421. In the matter of the insolvency of Manamperi Korallalage Arnolis Appuhami of Kumbalwella.

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

By order of court, V. R. MOLDRICH,
October 4, 1917. Secretary.

In the District Court of Kegalle.

No. 46. In the matter of the insolvency of Warnakulasooriya Arachige Don Mariyanu of Thalduwa.

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 October 31, 1917.

By order of court, RICHARD L. PERERA,
October 3, 1917. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the Court of Requests of Colombo.

A. William Perera of Silversmith lane, Colombo... Plaintiff.
No. 15,785. Vs.

(1) Kandana Aratchige Dona Johana Perera, (3)
C. Dharmasekara Perera, all of New Bazaar,
Colombo... Defendants.

NOTICE is hereby given that on Saturday, November 3, 1917, at 1.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, for the recovery of the sum of Rs. 295.20, with legal interest thereon from August 24, 1909, till payment in full and costs of suit Rs. 28.25, viz. :—

An undivided $\frac{1}{2}$ share of all that land bearing assessment Nos. 13 and 14, situated at Oilman street, New Bazaar, Colombo ; bounded on the north by the land of Kandana Aratchige Nonnohamy, east by the Oilman street, south by the Belmont street, and west by premises No. 36, Belmont street ; containing in extent about 11 99/100 square perches.

Fiscal's Office,
Colombo, October 8, 1917.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

M. A. L. M. Allagappa Chetty of Sea street,
Colombo Plaintiff.

No. 37,607. Vs.

Charles S. Somasundaram of New Chetty street,
Colombo Defendant.

NOTICE is hereby given that on Tuesday, November 6, 1917, at 4.30 o'clock in the afternoon, will be sold by public auction at the premises the life interest of the said defendant in the following property, for the recovery of the sum of Rs. 386, with interest thereon at 9 per cent. per annum from December 4, 1913, till payment in full and costs, viz. :—

All that premises bearing assessment No. 100, situated at Sea street, within the Municipality of Colombo ; and bounded on the north by the property bearing No. 101, on the east by the Sea street, on the south by property bearing No. 99, and on the west by Reclamation road ; and containing in extent 10 perches, more or less.

Fiscal's Office,
Colombo, October 8, 1917.

W. DE LIVERA,
Deputy Fiscal.

G.S. In the District Court of Colombo.

Seena Thana Ana Lana Valliappa Chetty of Sea street,
Colombo Plaintiff.

Owen Bernard Wijesekara of Colombo.. Substituted Plaintiff.

No. 38,500.

Vs.

Pattiyage David Fernando of No. 44, St. Sebastian
Hill, Colombo Defendant.

NOTICE is hereby given that on Tuesday, November 6, 1917, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the following property declared bound and executable under the decree entered in the above action for the recovery of the sum of Rs. 3,221.25, with interest on Rs. 3,000 at 15 per cent. per annum from May 18, 1914, to June 26, 1914, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full and costs, Rs. 166.25, viz. :—

All that garden with the buildings standing thereon bearing assessment No. 15, situated at Cramer's lane, now known as Dias place, in Colombo, within the Municipality of Colombo, Western Province; bounded on the north by lane 11½ feet wide, on the east by the other part of this garden of Kalusayakkarage Francina Dias, on the south by a drain 2½ feet wide leading to Guinea grass garden, and on the west by the garden of Sophia Rodrigo; containing in extent 27 83/100 square perches.

Fiscal's Office,
Colombo, October 8, 1917.

W. DE LIVERA,
Deputy Fiscal.

G.S. In the District Court of Colombo.

The Ceylonese Union Company of Colombo..... Plaintiff.

No. 43,846.

Vs.

J. E. Amerasekara of Hanwella..... Defendant.

NOTICE is hereby given that on Thursday, November 8, 1917, at 1.30 o'clock in the afternoon, will be sold by public auction at 10/105, Kolonnawa road, Dematagoda, the following movable property for the recovery of the sum of Rs. 1,187, with interest on Rs. 1,000 at 9 per cent. per annum from December 15, 1915, till payment in full and costs of suit, viz. :—

One motor car bearing No. 2,390.

Fiscal's Office,
Colombo, October 9, 1917.

W. DE LIVERA,
Deputy Fiscal.

G.S. In the District Court of Colombo.

A. L. S. S. Suppramaniam Pillai of Sea street,
Colombo Plaintiff.

No. 46,489.

Vs.

(1) Francis de Zoysa of Colombo and (2) John F. Perera
of Ragama Defendants.

NOTICE is hereby given that on Friday, November 9, 1917, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 6,100, with interest thereon at the rate of 21 per cent. per annum from November 8, 1916, to December 15, 1916, and thereafter at the rate of 9 per cent. per annum on the aggregate amount till payment in full and costs of suit, viz. :—

At 2 P.M.

1. All that land called Delgahawatta, situated at Ragama, in the Ragam pattu of Alutkuru korale; and bounded on the north and east by the limit of the land of Charles Perera, Police Officer of Ragama, on the south by the Government cart road, and on the west by the field of Warnakula Wijenaika Joseph Mendis and others, together with the buildings standing thereon; containing in extent within these boundaries 1 acre more or less.

At 2.30 P.M.

2. The life interest of the 2nd defendant in and to an undivided ½ part of the land called Kudapolpitiya, situated at Ragama as aforesaid; and bounded on the north by the cart road, on the east by the field of 2 pelas paddy sowing belonging to John Pinger Perera Amarasekara Siriwardana, on the south and west by the Crown field; and containing in extent ½ an acre more or less, together with all the buildings standing thereon.

Fiscal's Office,
Colombo, October 9, 1917.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

Seena Kona Kader of No. 5, Vincent street,
Colombo Plaintiff.

No. 47,724.

Vs.

(1) Sinna Marikar Alima Umma, (2) Katu Bawa Ahamado Lebbe Bass, both of No. 15, Skinner's road,
Colombo Defendant.

NOTICE is hereby given that on Monday, November 5, 1917, at 2.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property for the recovery of the sum of Rs. 4,050, with interest on Rs. 2,500 at the rate of 12 per cent. per annum from May, 16, 1917, to June 29, 1917, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and costs (bill not taxed), viz. :—

All that house and premises bearing assessment No. 118, situated at Messenger street, within the Municipality of Colombo; and bounded on the north by Messenger street, on the east by the premises No. 117; on the south by the compound of house No. 74, Hulftsdorp street, and on the west by the premises No. 119, Messenger street; and containing in extent 12 perches more or less.

Fiscal's Office,
Colombo, October 8, 1917.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Colombo.

S. P. K. A. A. M. Sidambaram Chetty of Sea street,
Colombo Plaintiff.

No. 48,399.

Vs.

Bemina Henedige Henry John Peiris of Egoda
Uyana in Moratuwa Defendant.

NOTICE is hereby given that on Wednesday, November 7, 1917, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 400, with legal interest thereon from August 21, 1917, till payment in full, and costs of suit, viz. :—

At 3.30 P.M.

(1) The property bearing assessment No. 12 and the buildings standing thereon, situated at Fourth Cross street, within the Municipality of Colombo; and bounded on the north by the house belonging to Johannes Tuhentiyanu, on the east by Government ground, on the south by the house belonging to C. Fernando, and on the west by Fourth Cross street; and containing in extent 20 5/100 perches.

At 4 P.M.

(2) The property bearing assessment No. 76 and the buildings standing thereon, situated at Fifth Cross street, Pettah, within the Municipality of Colombo; and bounded on the north by the ground belonging to Albert James, on the east by the lane along the canal, on the south by the ground belonging to Cornelis Fernando, and on the west by the property belonging to M. Kreltzhaim; and containing in extent 4 73/100 perches.

Fiscal's Office,
Colombo, October 8, 1917.

W. DE LIVERA,
Deputy Fiscal.

In the Court of Requests of Colombo.

H. M. Gunsekare of "Ascot," Union place, Slave Island, Colombo Plaintiff.
No. 57,783. Vs.

L. M. Fernando of house No. 171, Old road, Bambalapitiya, Colombo Defendant.

NOTICE is hereby given that on Monday, November 5, 1917, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 69, with legal interest thereon from June 2, 1917, till payment in full, and costs Rs. 19.05, viz. :—

An undivided one-fifteenth part or share of all that building or boutique and premises bearing assessment No. 26, situated at St. John's road in Pettah, within the Municipal limits of Colombo; and bounded on the north by the boutique bearing assessment No. 27 belonging to Vincent Fernando and others, on the south by Gabo's lane, on the east by lane, on the west by high road; containing in extent about 4 square perches.

Fiscal's Office,
Colombo, October 8, 1917.

W. DE LIVERA,
Deputy Fiscal.

In the Court of Requests of Colombo.

S. A. N. Sathappa Chetty, by his attorney P. M. M. Suppamaniam Chetty of Sea street, Colombo. Plaintiff.
No. 58,461. Vs.

L. M. Fernando of No. 71, High road, Bambalapitiya, Colombo Defendant.

NOTICE is hereby given that on Monday, November 5, 1917, 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. 300, with legal interest thereon from August 2, 1917, till payment in full, and costs of suit Rs. 26.25, viz. :—

An undivided one-fifteenth part or share of all that buildings or boutique and premises bearing assessment No. 26, situated at St. John's road in Pettah, within the Municipal limits of Colombo; bounded on the north by the boutique bearing assessment No. 27 belonging to Vincent Fernando and others, on the south by Gabo's lane, on the east by a lane, and on the west by high road; containing in extent about 4 square perches.

Fiscal's Office,
Colombo, October 8, 1917.

W. DE LIVERA,
Deputy Fiscal.

In the District Court of Negombo.

Suna Muna Mohamado Cassim of Main street, Negombo Plaintiff.
No. 10,902. Vs.

- (1) Kasi Lebbe Marikar Ibrahim Lebbe of Kamachchodi Defendant.
(2) Thamby Rasa Avoo Lebbe Marikar, (3) Isi Lebbe Casi Lebbe Marikar, (4) Hadji Marikar Casi Lebbe Marikar, (5) Madar Lebbe Added Defendants.

NOTICE is hereby given that on November 5, 1917, commencing at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiff in the following property, viz. :—

1. The land called Siyambalagahawatta, situate at 4th division, Hunupitiya, Negombo, and bounded on the north by land called Kopiwatta of Harmanis Senanayaka Appuhami and others now of Don Carolis Wijewardane Kulatilaka Appuhami and others, east by land of Mana Mudalige Don Gabriel Appuhami and others, now of Ana Matheshami and others, south by land of D. A. Wijesekara, Registrar, now of Ana Matheshami, and west by 4th Cross road; containing in extent about 3 roods and 15 perches.

(2) An undivided $\frac{2}{3}$ share of the land called Kopiwatta situate at 4th division, Hunupitiya, aforesaid, and bounded on the north and east by garden of Cassie Lebbe, south by the above described land Siyambalagahawatta, and west by 4th Cross road; containing in extent about 1 acre.

Amount to be levied Rs. 1,259.85, and poundage.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, October 9, 1917. Deputy Fiscal.

In the Court of Requests of Negombo.

Ana Nana Weeyanna Kana Awanna Thana Adappa Chetty of Negombo Plaintiff.
No. 25,319. Vs.

Tammahetti Mudalige Gabriel Peries Appuhamy of Dagonna Defendant.

NOTICE is hereby given that on November 3, 1917, commencing at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

The land called Dombagahawatta, situate at Dagonna, in Dunagaha pattu of Alutkuru koral; and bounded on the north by land appearing in plan No. 77,289, east by lands appearing in plans Nos. 86,512 and 102,971, south by land claimed by Don Harmanis Appuhami and others, and on the west and north-west by road; containing in extent about 4 acres and 22 perches, and the buildings standing thereon, subject to bond No. 2,523 dated September 26, 1910 (excluding an extent of 2 acres sold to Thammahetti Mudalige Niwanis Peries Appuhami, ditto Appusinna Peries Appuhami, and ditto Benedict Peries Appuhami).

Amount to be levied Rs. 170.50, with interest on Rs. 50 at 37½ cents per Rs. 10 per month and on Rs. 40 at 37½ cents per Rs. 10 per month from June 26, 1917, to July 13, 1917, and thereafter at 9 per cent. per annum till payment.

Deputy Fiscal's Office, FRED. G. HEPPONSTALL,
Negombo, October 9, 1917. Deputy Fiscal.

In the District Court of Kalutara.

(1) Gunetti Nona Baba Silva of Kuda Waskadawwa, (2) H. J. Erskine of Kurunegala Plaintiffs.
No. 6,148. Vs.

- (1) Jasentuhewage Levaris Fernando, (2) Doowage Siman Fernando, (3) Migelheewage Rosa Fernando, (4) ditto Sopina Fernando, (5) Meegomuwege Paiyso, (6) Jasentuhewage James of Potupitiya, minors, by their guardian the 1st defendant Defendants.
7) Bastianhewage Guneris Fernando ... Added Defendant.

NOTICE is hereby given that on Saturday, November 3, 1917, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendants in the following property for the recovery of Rs. 1,760.45, viz. :—

1. The soil and all the trees (excluding the railroad running through the middle of the land) of a portion of Walapola Mudillagahawatta belonging to the 1st defendant, situate at Pothupitiya; and bounded on the north by a portion of the same land, east by high road, south by Kosgahawatta and Walapola Mudillagahawatta, and on the west by seashore; and containing in extent about 1 acre.

2. The soil and all the trees (excluding the railroad running through the middle of the land) of another portion of Walapola Mudillagahawatta belonging to 3rd defendant, situated at ditto; and bounded on the north by a portion of the same land, east by high road, south also by a portion of the same land, and on the west by seashore; containing in extent about 3 roods.

3. The soil and all the trees, together with the entire tiled house wherein the 1st defendant resides standing thereon, of the land called Gorakgahawatta belonging to the 1st defendant, situated at ditto; and bounded on the

north by Godaparagahawatta, on the east by Ketakerella-gahawatta, south by Gulugahawatta *alias* Ketakerellagahawatta, and on the west by Kahatagahawatta; and containing in extent about 1 acre.

4. Half share of the soil and of the trees of the land called Delgahawatta *alias* Daminagahawatta belonging to the 1st defendant, situate at ditto; and bounded on the north by Godaparagahawatta and burial ground, east by Kahatagahawatta, south by a portion of Delgahawatta, and on the west by high road; and containing in extent about $1\frac{1}{2}$ acres.

5. The soil and all the trees of a portion of Kosgahawatta belonging to 3rd and 4th defendants, situate at ditto, and bounded on the north by Totillagahawatta and Delgahawatta, east by Delgahawatta, south by cart road, and on the west by a portion of this land; and containing in extent about $\frac{1}{4}$ of an acre.

6. $\frac{3}{8}$ share of the soil and of the trees, together with the entire tiled house standing thereon, of the land called Narangahawatta belonging to 3rd and 4th defendants, situate at ditto; and bounded on the north by Narangahawatta, east by Kahatagahawatta, south by Godaparagahawatta, and on the west by a portion of this land; and containing in extent about 3 roods.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, October 9, 1917. Deputy Fiscal.

In the District Court of Colombo.

P. R. V. R. Sinniah *Bawther* of Sea street, Colombo. Plaintiff.

No. 444,730. Vs.

(1) W. P. de Silva and (2) Santiago Silva of Kalamulla Defendants.

NOTICE is hereby given that on Saturday, November 10, 1917, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd defendant in the following property, for the recovery of Rs. 2,003.25, with interest on Rs. 2,000 at 9 per cent. per annum from March 20, 1916, till payment in full, viz. :—

1. $\frac{1}{4}$ and $1/15$ shares of the land called Kiriambewatta, situate at Kalamulla, and bounded on the north and east by Wadiyawatta, south by the land possessed in the name of Migel Kankanama, and on the west by high road, and containing in extent about 1 rood and $31\frac{80}{100}$ perches.

3. $\frac{1}{2}$ and $1/15$ of $\frac{1}{2}$ share of the land called Thanigahawatta, situate at ditto, and bounded on the north by the land wherein Steven Silva resides, east by the land wherein Luis Silva resides, south by Kahatagahawatta, land belonging to Peduru Mohopparala, and a land of Talawaimuni Juan Silva, and on the west by Thanigahawatta belonging to T. Juan Silva and others, and containing in extent about 3 roods and $3\frac{1}{36}$ perches.

4. $\frac{1}{4}$ and $1/15$ of $\frac{1}{2}$ share of the land called Attigahawatta, situated at ditto, and bounded on the north by Welengiyawatta in the name of Christian Silva, east by Lindaimulawatta, south by Wagurawatta *alias* Uduwarawatta, and on the west by a land called Sukkuliawatta, and containing in extent about 2 roods and 30.22 perches.

5. $\frac{1}{4}$ and $1/15$ of $\frac{1}{2}$ share of the land called Seiyanpodiya-watta, situated at ditto, and bounded on the north by Atuwawatta, east and south by Madangahawatta, and on the west by a portion of this land and Kongahawatta, and containing in extent about 3 acres.

6. $47/96$ share of the entire soil, trees, and of the planter's $\frac{1}{4}$ share of the trees, together with $\frac{1}{4}$ and $1/15$ share of the entire house standing thereon of the land called Kitulgahawatta *alias* Aratchiawatta, situated at ditto, and bounded on the north and east by Visentuwawatta, south by Timbiri-gahawatta and Pelawatta, and on the west by Eramudugahawatta, and containing in extent about 2 roods.

7. $\frac{1}{4}$ and $1/15$ of $7/18$ shares of the land called Wellaboda-Dombayawatta, situated at ditto, and bounded on the north by a portion of Dombayawatta, east by the land in the name of Jasentuhewago family, south by the portion in the name of Silvestri Mohopparala, and on the west by seashore, and containing in extent 1 acre and 2 roods.

At 3 P.M.

8. $2/4$ and $1/20$ shares of a portion of land situated, at Nagoda, and bounded on the north and north-east by land appearing in plan No. 50,802 and Crown land, on the south and south-west by land appearing in plan No. 52,378, on the south by the land appearing in plan No. 35,376, on the west and north-west by land reserved by the Crown, and the land appearing in plan No. 50,802, and containing in extent about 15 acres 3 roods and 29 perches.

Deputy Fiscal's Office, H. SAMERESINGHA,
Kalutara, October 9, 1917. Deputy Fiscal.

Southern Province.

In the District Court of Matara.

Augustus Edward Dirckze, now of Diyatalawa. . . . Plaintiff.

No. 7,527. Vs.

Dionis Mutukumarna of Dikwella. Defendant.

NOTICE is hereby given that on Saturday, November 10, 1917, at 12 o'clock in the noon, will be sold by public auction at the respective premises, the following mortgaged property, for the recovery of Rs. 1,696.63 $\frac{1}{2}$ and further interest at 9 per cent. per annum from August 28, 1917, till payment in full and Fiscal's charges :—

(1) All the soil and plantations and the buildings of the divided portion marked p. A. of the land Balikkaradeniyewela-addaraguluhawatta *alias* Kaluhennedige Nado-padinechiwahitiyewatta at Dodanpahala, in extent 4 acres and 1.5 perches; and bounded north by Mandawelakulehena, east by Udahalikkaradeniya, south by divided portion B., C., D., E., and F. of the same land, and west by Tennehena *alias* Kongahawatta, Rs. 2,500.

On Monday, November 12, 1917, at 1 P.M.

(2) An undivided $\frac{3}{4}$ shares of the field Illangkonwilla, in extent about 8 amunams of paddy sowing, situated at Halpe; and bounded north by Henaduregowila *alias* Tottayakumbura, on the south and east by ganga (river), and west by Bakmigahawilla; Rs. 2,880.

Deputy Fiscal's Office, J. R. TOUSSAINT,
Matara, October 3, 1917. Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Kantar Periatamby and wife Chitamparam of Anai-cottai. Plaintiffs.

No. 11,845. Vs.

(1) Valliammai, widow of Vyravanatar Thillaiampalam, (2) Muthutamby Arumugam and wife (3) Thangamuttu of Anaicottai. Defendants.

NOTICE is hereby given that on Monday, November 5, 1917, at 10 o'clock in the forenoon, will be sold by public auction at the spot the following property decreed to be sold under the above action for the recovery of Rs. 2,000, and poundage and charges, viz. :—

An undivided $\frac{1}{2}$ share of a piece of land situated at Anaicottai, called Arankesantoddam, containing or reputed to contain in extent $9\frac{1}{2}$ lachams of varagu culture, with house, kitchen, well, palmyras, and plantations; bounded or reputed to be bounded on the east by the property of Sivakamippillai, wife of Ayathuray, north by road, west by lane, and south by the property of Makeswari, wife of Navaretnam.

Fiscal's Office, S. SABARATNAM,
Jaffna, October 4, 1917. for Fiscal.

In the District Court of Jaffna.

Veluppillai Saravanamuttu of SandirupaiPlaintiff.

No. 11,913. Vs.

Velayuthar Sinniah of Achchuvely.....Defendant.

NOTICE is hereby given that on Monday, November 12, 1917, 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. 696.30, with interest on Rs. 650 at the rate of 9 per cent. per annum from March 28, 1917, such interest not exceeding Rs. 603.70 until payment in full, and costs of suit being Rs. 101.64, and poundage and charges, viz. :—

A piece of land situated at Colombuturai, called Vannantharai, containing or reputed to contain in extent 5½ lachams of varagu culture, with palmyras, spontaneous and cultivated plants; bounded or reputed to be bounded on the east by the property of Ramalinkam Thuraysamy and Manikkam, wife of Saba Nadesar, north by the property of Velaauthar Sinniah, west by the property of Manikkam, wife of Arunachalem, and south by lane.

Fiscal's Office,
Jaffna, October 4, 1917.

S. SABARATNAM,
for Fiscal.

Eastern Province.

In the District Court of Colombo.

S. K. R. M. R. M. Vengadasalam Chetty of Sea street,
Colombo.....Plaintiff.

No. 24,702. Vs.

E. R. Tambimuttu of Batticaloa Defendant.

NOTICE is hereby given that on Saturday, October 27, 1917, at about 10 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

A land called Saravelipoomie, described as lot No. O292; and bounded on the north by Crown land, south by Murukantherukulam, east by Crown jungle and aar, and on the west by the land described in plan No. 292; in extent at about 44 acres 3 roods and 5 perches.

Judgment Rs. 499.92, with interest on Rs. 339.92 at 9 per cent. per annum from March 13, 1907, till payment.

Fiscal's Office,
Batticaloa, October 2, 1917.

S. O. CANAGARATNAM,
Deputy Fiscal.

North-Western Province.

In the District Court of Kurunegala.

William Alexander Perera, the executor of the estate of the late John Hendrick Perera, Mudaliyar, deceased.....Plaintiff.

No. 5,104. Vs.

Senaviratne Maya Bandara Mudiyansele Kiri Banda,
ex-Coroner of Rekowa in Rakkopattu korale..Defendant.

NOTICE is hereby given that on Saturday, November 3, 1917, commencing at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

1. An undivided half share of Hitinawatta of 5 lahas of kurakkan sowing extent; and bounded on the north by the field, east by the fence of the garden of Kumarihamy and others, south by the land of Kirimenika and others, west by the land of Ausadahamy and others; situate at Rekowa in Rakkopattu korale.

2. An undivided half share of Moonamalrallagewatta of 3 lahas of kurakkan sowing in extent; and bounded on the north by the field, east by the garden of Ausadahamy and others, south by the garden of Mr. N. T. B. Balalle and others, west by the lands of Mudiyanse and others; situate as aforesaid.

3. An undivided half share of Lindakumbura of 3 amunams paddy sowing in extent; and bounded on the north and east by the lands of Ausadahamy and others, south by Hitinawatta and Moonamalrallagewatta, west by Udayagonnewatta, all situate at Reko.

4. An undivided half share of Palamalangakumbura, 6 pelas paddy sowing in extent; and bounded on the north by the liminary ridge of the field of Ranmenika, west by ela, east by wells of Ausadahamy and others, south by the field of Appuhamy; situate at Godawita.

Amount to be levied Rs. 719.50, with further interest on Rs. 500 at 15 per cent. per annum from February 24, 1914, until July 23, 1914, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, minus a sum of Rs. 200 already recovered by plaintiff.

Fiscal's Office,
Kurunegala, October 8, 1917.

S. D. SAMARASINHA,
Deputy Fiscal.

In the District Court of Kandy.

Kataluwe Patabendige Samson, No. 61, Passellawa
road, Gampola.....Plaintiff.

No. 24,522. Vs.

Wijjehewage Samitchi Appu of Polgahawela....Defendant.

NOTICE is hereby given that on Saturday, November 10, 1917, 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, viz. :—

1. Bulugahamulahena, Patangigollehena, Serugahamadapallehena, Madugollehena, Peellagawahena, all adjoining each other, containing in extent about 20 lahas of kurakkan sowing extent; and bounded on the east by the land belonging to Batadole Walawwa and lands belonging to others, on the south by lands belonging to Rankira and others, on the west by land belonging to Crown, and on the north by lands belonging to the villagers, and stream.

Amount to be levied Rs. 564.52.

Fiscal's Office,
Kurunegala, October 8, 1917.

S. D. SAMARASINHA,
Deputy Fiscal.

In the District Court of Colombo.

Don Lewis Joseph Wijewardena of Marigama.....Plaintiff.

No. 41,799. Vs.

Muna Muna Kader Saibo of Potuhera in Kurunegala.....Defendant.

NOTICE is hereby given that on Saturday, November 24, 1917, 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, viz. :—

1. Ulugedarawatta in extent of about 4 lahas kurakkan sowing; and bounded on the east by the railway line, south by the cart road leading to Leenigiriya, west by the garden belonging to the Ratemahatmaya and the garden of Dingiri Banda, and on the north by the field, together with the plantations, buildings, and everything thereon; situate at Potuhera in Udapola Medalassa korale.

Amount to be levied Rs. 687, with interest on Rs. 500 at 11 per cent. per annum from May 18, 1915, to December 3, 1915, and thereafter at the rate of 9 per cent. per annum till payment in full, and costs Rs. 135.75 and poundage.

Fiscal's Office,
Kurunegala, October 9, 1917.

S. D. SAMARASINHA,
Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the
Jurisdiction. late Don Andris Weeratunga, deceased.
No. 6,057.

Georgina Moonasingha of Walgama Petitioner.
And

(1) Sinsine Weeratunga Hamine, wife of (2) Don Piloris Wickremanayake, (3) Marina Weeratunga Hamine, (4) Johana Weeratunga Hamine, (5) Francina Weeratunga Hamine, (6) Peeris Weeratunga Appuhamy, (7) Don Hendrick Weeratunga, Vel-Vidane of Madihe Respondents.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on August 27, 1917, in the presence of Messrs. Weerasuria & Vethecan, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 26, 1917, 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 September 20, 1917, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

August 27, 1917.

The date for showing cause against this *Order Nisi* is extended to October 25, 1917.

L. M. MAARTENSZ,
Additional District Judge.

September 20, 1917.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of Mary Ann Turner, late of 34,
No. C/6,081. Ladbroke Grove, Nottinghill, in the
County of London, England, deceased.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on October 1, 1917, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner Guy Melvill Boustead of Colombo; and the affidavit of the said petitioner dated September 24, 1917, certified copy of probate and of the will of the above-named deceased, power of attorney in favour of the petitioner and Supreme Court's order dated September 13, 1917, having been read: It is ordered that the will of the said Mary Ann Turner, deceased, dated October 2, 1907, of which a certified copy has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the executrix named in the said will, and that he is entitled to have letters of administration with copy of the said will annexed, issued to him accordingly, unless any person or persons interested shall, on or before October 18, 1917, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 1, 1917.

In the District Court of Colombo.

Order Nisi.

Testamentary In the Matter of the Last Will and Testa-
Jurisdiction. ment of John Francis Mitchell, late of
No. C/6,082. Levanto, Genoa, Italy, deceased.

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

Colombo, on October 1, 1917, in the presence of Messrs. Julius & Creasy, Proctors; on the part of the petitioner Maurice John Cary of Colombo; and the affidavit of the said petitioner dated September 24, 1917, exemplification of probate of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated September 7, 1917, having been read: It is ordered that the will of the said John Francis Mitchell, deceased, dated February 1, 1915, of which an exemplification of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of one of the executors named in the said will, and that he is entitled to have letters of administration, with copy of the said will annexed, issued to him accordingly, unless any person or persons interested shall, on or before October 18, 1917, show sufficient cause to the satisfaction of this court to the contrary.

L. M. MAARTENSZ,
Additional District Judge.

October 1, 1917.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Ponnahenedigey Sophia Engeltina Dias
No. 1,079. of Morawinna in Panadure, deceased.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara, on June 8, 1917, in the presence of Mr. J. A. Fernando, Proctor, on the part of the petitioner Wannakuwattewadugey Henry Arnold Fernando of Rawatawatta in Moratuwa; and affidavit of the said petitioner dated March 15, 1917, having been read:

It is ordered that the petitioner Wannakuwattewadugey Henry Arnold Fernando of Rawatawatta be and he is hereby declared entitled to administer the estate of the said deceased, as husband of the said deceased, and that the letters of administration do issue to him accordingly, unless the respondents—(1) Ponnahenedigey William Peter Dias of Moratumulla, (2) ditto Simon Peter Dias of Morawinna, (3) ditto John Peter Dias of ditto, (4) ditto Louisa Maria Dias of ditto, (5) Telgey Vincent Abraham Peiris of ditto, (6) ditto Asilin Peiris of ditto, (7) ditto Annie Peiris of ditto, (8) ditto Victor Peiris of ditto—shall, on or before October 29, 1917, show sufficient cause to the satisfaction of this court to the contrary.

ALLAN BEVEN,
District Judge.

June 8, 1917.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Rayigama-acharige Francisco Perera of
No. 1,097. Sarikkalimulla, deceased.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara on August 27, 1917, in the presence of Mr. F. A. C. Tirimanne, Proctor, on the part of the petitioner Bentarabadalmestriige Marthelis Perera of Kehelwatta; and the affidavit of the said petitioner dated August 9, 1917, having been read:

It is ordered that the petitioner Bentarabadalmestriige Marthelis Perera of Kehelwatta, be and he is hereby declared entitled to administer the estate of the said deceased, as son-in-law of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents—(1) Panadura-acharige Alpi Nona, (2) Rayigama-acharige Ranso Nona Perera, and her husband (3) Halpita-acharige Naidehamy Thalys, (4) Rayigama-acharige Sedo Nona, (5) ditto Emo Nona, and her husband (6) Bentarabadalmestriige Odiris Perera, (7) Rayigama-acharige

Pabilis Perera, (8) ditto Baby Nona, all of Sarikkalimulla—shall, on or before October 18, 1917, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said (6) Bentarabadal-mestrige Odiris Perera be appointed guardian *ad litem* over the minors—(7) Rayigama-acharige Pabilis Perera, (8) ditto Baby Nona—unless the respondents above named shall, on or before October 18, 1917, show sufficient cause to the satisfaction of this court to the contrary.

August 27, 1917.

ALLAN BEVEN,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Assena Lebbe Thandal Ismail Lebbe No. 1,099. Marikar of Alutgama, deceased.

THIS matter coming on for disposal before Arthur de Abrew, Esq., Acting District Judge of Kalutara, on September 10, 1917, in the presence of Mr. J. A. Fernando, Proctor, on the part of the petitioner Ismail Lebbe Marikar Saigabdulla of Alutgama; and the affidavit of the said petitioner dated May 24, 1917, having been read:

It is ordered that the petitioner Ismail Lebbe Marikar Saigabdulla of Alutgama be and he is hereby declared entitled to administer the estate of the said deceased, as son of the said deceased, and that the letters of administration do issue to him accordingly, unless respondents—(1) Uduma Lebbe Marikar Jainambu Natchia, (2) Ismail Lebbe Marikar Abdul Asiz, (3) Ismail Lebbe Marikar Mohamood, (4) Ismail Lebbe Marikar Dinar Umma, (5) Abubakkar Lebbe Abdul Rahiman, (6) Ismail Lebbe Marikar Amsa Umma, husband, (7) Ahamadu Lebbe Marikar Mohamood Marikar, (8) Ismail Lebbe Marikar Kadji Umma, husband, (9) Abubakkar Lebbe Ibrahim Lebbe, (10) Ismail Lebbe Marikar Muttu Natchia, husband, (11) Ahamadu Lebbe Vidane Abdul Majood, (12) Mohamadu Marikar Ahamadu Jamaldeen, (13) Ahamadu Jamaldeen Marikar Mohamadu Hassan, minor, by his guardian *ad litem* the 12th respondent, all of Alutgama—shall, on or before October 18, 1917, show sufficient cause to the satisfaction of this court to the contrary.

September 10, 1917.

ARTHUR DE ABREW,
Acting District Judge.

In the District Court of Nuwara Eliya.

Testamentary In the Matter of the Last Will of Hetti- Jurisdiction. hevage Pinhamy of Nuwara Eliya, No. 74. deceased.

And

C. M. C. de Silva of Nuwara Eliya Administrator.

Vs.

(1) Hettihewage Piyasena of Nuwara Eliya, (2) Manik-kubadathuruge Baby Nona of Ahangama, (3) Hettihewage Saris Appu, (4) ditto William Singho, (5) ditto Simon Appu, (6) Manikkubadathuruge Singho Appu, (7) ditto Samuel Appu, all of Nuwara Eliya Respondents.

THIS matter coming on for disposal before Harry Archibald Burden, Esq., District Judge of Nuwara Eliya, on October 1, 1917, in the presence of Messrs. T. & G. W. de Silva, Proctors, on the part of the administrator appointed by the court; and the affidavit of Weerawarnasuriya Patabendige Nandias Silva (executor appointed by will) dated September 12, 1917, having been read:

It is ordered that the will of Hettihewage Pinhamy, deceased, dated September 5, 1917, and now deposited in court be and the same is hereby declared proved, unless the respondents or any other person interested shall, on or before October 30, 1917, show sufficient cause to the satisfaction of this court to the contrary.

October 3, 1917.

H. A. BURDEN,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Manameldura Endrishamy, deceased, No. 4,801. of Boossa.

Kumarawadu Ovinishamy of Boossa Petitioner.

And

(1) Manameldura Udaris Mendis, (2) ditto Wimalawathi Mendis, (3) ditto Agnes Leejawathi Mendis, and husband, (4) Edward Dailin Waidyaratne, (5) Manameldura Amalawathi Mendis, (6) ditto Jawanias Mendis, (7) ditto Sumanawathi Mendis, (8) ditto Nandawathi Mendis, (9) ditto Joslin Kamalawathi Mendis, (10) ditto Somawathi Mendis, (11) ditto Dharmasiri Dionysius Mendis, all of Boossa. Respondents.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on September 3, 1917, in the presence of Mr. E. M. Karunaratne, Proctor, on the part of the petitioner Kumarawadu Ovinishamy; and the affidavit of the petitioner dated September 3, 1917, having been read and the 1st respondent consenting:

It is ordered and declared that the 1st respondent be and he is hereby appointed as guardian *ad litem* over the 5th, 6th, 7th, 8th, 9th, 10th, and 11th respondents, minors. It is further declared that the said petitioner Kumarawadu Ovinishamy is the widow of the deceased, and that she is as such entitled to have letters of administration of the same issued to her accordingly, unless the respondents above named shall, on or before October 18, 1917, show sufficient cause to the satisfaction of this court to the contrary.

September 3, 1917.

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. Asana Marikkar Saibu Dore, deceased, of No. 2,384. Watagederamulla.

THIS matter coming on for disposal before J. C. W. Rock, Esq., District Judge of Matara, on June 7, 1917, in the presence of Proctors Messrs. Keuneman on the part of the petitioner Saibu Dore Mahammadu Mustapa of Watagederamulla; and the affidavit of the said petitioner dated June 5, 1917, having been read: It is ordered that the said petitioner, as an heir of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz., (1) Patumma Natchia, (2) Saibu Dore Mahammadu Hanifa, (3) Saibu Dore Mahammadu Buhari, all of Watagederamulla, shall, on or before July 12, 1917, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 1st respondent be appointed guardian *ad litem* over minor respondents, 2nd and 3rd, unless the respondents above named shall, on or before July 12, 1917, show sufficient cause to the satisfaction of this court to the contrary.

June 7, 1917.

J. C. W. ROCK,
District Judge.

The date for showing cause extended to October 25, 1917.

October, 1917.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sinnappillai, widow of Kanagaravetpillai of Vannarponnai West, deceased. No. 3,479.

Kanthappillai Kanagaretnam of Vannarponnai West Petitioner.

Vs.

Sivakamy Ammai, wife of Kanagaretnam of Vannarponnai West Respondent.

THIS matter of the petition of the above-named petitioner Kanthappillai Kanagaretnam praying for letters of

administration to the estate of the above-named deceased Sinnappillai, widow of Kattiravetpillai, coming on for disposal before P. E. Pieris, Doctor of Letters, District Judge, on September 17, 1917, in the presence of Mr. V. Kathiravelu Pillai, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated September 3, 1917, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as the husband of the sole heir of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondent above named or any other person shall, on or before October 23, 1917, show sufficient cause to the satisfaction of this court to the contrary.

September 25, 1917.

P. E. PIERIS,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Jurisdiction. Sellachchy, wife of Sinnappu Eliatamby No. 3,311. of Kokuvil East, deceased.

Sinnappu Eliatamby of Kokuvil East.....Petitioner.

Vs.

- (1) Kanagasabai Subramaniam of Kokuvil East, (2) Maheswari, daughter of Sinnappu Eliatamby of ditto, (3) Eliatamby Rajaratnam of ditto, the 2nd and 3rd respondents are minors appearing by their guardian *ad litem* the 1st respondent, (4) Sinnappillai Nannitamby and wife (5) Sellamuttu of ditto, (6) Sinniah Wijayaratham and wife (7) Achchikkuddy of ditto..... Respondents.

THIS matter of the petition of Sinnappu Eliatamby of Kokuvil East, praying for letters of administration to the estate of the above-named deceased Sellachchy, wife of Sinnappu Eliatamby, coming on for disposal before J. H. Vanniasinkam, Esq., Acting District Judge, on September 17, 1917, in the presence of Messrs. Chelvadurai & Ramalingam, Proctors, on the part of the petitioner; and the affidavit of the said petitioner dated October 10, 1916, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as the lawful husband of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless the respondents above named or any other person shall, on or before October 16, 1917, show sufficient cause to the satisfaction of this court to the contrary.

September 21, 1917.

P. E. PIERIS,
District Judge.

In the District Court of Chilaw.

Testamentary In the Matter of the Intestate Estate of the Jurisdiction. late Wanigasundara Mudalige Appusinno No. 1,174. Appuhamy of Palugomuwa in Kurunegala Dis rict.

Chandrasekera Hitihamy Korallalage Dingiri Menick Etana of Mahawewa.....Petitioner.

And

- (1) Wanigasundara Mudalige Kiri Menik Etana and her husband (2) Sirimal Hami, both of Palugomuwa, (3) Wanigasundara Mudalige James Sinno, (4) ditto Challo Sinno Appuhamy, (5) ditto Podinona, (6) ditto Punched Sinno, (7) ditto Ran Menik Etana, (8) ditto Punched Menik Etana, (9) ditto Podi Sinno..... Respondents.

THIS matter coming on for disposal before Walter Hugh Bertram Carbery, Esq., District Judge of Chilaw, on July 16, 1917, in the presence of the petitioner above named; and

the affidavit of the said petitioner dated December 5, 1916, having been read:

It is ordered that the 3rd respondent above named be and he is hereby appointed guardian *ad litem* over the 4th to the 9th minor respondents for the purpose of these proceedings.

And it is further ordered that the petitioner be and she is hereby declared entitled, as widow of the deceased, to have letters of administration to the estate of the said deceased, unless the respondents above named or any other person or persons interested shall, on or before October 15, 1917, show sufficient cause to the contrary.

September 11, 1917.

N. J. MARTIN,
District Judge.

In the District Court of Badulla.

Order Nisi.

Testamentary In the Matter of the Estate and Effects of Jurisdiction. Kosgolle Bandaranayaka Jayasekera No. B 526. Mudiyansele Abeyasin Bandara, late of Ulwita, deceased.

Kosgolle Bandaranayaka Jayasekera Mudiyansele Gunaratna Bandara, Arachchi, of Hingurukaduwa in Buttala palata.....Petitioner.

And

Kosgolle Bandaranayaka Jayasekera Mudiyansele Bandara Menika of Ulwita..... Respondent

THIS matter coming on for disposal before J. R. Walters, Esq., District Judge of Badulla, on September 21, 1917, in the presence of Mr. H. J. Pinto, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated September 20, 1917, 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 respondent above named or any other person or persons interested shall, on or before October 24, 1917, show sufficient cause to the satisfaction of this court to the contrary.

September 21, 1917.

J. R. WALTERS,
District Judge.

In the District Court of Ratnapura.

Testamentary In the Matter of the Intestate Estate of Jurisdiction. Don Paulu Aratchige Sarah de Silva No. 676. Jayasekera Menike of Kiriella, deceased.

G. J. B. Kiriella.....Petitioner.

- (1) G. Ratnayaka Menike of Kodawatta Walawwa, Panadure, *alias* Mrs. R. A. Goonetilake, (2) R. A. Gunatilaka, (3) G. A. Hamy Mahalmeo Menike *alias* Mrs. D. B. Mapetigama, (4) D. B. Mapetigama of Ruwanwella, (5) G. Danasekera Menike *alias* Mrs. P. B. Marambe of Meennana, (6) P. B. Marambe of Meennana, (7) G. Tikiri Menike, (8) G. Punched Menike; (9) G. Richard Banda, (10) G. Wijesinha Banda, (11) G. Kirti Menike, minors, by their guardian *ad litem* R. A. Gunatilaka, the 3rd respondent..... Respondents.

THIS matter coming on for disposal before F. D. Peiris, Esq., District Judge of Ratnapura, on September 19, 1917, in the presence of Mr. A. C. Attygalle, Proctor, for the petitioner above named; and the affidavit of the said petitioner dated December 22, 1916, having been read: It is ordered that the said petitioner be and he is hereby declared entitled, as the eldest son of the deceased above named, to administer the estate of the said deceased, and that letters of administration do issue to him accordingly, unless sufficient cause be shown to the contrary on October 18, 1917, by the respondent or by any other person or persons interested.

September 19, 1917.

F. D. PEIRIS,
District Judge.

DRAFT ORDINANCES.

(Continued from page 123.)

MINUTE.

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

An Ordinance to amend "The Municipal Councils Ordinance, 1910."

Preamble.

WHEREAS it is expedient to amend "The Municipal Councils Ordinance, 1910": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title and commencement.

1 This Ordinance may be cited as "The Municipal Councils (Amendment) Ordinance, No. of 1917," and shall come into operation on such date as the Governor shall, by Proclamation in the "Government Gazette," appoint.

Addition of new part.

2 The new part set out in this section shall be added to the principal Ordinance, and for the purpose of the inclusion of the said new part, the following modifications shall be made in the principal Ordinance:

- (a) Sections 180 to 188 and section 191 shall be repealed, and sections 189, 190, and 192 to 197 shall be re-numbered 180 to 187 continuously.
- (b) The word "drainage" shall be omitted from the title of part XI.
- (c) The necessary corrections shall be made in the table of contents printed after the title of the principal Ordinance.

PART XI. A.

Drainage.

Government or Council to make public drains.

(See section 180 of Ordinance No. 6 of 1910.)

188. The Government or the Council may from time to time cause to be made, altered, or extended such main or other drains and water-courses as may be judged necessary for the effectual draining of the town, and, if needful, the Government or the Council may carry them through, across, or under any street or any place laid out as or intended for a street, or any cellar or vault which may be under any of the streets, and (after reasonable notice in writing in that behalf) into, through, or under any enclosed or other lands whatsoever, doing as little damage as may be, and making full compensation for any damage done.

Duty of Council to repair, alter, and discontinue drains.

(See section 181 of Ordinance No. 6 of 1910.)

188 A. The Council shall maintain, and from time to time repair, and as they see fit, enlarge, alter, arch over, or otherwise improve all or any of the public drains, culverts, gutters, and water-courses, and may discontinue, close up, or destroy such of them as they may deem useless or unnecessary. Provided always that the discontinuance, closing up, or destruction of any of them shall be so done as not to create a nuisance; and if by reason thereof or of any such alteration as hereinbefore mentioned any person is deprived of the lawful use of any drain, culvert, gutter, or water-course, the Council shall with due diligence provide some other as effectual as the one of which he is so deprived.

Power to affix to buildings pipes for ventilation of drains.

(See section 182 of Ordinance No. 6 of 1910.)

188 B. The Chairman may cause such pipes and fittings as he may deem necessary for the proper ventilation of public drains to be fixed to the outside of any building, and such pipes and fittings shall be so constructed and fixed as to occasion the least possible inconvenience in the neighbourhood, and the outlet of any such pipe shall be at least two feet above the eaves of such building and at least ten feet distant from any window.

Cleansing and emptying drains.
(See section 183 of Ordinance No. 6 of 1910.)

Natural water-courses vested in the Council.
(New.)

Power to prevent filling of swamp, &c., and obstruction of drainage.
(New.)

Obstructing drains and water-courses.
(New.)

Penalty for making unauthorized drains connecting with any public drain.
(Amending section 184 of Ordinance No. 6 of 1910.)

Erection of building over public drains, &c.

(See section 191 of Ordinance No. 6 of 1910.)

Provision of private drains.
(See section 185 (3) of Ordinance No. 6 of 1910.)

188 c. The Council shall cause the public drains, culverts, gutters, and water-courses to be so constructed, maintained, and kept as not to be a nuisance or injurious to health, and to be properly cleared, cleansed, and emptied; and for the purpose of maintaining, flushing, cleansing, and emptying the same, they may construct and place, either above or under ground, such reservoirs, sluices, engines, and other works as may be necessary; and they may also, with the sanction of the Governor, cause all or any such drains, culverts, gutters, and water-courses to communicate with and be emptied into the sea or other fit place; or they may cause the refuse from the same to be conveyed by a proper channel to the most convenient site for its deposit, and may sell the said refuse for any agricultural or other purpose as may be deemed most expedient, but so that it shall not become a nuisance.

188 d. Any natural water-course heretofore carrying rain water or drainage of any kind may, on application to Government made by the Chairman with the previous approval of the Council, be vested in the Council in perpetuity; provided that it shall be in the discretion of the Government in each case to determine whether a particular water-course so applied for shall be so vested, and the date from which such water-course shall vest in the Council.

188 e. The Council may by resolution determine that any natural water-course, channel, lake, swamp, or any part thereof into which rain water or drainage has heretofore discharged shall remain open for the reception of such rain water or drainage, and no person shall, after notice in writing from the Chairman, fill up or permit to remain filled up any such water-course, channel, lake, or swamp in such a manner as to obstruct or interfere with the free flow of such rain water or drainage.

Provided that—

(a) Such natural water-course, channel, lake, or swamp may be filled up if the owner thereof provide such other channels or drains as may, in the opinion of the Chairman, be sufficient and suitable for the reception and conveyance of such rain water or drainage.

(b) The Council may contribute in part or in whole to the cost of providing such other channels or drains.

188 f. No person shall fill up or otherwise obstruct or interfere with the free flow in any public drain or water-course whether the same be within any private premises or not.

188 g. No person shall, without the written consent of the Chairman first obtained, make or cause to be made any drain connected directly or indirectly with any public drain. The Chairman may cause any drain made without such consent to be demolished, altered, re-made, or otherwise dealt with; and all expenses incurred thereby shall be paid by the person who made or caused such drain to be made, and shall be recoverable as hereinafter provided.

188 h. No person shall newly erect any building or construct any works over any public drains, culvert, gutter, or water-course without the written consent of the Chairman first obtained, and the Chairman may cause such building or the work constructed to be pulled down or otherwise dealt with as he may think fit, and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

189. All works connected with the construction, fixing, and alteration of drains and drainage appliances, other than public drains and appliances connected therewith, including the connection with any public drain, shall be carried out either by the officers of the Council or by persons approved by the Chairman, at the cost and charges of the owners of the premises drained, and in accordance with any by-laws, and subject to inspection by such officers.

Power to compel the provision of drains to new buildings.
(New.)

Drainage of premises within one hundred feet of drains.
(See present section 185.)

Drainage of premises in other cases.
(New.)

Drainage in combination.
(Developed from present section 185 (4).)

189 A. Every person who shall erect any new building or rebuild any building shall cause to be provided such drains and appliances as may, in the opinion of the Chairman, be necessary for the drainage of such building, and for the collection and removal of any excrement, foul liquid, or rain water therefrom in accordance with the provisions of this Ordinance and the by-laws thereunder.

189 B. Where any premises are within one hundred feet of any drain or other fit place into which drains may lawfully be discharged, the Chairman may, by notice in writing, require the owner of such premises, within a reasonable time, which shall be specified in such notice, to provide and execute to the satisfaction of the Chairman, in accordance with any by-laws in force under this Ordinance or any regulations made by the Council thereunder, all or any of the following works that the Chairman may deem necessary for the effectual drainage of such premises, that is to say :

- (1) To provide and construct such channels, drains, gullies, manholes, and appliances as may be necessary for the removal and discharge into such drain or other fit place of sullage, foul liquids, and rain water.
- (2) Where a sufficient water supply is available, to provide and construct sufficient and suitable water closets or additional water closets and drains and other appliances in connection therewith, and to convert any earth closet, privy, cesspit closet, or other latrine into a water closet, or abolish any such earth closet, privy, cesspit closet, or other latrine.
- (3) To reconstruct, take up, and remove or fill up any existing drain or appliance (other than any drain or appliance that has been laid with the sanction of the Chairman for the drainage of such premises on the water-carriage system) that may be, in the opinion of the Chairman, unnecessary or insanitary.

189 C. (1) In the case of any premises which are more than one hundred feet from any drain or other fit place into which drains may lawfully be discharged, the Chairman may, by notice in writing, require the owners of such premises, within a reasonable time, which shall be specified in the notice, to provide and execute all or any of the works included in the aforesaid section ; provided that no such notice shall be issued without the previous sanction of the Council.

(2) If in the opinion of the Chairman there be no suitable drain or other fit place into which drains may lawfully be discharged within a reasonable distance of such premises, he may require the said owner to provide and execute such other works and undertake such other measures as may in the Chairman's opinion be best or necessary for the proper collection and disposal of the sullage, foul liquids, and rain water, and the removal of fæcal matter from such premises.

189 D. (1) Where it appears to the Chairman to be more economical or otherwise more advantageous that the drainage of a group of premises, whether contiguous or otherwise, should be undertaken as a whole rather than separately, he may draw up a scheme for the drainage of such group of premises in accordance with the following provisions.

(2) In any such case the Chairman shall cause to be prepared—

- (a) Plans showing the premises affected, and the nature and extent of the necessary works.
- (b) A schedule of the premises and the names of the owners thereof as far as can be ascertained.
- (c) An estimate of the cost of any work that shall be common to more than one of the said premises.
- (d) A provisional apportionment of such cost amongst the owners affected.

(3) He shall cause written notice in English, Sinhalese, and Tamil to be given to the owners of all the premises to be drained of the intention to cause the proposed works to be done in accordance with the provisions of this section, either by serving it upon them personally, or by leaving it at their respective residences or places of business, or by posting registered letters addressed to them at such residences or places of business.

(4) During one month from the date of service of such notice the above-mentioned particulars or certified copies thereof shall be kept deposited at the offices of the Council, and shall be open to inspection at all reasonable times.

(5) During the said month the owner of any such premises may, by written notice served on the Chairman, object to the proposals on any of the following grounds, that is to say :

- (a) That the proposed works are insufficient or unnecessary or are not required in pursuance of this Ordinance.
- (b) That the estimated cost of the work common to more than one of the premises is excessive.
- (c) That the provisional apportionment of such cost is incorrect in some matter of fact to be specified in the objection.
- (d) That any premises should be excluded from or included in the proposals.
- (e) That there has been some material informality, defect, or error in respect of the notices, plans, or estimates.
- (f) That any compensation to be paid is excessive or insufficient.

(6) The Chairman shall consider and determine the objections, and his decisions thereon shall be final.

(7) In any case where no such objections have been raised, or in any case where such objections have been raised and have been determined by the Chairman, the Chairman may give orders for the drainage of the premises in accordance with the scheme, and if he considers expedient may—

- (a) Proceed to execute, by contract or otherwise, all or any of the work that shall be common to more than one of the premises, or that may be required to be done in any premises for the use and benefit of any other premises; or
- (b) By notice in writing, require all or any of the owners to provide and execute within a reasonable time to be specified in such notice all or any of the works that may be required to be done in or exclusively for the drainage of the premises.

(8) The Chairman may recover from the owners of all or any of the premises included in any scheme prepared under this section, in such proportions as he may think fit, a reasonable sum as expenses for surveys and the preparation of plans.

(9) When the Chairman has completed the execution of any works under this section and the expenses thereof have been ascertained, a final apportionment shall be made in similar manner to the provisional apportionment, and the expenses recovered accordingly as herein provided.

(10) The cost of the maintenance of that portion of any such combined system of drainage, which is common to the owners of the several premises, shall be borne by such owners, and in the event of any dispute arising between them with regard to the apportionment of the cost amongst themselves, such dispute shall be referred to the Chairman, whose decision in the matter shall be final.

189 E. (1) If it shall appear to the Chairman that the only or the best practicable means by which a drain required for the drainage of any premises can be emptied into any drain or other fit place into which drains may lawfully be discharged is by carrying the same into, through, or under any land belonging to some person other than the said owner, the Chairman, after giving the owner of the land a

Right to carry drains through land belonging to other persons.
(New.)

reasonable opportunity of stating any objection, may, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner to carry his drain into, through, or under the said land in such manner as he shall think fit to allow.

(2) Every such order bearing the signature of the Chairman shall be complete authority to the person in whose favour it is made, or to any agent or person employed by him for that purpose, after giving to the owner of the land reasonable written notice of his intention so to do, to enter upon the said land with assistants and workmen at any time between sunrise and sunset and to execute the necessary work.

(3) Subject to all other provisions of this Ordinance, the owner or occupier of any premises, or any agent or person employed by him for this purpose, may, after giving the owner of any land, wherein a drain has already been lawfully constructed for the drainage of his said premises, reasonable written notice of his intention to do so, enter upon the said land with assistants and workmen at any time between sunrise and sunset for the purpose of repairing or cleansing such drain.

(4) In executing any work under this section as little damage as possible shall be done, and the owner or occupier of premises for the benefit of which the work is done shall—

- (a) Cause the work to be executed with the least practicable delay.
- (b) Fill in, reinstate, and make good at his own cost the land broken up for the purpose of executing the said work.
- (c) Pay compensation to any person who sustains damage by the execution of the said work.

(5) If any owner of any said land shall refuse to permit or shall prevent without reasonable cause the execution of any work in accordance with the provisions of this section, he shall be guilty of an offence, and shall on conviction be liable to penalty as hereinafter provided.

(6) If the owner of any land into, through, or under which a drain has been carried under this section while such land is unbuilt upon shall at any time afterwards desire to erect a building on such land, the Chairman, shall, by written notice, require the owner or occupier of the premises for the benefit of which such drain was constructed to close, remove, divert, reconstruct, or protect the same in such a manner as shall be approved by the Chairman, and to fill in, make good, and reinstate the land; provided that no such requisition shall be made unless, in the opinion of the Chairman, it is necessary or expedient, in order to admit of the construction of the proposed building or the safe enjoyment of the same, that the drain be closed, removed, diverted, reconstructed, or protected. And if any such owner or occupier shall refuse to comply with the requirements of the Chairman within a reasonable time, he shall be guilty of an offence, and on conviction shall be liable to penalty as hereinafter stipulated.

Right of
owners to joint
use of drains.
(New.)

189 F. (1) If it shall appear to the Chairman that the only or the best practicable means by which a drain required for the drainage of any premises can be emptied into any drain or other fit place into which drains may lawfully be discharged is through a drain belonging to some person or persons other than the said owner, the Chairman, after giving the said person or persons a reasonable opportunity of stating any objection thereto, may, if no objection is raised, or if any objection which is raised appears to him invalid or insufficient, by an order in writing, authorize the said owner to use the drain, or declare him to be a joint owner or one of the joint owners thereof on such conditions as to the payment of rent or compensation, and as to the connecting the drain of the said premises with the communicating drain, and as to the respective responsibilities of the parties for maintaining, flushing, cleansing, and emptying the joint drain or otherwise as may appear to him equitable.

(2) Every such order bearing the signature of the Chairman shall be a complete authority to the person in whose favour it is made, or to any agent or person employed by him for this purpose, after fulfilling, as far as possible, the conditions of the said order, and after giving to the owner or owners of the drain reasonable notice in writing of his intention to do so, to enter upon the land in which such communicating drain is situate with assistants and workmen at any time between sunrise and sunset and, subject to all the provisions of this Ordinance, to do all such things as may be necessary for—

- (a) Connecting the two drains.
- (b) Renewing, altering, and repairing the connection.
- (c) Discharging any responsibility attaching to the person in whose favour the Chairman's order is made for maintaining, flushing, cleansing, and emptying the joint drain or any part thereof.

(3) In executing any work under this section as little damage as possible shall be done, and the person in whose favour the Chairman's order is made shall—

- (a) Cause the work to be executed with the least practicable delay.
- (b) Fill in, reinstate, and make good at his own cost the land broken up, or repair and make good any damage to buildings occasioned by the execution of the said works.
- (c) Pay compensation to any persons who sustain damage by the execution of the said works.

(4) If the owner or occupier of any premises shall refuse, without reasonable cause, to permit, or shall prevent the execution of any works in accordance with the provisions of this section, he shall be guilty of an offence, and on conviction shall be liable to penalty as hereinafter provided.

190. In case the Chairman shall be of opinion that any privy or water closet or additional privy or water closet shall be necessary to be attached to, or provided for, any house or building or land, the owner of such house or building or land shall, within fourteen days after notice in this behalf by the Chairman, cause such privy or water closet to be constructed in accordance with the requisition of such notice, and in case the requisition of such notice shall not have been complied with to the satisfaction of the Chairman by such owner within the period aforesaid, the Chairman shall be at liberty to cause such privy or water closet to be constructed, and the expenses incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

190 A. It shall be lawful to the Chairman to compel all persons employing large bodies of workmen or labourers to provide and maintain such privies, water closets, and urinals as may to him seem fit, and also, where persons of both sexes are employed or intended to be employed or are in attendance, proper separate accommodation for persons of each sex, and to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such privies, water closets, and urinals, or to keep the same clean and in proper order, the Chairman may construct and cause such privies, water closets, and urinals to be kept in good order and cleaned, and the expense incurred by the Chairman in respect thereof shall be paid by the person aforesaid, and shall be recoverable as hereinafter provided.

190 B. The Chairman may, by notice in writing, require the owner or occupier of any house or building or land having a cesspool on his premises to close such cesspool and to substitute a privy or water closet therefor, and if the owner or occupier neglects for a period of fourteen days after notice in writing for that purpose to close such cesspool and to substitute a privy or water closet therefor, the Chairman may cause such cesspool to be closed and a privy or water closet to be substituted therefor, and the expense incurred by the Chairman in respect thereof shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Construction of additional privies.
(See present section 186.)

Duty of employers of labour to provide privies.
(See present section 187.)

Neglecting to close cesspool.
(See present section 188.)

Offences.
(New.)

191. (1) No person shall discharge or cause to be discharged, without the sanction in writing of the Chairman, any faecal matter, sullage, or other foul liquids into any drain or other place which is not suitable or intended to receive such discharge or into any land or place in such a manner as to cause a nuisance, or any rain water into any drain which is intended to carry foul water.

(2) No person shall discharge or cause or suffer to be discharged into any drain any hot water, steam, or any liquid which would prejudicially affect the drain or the flow or the disposal of the sewage or water conveyed therein, or which would from its nature, temperature, or otherwise be likely to create a nuisance.

(3) No person shall drop, pass, or place, or cause or suffer to be dropped, passed, or placed, into or in any drain any brick, stone, earth, ashes, or any substance or matter which such drain is not intended to receive, or which by reason of its amount or nature may be likely to cause such drain or any other drain connected therewith to be obstructed, or which may prejudicially affect any such drain or the flow therein or may be likely to create a nuisance.

(4) No person shall in any way alter the fixing, disposition, or position of, or obstruct, remove, stop up, or change, any drain, ventilation pipe, closet, or other fitting or appliance connected therewith without the written permission of the Chairman.

(5) No person shall erect, re-erect, or alter any building in such a manner as to cause any drain, closet, or appliance provided in or for the benefit of such building or of any other building within the same premises to contravene the provisions of this Ordinance or of any by-laws made thereunder.

(6) No person being the occupier of any premises in which works are being carried on in pursuance of the provisions of this Ordinance shall obstruct or cause to be obstructed the due execution of such works, or prevent or cause to be prevented the commencement or completion of such works without reasonable cause.

(7) With respect to any sanitary convenience used in common by the occupiers of two or more separate dwelling houses or by other person or persons the following provisions shall have effect:

(a) No person shall injure or improperly foul any such sanitary convenience.

(b) If any sanitary convenience or the approaches thereto, or the walls, floors, seats, or fittings thereof is or are, in the opinion of the Medical Officer of Health or of any Sanitary Inspector of the Public Health Department, in such a state or condition as to be a nuisance for want of the proper cleansing thereof, such of the persons having the use thereof in common as aforesaid as may be in default, or in the absence of proof satisfactory to the court as to which of the persons having the use thereof in common is in default, each of those persons shall be liable to the penalty provided for in section 197.

And whoever contravenes any of the above-mentioned provisions shall be guilty of an offence, and shall be liable on conviction to penalty as hereinafter stipulated. Provided that in the case of sub-sections (1), (2), (3), and (4) of this section the chief occupier or the occupiers of any premises within which such offence is committed may be held to be responsible for such offence.

192. (1) Every house drain and every fixture or appliance connected therewith within or provided for the benefit of any premises, including any drain other than a public drain, and any appliance that may have been constructed or provided for this purpose by or at the cost of the Municipal Council or otherwise, shall from time to time be repaired, flushed, cleansed, and cleared by the owner or occupier of such premises.

(2) The Chairman may, by written notice, require the owner or occupier of such premises, within a reasonable time to be specified in the notice, to repair, flush, cleanse, or clear such house drain, fixture, or appliance.

Maintenance
and repair of
drains, &c.
(New.)

(3) The Chairman may, if such notice be not complied with, or if he receive an application from the said owner or occupier so to do, or if he deem immediate action necessary, repair, flush, cleanse, or clean such house drain, fixture, or appliance, and may recover the cost of so doing from the said owner or occupier.

(4) And if any owner or occupier neglect to comply with any such notice within a reasonable time, he shall be guilty of an offence, and on conviction be liable to penalty as hereinafter provided.

(5) The owner of any tenements or premises in which drains and sanitary appliances are provided for the common use of the occupiers of such premises shall make such provision and take such measures as shall be necessary for keeping such drains and sanitary appliances in a proper sanitary condition, and if, after due notice in writing from the Chairman, such owner fail to make such provision, or take such necessary measures as the Chairman may think fit, he shall be guilty of an offence, and on conviction be liable to penalty as hereinafter stipulated.

(6) Provided that, in pursuance of this section, where any drain, not being a drain vested in the Municipal Council, or fixture or appliance is provided for the benefit of more premises than one, the Chairman may, by notice in writing, require the owners or occupiers of such premises, within a reasonable time to be specified in such notice, to execute all or any of the aforesaid works, and he may, either in default of compliance with such notice, or without such notice if he deem necessary, execute all or any of such works and recover the expenses of so doing from the said owners or occupiers in such proportions as he may deem just.

Reconstruction
of defective
drains and
appliances.
(Amending
section 185 (2)
of Ordinance
No. 6 of 1910.)

192 A. (1) Where, in the opinion of the Chairman—

- (a) Any drains or connected appliances provided for the drainage of any premises are defective or in a condition injurious to health ;
- (b) Any such drains or appliances are improperly connected to any public or other drain ;
- (c) Any such drains are not provided with proper and sufficient traps, gullies, ventilating shafts, inspection chambers, or other such appliances ;

the Chairman may, by notice in writing, require the owner, or occupier of such premises, within a reasonable time to be specified in the notice, to relay, reconstruct, make good, disconnect, or abolish such defective or improper drains, connections, and appliances, and provide sufficient and suitable drains and appliances in accordance with the provisions of this Ordinance or of any by-laws made thereunder.

(2) If any such owner or occupier neglect to comply with any such notice, he shall be guilty of an offence, and on conviction shall be liable to penalty as stipulated hereinafter.

(3) For the purpose of determining whether any such drains or appliances are defective or injurious to health or improperly connected to any public or other drain, the Chairman may order an inspection of the premises at any reasonable time and the inspecting officer may enter the premises at any reasonable time (after giving due notice to the occupant), and, if necessary for the purpose of such inspection, may cause the ground to be opened wherever he may deem fit, doing as little damage as may be ; and should such drains or appliances be found to be in a satisfactory condition, they shall forthwith be reinstated, and the ground made good at the expense of the Council.

Drains or
accessories
laid in streets.
(New.)

192 B. The Chairman may permit any drain, inspection chamber, gully, ventilating shaft, or such like accessory required in pursuance of this Ordinance for the drainage of any premises to be constructed, laid, or fixed over, through, or under any street or public place. Provided that such permission shall not be deemed to convey to the owner of the said premises any special rights whatsoever over the said street or public place, and the Chairman may at any time alter or reconstruct any portion of such drain or accessory as he may think necessary.

Provisions regarding entry of premises.
(See section 229 of Ordinance No. 6 of 1910.)

192 c. (1) The Chairman or any person authorized by him shall be empowered to enter any premises between the hours of eight in the morning and five in the afternoon for the purpose of inspecting, flushing, clearing, repairing, or maintaining all drains, house drains, manholes, inspection chambers, ventilating shafts, and other appliances connected therewith as may be required, and in the case of entry for the purpose of inspecting, flushing, or maintaining public drains, or for the purpose of inspecting any drains or other aforementioned appliances which he has reason to believe are the source of any nuisance, no notice to the owner or occupier of such premises need be given.

(2) Every person who prevents or attempts to prevent the Chairman or other authorized person from entering any premises or refuses admittance thereto shall be guilty of an offence, and shall be liable on conviction to a fine which may extend to fifty rupees.

New drains not to be used without permission.

192 d. (1) Any person who uses or causes or suffers to be used any new drain, channel, gulley, water closet, or other sanitary appliances provided in pursuance of this Ordinance without the written permission of the Chairman, or until the Chairman has given a certificate that such drain, channel, gulley, water closet, or other sanitary appliance conforms in all respects to the provisions of this Ordinance and of the by-laws made thereunder, shall be guilty of an offence, and shall be liable on conviction to penalty as hereinafter stipulated.

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

Default of owners, or occupiers.

193. (1) If any owner or occupier neglect to comply within a reasonable time with the requirements of any notice served upon him in pursuance of any section of this chapter of this Ordinance, the Chairman may cause the required works to be executed, and the expenses thereof shall be recovered from the said owner or occupier as provided in this Ordinance.

(2) If any person shall, either by the commission or omission of any action, contravene any section of this chapter of this Ordinance in any manner, the Chairman may—

(a) By notice in writing, require such person, within a reasonable time to be specified in the notice, to undertake such works as may be necessary to abate such contravention; or

(b) Without such notice, if he deem necessary, or if such person fail to comply with such notice within a reasonable time, undertake such works and recover the cost of so doing from such person in the manner provided in this Ordinance.

(3) When any drain, not being a drain vested in the Municipal Council, and any fixture or appliance in connection therewith is provided for the benefit of more premises than one, the owners or occupiers of such premises shall for the purpose of this chapter of the Ordinance, and in so far as the Chairman may in any particular case think fit, be deemed to be the joint owners or users of such drain, fixture, or appliance, and jointly liable for any contravention of any section of this Ordinance, and for any expenses that the Chairman may legally recover in pursuance thereof; and the Chairman may recover such expenses in such proportion as he may deem just.

Work may be executed by Chairman.

193 A. At the written request of the owner or occupier of any premises in which works are required to be done in pursuance of this Ordinance, it shall be lawful for the Chairman, if he see fit, and under such conditions as he shall determine, to cause all or any of such works to be done by contract or otherwise, and the estimated expenses or the actual expenses, as the case may be, thereof may be recovered in advance or otherwise as herein provided.

Inclusion of
commission in
expenses.

193 B. Where, in pursuance of this chapter of this Ordinance, the Chairman has executed any work on behalf of any person whether in default of compliance with any notice or otherwise, and the expenses thereof are recoverable from such person, the Chairman may include in such expenses a reasonable commission for surveys, plans, superintendence, and establishment expenses.

Recovery of
expenses by
instalments.

194. (1) Where, in pursuance of the provisions of this chapter of this Ordinance, the Chairman has executed by contract or otherwise any works required in connection with the installation or improvement of a drainage system on or for any premises, and the expenses thereof are recoverable from the owner of such premises, the Chairman may recover such expenses in the manner provided in this Ordinance, or he may, with the sanction of the Municipal Standing Committee on Finance, recover the amount of such expenses by annual instalments sufficient to defray the whole amount within a period not exceeding ten years, together with interest at such rate as the Council may from time to time by resolution determine.

(2) Such expenses shall co-equally with the Municipal rates be a first charge on the premises in respect of which the same are incurred or made, and shall be paid to the Chairman by the owner thereof and his successors in title, and the instalments thereof as they fall due shall be recoverable from the present or future owner of the premises in the same manner as rates or taxes may be recovered, but there shall be no remission of such instalments or any part thereof in cases of non-tenancy of the said premises. The first instalment of such payments shall become due and shall be paid on the first day of the month following that in which the work is completed.

(3) The Chairman shall keep at the Municipal Office a register of all expenses incurred and recoverable under this section, in which shall be shown the total amounts thereof, the instalments in which the same are payable, and the balances for the time being outstanding, and such register shall be open at all reasonable times to the inspection of any person on payment to the Chairman of a fee of twenty-five cents for every such inspection.

Loans for
private works.

194 A. For the purpose of executing any work, the expenses of which are recoverable and may be recovered as provided in section 31 of the chapter of this Ordinance, the Council may, with the sanction of the Governor in Executive Council, borrow such sum or sums of money as may be necessary. Every such loan shall be subject to such rate of interest and to such conditions for the repayment and for securing the repayment of the sum or sums so borrowed and the interest accruing thereon as the Governor in Executive Council may sanction. Provided that any loans so raised shall not be deemed to limit the amount of any loans that may otherwise be raised under the provisions of this Ordinance.

Additional
by-laws.

195. The bylaw-making powers of the Council under sections 109 and 110 of the Ordinance shall be deemed to include power to make by-laws with respect to the following matters, that is to say :

- (a) For regulating the use of public latrines and as to the decent conduct of persons using the same.
- (b) For the charging, levying, and recovering of fees for the inspection and cleansing of all drains, water closets, and other sanitary appliances.
- (c) For regulating the issue of licenses to persons carrying out drainage work, and the conditions under which such licenses may be issued and used, and the manner in which such work shall be carried out; and for the imposition and recovery of fees for such licenses and of a fine not exceeding rupees for any contravention of the terms thereof.
- (d) For ensuring the provision of proper and sufficient means of sewerage, and the drainage for new streets and roads or for existing streets and roads, not being streets and roads constructed by, vested in, or maintained by the Municipal Council.

Compensation
for damage to
Council
property.

196. (1) If on account of any act or omission any person has been convicted of any offence against this chapter of this Ordinance or against any by-law made thereunder, and by reason of the same act or omission of the said person damage has occurred to any property of the Council, compensation shall be paid by the said person for the said damage, notwithstanding any punishment to which he may have been sentenced for the said offence.

(2) In the event of any dispute the amount of any compensation payable by the said person shall be determined by the Magistrate before whom he was convicted of the said offence, and on non-payment of the compensation so determined the same shall be recovered in the same manner as if it were a fine inflicted upon the said person for the offence.

Penalties.

197. Whoever contravenes any provision of this chapter of the Ordinance shall be guilty of an offence, and shall be liable on summary conviction before a Municipal Magistrate to a penalty which may extend to the amount set forth in column 3 of the following table; and whoever continues to contravene any such provision, or fails to remove or rectify any work or thing done or omitted to be done in contravention of the said provisions, shall be liable on the like conviction to a further penalty for each day that he continues to offend, which may extend to the amount set forth in column 4 of the said table:

1 Section or Sub-section.	2 Reference.	3 Penalty which may be imposed. Rs.	4 Daily Pen- alty which may be imposed. Rs.
188 E ..	Filling swamps, &c., so as to interfere with drainage ..	100	25
188 F ..	Obstructing drains and water-courses ..	100	25
188 G ..	Making unauthorized connections with drains ..	200	50
188 H ..	Erecting buildings over drains, &c. ..	200	50
189 ..	Construction of drains by approved persons ..	200	25
189 A ..	Providing drains for new buildings ..	500	—
189 B ..	Enforcing drainage of premises within 100 ft. of drain, &c. ..	200	50
189 C ..	Enforcing drainage of other premises ..	200	50
189 D ..	Enforcing drainage of premises in combination ..	200	50
189 E ..	Refusal to permit carrying of drains through private lands ..	100	25
189 E (6) ..	Refusal to remove, &c., drain land through private lands ..	100	25
189 F ..	Refusal to permit drainage through other private drains ..	100	25
190 ..	Provision of privies or earth closets ..	50	25
190 A ..	Provision of water closets, &c., for large bodies of workmen ..	100	50
190 B ..	Closing cesspool and providing earth closet, or water closet ..	100	25
191 ..	Discharge of foul liquids and other offences ..	100	50
192 ..	Flushing, cleansing, and clearing of drains and appliances ..	100	50
192 A ..	Reconstruction of defective drains and appliances ..	200	50
192 D ..	Using new drain, &c., before receipt of Chairman's certificate ..	100	50

By His Excellency's command,

Colonial Secretary's Office,
Colombo, September 28, 1917.

R. E. STUBBS,
Colonial Secretary.

Statement of Objects and Reasons.

THE Ordinance presented herewith is proposed in accordance with the recommendations of the Colombo Municipal Council, and is substantially in the terms submitted by the Council. The following statement is based upon a memorandum submitted by the City Sanitation Engineer.

2. It is proposed that the new provisions with respect to drainage proposed by this Ordinance should form a separate chapter of the principal Ordinance, and for convenience of reference several of the existing sections have been embraced in this chapter. In some cases these sections have been slightly modified in form.

3. Sections 188 to 188 c embrace sections 180, 181, 182, 183 of the original Ordinance without modifications.

4. Section 188 d provides in definite terms for the vesting of existing water-courses in the Council.

5. Section 188 e gives power to prevent the filling of swamps, &c., in such a manner as to interfere with existing drainage, and section 188 f power to prevent the obstruction of water-courses and drains.

6. Sections 188 g and h are modifications in form only of sections 184 and 191 of the principal Ordinance.

7. Section 189 a expressly empowers the Council to compel the provision of drains to new buildings.

8. Sections 189 and 189 b supersede section 185 of the original Ordinance, the efficacy of which, for the purpose of enforcing drainage connections, was questioned. It empowers the Chairman to require the making of effective drainage connections for the purpose of any premises within a hundred feet of a public drain.

9. Section 189 c extends the preceding section to premises more than a hundred feet from a public drain, and is in accordance with the procedure adopted in the majority of statutes elsewhere. The requirement of the Chairman in such cases must be expressly sanctioned by the Council. The section also provides for enforcing the best possible means for the disposal of sullage and rain water in premises situated beyond the drainage area, a provision not previously included in any Ordinance.

10. Section 189 d is regarded as of the utmost importance, and enables the Council to assume " a more paternal direction of drainage work " in certain cases.

In those parts of the city where buildings cover almost all the available space, or where the frontages to the street are continuous, drainage of the premises individually will be difficult, and will be most uneconomical. The cost of carrying separate drains under, and generally throughout the entire depth of, the premises will fall very heavily on the owners, and the execution of the work will be a great inconvenience to the occupiers, whilst the cost to the Council of providing separate connections to the sewers will be enormous.

11. It is true that under section 185 (4) of the original Ordinance the Chairman can order drainage in combination, but this procedure is not feasible on a large scale. In practice it would imply entire agreement between the various owners; in any but the smallest schemes it would be necessary for the Council to prepare the plans and determine the arrangement to be adopted; and in case of default, it is difficult to perceive what action can reasonably lie against any owner who is quite prepared to comply with the notice, but cannot obtain the consent of the other owners.

12. The principle is extended so that the Chairman can, with the approval of the Council, and with respect to any particular group of premises—

- (a) Prepare a scheme for the drainage of the group, and recover the cost of so doing from the owners;
- (b) Carry out that portion of the work common to more premises than one, and apportion the cost amongst the owners benefited;
- (c) Require the owners to carry out the remainder of the work; or
- (d) At their request, or in default, carry out such work on behalf of the owners.

13. The principle of recovering the cost of preparing the scheme from the owners is considered unobjectionable, as they would in any case have to bear the cost of the plans prepared by any contractor, whether directly or as part of his charges. They would, in addition, be assured that the scheme would be designed in the most economical manner and under the best advice obtainable.

14. The preliminary scheme would, of course, be prepared in consultation with the owners, and the section provides that any objections to the final scheme will be properly considered and determined. The work itself would be carried out under the most economical conditions. It is proposed that the part of it carried out by the Council should be done under contract, and it would be subject to the immediate supervision of the Council's staff. On the one hand, the owners can be certain

of the work being executed properly and without delay or disputes and differences with the contractors, and, on the other hand, the contractors will be certain of payment. It is expected that the cost of most of such work will be recovered by instalments.

15. *Section 189 E.*—Several of the new sewers are laid through private property, and in consequence connections required for adjoining properties must be laid through private land. Difficulties have already arisen in obtaining the consent of the owners of the intervening land. It may also happen that the only practicable means of draining to a sewer laid in a public road is through another private property. The section establishes the right of owners to drain through other properties, and lays down the procedure to be adopted. The draft is based on sections included in the Bombay and Calcutta Municipal Acts, and on section 5, chapter XXII., of the Council's old by-laws.

16. *Section 189 F.*—This is a similar section to the preceding, but strengthens the principle of drainage in combination by establishing the right of draining through existing private drains. This section is also based on sections included in the Bombay and Calcutta Acts.

17. Sections 190 to 190 B modify in form sections 186, 187, and 188 of the principal Ordinance, and are included to make the chapter complete.

18. Section 191 deals with minor offences, and is considered most essential. The proviso at the end of the section which renders the occupiers responsible in certain cases will be noted. The difficulty of obtaining direct evidence of the committal of certain offences is obvious, and it is important that the provisions of the section should not prove ineffective owing to technical objections.

19. Section 192 (maintenance and repair of drains) is a new section, which requires no explanation.

20. Section 192 A is an extension of the principle involved in section 185 (2) of the principal Ordinance. Under this section definite powers are given to deal with improper connections and defective appliances as well as defective drains. This section will be applicable to such cases as the premises in Sea street, to which attention has been drawn by the Government.

21. Section 192 B provides, subject to suitable safeguards, for the construction of private drain accessories under public streets.

22. Section 192 C provides for entry of premises and inspection for drainage purposes on the same lines as section 229 of the principal Ordinance.

23. *Section 192 D.*—The Council's by-laws provide that no connection shall be made between a sewer and any private drains until a certificate has been issued that the drains are in conformity with the by-laws, but in practice it has been found necessary to lay all such connections before the internal drainage work is commenced, and the provision is therefore nullified. The same principle is adhered to under slightly different terms.

24. Sections 193 to 193 B empower the Chairman to execute works on behalf of owners either on their default or at their request.

25. *Section 194.*—This section enables the Council to execute drainage works and recover the expenses by instalments. Section 194 A allows the Council to borrow money for the purpose of the necessary works, and for this purpose to exceed its ordinary borrowing powers.

26. Section 195 permits by-laws to be made for certain specific purposes not mentioned in the original Ordinance.

27. Section 196 simplifies the procedure for recovering damages on account of acts done in contravention of this chapter.

28. *Section 197.*—For convenience the penalties that can be inflicted under the provisions of this chapter have been set down in tabular form, and are not in each separate section. In some instances the maximum penalties have been increased considerably.

Attorney-General's Chambers,
Colombo, September 15, 1917.

ANTON BERTRAM,
Attorney-General.