



# Ceylon Government Gazette

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## Part II.—Legal.

*Separate paging is given to each Part in order that it may be filed separately.*

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### DRAFT ORDINANCES.

#### MINUTE.

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

#### An Ordinance to amend "The Trusts Ordinance, No. 9 of 1917."

Preamble.

WHEREAS it is expedient to amend "The Trusts Ordinance, No. 9 of 1917": 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 Trusts (Amendment) Ordinance, No. of 1918."

Addition of new sub-section to section 113 of principal Ordinance.

2 The following sub-section shall be added to section 113 of the principal Ordinance:

(5) All rules made in pursuance of the last preceding sub-section shall apply to notaries who are advocates or proctors in the same manner as to other notaries, anything in section 30 of "The Notaries Ordinance, 1907," to the contrary notwithstanding.

Correction of clerical errors.

3 The clerical errors enumerated in the first column in the schedule to this section shall be corrected in the manner indicated in the third column of the said schedule.

#### SCHEDULE.

Section.	Words or Expressions requiring Correction.	Words or Expressions to be substituted.
38 (1) .. .	(line 7) or	nor
64 (b) .. .	(line 2) trustee	trust
86 .. .	(line 2) or	for
104 (1) (b) .. .	102 (1) (c)	102 (1) (d)

By His Excellency's command,  
Colonial Secretary's Office,  
Colombo, December 10, 1917. R. E. STUBBS,  
Colonial Secretary.

(2) Nothing in this section shall affect any existing appointments, or the validity of anything done or to be done thereunder.

Amendment  
of schedule A.

3 In line 2 of schedule A in the principal Ordinance, for the word "Province" the words "Province or District, as the case may be," shall be substituted.

By His Excellency's command,  
Colonial Secretary's Office, R. E. STUBBS,  
Colombo, December 12, 1917. Colonial Secretary.

*Statement of Objects and Reasons.*

At present all officiating levvais under "The Muhammadan Marriage Registration Ordinance, 1886," are under section 4 appointed by the Provincial Registrar of the Province (i.e., the Government Agent), and under section 7 have to transmit all their records to the Provincial Registrar to be filed in his office. In revenue districts where there is an Assistant Government Agent, it would be more convenient that the appointments should be made by the Assistant Government Agent as Assistant Provincial Registrar, and that the records should be filed in his office. The amending Ordinance provides accordingly.

Attorney-General's Chambers,  
Colombo, November 26, 1917.

ANTON BERTRAM,  
Attorney-General.

**PASSED ORDINANCE.**

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

**No. 45 of 1917.**

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

JOHN ANDERSON.

Preamble.

WHEREAS it is expedient to amend the law relating to irrigation: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance may be cited as "The Irrigation Ordinance, No. 45 of 1917," and shall come into operation at such date as the Governor shall, by Proclamation in the *Government Gazette*, appoint.

**CHAPTER I.**  
*Preliminary.*

Repeal of  
Ordinance  
No. 16 of 1906.

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

Provided that—

- (a) Any district already constituted, or deemed to have been constituted, an irrigation district under the said Ordinance, shall be deemed to have been constituted an irrigation district under this Ordinance;
- (b) Any rule now in force under the said Ordinance, or purporting to be made thereunder, shall be deemed to be duly in force, and shall continue in force until otherwise provided. Provided that all rules now in force and purporting to be made under the provisions of section 56 of "The Irrigation Ordinance, 1906," shall be replaced as early as practicable by rules made under this Ordinance;
- (c) Any headman or other officer, Village Council or Committee, elected, appointed, or established, or deemed to have been elected, appointed, or established, under the said Ordinance, shall continue and be deemed to have been duly elected, appointed, and established under this Ordinance;
- (d) All rates, subscriptions, contributions, charges, and assessments established, leviable, or made under the said Ordinance, or preserved in force and effect thereunder, shall not be in any wise prejudicially affected by reason of the passing of this Ordinance, but may be enforced, levied, or given effect to as fully and effectually as if they had been irrigation rates, subscriptions, contributions, charges, and assessments established, authorized, or made under this Ordinance;

- (e) Any specification, plan, estimate, or report prepared or made in pursuance of any of the provisions of the said Ordinance, or deemed to have been prepared or made under, or for the purposes of, the said Ordinance, shall be deemed to have been duly prepared or made under, and for the purposes of, this Ordinance; and
- (f) Any enactment referring to the said Ordinance, or to any Ordinance thereby repealed, shall be construed to refer to this Ordinance, or to the corresponding enactment in this Ordinance.

Interpretation clause.

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

“Proprietor.”

“Proprietor” means the owner of lands irrigated or to be irrigated by any irrigation work, and includes the cultivator or person in actual possession of any such lands.

“Occupant.”

“Occupant” includes a person having the charge, management, or control of any land or premises.

“District.”

“District” means any korale, pattu, or village, or any other subdivision of a province or any area whatsoever which may from time to time be defined by the Governor by Proclamation in the *Government Gazette*.

“Water-course,”  
“channel,”  
“ela,” or  
“tank.”

“Water-course,” “channel,” “ela,” or “tank” includes the banks and bunds of the “water-course,” “channel,” “ela,” or “tank,” as the case may be, and any reservation of Crown land defined by, or by the authority of, the Director of Irrigation, either by demarcation on the ground or in any map or plan as belonging thereto.

“Majority of proprietors.”

“Majority of proprietors” means a majority consisting of two-thirds at least of the proprietors present. Provided that such majority shall represent at least one-third of the acreage irrigated or to be irrigated; and if they do not represent one-third, then the votes of the proprietors representing two-thirds of the acreage irrigated or to be irrigated shall constitute the majority. Provided further that at any meeting of proprietors at which the owner, or any person representing the owner, of any land, together with any lessee, cultivator, or occupier of such land under the said owner, or any lessee of such land, together with any cultivator or occupier under such lessee, shall be present, the votes of persons claiming under the owner or the lessee, as the case may be, shall not be reckoned in computing the majority of the persons present.

“Contributions.”

“Contributions” includes all rates, subscriptions, charges, and assessments made under this Ordinance or under any Ordinance thereby repealed.

“Tract.”

“Tract” means any portion of any area irrigable under any irrigation work defined as a tract by, or in pursuance of, any scheme under this Ordinance.

“Irrigation work.”

“Irrigation work” includes—

- (a) Any tank, bund, anicut, ela, channel, distributary, field channel, or water-course comprised in, or incidental or ancillary to, the irrigation work;
- (b) Any structure, road, bridge, sluice, gate, or other engineering work comprised in, or incidental or ancillary to, the construction or maintenance of the irrigation work.

“Construction.”

“Construction” with reference to irrigation works includes any improvement or extension of any irrigation work, or the repair or restoration of any abandoned irrigation work, or (subject to the definition of “maintenance” hereinafter contained) any operation for the protection of any irrigation work, or the irrigable area thereof, or of any part of such work or area.

- “Expenses of construction.” “Expenses of construction” include the expenses of survey and inquiries and such reasonable contribution in respect of establishment charges, and the cost of plant, as shall be approved by the Governor.
- “Maintenance.” “Maintenance” with reference to irrigation works (whether constructed under this Ordinance or under any previous Irrigation Ordinance) includes any operation for the protection of any existing irrigation work, or the irrigable area thereof, or of any part of such work or area which the authority responsible for the maintenance of the work may declare to be a minor operation; provided that (except in the case of any work which is carried out in an emergency and as to which it is not practicable to consult the proprietors) it shall have been determined at a meeting of proprietors called for the purpose that the expenses of such work shall be charged to maintenance expenses.
- “Cost of maintenance.” The “cost of maintenance” of any irrigation work in any year may include such reasonable contribution in respect of establishment charges and the cost of plant, as may be approved by the Governor, not exceeding five per centum of the total amount otherwise expended on the maintenance of the work during that year.
- “Land.” “Land” in the case of land held on lease from the Crown means the interest of the lessee in the land, and the expression “owner” with reference to such land means the lessee.
- “Owner.”
- “Government Agent.” “Government Agent” includes Assistant Government Agent.
- “Previous Irrigation Ordinance.” “Previous Irrigation Ordinance” includes the Ordinance hereby repealed, Ordinance No. 23 of 1889 and any Ordinance thereby repealed, and Ordinances No. 6 of 1892, No. 10 of 1901, No. 20 of 1908, and No. 11 of 1915.
- Irrigation rate. 4 (1) An irrigation rate under this Ordinance with reference to any land to which it relates is a charge in favour of the Crown imposed upon the land in respect of water supplied, or to be supplied, to the said land, or in respect of the cost of, or incidental to, the construction or maintenance of any irrigation work benefiting, or intending to benefit, the said land, or of all or any of such matters in combination.
- (2) Any such charge may be imposed either—
- (a) By the instrument under which such land is granted, leased, held, or occupied at the time of such grant or lease, or the commencement of such tenancy or occupation; or
- (b) By express agreement between the Crown and the owner, lessee, tenant, or occupant of the land; or
- (c) By resolution of the majority of the proprietors of the irrigable area or tract in which the land is comprised, in pursuance of, and subject to, the provisions of this Ordinance; or
- (d) By any method by which it is specially provided in this Ordinance that an irrigation rate may be imposed.
- (3) Any such charge may be either in perpetuity or for a limited period, or in the case of a lease, tenancy, or occupancy, for the term of such lease, tenancy, or occupancy, and may be either conditional or unconditional, and may be either for a fixed amount, or may be subject to estimate, measurement, or variation in accordance with the terms of the instrument, resolution, or order by which it is imposed.
- (4) Every such charge shall be binding on the land and every part thereof, and such land and every part thereof, and the proprietors of such land and every part thereof, shall be liable for the payment of the same into whosoever hands the ownership, possession, tenancy, or occupancy of such land or any part thereof under any circumstances may at any time pass until the said charge shall be extinguished, and such charge shall have priority over all mortgages, hypothecations, incumbrances, and charges whatsoever, whether antecedent in date or otherwise, affecting the land.

## CHAPTER II.

*Irrigation Districts and Election of District Advisory Committees.*

Governor in Council may proclaim irrigation districts.

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

Government Agent to call public meeting of proprietors.

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

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

Public notice of such meeting.

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

Election of advisory committee. Proceedings at the meeting.

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

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

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

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

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

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

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

Objections to votes how decided.

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

Government Agent may appoint Committee in districts where proprietors cannot publicly meet.

9 If owing to the sparseness of the population or the inadequate attendance of the proprietors no public meeting, which in the opinion of the Government Agent is adequately representative of the proprietors of the district, can be convened or held in manner hereinbefore provided, it shall be lawful for the Government Agent, either himself to nominate a committee, or with the approval of the Governor, by order published in the *Government Gazette*, to declare that the provisions of this chapter, except section 5 (1), shall not be in operation in such district.

Meetings and proceedings.

10 (1) It shall be the duty of the Government Agent to meet the advisory committee of each district and consult them on matters connected with irrigation in the district not less than three times a year, or at such other intervals as may be prescribed by rules made under the next succeeding chapter.

(2) Full minutes shall be made of the proceedings of all such meetings and shall be kept on record at the kachcheri.

### CHAPTER III.

#### *Powers of Meetings of Proprietors.*

Powers of proprietors of irrigation district to make rules.

11 The proprietors within any irrigation district may, by any resolution passed by a majority of proprietors at any meeting summoned by the Government Agent for the purpose, either of his own motion or on the requisition of a reasonable number of the proprietors, make rules for the following purposes :

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

Special powers of proprietors under irrigation work.

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

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

(2) Rules made under this section shall, if the majority of the proprietors so require, include rules making provision for the form of cultivation known as betma cultivation, subject to such conditions or modifications as may be therein prescribed.

Summoning of meetings and procedure.

**13** (1) All meetings of proprietors, held for the purposes of this chapter, shall be summoned by the Government Agent in manner provided by section 6.

(2) The Government Agent, or any officer of the Government Agent deputed by him in that behalf, shall preside at every such meeting, and the Government Agent, or such officer so deputed, shall have the same powers for determining all questions as to the right to vote at such meeting as belong to the Government Agent under section 8, and shall have full power for determining any question of procedure arising in the course of the meeting.

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

Register of absent proprietors.

**14** (1) A register shall be kept at the kachcheri of every revenue district in which irrigation works are situated of all proprietors of lands under such irrigation works who are resident outside such district, and who may desire to have their names entered therein.

(2) Any such proprietor shall be entitled to have his name and address entered in such register on payment of an annual fee of one rupee.

(3) Notices of all meetings of proprietors under this Ordinance, which persons so registered are entitled to attend, shall be specially served upon such persons by a registered letter directed to the address specified in the register.

Proxies.

**15** (1) For the purpose of any meeting at which any question under paragraphs (b) and (c) of section 12 is to be decided, any proprietor may by a proxy in writing authorize any other person to vote on his behalf.

(2) Every such proxy shall be signed by the person giving it and attested by two witnesses.

(3) The officer presiding at the meeting shall have full power to determine the validity of any proxy presented at any such meeting, and his decision shall be final.

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

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

Rules in certain districts may be made by Government Agent.

**17** In any district which under section 9 is excluded from the operation of chapter II., the power to make rules accorded to a meeting of the proprietors of a district by section 10 may be exercised by the Government Agent for all the purposes specified in that section.

Power to depute the making of rules to a committee.

**18** At any meeting summoned for the purpose of making rules under this chapter, the proprietors present may appoint a committee, of such number as they may determine, to frame rules on their behalf, subject to confirmation at a subsequent meeting.

Rules how to be made valid and binding.

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

## CHAPTER IV.

*Irrigation Headmen.*

Election of  
irrigation  
headmen.

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

- (a) To attend to all matters connected with the irrigation and cultivation of the lands therein, and the maintenance of rights and works connected therewith; and
- (b) To prevent, so far as practicable, any act or omission contrary to any rules in force under this Ordinance, or to ancient customs, or whereby damage may accrue to any of the proprietors.

Elections how  
conducted, &c.

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

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

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

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

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

Duties of  
headmen.

22 (1) Whenever any act shall be committed contrary to rules or ancient customs, or whereby damage may accrue to any of the proprietors within any such district or area as aforesaid, the headman thereof shall forthwith repair to the spot, and, if the act complained of be of a nature to call for prompt action to prevent injury, shall take such steps as shall be necessary to remedy the evil likely to result; and shall forthwith report the matter to the Government Agent.

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

Mode of  
recovering  
expenditure  
incurred by  
headmen.

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

Liability of  
headmen.

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



Resistance to headmen.

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

Payment to irrigation headmen.

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

Trial of offences under this chapter.

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

#### CHAPTER V.

##### *Village Councils.*

Trial of offences by Village Councils.

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

Powers of Village Councils.

29 (1) Any person convicted before any such Council of any such offence shall be liable to a fine not exceeding thirty rupees, and where such offence is a continuing offence, and shall be wilfully continued after such conviction, shall be liable on a further conviction, in addition to such fine aforesaid, to a fine not exceeding five rupees for every day on which the offence shall have been so continued.

(2) Where the complainant shall have sustained damage by reason of the act complained of, or where such act shall be of a nature to call for prompt action to prevent injury, and expenditure shall have been incurred for that purpose by the headman under section 22, or by any officer acting in pursuance of a rule made under chapter VII., and shall not have been recovered under section 23, it shall be competent to the Village Council, either to direct that the damage suffered or expenditure incurred shall be made good out of any fine it may inflict on the offender, or, in addition to any such fine, to adjudge him to pay the amount of such damage or the amount of any such expenditure reasonably so incurred; and such amount shall be recoverable in manner provided by chapter VIII.

Provided that, except by the consent of both parties, no such order shall be made in any case in which the amount of the damage claimed, or the expenditure incurred, shall exceed two hundred rupees.

Village Council how constituted.

30 (1) The Village Council shall consist of not less than three nor more than seven men, selected by the President of such Council from among the proprietors of irrigable lands situated in the district or area, subject to such right of challenge as may be prescribed by rules under section 33.

(2) The opinion of the Councillors shall be first expressed and recorded, and afterwards that of the President.

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

Trial of offences by Government Agent.

31 In any district in which rules shall have been made by the Government Agent under section 17, and it shall not be practicable, in the opinion of the Government Agent, to obtain the assistance of Councillors, breaches of such rules, or of ancient customs relating to irrigation or cultivation, or of

rules made under chapter VII., may be tried by the Government Agent, or some officer of the Government Agent deputed by him either generally or specially in that behalf, and for that purpose the Government Agent, or the officer so deputed, shall have all the powers of a Village Council under this chapter, and may award all the penalties and adjudge the payment of all the damages and expenditure which a Village Council is competent to award or adjudge.

Proceedings to be filed of record in the kachcheri.

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

And to be summary and free from any formalities.

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

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

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

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

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

34 No appeal shall lie to any court against the decision or award of any such Council, Government Agent, or authorized officer, on any plea or pretext whatsoever, nor shall any injunction or prohibition be issued by any court in respect of any matter of which they or he may take cognizance by virtue of this Ordinance; but it shall be competent to the Government Agent to take action in any case in which any person feeling aggrieved by any such decision may apply to him for relief, and to make, or direct to be made, further inquiry into the matter in question, or to order a new inquiry, or to confirm, modify, or reverse the decision, or to order the matter to be referred to a competent court for trial and adjudication.

Provide.

Provided always that it shall be the right of any person feeling aggrieved as aforesaid to apply to the Governor by petition if he should fail to obtain the desired relief in the first instance from the Government Agent; and it shall be lawful for the Governor in Council to direct further inquiry, or to confirm, modify, or reverse such decision.

Provide.

Provided also that the powers conferred by this section on the Government Agent to take action in any case in which an aggrieved person may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him in person or by a written petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision complained of shall have been given; and no petition to the Governor under this section shall be entertained unless the same is received within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision of the Government Agent shall have been communicated to the petitioner.

Penalty for breach of rules how enforced.

35 Whenever any person shall be adjudged by such Council, Government Agent, or officer authorized as aforesaid, to pay any penalty as aforesaid, the President of such Council, the Government Agent, or authorized officer may, unless the same be paid forthwith or within such time as the Government Agent or officer authorized may allow, order the amount of the penalty to be recovered in manner provided by chapter VIII. of this Ordinance, or he may sentence the defaulter to simple or rigorous imprisonment for any period not exceeding one month; provided that no sentence of imprisonment shall be carried into execution unless confirmed by the Government Agent. And every Fiscal or Deputy Fiscal shall, within the province or district for which he is respectively empowered to act, execute such sentence, and the provisions of sections 5, 8, and 81 of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by such President, Government Agent, or authorized officer in pursuance of such sentence.

Trial of offences by Village Tribunals.

36 The provisions of this chapter shall be subject to the provisions of section 29 of "The Village Communities Ordinance, 1889," and the powers of a Village Tribunal under that section shall include the powers accorded to a Village Council by sub-section (2) of section 29 of this Ordinance, and any amount adjudged to be paid under such powers shall be recoverable in manner provided by chapter VIII.

Appropriation of penalties.

37 All penalties imposed by any court or authority under this chapter shall be appropriated in aid of minor irrigation works, or in remuneration of irrigation headmen or officers, as the Government Agent shall determine.

## CHAPTER VI.

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

Irrigation schemes.

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

Scope of irrigation schemes.

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

- (a) For the construction or maintenance of the irrigation work ;
- (b) For the division of the responsibility for the construction or maintenance of the whole or any part of the work between the Government and the proprietors ;
- (c) For the imposition of any irrigation rate upon any lands irrigable, or to be irrigable, under the scheme ;
- (d) For the levying of contributions in labour upon the proprietors for the purpose of the construction or maintenance of the irrigation work, or any part thereof, and for the commutation of such contributions into an irrigation rate ;
- (e) In cases in which the irrigation work is wholly or mainly constructed by the proprietors without Government aid, for the assessment of contributions, whether in labour or money, from the several proprietors, for the commutation of such contributions as shall be assessed in labour, and for the recovery of such contributions ;
- (f) For the variation of the conditions of the construction or maintenance of the irrigation work, or of the supply of water thereunder, or of any scheme for any of the said purposes ;
- (g) For the division of the irrigable area into tracts, and for the conditions and methods of the distribution of water to such tracts ;
- (h) For the estimation and levying of special irrigation rates in respect of water derived by seepage, mechanical appliances, or other special means ;

(i) For the adjustment of the expenses of the maintenance of any irrigation work, in any case in which a scheme involves any extension of the work, between the land comprised in the original irrigable area and the lands comprised in the area rendered irrigable by the effect of the extension ;

(j) For the abandonment of any irrigation scheme or work ;

(k) For any other matter which, in the opinion of the Governor in Executive Council, may be appropriately included in any scheme.

Rates to be variable in accordance with scheme.

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

Provided that nothing in this section shall be deemed to prejudice the right of the proprietors of any irrigable area to the continuance of any perpetuity rate under any scheme now in force.

No rate to be imposed or varied without approval of proprietors.

41 No irrigation rate or contribution, whether in money or in labour, shall be imposed or varied by or under any irrigation scheme, unless such scheme, or such rate, or contribution, or the variation thereof, or the arrangements for its assessment, shall have been approved by a resolution of the majority of the proprietors of the irrigation area or tract in which such land is comprised at a meeting of the proprietors called for the purpose.

Extension of irrigation work.

42 No adjustment of the expenses of maintenance of any irrigation work shall be made for the purpose of any irrigation scheme under paragraph (i) of section 39, unless the proprietors of the original irrigable area, at a meeting summoned by the Government Agent for the purpose, have, by a resolution passed by a majority of the proprietors, approved a scheme embodying such adjustment.

Provided that if no settlement of the question can be reached at any such meeting, the annual maintenance rate payable by the proprietors of the original irrigable area shall be an amount equal to the average annual cost of maintenance of the original work during the ten years previous to the commencement of the extension, subject every five years to an increase or reduction in the proportion in which the average maintenance rate per acre payable under section 50 in respect of the other irrigation works in the same revenue district to which that section applies exceeds or falls short of the average maintenance rate per acre payable under the said section in respect of such work previous to the commencement of the extension.

Saving of rights of proprietors of original irrigable area.

43 Where by the extension of any irrigation work any new area is rendered irrigable and any question is subsequently submitted or to be submitted for the determination of a meeting of proprietors of lands irrigable under the work, the decision of which may affect the amount or the conditions of the rates payable by the proprietors of the area originally irrigable, the majority of the proprietors of the said original irrigable area may require, either at the said meeting or by notice in writing addressed to the Government Agent before the meeting, that such question be submitted separately to a meeting of the proprietors of the said original irrigable area, and thereupon such question shall be so submitted accordingly ; and in any such case no proposal affecting the amount or the conditions of the rates payable by the proprietors of the said original irrigable area shall be adopted, unless it shall have been separately assented to by a majority of the proprietors at a meeting of the proprietors of the said original irrigable area, as well as by a majority of the proprietors at a meeting of the proprietors of the area rendered irrigable by the extension.

Publication of scheme.

44 In any case in which any scheme, or any proposal for the imposition or variation of any rate or contribution under any scheme, or any proposal with respect to any other question arising under, or in the course of, the operation of a scheme, is to be submitted to a meeting of proprietors, the scheme or proposal to be so submitted shall be published in the vernacular language or languages of the district in such

manner as shall seem to the Government Agent best adapted for bringing the terms and purport of the scheme or proposal to the notice of the persons affected thereby.

Sanction of  
scheme.

45 All schemes under this chapter shall be submitted for sanction to the Governor in Executive Council, and upon being so sanctioned shall be published, together with a notice of such sanction, in the *Government Gazette*, and shall take effect upon such publication.

Specifications.

46 (1) For the purpose of any irrigation rate leviable under this Ordinance, or any rate leviable in respect of irrigation under any previous Irrigation Ordinance, the Government Agent, with the assistance of the Director of Irrigation and the Surveyor-General, shall from time to time, in such manner as to him may appear expedient, prepare a specification showing the several lands irrigated, or to be irrigated, with the names of the proprietors and the contribution, in money or labour, payable by each in respect of his land, and such specification shall be conclusive proof that the lands included in the specification and the proprietors thereof are severally bound and liable for the payment or rendering of such contribution.

(2) The Government Agent may from time to time amend any specification, and may exclude from liability to contribution any lands included in any specification which may from time to time be found not to be irrigable, or may, on notice to the proprietors, add thereto such additional lands as may from time to time be found irrigable.

(3) Every specification prepared under this chapter, and all amendments thereof, and all additions thereto or exclusions therefrom, shall from time to time be published in the *Government Gazette*.

Seepage rates  
under existing  
works.

47 (1) Any lands under any existing irrigation work, which are deriving substantial benefit from such work by seepage, shall be liable to the imposition in respect of such seepage of an irrigation rate not exceeding half the rate ordinarily payable by the proprietors of lands irrigable under the said irrigation work.

(2) In any case in which the Director of Irrigation shall be satisfied that any lands are liable to the imposition of a seepage irrigation rate under this section, the Government Agent shall, by notice in writing, inform the proprietors of such lands that it is proposed to impose upon such lands a seepage irrigation rate of the amount specified in the notice, and call upon them, if they object to the imposition of a seepage irrigation rate, to make application in the manner, and within the time, provided for by this section.

(3) Any proprietor, who objects to the imposition of a seepage irrigation rate on the ground that any land in question is not deriving substantial benefit from the irrigation work, may within one month of the receipt of the notice apply to the Government Agent for an order that the land in question is not liable to the imposition of a seepage irrigation rate, and the Government Agent shall have jurisdiction to inquire into and determine the question, and his decision (except on any question of law that may arise in the course of the case) shall be final.

(4) In any case in which no such application shall be made within the time limited, or in which on such application the question at issue shall be determined in favour of the Director of Irrigation, it shall be lawful for the Government Agent, by order published in the *Government Gazette*, to impose a seepage irrigation rate upon such lands in accordance with this section, and to direct the inclusion of the said lands in respect of such seepage irrigation rate in the specification in force for the purposes of the irrigation work.

Irrigation by  
mechanical  
appliances.

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

(2) Upon the issue of such a certificate the Government Agent, by order published in the *Government Gazette*, may impose an irrigation rate upon the lands so benefited of such an amount as may be approved by the Governor, and such lands shall be included in the specification in force in respect of such irrigation work.

Special  
irrigation rates.

49 In any case in which the proprietors of any area not ordinarily entitled to a supply of water from an irrigation work desire a special supply of water from such work, such special supply may be sanctioned upon a majority of the proprietors passing a resolution at a meeting summoned for the purpose approving of the payment of a special irrigation rate, or upon the proprietors representing two-thirds of the irrigable lands of the said area signing an undertaking to the same effect, and thereupon the Government Agent, by order notified in the *Government Gazette*, may impose such a special irrigation rate, and the particulars of the amount due from the several proprietors in respect of such special rate shall be entered in the specification, or in a special specification, and shall be recoverable in the same manner as an ordinary irrigation rate.

Annual rate  
for maintenance.

50 (1) Except in the following cases, that is to say—

- (a) In the case of any irrigation work in respect of which a fixed rate per annum in perpetuity is leviable ;
- (b) In the case of any irrigation work in respect of which other special arrangements for the maintenance thereof are sanctioned under section 82, or shall hereafter be sanctioned under this Ordinance ;
- (c) In the case of any irrigation work which is not maintained by Government ;

the lands included in the specification of any irrigation work constructed, or in the course of construction at the date of the passing of this Ordinance, and the proprietors thereof, shall severally be bound and liable to an annual irrigation rate for the maintenance of such irrigation work.

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

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

(4) A rate under this section may be assessed either separately in respect of a single irrigation work, or generally in respect of any group of irrigation works.

(5) A work which is subject to a rate separately assessed may, on the occasion of any re-assessment, be included in a group of works, and be made subject to a general assessment in respect of such group of works and *vice versa*. Provided that before any order shall be made converting a separate rate into a general rate or *vice versa*, the Government Agent shall consult the proprietors of the various works affected at a meeting or meetings called for the purpose.

(6) For the purposes of every maintenance rate under this section the Government Agent shall from time to time prepare a specification in the manner provided by section 46, and all the provisions of that section shall, with the necessary modifications, apply to such specification.

Power to  
exempt work  
from  
maintenance  
rate.

51 (1) In any case in which a majority of the proprietors of the lands under any irrigation work in respect of which a maintenance rate is payable under the last preceding section, by resolution passed at a meeting of the proprietors called for the purpose, request that such work shall be exempt from the provisions of the last preceding section, and themselves undertake to maintain the work, the Governor may, by order published in the *Government Gazette*, direct accordingly.

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

Provided that in any case in which the proprietors shall fail to maintain such work to the satisfaction of the Director of Irrigation, the Governor may, by order published in the *Government Gazette*, cancel such aforementioned order, and thereafter such work shall cease to be exempt from the provisions of the said section.

Power to subject to maintenance rate in case of defective maintenance of work connected with Government work.

**52** (1) Where any irrigation work not maintained by Government is so defectively maintained by the proprietors as, in the opinion of the Director of Irrigation, to endanger or impair the effectiveness of any irrigation work maintained by Government with which such work is connected, the Governor may give notice that unless within a time fixed by the notice the arrangements for the maintenance of the said work are made effective, and unless the said work shall thereafter be effectively maintained, the said work will be made subject to a maintenance rate under section 50 hereof.

(2) If the requirements of the said notice are not complied with to the satisfaction of the Governor, it shall be lawful to the Governor, by order published in the *Government Gazette*, to direct that the said arrangements shall be carried out, and that the expenses of carrying out the said arrangements and of the subsequent maintenance of the said work shall be recovered by a maintenance rate under section 50, and thereupon the said work shall become maintainable by Government, and shall be subject to a maintenance rate as though it were a new work.

(3) No action shall be taken under this section unless the matter shall have been brought before a meeting of the proprietors and the requirements of the situation shall have been explained to them, and such meeting shall have failed to make arrangements by the framing of rules or otherwise which, in the opinion of the Director of Irrigation, are effective for the purpose in view.

Similar power in case of defective maintenance of certain other works.

**53** (1) Where, in the case of any work not maintained by Government, the Government Agent is satisfied that the condition of the work is so defective, or that the work is so defectively maintained as to endanger or impair the effectiveness of any other such work, or as to prejudice or be likely to prejudice the interests of the village population cultivating the lands irrigated by the said work, the Government Agent shall call a meeting of the proprietors of lands irrigated by the work in question, and shall explain to them the requirements of the situation, and shall call upon them to make arrangements, either by the framing of rules or otherwise, to remedy the defect to his satisfaction.

(2) In the event of the meeting failing by a resolution of the majority of the proprietors to make arrangements to the satisfaction of the Government Agent, it shall be lawful to the Governor, by notice published in the *Government Gazette*, to direct that such arrangements shall be carried out, and that the expenses of carrying out the said arrangements and, if necessary, of the subsequent maintenance of the work shall be recoverable by a maintenance rate under section 50, and the said work shall thereupon become subject to a maintenance rate under the said section as though it were a new work.

Power to remit rate.

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

Payment of contributions in kind.

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

Procedure in case of default in making specification.

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

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

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

Procedure on correction of irregularity, informality, or defect.

**57** Where any difficulty arises in the preparation of any specification, or with reference to any existing specification, on the ground of an irregularity, informality, or defect in the specification, or in some proceeding antecedent to the preparation of the said specification, and the necessary steps have been taken to deal with such irregularity, informality, or defect under section 12 (c) of this Ordinance, a specification prepared in accordance with a resolution passed for the purpose under the said section shall for all purposes have the effect of a specification prepared in pursuance of a scheme sanctioned under this Ordinance.

Reference of certain questions to arbitration.

**58** (1) If any question arises with reference to any irrigation work between the Government and the proprietors, or any section of the proprietors, or between different sections of the proprietors, and it shall not prove practicable to settle such question by agreement, the Governor may order that the said question shall be referred to a court of arbitration in accordance with this section.

Provided that no such order shall be made unless such reference and the terms thereof shall have been assented to by a resolution of a majority of the proprietors in question at a meeting summoned by the Government Agent for the purpose, or if the question is between two or more sections of the proprietors, or if two or more sections of the proprietors are otherwise parties to the question, by such a resolution at such a meeting of each section.

(2) The court in any such arbitration shall consist of one arbitrator nominated by the proprietors in manner hereinafter provided, one arbitrator nominated by the Director of Irrigation, together with a president chosen by agreement between the arbitrators so nominated.

(3) If the question is a question between different sections of proprietors, or if different sections of proprietors are otherwise parties to the question, an arbitrator shall be separately nominated on behalf of each section.

(4) In the event of the arbitrators not being able to agree upon a president, the president shall be a person experienced in the law and customs of the country nominated by the Chief Justice.

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

(6) At such meeting the arbitrator to be nominated shall be elected by a majority of the said proprietors.

(7) Every arbitration under this section shall be free from the formalities of legal procedure, and shall be conducted in such manner as shall be determined by the president for



the purpose of securing an effective settlement of all substantial questions at issue between the parties in the matter under reference, and the arbitrators shall have full power for the purpose aforesaid to make any award which they may deem to be reasonable and equitable in all the circumstances of the case.

(8) The terms of reference in any such arbitration may at any time in the course of the arbitration be amended by agreement between the parties, such agreement in the case of the proprietors or any section of the proprietors being signified by a resolution of the majority of the proprietors at a meeting summoned for the purpose.

(9) In the event of the members of the court not being able to arrive at a unanimous decision, either as to the award, or as to any question arising in the course of the proceedings, the matter shall be determined by the president.

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

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

Saving of mutual rights and obligations of Crown and proprietors.

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

Saving as to rights of the Crown.

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

## CHAPTER VII.

### *Protection of Irrigation Works and Conservation of Water.*

Rules for the protection of works and conservation of water.

60 In the case of any irrigation work, the Governor in Executive Council may make rules for the following purposes :

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

(2) Any person convicted of any rule made under paragraphs (f) or (g) of the last preceding sub-section shall, in addition to any penalty he may thereby incur, be liable, on the order of the court by which he is convicted, to pay a sum not exceeding double the amount of the rate payable in respect of the lands to, on, or from which the waste of water occurred, or for which the water was obtained.

Rules to be subject to disallowance of Legislative Council.

61 All rules made under the last preceding section shall be laid, as soon as conveniently may be, upon the table of the Legislative Council, and shall remain upon the table for forty days, or for three meetings of the Council, whichever period shall be the longer, and any such rule may during such period, by resolution of the Council, be disallowed, amended, or otherwise dealt with as may be directed by the said resolution, but without prejudice to anything that may have been done thereunder.

In the submission of any rules made under the said section to the Council, special attention shall be drawn to any rule purporting to have been made under paragraph (i) of sub-section (1) thereof.

Offences.

62 Any person who—

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

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

Diversion of water from public stream

63 (1) The Director of Irrigation may, with a view to the protection of the general interests of existing or future cultivators deriving, or likely to derive, benefit by means of irrigation from the use of the waters of any public stream, as to which the Governor has issued a notification under sub-section (7) hereof, by notice in writing require any person who is diverting, or proposes to divert, water from such public stream for the purpose of irrigation, within one month from the receipt of such notice, to apply to him for a license for the purpose, and to conform to the conditions of any license granted in pursuance of any such application.

(2) It may be made a condition of any such license, in any case in which the licensee desires to make use of the water of the said stream in excess of his legal rights, that the lessee shall pay such irrigation rate as may be ordered by the Governor.

(3) Any person who is aggrieved—

- (a) By any requirement of the Director of Irrigation that he shall apply for a license ; or
- (b) By the refusal of the Director of Irrigation to grant him a license ; or
- (c) By any condition in any license to which he is required to conform,

on the ground that the diversion, or proposed diversion, of the water in question is not in excess of his legal rights, or that the said condition is in derogation of his legal rights, may, within one month of the receipt of the notice above mentioned, or of the refusal of the license applied for, or of the notification to him of such condition, or of the receipt of the license containing such condition, as the case may be, apply to the District Court for a declaration of his legal rights in the matter in question, and the court shall have power, on such application, to declare such rights, and to give all necessary directions with regard to such license and the conditions thereof, so as to secure all legal rights of the applicant.

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

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

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

(7) This section shall only apply to such public streams, as the Governor, by notification in the *Government Gazette*, shall have declared to be subject thereto.

#### CHAPTER VIII.

##### *Recovery of Money due under this Ordinance.*

Seizure and sale of property of defaulters.

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

Recovery of contributions.

65 (1) If default be made in the payment of any contribution due under this Ordinance, or under any previous Irrigation Ordinance, it shall be lawful for the Government Agent or any person authorized by writing under his hand to seize the land herein declared specially bound and liable for such payment and any crop or produce thereof, and any movables thereon, to whomsoever such land, crop, or movables may belong; and if the amount of such contribution, together with any costs payable under section 67, shall not be sooner paid or tendered, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

(2) If default be made in the payment of any sum payable under this Ordinance, or of any fines imposed for any offence or breach of rules made thereunder, it shall also be lawful for the Government Agent or any person authorized by writing under his hand to proceed to seize any property whatsoever belonging to the defaulter, wheresoever the same may be found, and to sell the same by public auction at any time not less than twenty-one days from the date of seizure, if such sum, together with any costs payable under section 67, shall not be sooner paid or tendered.

Proviso.

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

Proviso.

Provided also that all things exempted from execution under the Civil Procedure Code shall be exempted from seizure under this section.

Proviso.

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

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

(4) For the purpose of any sale under this section the Government Agent may fix an upset price below which the property, which is the subject of the sale, shall not be sold to any person other than the Crown.

Keeping a person in charge of property seized.

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

Costs of seizure and sale.

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

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

Return of overplus to owner or person making default.

68 In the event of a sale of property seized the Government Agent at whose instance such seizure was made shall, after deducting the amount due as aforesaid, and also the costs payable under section 67 (which said costs such Agent is hereby authorized to retain), restore the overplus, if any, arising from such sale to the owner or joint owners of the property sold.

Certificate of sale.

69 (1) If land be sold, a certificate substantially in the form given in schedule I. hereto, signed by the Government Agent, shall be sufficient to vest the land sold in the purchaser, and in the case of land sold under sections 65, 75, or 79, the same shall so vest free from all incumbrances whatsoever, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

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

Cancellation of sale.

70 In any case in which land so sold has been purchased on behalf of the Crown by the Government Agent, it shall be lawful for the Government Agent, at any time before the same shall have been re-sold on payment by, or on behalf of, the proprietor of the amount due in respect of the said land (including the costs of seizure and sale), together with interest thereon at a rate not exceeding nine per cent. per annum, by endorsement on a certified copy of the certificate referred to in sub-section (2) of the last preceding section, to cancel the sale, and upon the registration of such endorsement in the office of the Registrar of Lands the said land shall re-vest in the proprietor as though such sale had never been made.

Re-sale by Crown.

71 (1) In any case in which land so sold has been purchased on behalf of the Crown, and the sale has not been cancelled under the last preceding section, it shall be competent to the Government Agent, at any time on re-sale of the said land, to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in sub-section (2) of section 69, all the right, title, and interest, which would have been acquired by the purchaser if he had purchased the land at the original sale, and upon the registration of such endorsement in the office of the Registrar of Lands, such right, title, and interest shall vest in the purchaser accordingly.

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

Rights of mortgagees.

**72** If any immovable property to be sold under the provisions of this chapter is subject to a mortgage, it shall be lawful to the mortgagee, on payment of the amount of the contribution due, together with the costs, if any, payable under section 67, to add the amount so paid to the mortgage debt, and the amount so added shall be secured in the same manner, and shall be subject to the same interest, and recoverable on the same conditions as the mortgage debt.

Register of mortgagees.

**73** (1) A register shall be kept at the kachcheri of every revenue district in which irrigation works are situated of all mortgagees of lands under such irrigation works who may desire to have their names inserted therein.

(2) Any such mortgagee shall be entitled to have his name and address entered in such register on payment of an annual fee of one rupee.

(3) Notices of all sales under this chapter of lands, in respect of which any person is so registered as mortgagee, shall be served upon every such person by a registered letter directed to the address stated in the register.

#### CHAPTER IX.

##### *Miscellaneous.*

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

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

Removal of obstruction or encroachment.

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

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

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

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

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

by silt, earth, water, or any other substance owing to the clearing or draining of any land or premises situated above such channel, water-course, or ela, by the owner or occupant thereof, and the Government Agent is not able to settle by agreement between the parties concerned what steps should be taken and what obligations assumed by the owner or occupant of such land or premises, and by the cultivators of

the said fields with or without such assistance as the Director of Irrigation (not being a party concerned), may be willing to contribute, for the purpose of removing such blocking up or obstruction, the repairing of such injury, or the prevention of the recurrence of such blocking up, obstruction, or injury, it shall be lawful for the Government Agent, by written notice addressed to the parties, to direct that the matter shall be referred to the arbitration of such arbitrator or arbitrators as may be agreed upon by the parties, or if any difficulty arises with regard to the prompt appointment of such arbitrator or arbitrators by agreement, then to the arbitration of the District Judge and such assessors, if any, as the District Judge may appoint to assist him for the said purpose.

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

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

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

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

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

(7) In the event of the arbitrators not being agreed whether as to the award or as to any point arising in the course of the proceedings, the opinion of the majority shall prevail. In the event of there being no opinion supported by a majority, the matter shall be determined by the presiding arbitrator.

Enforcement of award.

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

Power of Government Agent to carry out order of arbitrators.

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

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

79 (1) The costs which have been incurred by the Government Agent under the last preceding section shall be certified under his hand, and shall be a first charge on the land and premises mentioned in sub-section (1) of section 76 and on any crop or produce thereof, and on any movable thereon.

(2) The Government Agent shall proceed to recover such costs by seizing and selling such land, premises, crop, produce, or movables, in manner provided in section 65, and the provisions of chapter VIII. of this Ordinance shall, *mutatis mutandis*, apply to every such seizure and sale.

Encouragement  
of paddy  
cultivation.

**80** (1) Whenever it appears that the inhabitants of any village or group of villages forming a subdivision for the purposes of part IV. of "The Village Communities Ordinance, 1889," are unable, by reason of poverty, sparseness of population, or other cause, to bring into cultivation any Crown lands served by any irrigation work constructed or repaired under the provisions of this Ordinance or any previous Irrigation Ordinance, the Governor in Council may, by order to be published in the *Government Gazette*, set apart such allotment of Crown land as he shall think fit for the purpose of being brought into cultivation under this section, and may empower one or more Village Committees of the subdivision to proceed to bring the same into cultivation in manner hereinafter appearing.

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

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

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

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

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

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

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

Acquisition of  
land for  
irrigation  
purposes.

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

Validation of  
schemes  
previously  
sanctioned.

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

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

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

SCHEDULE I.

(Section 69 (1).)

Whereas the sum of \_\_\_\_\_ rupees was due to our Sovereign Lord the King for \_\_\_\_\_ in respect of the land \_\_\_\_\_, hereinafter more fully mentioned and described, and a further sum of \_\_\_\_\_ rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof; and whereas the said land was seized in conformity with the Ordinance No. 45 of 1917, and sold also in conformity therewith, on the \_\_\_\_\_ day of \_\_\_\_\_ and the same was purchased by \_\_\_\_\_, of \_\_\_\_\_, for the sum of \_\_\_\_\_ rupees, which has been duly paid by the said \_\_\_\_\_:

Now know Ye that I, \_\_\_\_\_ (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*), has been sold to \_\_\_\_\_ and purchased by the said \_\_\_\_\_, for the sum of \_\_\_\_\_ rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said \_\_\_\_\_, his heirs, executors, administrators, and assigns. (*Add, free from all incumbrances, in the case of land sold under sub-section (1) of section 65 or under section 75 or 79.*)

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 191—.

(Signed) \_\_\_\_\_,  
Government Agent.

SCHEDULE II.

(Section 69 (2).)

Whereas the sum of \_\_\_\_\_ rupees was due to our Sovereign Lord the King for \_\_\_\_\_ in respect of the land \_\_\_\_\_, hereinafter more fully mentioned and described, and a further sum of \_\_\_\_\_ rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof; and whereas the said land was seized in conformity with the Ordinance No. 45 of 1917, and sold also in conformity therewith, on the \_\_\_\_\_ day of \_\_\_\_\_, and the same was purchased for and on behalf of our Sovereign Lord the King by (the Government Agent) for the sum of \_\_\_\_\_ rupees, which has been duly credited to our said Lord the King in part satisfaction (*or full, as the case may be*) of the sum due as aforesaid and \_\_\_\_\_ rupees for costs:

Now know Ye that I, the said (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*), has been sold and purchased by the said \_\_\_\_\_ for and on behalf of our said Lord the King for the sum of \_\_\_\_\_ rupees, and that the said premises are and shall henceforward be absolutely vested in our said Lord the King, his heirs, and successors. (*Add, free from all incumbrances, in the case of land sold under sub-section (1) of section 65 or under section 75 or 79.*)

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 191—.

(Signed) \_\_\_\_\_,  
Government Agent.

Passed in Council the Twenty-first day of November, One thousand Nine hundred and Seventeen.

C. H. COLLINS,  
Clerk to the Council.

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

R. E. STUBBS,  
Colonial Secretary.



## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,859. In the matter of the insolvency of Felix Basil de Jonk of Bambalapitiya, 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 January 24, 1918, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,  
Colombo, December 15, 1917. for Secretary.

In the District Court of Colombo.

No. 2,873. In the matter of the insolvency of Charles Godfred Thomas of Colombo.

WHEREAS the above-named Charles Godfred Thomas has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by E. Vanderwall, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Charles Godfred Thomas insolvent accordingly, and that two public sittings of the court, to wit, on January 10, 1918, and on January 24, 1918, 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, December 15, 1917. for Secretary.

In the District Court of Colombo.

No. 2,875. In the matter of the insolvency of Kaluarachchige Jacolis Perera of Albion road, Dematagoda, Colombo.

WHEREAS the above-named Kaluarachchige Jacolis Perera has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by A. M. Amarasekera, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Kaluarachchige Jacolis Perera insolvent accordingly, and that two public sittings of the court, to wit, on January 17, 1918, and on January 31, 1918, 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, December 17, 1917. for Secretary.

In the District Court of Negombo.

No. 128. In the matter of the insolvency of R. F. P. Jayatilleka of Negombo.

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 February 12, 1918, for the grant of a certificate of conformity to the insolvent.

By order of court, T. B. CLAASZ,  
Negombo, December 14, 1917. Secretary.

## NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Galle.

Pinnadoowage Davit de Silva of Narigama..... Plaintiff.  
No. 15,722. Vs.

Kalu Atchige Jacoris Perera of Dematagoda... Defendant.

NOTICE is hereby given that on Saturday, January 19, 1918, at 10 o'clock in the forenoon, will be sold by public auction at No. 3, Albion street, Dematagoda, the following movable property for the recovery of the sum of Rs. 1,073.90, with interest on Rs. 993.53 at 9 per cent. per annum from November 27, 1917, viz. :-

318 barrels of plumbago, 3 heaps of plumbago dust, 14 sieves, 1 machine for curing black plumbago, 1 balance with set of weights, 1 lot empty barrels, 7 heaps containing 3,500 short planks used for making plumbago barrels, 1 lot remaining goods.

Fiscal's Office, W. DE LIVERA,  
Colombo, December 17, 1917. Deputy Fiscal.

In the District Court of Galle.

Don Richard de Silva Weerasooriya of Metiwala.. Plaintiff.  
No. 15,723. Vs.

Kalu Atchige Jacoris Perera of Dematagoda... Defendant.

NOTICE is hereby given that on Saturday, January 19, 1918, at 10 o'clock in the forenoon, will be sold by public auction at No. 3, Albion street, Dematagoda, the following movable property for the recovery of the sum of Rs. 2,123.32, with interest on Rs. 2,015 at 9 per cent. per annum from November 27, 1917, viz. :-

318 barrels of plumbago, 3 heaps of plumbago dust, 14 sieves, 1 machine for curing black plumbago, 1 balance with set of weights, 1 lot of empty barrels, 7 heaps containing about 3,500 short planks used for making plumbago barrels, 1 lot remaining goods.

Fiscal's Office, W. DE LIVERA,  
Colombo, December 17, 1917. Deputy Fiscal.

In the District Court of Galle.

Pinnadewage Urdias de Silva of Narigama..... Plaintiff.  
No. 15,724. Vs.

Kalu Atchi Jacoris Perera of Dematagoda..... Defendant.

NOTICE is hereby given that on Saturday, January 19, 1918, at 10 o'clock in the forenoon, will be sold by public auction at No. 3, Albion street, Dematagoda, the following movable property for the recovery of the sum of Rs. 585.61, with interest on Rs. 520.44 at 9 per cent. per annum from November 27, 1917, viz. :-

318 barrels of plumbago, 3 heaps of plumbago dusts, 14 sieves, 1 machine for curing black plumbago, 1 balance with set of weights, 1 lot of empty barrels, 7 heaps containing about 3,500 short planks used for making plumbago barrels, 1 lot remaining goods.

Fiscal's Office, W. DE LIVERA,  
Colombo, December 17, 1917. Deputy Fiscal.

In the District Court of Colombo.

Atukoralage Siman Appu and 9 others..... Plaintiffs.  
No. 28,332. Vs.

(1) Bopagamage Brampy, (2) ditto Bempy, (3) ditto Esandahamy, (4) ditto Soidahamy and her husband (5) Carappu, (6) Galhenege Nono Baba, all of Bope, in the Meda pattu of Hewagama korale, (7) Raigamage Coranis, (8) ditto Brampy, (9) ditto Yasohamy, all of Kandapitiya, in the Udugaha pattu of Raiyigam korale, (10) Kudabalage Nonohamy, (11) Naigamage Sidohamy and her husband (12) Haputantrige Yohanis, (13) Raigamage Seotie, (14) ditto Elias, (15) Seetoe, all of Kandapitiya..... Defendants.

And

(2) Galgamage Hendrick Singho, (3) ditto Charles, all of Bope..... 2nd and 3rd substituted, defendants.

NOTICE is hereby given that on Wednesday, January 23, 1918, will be sold by public auction at the respective premises the right, title, and interest of the said 1st, 2nd,

4th, 6th defendants and 2nd and 3rd substituted defendants in the following property for the recovery of the following sums, to wit:—Rs. 90.56 costs payable by 1st defendant, Rs. 90.56 payable by 2nd defendant, Rs. 45.28 payable by 4th defendant, Rs. 90.56 payable by 6th defendant, Rs. 22.64 payable by 2nd substituted defendant, and Rs. 22.64 payable by 3rd substituted defendant, viz.:—

At 12 noon.

(1) Lot C of the field called Iriyagahakumbura, situated at Bope, in the Meda pattu of Hewagam korale, in the District of Colombo, Western Province; and bounded on the north by Millagahawatta of G. Charles Appu and others, east by Iriyagahakumbura of B. Marthalis Appu and others, south by a water-course and part of the same field of B. Wellun Appu and others, and west by lot B allotted to the 7th, 8th, 9th, 10th, 11th, 13th, 14th, and 15th defendants; containing in extent 1 rood and 28 perches.

At 12.30 P.M.

(2) Lot marked C of the field called Bogahakumbura *alias* Delgahakumbura, situated at Bope aforesaid; and bounded on the north by lot B allotted to the 7th, 8th, 9th, 10th, 11th, 13th, 14th, and 15th defendants, east by lot A allotted to the 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th plaintiffs and Johannes and Hendrick, and Delgahakumbura of Hendrick Appu and others, south by an ela, and west by Delgahakumbura of B. Palloris Appu and others; containing in extent 1 rood and 18 perches.

At 1 P.M.

(3) Lot marked C of the contiguous lands called Ambagahawatta and Kelegahawatta, situated at Bope aforesaid; and bounded on the north-east by Ambagahawatta of B. Julis Appu and others, east by lot B allotted to the 9th, 10th, 11th, 13th, 14th, and 15th defendants, south-west and west by Halgahakumbura of S. Hendrick Appu, and west by lot D allotted to 7th and 8th defendants; containing in extent 2 acres 2 roods and 23 perches.

At 1.30 P.M.

The right, title, and interest of the 1st, 2nd, 4th, and 6th defendants in and to the following properties, to wit:—

(4) Lot marked C of the field called Dewettahettikumbura, situated at Bope aforesaid; and bounded on the north and south by parts of the same field of R. Peeris Appu and others, east by Murathagahawatta of R. Peeris Appu and others, and west by lot B allotted to the 7th, 8th, 9th, 10th, 11th, 13th, 14th, and 15th defendants; containing in extent 1 rood and 28 perches.

At 2 P.M.

(5) Lot marked C of the land called Halwatura, situated at Bope aforesaid; and bounded on the north by Batabagahakumbura of D. John Perera and others, east by lot B allotted to the 7th, 8th, 9th, 10th, 11th, 13th, 14th, and 15th defendants, south by Gonagahawatta of S. Sinna Appu and others, and west by part of the same field of B. Hinn Appu and others; containing in extent 1 rood and 39 perches.

Fiscal's Office,  
Colombo, December 17, 1917.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo.

Cornelia Henrietta Obesekera Lama Etana of Batedola Walauwa, in Veyangoda..... Plaintiff.

No. 46,622. Vs.

Compagnage Pedro *alias* Pedrick Fonseka of Galkissa, in the Palle pattu of Salpiti korale..... Defendant.

NOTICE is hereby given that on Saturday, January 19, 1918, 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. 831.86, with interest on Rs. 750 at the rate of 12 per cent. per annum from November 27, 1916, to February 16, 1917, and thereafter further interest on the aggregate amount at the rate of 9 per cent. per annum till payment in full and costs of suit, with further damages at the rate of Rs. 500 per year from July 1, 1916, with interest thereon at the rate of 12

per cent. per annum until restoration of possession to the property described in the decree, viz.:—

At 3 P.M.

A defined portion of the land called Galkissawatta, with the buildings and plantations standing thereon, situated at Galkissa, in the Palle pattu of Salpiti korale; and bounded on the north by the garden of Don Bastian Samarasinghe Muhandiram, on the east by a portion of the same land belonging to Kompagnage Zilvestry Fonseka, on the south also by a portion of the same land, and on the west by a portion of the same land belonging to Palliawadinage Carlina Fernando and others; 48 yards towards the north, and 16 yards towards the east, 48 yards towards the south, and 16 yards towards the west within the above boundaries.

At 3.30 P.M.

(2) Another defined portion of the said land called Galkissawatta (with the buildings and plantations), situated at Galkissa aforesaid; and bounded on the north by the garden of Hendrick Silva, on the east by the high road, on the south and west by the portions of the same land; containing in extent 19 27/100 perches.

Fiscal's Office,  
Colombo, December 17, 1917.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo.

Rambukkana Maggonage William Perera of Idama Moratuwa..... Plaintiff.

No. 47,247. Vs.

Gorakanage Abraham Gomis of Idama..... Defendant.

NOTICE is hereby given that on Monday, January 21, 1918, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 1,405.65, with interest on Rs. 400 at 16 per cent. per annum and on Rs. 1,000 at 9 per cent. per annum from March 9, 1917, to July 27, 1917, and thereafter on the aggregate amount at the rate of 9 per cent. per annum till payment in full and costs of suit, viz.:—

At 10 A.M.

(1) An undivided  $\frac{1}{4}$  share of Kahatagahawatta, situated at Idama in Moratuwa, in the Palle pattu of Salpiti korale; and bounded on the north by the land belonging to Randage Thomis Fernando, on the east by the land belonging to Gorakanage Salman Gomis, on the south by Thodanpatalagawatta, and on the west by the land belonging to Warusahennedige Louis Soysa; and containing in extent 125 coconut trees plantable extent, together with  $\frac{1}{4}$  of the old buildings standing thereon.

At 11 A.M.

(2) An undivided 19/24 shares of the contiguous portions of the land called Meegahawatta *alias* Ketekalagahawatta, situated at Wattarapola in Galkissa, in the Palle pattu of Salpiti korale; and bounded on the north by a part of this land belonging to Cicilia Silva, on the east by Dasingewatta, on the south by Andigewatta, and on the west by a part of this land belonging to Walgampolage Carolis Perera; and containing in extent 1 rood and 25  $\frac{1}{4}$  perches.

Fiscal's Office,  
Colombo, December 17, 1917.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Colombo.

M. Sabaratnam of Messenger street, Colombo..... Plaintiff.

No. 47,784. Vs.

(1) Thahapulle Noor Mohamed, (2) Thahapulle Paakeer Mohideen, both of Kew street, Slave Island, Colombo..... Defendants.

NOTICE is hereby given that on Thursday, January 24, 1918, 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 and ordered to be sold by the order of court dated November 28, 1917, for the recovery of the sum of Rs. 800,

with legal interest thereon from August 24, 1917, till payment in full, and costs of suit, viz. :—

All that undivided  $\frac{3}{4}$  share from and out of lot No. 2 shaded dark pink and marked letter X in plan dated October 2, 1899, made by Charles Schwallie, Licensed Surveyor, with the buildings thereon, formerly bearing assessment Nos. 25 and 25 B, situate at Slave Island, within the Municipality and District of Colombo, Western Province; bounded on the north by a portion of the same land, on the east by lot No. 5 of Ahamado Lebbe Sinna Marikar, on the south by lot No. 1 of Sinna Marikar Habebu Umma, and on the west by a passage 7 feet wide; containing in extent 5 and  $\frac{68}{100}$  square perches, exclusive of a portion  $\frac{99}{100}$  of a square perch, together with all appurtenances whatsoever to the said premises belonging or in anywise appertaining or held to belong thereto or used or enjoyed therewith, and all the estate, right, title, interest, property, claim, and demand whatsoever of the said defendants into, upon, or out of the said premises in terms of the decree.

Fiscal's Office,  
Colombo, December 18, 1917.

W. DE LIVERA,  
Deputy Fiscal.

In the District Court of Negombo.

Sawanna Thana Weerappah Chetty of  
Negombo ..... Plaintiff.  
No. 12,241. Vs.

Pattage Manuel Fernando of Kimbulapitiya.... Defendant.

NOTICE is hereby given that on January 16, 1918, 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 Paragahawatta *alias* Mahawatta, the buildings and the mill standing thereon, situate at Kimbulapitiya, in Dunagaha pattu of Alutkuru korale; and bounded on the north, east, and south by field (*wela*), and on the west by land belonging to Koragalagamage Anthony Fernando, Pinwatta, the land belonging to Irippuge Gregoris Fernando, and land belonging to the church; containing in extent about 4 acres.

Amount to be levied Rs. 375, with interest on Rs. 300 at 25 cents on Rs. 10 per mensem from September 1, 1917, to November 1, 1917, and thereafter at 9 per cent. per annum.

Deputy Fiscal's Office,  
Negombo, December 18, 1917.

W. N. S. ASSERAPPA,  
Deputy Fiscal.

In the District Court of Kalutara.

(1) Surindawarinekatige Jayatuwa, (2) Diminuguarige Babanisa, (3) Tapuwawarige Dandirissa of Maduruduwa in Paiyagala..... Plaintiffs.  
No. 5,504. Vs.

(18) Karanatcharinekatigey Podi, (19) Tilakatcharinekatige Kalua, (20) ditto Antho, (21) ditto Gira, (22) ditto Saina, (23) Surindawarige Podissira, (24) ditto Pindorissa, (25) Tanapathilyanarallage Mikela de Silva Hamine, (28) Eswarinekatige Louia, (30) Tapuwawarinekatige Roggie, (31) ditto Doochia, Danchia, all of Paiyagala..... Defendants.

NOTICE is hereby given that on Saturday, January 12, 1918, 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. 338.21, viz. :—

(1) Lot marked M of the land called Maduruduwewatta, allotted to 19th defendant, appearing in plan No. 387, dated June 18, 1915, made by Mr. L. L. de Souza, Licensed Surveyor, situated at Maduruduwa in Paiyagala; and bounded on the north by lot marked H of the same land, on the east by lot marked N of the same land, on the south by lot marked C of the same land, and on the west by lot marked L of the same land; and containing in extent  $7\frac{1}{18}$  perches.

(2) Lot marked N of the aforesaid land allotted to 20th defendant, situated at ditto; and bounded on the north by lots marked H and I of the same land, on the east by lot marked O of the same land, on the south by lot marked C of the same land, and on the west by lot marked M of the same land; and containing in extent  $7\frac{1}{18}$  perches.

(3) Lot marked O of the aforesaid land allotted to 21st defendant, situated at ditto; and bounded on the north by lot marked I of the same land, on the east by lot marked P of the same land, on the south by lot marked C of the same land, and on the west by lot marked N of the same land; and containing in extent  $7\frac{1}{18}$  perches.

(4) Lot marked P of the aforesaid land allotted to 22nd, 23rd, and 24th defendants, situated at ditto; and bounded on the north by lot marked I of the same land, on the east by Danweloyawewa, on the south by lot marked C of the same land, and on the west by lot marked O of the same land; containing in extent  $7\frac{1}{18}$  perches.

(5) Lot marked U of the aforesaid land allotted to 18th defendant, situated at ditto; and bounded on the north, east, and south by lot marked X of the same land, and on the west by lot marked Y of the same land; containing in extent  $28\frac{6}{37}$  perches.

(6) Lot marked V of the aforesaid land allotted to 25th defendant, situated at ditto; and bounded on the north by Danweloyawewa, on the east by lots marked D, B, G, H, and J of the same land, on the south by lots marked A, W, X, and Y of the same land, and on the west by the field belonging to Crown; and containing in extent 3 acres and 28 perches.

(7) Lot marked Q of the aforesaid land allotted to 28th defendant, situated at ditto; and bounded on the north by lot marked W of the same land, on the east by lot marked R of the same land, on the south by lot marked X of the same land, and on the west by lot marked T of the same land; containing in extent  $28\frac{6}{27}$  perches.

(8) Lot marked R of the aforesaid land allotted to 31st defendant, situated at ditto; and bounded on the north by lot marked W of the same land, on the east by lot marked S of the same land, on the south by lot marked X of the same land, and on the west by lot marked Q of the same land; containing in extent  $9\frac{11}{27}$  perches.

(9) Lot marked S of the aforesaid land allotted to Danchia, situated at ditto; and bounded on the north by lot marked W of the same land, on the east by lot marked Y of the same land, on the south by lot marked X of the same land, and on the west by lot marked R of the same land; containing in extent  $9\frac{11}{27}$  perches.

Deputy Fiscal's Office,  
Kalutara, December 11, 1917.

H. SAMARASINGHE,  
Deputy Fiscal.

In the District Court of Kalutara.

D. F. Julijan Jayawardna of Paiyagala ..... Plaintiff.  
No. 6,878. Vs.

Arumadura Rabinias de Silva Karunaratne of Mullepitiya ..... Defendant.

NOTICE is hereby given that on Tuesday, January 22, 1918, 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 defendant in the following property for the recovery of Rs. 639.57, viz. :—

1. The land called and known as Daluwatupitiyewatta, situate at Mullepitiya, in Alutgambadde; and bounded on the north by Uswatta, on the east by Meegahawatta, on the south by Dehigahapitiyewatta, and on the west by Pelawatta; and containing in extent about 2 acres.

2. The portion of the land towards the eastern side of Lusikkagewatta, situate at Mullepitiya; and bounded on the north by Mahakumburawatta, on the east by Pelawatta, on the south by Korelapitiyewatta *alias* Kotagewatta, and on the west by high road; and containing in extent about 1 rood.

3. An undivided  $\frac{1}{4}$  share of the soil and of the trees of the land called and known as Gamagewatta, situate at Mullepitiya; and bounded on the north by Gastihewatta and Kaiammawatta, on the east by Pelawatta and Hathawatta, on the south by Mallappuwawatta and Pattigewatta, and on the west by Meegahawatta *alias* Yakdehigewatta; and containing in extent about 2 acres.

4. An undivided  $\frac{1}{4}$  share of the soil and of the trees of the land called Henewatta, situate at Mullepitiya; and bounded on the north by Thandalwatta, on the east by Pelawatta, on the south by a portion of the same land, and on the west by Wannachigewatta; and containing in extent about 1 acre.

Deputy Fiscal's Office,  
Kalutara, December 18, 1917.

H. SAMARASINGHE,  
Deputy Fiscal.

In the District Court of Colombo.

Joseph Boniface Michael Pereira of Walgama estate,  
Pannipitiya ..... Plaintiff.

No. 42,449. Vs.

Thenkuttige Salis de Silva of Kaluwamodera, in Alut-  
gambadde, in the District of Kalutara ..... Defendant.

NOTICE is hereby given that on Saturday, January 19, 1918, at 11 o'clock in the forenoon, will be sold by public auction at the warehouse No. 22, at Elabodawatta in Kaluwamodera, the following movable property, for the recovery of Rs. 11,845.34, with interest thereon at 9 per cent. per annum from August 16, 1915, till payment in full, less Rs. 5,000, viz. :—

All those 5,882 gallons of arrack belonging to the said defendant, now lying in warehouse No. 22, standing on Elabodawatta in Kaluwamodera in Alutgambadde, in the District of Kalutara.

N.B.—The aforesaid arrack will be put up for sale only to those who are authorized to purchase under the Excise Regulations.

Deputy Fiscal's Office, H. SAMARASINGHE,  
Kalutara, December 11, 1917. Deputy Fiscal.

In the District Court of Colombo.

Aneurin Howell Thomas of Talawakele, Ceylon, con-  
tinuing trustee of the will of the late James Munro  
of Colombo, deceased ..... Plaintiff.

No. 47,604. Vs.

Ponnanhenedige Harry Dias of Nalluruwa, in Pana-  
dure ..... Defendant.

NOTICE is hereby given that on Saturday, February 2, 1918, at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property, mortgaged by the defendant with plaintiff, declared bound and executable for the decree entered in the above case for the recovery of Rs. 10,903.24, with interest on Rs. 10,000 at 9 per cent. per annum from May 1, 1917, till payment in full, viz. :—

All those three contiguous allotments of land marked letters F, G, H in the figure of survey No. 1,717, dated February 15, 1899, made by Mr. B. M. Flamer Caldera, Land Surveyor, of the land called Dombagahawatta *alias* Mūdiasegewatta, situated in the village (Pattia South in Panadurabaddē), Nalluruwa, in Talpitibadde of Panadure totamune, in the District of Kalutara, Western Province; and bounded on the north presently by the road and formerly a land set apart for a road of 20 chains wide, on the east by the road leading from Colombo to Galle, on the south by the land belonging to Merennage Mathes Salgado and Ponnanhenedige Victoria Dias, and Madangahawatta belonging to Arnolis Fernando, and on the west by the land belonging to Ceylon Government Railway; containing in extent 8 acres, registered B 113/367 in the Kalutara District Land Registry Office, together with all the buildings standing thereon at the time of sale, and all appurtenances whatsoever to the said property and premises belonging, or in anywise appertaining, or held to belong, or be appertenant thereto, and all the estate, right, title, interest, property, claim, and demand of the defendant in and to the same.

Deputy Fiscal's Office, H. SAMARASINGHE,  
Kalutara, December 18, 1917. Deputy Fiscal.

In the District Court of Colombo.

K. M. N. M. Arunasalam Chetty of Sea street, in  
Colombo ..... Plaintiff.

No. 47,723. Vs.

Thanapathilianarallage Michela de Silva Hamine,  
widow of Weerawarna Kurukulasuriya Boosabaduge  
Haramanis Fernando Jayawardene Appuhamy of  
Maggonā, (2) Weerawarna Kurukulasuriya Boosa-  
baduge Justina Angelina Mendis *nee* Fernando  
Jayawardene Hamine, widow of Sampathawaduge  
Frederick Mendis of Dean's road, Colombo, presently  
of Kanatte road, in Colombo ..... Defendants.

NOTICE is hereby given that on Saturday, January 26, 1918, commencing at 11 o'clock in the forenoon, will be sold

by public auction at the respective premises the right, title, and interest of the said defendants in the following property (mortgaged by the defendants with plaintiff and declared bound and executable for the decree entered in the above case) for the recovery of Rs. 1,590, with interest on Rs. 1,000 at 24 per cent. from May 15, 1917, to May 28, 1917, and thereafter at 9 per cent. per annum on the aggregate till payment, viz. :—

1. All that allotment of land called Mahatoppuwewatta, situate at Maggonā, in Maggonbadde, in Kalutara totamune, in the District of Kalutara; bounded on the north by the land described in plan No. 74,801, east by the land belonging to D. K. Fernando, south by the land described in plan No. 74,807, and west by the land belonging to S. N. Lebbe Commister T. Lebbe Marikar and others; containing in extent 3 perches.

2. All that allotment of land called Thoppuwewatta, situated at Maggonā aforesaid; bounded on the north by the land described in plan No. 74,808, north-west by the land belonging to Daniel Kaithan Fernando and others, south by the land described in plan No. 74,600, and south-west by the land belonging to Daniel Kaithan Fernando and others; containing in extent 23 perches.

3. All that allotment of land called Thoppuwewatta, situated at Maggonā aforesaid, and bounded on the north-east by the land belonging to B. Justina Fernando and others, south by the land described in plan No. 74,801, south-west by the land belonging to B. Justina Fernando and others, and north-west by the seabeach; containing in extent 10 perches.

4. All those undivided 2/5 of 3/10 parts of the land called Thoppuwewatta, and 2/5 part of the tile roofed house standing thereon, situated at Maggonā aforesaid; bounded on the north by the 1/2 part of the same land belonging to Justina Fernando, east by Navasigahawatta and Malimiawatta, south by Periathoppuwewatta and Welikoratuwewatta, and west by seabeach; containing in extent about 2 1/2 acres, exclusive of 2 cart roads and railway line passing through the land.

5. All that undivided 1/2 part of the field called Batuatte-wela, situated in the village Doowegoda, in Maggonbadde aforesaid; and bounded on the north by the land described in plan No. 71,824 and Crown land, east by the land described in plan No. 71,832 and Pelawatta, south-east by Pelawatta, south by land described in plan No. 71,830, and west by lands described in plans Nos. 71,830, 71,825, and 71,824; containing in extent 2 acres 2 roods and 26 perches.

6. All that undivided 1/2 part of the land called Kenda-gahawelabodaudumulla, situated at Doowegoda aforesaid; bounded on the south-west by land described in plan No. 71,881, and on all other sides by Crown lands; containing in extent 3 roods and 36 perches.

Deputy Fiscal's Office, H. SAMARASINGHE,  
Kalutara, December 18, 1917. Deputy Fiscal.

In the District Court of Colombo.

M. R. M. M. M. Muttiah Chetty of Sea street,  
Colombo ..... Plaintiff.

No. 49,116. Vs.

Nawalage Harry Coorey of Bambalapitiya in Colombo,  
now of Panadure ..... Defendant.

NOTICE is hereby given that on Tuesday, January 29, 1918, at 11 o'clock in the forenoon, will be sold by public auction at the residence of the Fiscal's Officer the following movable property (mortgaged by the defendant with plaintiff and declared bound and executable for the decree entered in the said case) for the recovery of Rs. 3,571.75, with interest on Rs. 3,500 at 18 per cent. per annum from November 20, 1917, till November 23, 1917, and thereafter further interest on the aggregate amount at 9 per cent. per annum till payment in full, viz. :—

All that Hupp motor car bearing No. C 2,416, together with all accessories, implements, tools, and other articles appertaining thereto.

Deputy Fiscal's Office, H. SAMARASINGHE,  
Kalutara, December 18, 1917. Deputy Fiscal.

*90-4*  
Central Province.

In the District Court of Kandy.

M. P. M. Muttu Carpen Chetty of Gampola... Plaintiff.  
No. 25,228. Vs.

Dadaweddalegedera Siripina Duraya of Geliyoa, in Peradeniya ..... Defendant.

NOTICE is hereby given that on Wednesday, January 23, 1918, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of the sum of Rs. 512.95, with legal interest on Rs. 401.25 from January 25, 1917, together with poundage thereon, viz. :—

The land called Pussemullehena and the field called Pussemullakumbura, both of about 3 acres in extent, situate at Geliyoa, in Udunuwara; and bounded on the east by the field and stone fence, on the south by land belonging to Konnappu and field, on the west by endaru fence or the Pansalawatta fence, and on the north by the land belonging to Vidanelage Paulu Mel and the wall of the house of Isytamby; together with the buildings and everything standing thereon.

The Pussemulle field referred to above has been converted into a high land, on which the house stands.

Fiscal's Office, Kandy, December 18, 1917. A. V. WOUTERSZ, Deputy Fiscal.

*90-4*  
In the District Court of Colombo.

O. A. O. K. M. R. N. Pallaniappa Chetty of Sea street, Colombo ..... Plaintiff.  
No. 45,523. Vs.

(1) Matilda H. Peiris of Moratuwa, (2) Jacob F. Silva, and (3) J. G. Fernando of Cinnamon Gardens, Colombo ..... Defendants.

NOTICE is hereby given that on Tuesday, January 22, 1918, 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 the sum of Rs. 75,506.98, with interest at 9 per cent. per annum from October 27, 1917, till payment in full, viz. :—

At 12 noon.

All that allotment of land, with the houses thereon bearing present assessment No. 852 of the extent of 1 rood and 35 perches, situate at Peradeniya road, Katukele, within the Municipality and in the District of Kandy of the Central Province, in the Island of Ceylon; and bounded on the east by the property bearing No. 853 belonging to S. Soysa, Surveyor, on the south by Peradeniya road, on the west by the property bearing No. 851 belonging to Noordin Halal Din, on the north by the property belonging to Mr. Blazé, as per figure of survey bearing No. 500 dated May 5, 1908, and made by G. E. de Motte of Kandy, Surveyor:

At 1 P.M.

2. All that house and ground bearing assessment No. 851 of the extent of 36 perches, situate at Katukele, within the Municipality and in the District of Kandy aforesaid; and bounded on the east by house No. 852 belonging to P. S. Tambugala, on the south by Peradeniya road, on the west by house No. 850 belonging to Tajon Suhood, and on the north by the property of Mr. Blazé, as per figure of survey No. 501 dated May 5, 1908, and made by G. E. de Motte, Surveyor.

These two properties adjoin each other and now form one property and is occupied by the arrack farm.

Fiscal's Office, Kandy, December 18, 1917. A. V. WOUTERSZ, Deputy Fiscal.

*90-4*  
Southern Province.

In the District Court of Matara.

Don Thomis Gunasekere, Police Officer, Ahangama... Plaintiff.  
No. 6,524. Vs.

A. P. Siniyas Abeysuriye ..... Defendant.

NOTICE is hereby given that on Monday, January 7, 1918, at 12 noon, will be sold by public auction at the

respective premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 585.25 and Fiscal's charges, viz. :—

(1) The land called Laksewatta, at Meddewatta; and bounded on the north by high road, east by Tappewatta, south by Tappewatta, west by Laksewatta belonging to Mr. Keuneman. Valued at Rs. 2,500.

(2) The land called Kopikoratuwa, at Kotuwegoda, Matara, and the buildings standing thereon; and bounded on the north by high road, east by Wijjeaddarawatta, south by Jankuruhnedigegeedarawatta, and west by Joolgahawatta. Valued at Rs. 2,000.

Deputy Fiscal's Office, Matara, December 11, 1917.

T. REID, Deputy Fiscal.

*90-2*  
In the District Court of Kurunegala.

Kana Nana Kana Seyna Vairawan Chetty, by attorney K. N. K. S. Muttiah Chetty ..... Plaintiff.  
No. 5,809. Vs.

Andrew Joseph Perera of Kurunegala, now at Weligama ..... Defendant.

NOTICE is hereby given that on Saturday, January 5, 1918, at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 374.53, with further interest on Rs. 200 at 24 per cent. per annum from August 31, 1915, to date of decree, and with legal interest on the aggregate amount from date of decree till payment in full, and Fiscal's charges, viz. :—

(1) An undivided 23/24 share of the land called Badalgodakurunduwatta, situate at Mirisse, in Weligam korale of Matara; and bounded on the north by Diganekumbura, Paragahaowita, Guruwepadinchiwahitiyewatta, and Adduwewekumbura, east by Badalgegedarawatta and Mestrigedeniya, on the south by land appearing in plans Nos. 62,361 and 62,359 and Badalgegederawatta, and on the west by Gamagekumbura, Mestrigedeniya, and Widuwakumbura. Valued at Rs. 3,000.

(2) An undivided 5/6 share of the garden Nugagahahena, situate at the same village; and bounded on the north by Mestrigedeniya and Boraledeniya, on the east by the land said to belong to the Crown and Galkaduwedeniya, on the south by Diganekumbura, Paragahaowita, Guruwepadinchiwahitiyewatta, and Adduwewekumbura, and on the west by high road; together with the plantations, buildings standing thereon. Rs. 1,500.

Deputy Fiscal's Office, Matara, December 10, 1917.

T. REID, Deputy Fiscal.

Northern Province.

*90-71*  
In the District Court of Jaffna.

Aloysia Margaret Muttamma Muttunayagam of Silver Oaks, Travandrum ..... Plaintiff.  
A. M. Muttunayakam of Silver Oaks, Travandrum ..... Substituted Plaintiff.  
No. 11,041. Vs.

Mrs. L. Brito, presently of Queen's Hotel, Kandy, executrix of the last will and testament of the late Philip Isedore Rajaratnam Brito ..... Defendant.

NOTICE is hereby given that on Saturday, January 12, 1918, 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. 32,000, with interest thereon at the rate of 15 per cent. per annum from January 10, 1916, up to April 30, 1917, and further interest on aggregate amount at the rate of 9 per cent. per annum from April 30, 1917, until payment in full, and costs of suit being Rs. 645.21, and poundage and charges, viz. :—

(1) All that tract of land called Chettykadu, with its appurtenances, situated at the village of Periapalai, in the



parish of Puloppalai in Pachchilappali division, containing or reputed to contain in extent about 97 acres 1 rood and 23 perches; bounded or reputed to be bounded on the east by road, north by sand road and property belonging to Tewanai, wife of Sinnatampi, and others, west by the property of Aloysia Margaret Muttamma Muthunayakam and others, and on the south by sand road and Crown land.

(2) All that eastern portion of the tract of land called Natchimasolaikadu, presently known as Cholai, with its appurtenances, situated at Puloppalai, containing or reputed to contain in extent 42 acres and 20 perches; bounded or reputed to be bounded on the east by property claimed by the inhabitants of Pallai, north by sand road, west and south by the property of the plaintiff A. M. M. Muttunayagam.

(3) All that tract of land called Allappallykadu, also called Arasadithoddam, with its appurtenances, situated at Puloppalai, containing or reputed to contain in extent 27 acres 2 roods and 13 perches; bounded or reputed to be bounded on the east by the property of Chankarapillai and others, north by the property of Mr. Senatiraja and others, west by lane and by the property of Mr. Senatiraja and others, and south by the property of Murusakar Kanakasabai.

(4) All that tract of land called Kurichipanayilkadu, also called Kurudikadu, with its appurtenances, situated at Vempodukeni, containing or reputed to contain in extent 57 acres 2 roods and 36 perches; bounded or reputed to be bounded on the east by the property of Mr. C. M. Brito and others, north by sand road, west by the property of Kanapathiar Arumugam and others, and on the south by the property of Mr. C. M. Brito.

Fiscal's Office,  
Jaffna, December 15, 1917.

S. SABARATNAM,  
for Fiscal.

In the District Court of Jaffna.

Kiriddinar Kathiresapillai of Vannarponnai West. Plaintiff.

No. 11,758. Vs.

Kumarasamy Elaiayah of Chiviateru ..... Defendant.

NOTICE is hereby given that on Thursday, January 24, 1918, at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,070, with interest on Rs. 1,000 at the rate of 12 per cent. per annum from January 10, 1917, until payment in full, and costs of suit being Rs. 130.70, and poundage and charges, viz. :—

1. A piece of land situated at Chiviateru, called Chayakaranpulam, containing or reputed to contain in extent 17 lachams of varagu culture, with well, huts, and cultivated and spontaneous plants; bounded or reputed to be bounded on the east by the property of Murugar Kantar and shareholders, north and west by lanes, and south by the property of the heirs of the late Kathiravelu Murugesu and others.

2. A divided  $\frac{1}{2}$  share on the west, in extent  $71\frac{1}{2}$  lachams of paddy culture more or less, with palmyras and cultivated and spontaneous plants, of a piece of land situated at Chiviateru, called Uvarvayal, and other parcels, containing or reputed to contain in extent 143 lachams of paddy culture; the said divided  $\frac{1}{2}$  share on the west in extent  $71\frac{1}{2}$  lachams paddy culture is bounded or reputed to be bounded on the east by the property of Coomasamy Ponnuchami, north by the property of the defendant, west by the property belonging to the temple called Viswanathaswami kovil, and on the south by the property of Arumugam Kailasapillai and others.

3. A piece of land situated at Chiviateru, called Anunkivalavis, containing or reputed to contain in extent 100 lachams of varagu culture, with cultivated and spontaneous plants and well; bounded or reputed to be bounded on the east by lane; north by the property of Muttamma, wife of

Visuvanatar, and others, west by the property belonging to the temple called Chittivinayakapilliar kovil, and on the south by seashore.

Fiscal's Office,  
Jaffna, December 13, 1917.

S. SABARATNAM,  
for Fiscal.

In the District Court of Jaffna.

Saverimuttu Sinnatamby Francis of Jaffna Town. Plaintiff.

No. 11,969. Vs.

(1) Neekilappillai Seeman and (2) Neekilappillai Anthiresu, both of Chundikuly ..... Defendants.

NOTICE is hereby given that on Wednesday, January 23, 1918, 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. 1,360, with interest on Rs. 1,000 at the rate of 12 per cent. per annum from May 1, 1917, until payment in full, such interest not exceeding Rs. 640, and costs of suit being Rs. 182.97, and poundage and charges, viz. :—

A piece of land situated at Chundikuly, called Muthalaikulamvayal, containing or reputed to contain in extent 15 lachams of paddy culture, with stone built house, well, and cultivated and spontaneous plants; bounded or reputed to be bounded on the east by the property of Luvisappillai, widow of Martyn, north by the property of Luvisappillai, widow of Martyn, and road, west by the property of the 1st defendant and Samuel Gnanaprakasam and shareholders, and on the south by the property of Luvisappillai, widow of Martyn, and Agnesamma, wife of Aseervatham.

Fiscal's Office,  
Jaffna, December 13, 1917.

S. SABARATNAM,  
for Fiscal.

In the District Court of Jaffna.

Swaminatha Aiyar Kumaraswamy Aiyar of Chavakachcheri ..... Plaintiff.

No. 11,981. Vs.

(1) Veluppillai Venasittampi and wife (2) Sithamparem of Chavakachcheri ..... Defendants.

NOTICE is hereby given that on Friday, January 18, 1918, 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. 663.33, with interest on Rs. 500 at the rate of 14 per cent. per annum from May 4, 1917, until payment in full, provided that further interest does not exceed Rs. 336.67, and costs of suit being Rs. 128.25, and poundage and charges, viz. :—

(1) A piece of land situated at Chavakachcheri, called Cheddikulamvayal, containing or reputed to contain in extent 38 lachams of paddy culture; bounded or reputed to be bounded on the east by the property belonging to the temple called Varivananathasivan kovil at Chavakachcheri and the property of Suppaiar Arunasalam Aiyar, north by the properties belonging to the minor children of Sinnappoo Arulampalem, and Ponnupillai, wife of Ponnu, west by the property of Ponnupillai, wife of Ponnu, Karthikesu Kandiah and brothers, and on the south by the property belonging to the 1st defendant and to the minor children of Sinnappoo Arunasalem and others.

(2) A piece of land situated at Chavakachcheri, called Kuttavayal, containing or reputed to contain in extent 30 lachams of paddy culture; bounded or reputed to be bounded on the east by the property of Pasupathy Thambiah and brother and Murugar Kanapathy and brother, north by the property of Arunasalem Kanakar and brother, west by the property of Sinnatamby Namasiyayam and water-course, and south by the property of Nallachchipillai, wife of Veeravagu.

Fiscal's Office,  
Jaffna, December 15, 1917.

S. SABARATNAM,  
for Fiscal.

## North-Western Province.

In the District Court of Chilaw.

Muttu Karuppa Mudali of Chilaw ..... Plaintiff.  
No. 5,431. Vs.

Mohamado Saibo Yapper Saibo of Chilaw ..... Defendant.

NOTICE is hereby given that on Saturday, January 19, 1918, 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, which have been specially mortgaged, viz. :—

1. The garden called Tekkamarattaditottam or Thodamarattaditottam, with the buildings and plantations standing thereon, situate at Munnessaram, in Munnessaram pattu of Pitigal korale north in the District of Chilaw; and bounded on the north by Kurunegala road, east by land belonging to the Munnessaram temple, south by land of Yahapathamy and others, and west by garden of Nagan Vidane; containing in extent about  $\frac{1}{2}$  an acre.

2. Undivided  $\frac{4}{5}$  shares towards the east from and out of the field called Paniyavelivayal, situate at Palakulam, in Munnessaram pattu aforesaid; and bounded on the north by garden called Kathumullutottam and Watawanavayal belonging to the heirs of Asen Neina Marikar, east by dam of the field belonging to Segu Muhammado and others, south by road, and west by Padirakattawatta; containing in extent about 40 acres or 40 parras of paddy sowing soil.

3. The garden situate at Palakulam aforesaid; and bounded on the north and west by Sirukkulam, east by tank and garden called Muhaiyadeenwawaperpattatottam, south by garden called Konda-addappanarperpattatottam; containing in extent 3 roods and 2 perches.

4. The portion of Tommetottam and portion of Alwakkatottam, forming one property, with the buildings and plantations standing thereon, situate at Puttalam road, in Chilaw town; and bounded on the north by common fence of the land of Kadiravel Asari, east by Puttalam road, south by fence of the land of Mr. C. E. Corea, and west by fence of gala land now belonging to the heirs of L. M. Meera Saibo Lebbe; containing in extent  $36\frac{1}{2}$  yards in breadth from east to west and  $40\frac{1}{2}$  yards in length from south to north (exclusive of the path which is 1 yard in breadth leading to gala) belonging to the heirs of Meera Saibo Lebbe.

Amount to be levied Rs. 5,100, with further interest on Rs. 5,500, viz., Rs. 3,000 and Rs. 500 at 18 per cent. per annum and Rs. 2,000 at  $13\frac{1}{2}$  per cent. per annum from April 10, 1916, up to July 14, 1916, and further interest on the aggregate sum at 9 per cent. per annum till payment in full, and poundage.

Deputy Fiscal's Office,  
Chilaw, December 18, 1917.A. V. HERAT,  
Deputy Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the Districts of Chilaw and Puttalam will be holden at the Court-house at Colombo, on Thursday, January 10, 1918, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,  
Kurunegala, December 13, 1917.S. D. SAMARASINHA,  
for Fiscal.

In the District Court of Kurunegala.

(1) Rajapaksa Mudienselage Dingiri Banda, (2) ditto Tikiri Banda, (3) ditto Kiri Mudiyanse, (4) ditto Ukku Menika, (5) ditto Ran Menika, (6) ditto Punchirala, (7) added plaintiff Wijekoon Mudiyanse-elage Dingiri Amma; the 2nd, 3rd, 4th, 5th; and 6th minors, by their duly appointed next friend the 1st plaintiff above named; all of Panaliya, in Udapola Otota korale ..... Plaintiffs.

No. 6,150. Vs.

Rajapaksa Mudiyanse-elage Dingiri Amma of Panaliya,  
in Udapola Otota korale ..... Defendant.

NOTICE is hereby given that on Tuesday, February 5, 1918, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said plaintiffs in the following property, viz. :—

Mederiwatta, of about 1 amunam of kurakkan sowing extent, with the plantations and buildings standing thereon, situated at Panaliya, in Udapola Otota korale; and bounded on the east by high road and the lands of Puchi Menika and Appuhamy, south by Pinwatta, west by the garden belonging to Kiri Menika, and on the north by field.

Amount to be levied Rs. 109.50, and poundage.

Fiscal's Office,  
Kurunegala, December 17, 1917.S. D. SAMARASINHA,  
Deputy Fiscal.

## Province of Sabaragamuwa.

In the District Court of Colombo.

Weerasinghe Araccige Peter Fernando of 5th Cross  
street, Pettah, Colombo ..... Plaintiff.

No. 46,688. Vs.

Kodituwakku Arachchige Hendrick Appuhamy of  
Kuruwita ..... Defendant.

NOTICE is hereby given that on Wednesday, January 16, 1918, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the sum of Rs. 574.15, with legal interest thereon from December 8, 1916, till payment, viz. :—

An undivided  $\frac{1}{4}$  share of Mallikage Gammasama, situate at Panawala, in Panawal korale of Three Korales, in the District of Kegalla; bounded on the north by Gomala-oya and the boundary of Radageowala, east by Madagammanela and Gomala-oya, south by ditch separating Poliduruwatta, west by Hettige Gammasama and Hatara-anda-kurahanwatta; containing in extent 10 amunams of paddy sowing.

Fiscal's Office,  
Avissawella, December 12, 1917.A. RANESINGHE,  
Fiscal's Marshal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Ratnapura will be holden at the Court-house at Colombo on Thursday, January 10, 1918, at 11 o'clock of the morning of the said day.

And I do hereby require and inform all persons concerned therein to attend at the time and place above mentioned, and not to depart without leave asked and granted.

Fiscal's Office,  
Ratnapura, December 12, 1917.B. CONSTANTINE,  
Fiscal.

I, BERTRAM HILL, Fiscal for the North-Western Province, do hereby appoint Mr. Senarath Wickramasinghe to be Marshal for the divisions of Pitigal korale south and Pitigal korale central, in the District of Chilaw, under the provisions of the Fiscals Ordinance, No. 4 of 1867, for seven days from December 23 to 29, 1917, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

Given under my hand at Kurunegala, this 17th day of December, 1917.

BERTRAM HILL,  
Fiscal.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

## Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Godakandage Hendrick Perera, pawnbroker of Madampitiya, in Colombo, deceased.

Wickremasinghe Eliza Pieris of Madampitiya, in Colombo ..... Petitioner.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on December 5, 1917, in the presence of Mr. C. E. A. Samarakkody, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated December 5, 1917, and (2) of the notary and attesting witnesses also dated December 5, 1917, having been read:

It is ordered that the last will of Godakandage Hendrick Perera, deceased, of which the original has been produced, and is now deposited in this court be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will, and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before January 17, 1917, show sufficient cause to the satisfaction of this court to the contrary.

December 5, 1917. L. M. MAARTENSZ, Additional District Judge.

In the District Court of Colombo.

## Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Emelia Henrietta de Kretser, late of St. Ives, Bambalapitiya, Colombo, deceased.

(1) Ernest Colin de Kretser of Campbell place, Colombo, and (2) Henry James de Kretser of Barnes place, Colombo ..... Petitioners.

THIS matter coming on for disposal before Lewis Matthew Maartensz, Esq., Additional District Judge of Colombo, on December 7, 1917, in the presence of Messrs. De Vos & Gratiaen, Proctors, on the part of the petitioners above named; and the affidavits (1) of the first-named petitioner dated December 5, 1917, and (2) of the attesting notary dated December 4, 1917, having been read:

It is ordered that the last will of the late Emelia Henrietta de Kretser, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioners are the executors named in the said will, and that they are entitled to have probate thereof issued to them accordingly, unless any person or persons interested shall, on or before January 17, 1918, show sufficient cause to the satisfaction of this court to the contrary.

December 7, 1917. L. M. MAARTENSZ, Additional District Judge.

In the District Court of Negombo.

## Order Nisi declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Kodisinghe Aratchige Jeelis Appuhamy of Midellawala, deceased.

THIS matter coming on for disposal before M. S. Sreshta, Esq., District Judge of Negombo, on November 30, 1917, in the presence of Mr. Dassenaika on the part of the petitioner Don Davith Kodisinghe of Mugurugampola, Handurumulla; and the affidavit (1) of the petitioner, (2)

of the attesting witnesses dated November 26, 1917, having been read:

It is ordered that the will of Kodisinghe Aratchige Jeelis Appuhamy, deceased, dated August 25, 1917, and now deposited in this court, be and the same is hereby declared proved, unless the respondents—(1) Kodisinghe Aratchige Peter Singho, (2) Kodisinghe Aratchige Don Sediris Singho, both of Midellawala in Hapitigam korale, (3) Kodisinghe Aratchige Don Sarnelis Appu, Police Headman of Randeni-pallewela, in Yatigaha pattu—shall, on or before January 8, 1918, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Don Davith Kodisinghe of Mugurugampola is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless the respondents above named shall, on or before January 8, 1918, show sufficient cause to the satisfaction of this court to the contrary.

November 30, 1917. M. S. SRESHTA, District Judge.

In the District Court of Kalutara.

## Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Mututantirige Daemon Fernando, deceased, of Horetuduwa.

THIS matter coming on for disposal before Allan Beven, Esq., District Judge of Kalutara, on October 18, 1917, in the presence of Mr. A. D. de Fonseka, Proctor, on the part of the petitioner Telge Elbi Pieris of Katukurunda; and the affidavit of the petitioner dated October 11, 1917, having been read:

It is ordered that the petitioner be and she is hereby declared entitled to administer the estate of the deceased Mututantirige Daemon Fernando, as widow, and that letters of administration do issue to her accordingly, unless the respondents—(1) Vidanelage Angela de Mel, (2) Mututantirige Paulus Fernando of Horetuduwa—shall, on or before January 22, 1918, show sufficient cause to the satisfaction of this court to the contrary.

October 18, 1917. ALLAN BEVEN, District Judge.

In the District Court of Galle.  
Order Absolute declaring Will proved.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Rammutu Sangoris, deceased, of Balapitiya.

THIS matter coming on for final determination before L. W. C. Schrader, Esq., District Judge of Galle, on November 30, 1917, in the presence of Mr. H. J. M. Wickramaratne, Proctor, on the part of the petitioner; and the affidavit of the petitioner and the witnesses to the last will having been read:

It is ordered that the will of Rammutu Sangoris, deceased, dated August 9, 1917, is hereby declared proved, and that probate of the will of Rammutu Sangoris be issued to Rammutu Davith; and it is further ordered that the 1st respondent is appointed as guardian *ad litem* over the 5th Rammutu Jorek; 6th Rammutu Sowdreck, 7th Rammutu Meidreck; 8th Rammutu Dedreck, minor respondents.

November 30, 1917. L. W. C. SCHRADER, District Judge.



In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Victor Abeywardena Goonasekera, de-  
No. 4,833. ceased, of Kalegana.

THIS matter coming on for disposal before L. W. C. Schrader, Esq., District Judge of Galle, on November 22, 1917, in the presence of Mr. D. G. Goonewardene, Proctor, on the part of the petitioner Francis Abeywardena Goonasekera; and the affidavit of the petitioner dated November 21, 1917, having been read: It is ordered and declared that the said petitioner Francis Abeywardena Goonasekera is the father of the deceased, and that he is as such entitled to have letters of administration of the same issued to him accordingly, unless the respondent Cornelia Petronella Goonasekera or any others interested in the estate shall, on or before January 10, 1918, show sufficient cause to the satisfaction of this court to the contrary.

November 22, 1917.

L. W. C. SCHRADER,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Kaderasippillai, wife of S. M. Arulampalam,  
No. 3,500. of Mallakam, deceased.

(1) Tiliampalam Sithamparanather and wife (2) Parupattippillai, both of Chunnakam ..... Petitioners.

Vs.

Murukesar Arulampalam of Mallakam, presently of  
Taeping ..... Respondent.

THIS matter of the petition of Tiliampalam Sithamparanather and wife Parupattippillai, praying for letters of administration to the estate of the above-named deceased Kaderasippillai, wife of S. M. Arulampalam, coming on for disposal before P. E. Pieris, Doctor of Letters, District Judge, on November 20, 1917, in the presence of Mr. T. Kumaraswamy, Proctor, on the part of the petitioner; and the affidavit of the said petitioner dated November 17, 1917, having been read: It is ordered that the petitioners be and they are hereby declared entitled, the 2nd petitioner being the sole heir of the said deceased, to administer the estate of the said deceased, and that letters of administration do issue to them accordingly, unless the respondent above named or any other person shall, on or before January 8, 1917, show sufficient cause to the satisfaction of this court to the contrary.

November 23, 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. Parupaty, wife of Subramanier Vaitilingam,  
No. 3,507. of Karadurai East, deceased.

Vaitilingam Ampalavanar of Karadurai East ... Petitioner.

Vs.

Subramanier Vaitilingam of Karadurai East ... Respondent.

THIS matter of the petition of Vaitilingam Ampalavanar of Karadurai East, praying for letters of administration to the estate of the above-named deceased Parupaty, wife of Subramanier Vaitilingam, coming on for disposal before P. E. Pieris, Doctor of Letters, District Judge, Jaffna, on November 29, 1917, in the presence of Mr. A. Arumugam, Proctor, for petitioner; and the affidavit of the petitioner dated November 29, 1917, having been read: It is ordered that the petitioner be and he is hereby declared entitled, as 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 January 8, 1918, show sufficient cause to the satisfaction of this court to the contrary.

December 3, 1917.

P. E. PIERIS,  
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the  
Jurisdiction. late Nissanga Aratchige Marigida Hamy  
No. 1,183. of Bandirippuwa.

Jayamanne Mohottige Issan Appu of Bandirippuwa ..... Petitioner.

And

(1) Porlentinahamy and husband (2) Anthony Appu, (3) Jayamanne Mohottige Anthony Appu, (4) ditto James Appu, (5) ditto Juse Appu, (6) ditto Justina Hamy, (7) ditto Juan Appu, (8) ditto Catherina Hamy, (9) ditto Martha Hamy, all of Bandirippuwa ..... Respondents.

THIS matter coming on for disposal before Walter Hugh Bertram Carbery, Esq., District Judge of Chilaw, on November 8, 1917, in the presence of Mr. W. V. Wijekoon, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 6, 1917, having been read:

It is ordered that the 2nd respondent be and he is hereby appointed guardian *ad litem* of the 6th, 7th, 8th, and 9th minor respondents for the purpose of this application, and that the petitioner be and he is hereby declared entitled, as husband 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 January 7, 1918, show sufficient cause to the satisfaction of this court to the contrary.

November 8, 1917.

W. H. B. CARBERY,  
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of the  
Jurisdiction. late Warnaculasuriya Amaris Fernando  
No. 1,186. of Kolonjadiya.

Warnaculasuriya Isabella Fernando of Kolonjadiya ..... Petitioner.

Vs.

(1) Warnaculasuriya Ananthhasia Fernando and her husband (2) Kurukulasuriya Thobias Dominick of Katuneriya, (3) Sister Mary Ladislaus of Good Shepherd Convent, Negombo, *nee* Warnaculasuriya Mary Fernando, (4) Warnaculasuriya Gustina Fernando and husband (5) Warnaculasuriya Maria Anthony Leander Fernando, (6) Warnaculasuriya Peter Fernando (minor), all of Kolonjadiya .. Respondents.

THIS matter coming on for disposal before Walter Hugh Bertram Carbery, Esq., District Judge of Chilaw, on November 21, 1917, in the presence of Messrs. Corea & Anderson, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 19, 1917, and her petition dated November 19, 1917, having been read:

It is ordered that the petitioner, as the wife of the deceased, be and she is hereby declared entitled to have letters of administration to the estate of the said deceased issued to her, and that the 5th respondent be appointed guardian *ad litem* of the 6th respondent, who is a minor for the purpose of this case, unless the respondents above named or any other person or persons interested shall, on or before January 4, 1918, show sufficient cause to the satisfaction of this court to the contrary.

November 21, 1917.

W. H. B. CARBERY,  
District Judge.

In the District Court of Kegalla.

*Order Absolute.*

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Bartholomeuz Arnold Senaratne, deceased.

Jane Caroline Senaratne *nee* Wijesinghe..... Petitioner.  
Vs.

(1) Edwin Arnold Senaratne, (2) Jane Eugenie Senaratne, (3) William Alfred Senaratne, (4) Flora Senaratne, (5) Colin Arthur Senaratne, and (6) Edina Senaratne ..... Respondents.

THIS matter coming on for disposal before H. E. Beven, Esq., District Judge, Kegalla, on November 28, 1917, in the presence of Mr. E. A. P. Wijeyeratne, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated November 13 and 19, 1917, respectively, and the affidavit dated November 15, 1917, of the witness and attesting notary to the last will and testament of the testator dated October 9, 1917, and file of record in this case having been read: It is ordered that the said will of the testator be and the same is hereby declared proved.

It is further declared that the petitioner is the executor named in the said will, and that as such she is entitled to have probate of the same issued to her accordingly.

November 28, 1917.

H. E. BEVEN,  
District Judge.

In the District Court of Kegalla.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of the late Maparallage Tikiri Banda of Molligoda, deceased.

Menama Aratchillegedara Dingiri Anna /d/ Molligoda..... Petitioner.

Against

(1) Maparallage Pinchi Banda, (2) ditto Pinchi Mahatmaya, both of Molligoda ..... Respondents.

THIS matter coming on for disposal before H. E. Beven, Esq., District Judge, Kegalla, on November 27, 1917, in the presence of Mr. T. A. Gomis, Proctor, on the part of the petitioner; and the affidavit and petition of the petitioner dated November 24 and 27, 1917, respectively, having been read: It is ordered and declared that the petitioner, as the widow of the deceased, is entitled to have letters of administration to the said estate issued to her accordingly, unless the respondents above named or any person or persons interested therein shall, on or before January 8, 1918, show sufficient cause to the satisfaction of the court to the contrary.

Kegalla, November 27, 1917.

H. E. BEVEN,  
District Judge.