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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.

Z-184/1926

MINUTE.

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

An Ordinance to amend and consolidate certain Laws relating to Mortgages.

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**An Ordinance to amend and consolidate certain Laws
relating to Mortgages.**

BE it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

CHAPTER I.

Preliminary.

1 This Ordinance may be cited as the Mortgage Ordinance, No. of 1927, and shall come into operation on a day to be appointed by the Governor by Proclamation published in the Gazette.

Short title and commencement.

2 In this Ordinance, unless the context otherwise requires—

Interpretation.

“Land” includes things attached to the earth or permanently fastened to anything attached to the earth, and any estate, right, or interest in or over land ;

“Mortgage” includes any charge on property for securing money or money’s worth, and includes a mortgage arising by operation of law ;

“Mortgagee” includes any person from time to time deriving title under the original mortgagee ;

“Mortgage money” means money or money’s worth secured by a mortgage, and includes the mortgagee’s costs, charges, and expenses ;

“Hypothecary action” means an action to enforce payment of a mortgage by a judicial sale of the mortgaged property.

3 No conventional general mortgage, executed after January 14, 1871, shall be valid and effectual, so as thereby to give the mortgagee any lien, charge, claim, or priority over or in respect of any property movable or immovable.

General mortgages abolished.

CHAPTER II.

Hypothecary Actions.

4 Unless otherwise provided, this chapter applies to mortgages created or arising, and to hypothecary actions instituted, before or after the commencement of this Ordinance.

Application of chapter.

5 In this chapter, “register” and its derivatives refer to the law for the time being in force as to the registration of instruments affecting land.

Meaning of “registered.”

6 (1) Every person is a necessary party to an hypothecary action who has any mortgage on, or interest in, the mortgaged property to which the mortgage in suit has priority. But nothing in this sub-section shall affect section 472 or any other provision as to parties contained in the Civil Procedure Code, 1889.

Parties to hypothecary actions.

(2) Provided that a person (other than the mortgagor or the executor or administrator of a deceased mortgagor or the assignee in the insolvency of the mortgagor) shall not be a necessary party to a hypothecary action to enforce a mortgage of land—

(a) Unless at the time when the plaint is filed, the instrument, if any, under which he derives title is duly registered ; and

(b) Where the mortgage in suit was duly registered before his title accrued, unless, at the time when the plaint is filed, an address for the service on him of legal documents is duly registered in accordance with the provisions of this Ordinance.

(3) Every person who by this section is declared not to be a necessary party to a hypothecary action shall be bound by every order, decree, and sale, or thing done in the hypothecary action in like manner and to the same extent as if he had been a party to the action, but may be permitted by the court to intervene at any stage of the proceedings before distribution of the proceeds of sale on such terms as to the court may seem just.

Provided that a person so permitted to intervene shall, unless and so far as the court otherwise orders, be bound by every order, decree, and sale, or thing done in the hypothecary action before his intervention.

(4) Nothing in this section shall affect any right to participate in the surplus proceeds of sale of property sold in a hypothecary action remaining after satisfaction of the mortgage in suit or to follow such proceeds.

(5) This section applies only where the mortgage in suit was created or arose after the commencement of this Ordinance.

Representation of estate of deceased mortgagor or person interested in the mortgaged property.

7 (1) Where the executor or administrator of a deceased mortgagor is a necessary party to a hypothecary action, or a mortgage on, or interest in, the mortgaged property forms part of the estate of a deceased person, and representation to the deceased mortgagor or person has not been granted, the court may, if it thinks fit and after service of notice of the application on such persons, if any, as the court may order, appoint a person to represent the estate of the deceased for the purposes of the hypothecary action, and every order, decree, and sale, or thing done in the hypothecary action shall, if such person is a party to the action, be as effective as if the executor or administrator of the deceased were a party to the action.

(2) This section applies only—

(a) Where the value of the mortgaged property does not exceed one thousand rupees; or

(b) Where the grant of representation to the deceased is, in the opinion of the court, likely to be unduly delayed.

Registration of address for service.

8 (1) Application for registration of an address for service of legal documents shall be made substantially in the form in the schedule to this chapter.

(2) Where such an application declares that a previously registered address for service of legal documents on the applicant is cancelled, the registrar shall cancel the entry in the register of such previously registered address.

(3) The address for service shall be registered in or in continuation of the same folio as is the mortgage of the land in or on which the applicant has an interest or mortgage.

(4) But where the mortgage of the land in or on which the applicant has an interest or mortgage includes other land, it shall be sufficient if the address for service on the applicant is registered in the folio relating to that land in or on which the applicant has an interest or mortgage.

(5) The fee for registration of an address for service shall be one rupee for each address, with an addition of twenty-five cents for each folio after the first in which the address is to be registered.

Service on defendants to hypothecary actions.

9 (1) Service on a defendant to a hypothecary action (other than the mortgagor or the executor or administrator of a deceased mortgagor or a person appointed under section 7 or the assignee in the insolvency of the mortgagor) of any of the following documents, viz., any summons, notice, process, order, decree, document, or written communication required to be served on him personally for any purpose in connection with the action shall be deemed to be duly served on the defendant—

(a) If it is served on him personally; or

(b) If a copy of the document is posted in a conspicuous position on the mortgaged property and published in a newspaper circulating in Ceylon; and

(c) Where an address for service of legal documents on the defendant is duly registered, if, in addition, a copy of the document is sent by registered post to the defendant at such address.

(2) This section applies only where the mortgage in suit was created or arose after the commencement of this Ordinance.

(3) Nothing in this section shall affect any power of ordering substituted or other service contained in the Civil Procedure Code, or the provisions of sections 26, 64, and 66 of that Code (which relate to service on an agent of the defendant).

10 (1) A conveyance completing a sale in a hypothecary action shall not affect the interest or mortgage of a necessary party who is not a party to the action, or any interest or mortgage which has priority to the mortgage in suit.

Effect of conveyance under mortgage decree.

(2) Subject as aforesaid, the conveyance shall, unless otherwise expressed therein, operate to convey the property sold for such estate and interest therein as is the subject of the mortgage, freed from the interests, mortgages, and rights of—

- (a) Every party to the action ; and
- (b) Every person who by this Ordinance is declared not to be a necessary party to the action.

(3) This section applies only where the mortgage in suit was created or arose after the commencement of this Ordinance.

11 (1) On a sale of mortgaged land in a hypothecary action, every mortgage wholly or in part paid off out of the purchase money shall, unless a contrary intention is expressed in the conveyance to the purchaser, be deemed to be kept on foot for the protection of the purchaser and his successors in title against incumbrances, estates, and interests to which the mortgage in suit in the hypothecary action had priority, and the purchaser and his successors in title shall, accordingly, be entitled to a hypothecary charge on the purchased land for a sum (which shall not bear interest) equal to the amount of the purchase money or the amount of the mortgage money due under the mortgage so paid off at the date of the sale, whichever amount shall be the less, and having the same priority as had the mortgage so paid off at the date of the payment of the purchase money.

Mortgage in suit to be kept on foot.

(2) This section applies to sales effected before or after the commencement of this Ordinance, but shall not affect any title acquired for valuable consideration before the commencement of this Ordinance.

12 (1) Where in a hypothecary action the court finds that the mortgage ought to be enforced, the decree shall order that, in default of payment of the mortgage money within the period mentioned in the decree, the mortgaged property shall be sold, and the court may, if it thinks fit, in the decree or subsequently give such directions as to the conduct and conditions of the sale (including the terms on which the mortgagee shall be allowed to purchase), and the person to conduct the sale and the confirmation of the sale, and the form of conveyance and the person by whom it is to be executed, and as to the delivery of possession to the purchaser and as to the removal of any person bound by the decree from the property, as the court may think fit.

Directions in mortgage decree.

(2) Subject to or in default of any such directions, the mortgaged property shall, on an order for sale being given by the court to the Fiscal, be sold in like manner as if it had been seized by the Fiscal under a writ of execution for the amount of the mortgage money, and sections 255 to 288 (inclusive) and 290 to 297 (inclusive) of the Civil Procedure Code, 1889, shall apply accordingly.

Provided that, unless otherwise directed by the court, the form of conveyance contained in the schedule to this chapter shall be used.

13 (1) A conveyance, whether executed before or after the commencement of this Ordinance, completing a sale of mortgaged property in a hypothecary action shall not be invalid by reason only that the directions for the sale or any directions as to the conduct and conditions of the sale (including the terms on which the plaintiff shall be allowed to purchase) were not embodied in the decree for sale or were given after such decree.

Validation of certain conveyances in hypothecary actions.

(2) This section shall not affect any title acquired for valuable consideration before the commencement of this Ordinance.

14 Where an hypothecary action instituted after the commencement of this Ordinance is heard *ex parte* under section 85 of the Civil Procedure Code, 1889, the decree shall be a decree

Decree absolute in default of appearance.

absolute and not a decree *nisi*, and, accordingly, the following amendments shall be made to the Civil Procedure Code, 1889, viz. :

- (a) The words "or, in the case of a hypothecary action, a decree absolute in the form No. 22A in the Second Schedule or to the like effect," shall be inserted in section 85 immediately after the words "to the like effect" and the words "and shall issue to the defendant a notice of every such decree *nisi*" shall be substituted for the words "and shall thereupon issue to the defendant a notice of such decree" in the same section ;
- (b) The words "or, in the case of a hypothecary action, that there were reasonable grounds for the default upon which the decree absolute was passed," shall be inserted in section 87 immediately after the words "information of the proceedings" ; and
- (c) The following form shall be inserted in the Second Schedule, viz. :

No. 22A.—Form of Decree Absolute in Hypothecary Action in Default of Appearance of Defendant.

(See Section 85.)

(Title.)

This action coming on for disposal before (*name and office of Judge*) on the _____ day of _____, 19—, being the day appointed in the summons for the defendant to appear and answer (*or* being the day appointed for the defendant to file answer, *or* for the filing of the replication, *or* being the day fixed for the hearing of the action, *as the case may be*), and the plaintiff appearing (*in person, &c., as above*) and the defendant not appearing either in person or by proctor or counsel, although he was duly served with the summons, together with a copy of the plaint (*or, if the case is so, a concise statement of the nature of the claim as provided by section 49 of the Civil Procedure Code*), as by the affidavit of _____, filed the _____ day of _____ appears : It is ordered and decreed _____ that the defendant _____ do pay to the plaintiff the sum of rupees _____ and cents _____ (Rs. _____), being the aggregate amount of the principal, interest, and costs due in respect of Mortgage Bond No. _____, dated the _____ day of _____, 19—, and attested by _____, Notary Public, with interest thereon at the rate of nine per cent. per annum from this date till payment in full, and the costs of this action (Rs. _____), as taxed by the officer of the court, within (*state period*) from the date of this decree.

And it is further ordered that in default of payment of the said amount, interest, and costs within such time, the premises mortgaged by the said bond, to wit : _____, and all the right, title, interest, and claim whatsoever of the _____ defendant in, to, upon, or out of the said several premises mortgaged by the defendant, be sold and the proceeds applied in and towards the payment of the said amount, interest, and costs, and if such proceeds shall not be sufficient for the payment in full of such amount, that the _____ defendant do pay to the plaintiff the amount of the deficiency, with interest thereon at the afore-mentioned rate until realization.

The _____ day of _____, 19—.

District Judge.

Expenses
after decree.

15 A mortgagee's costs in a hypothecary action include all costs, charges, and expenses properly incurred by him as mortgagee whether before or after institution of the hypothecary action or the decree in the action.

Enforcement of
other remedies
in hypothecary
action.

16 (1) Notwithstanding section 34 of the Civil Procedure Code, 1889, a claim to all or any of the remedies of a mortgagee to enforce payment of the mortgage money may be joined to a claim in a hypothecary action, or a separate action may be brought in respect of each remedy.

(2) But if more actions than one are brought to enforce payment of any mortgage money, the mortgagee shall not, unless and so far as the court for good reason otherwise orders, be entitled to costs in any action except the first action, and in any such action after the first the court may, if it thinks fit, award costs to the defendant.

*Schedule to Chapter II.*Application for Registration of Address for Service of
Legal Documents.

To the Registrar of Lands of _____.

I (*name in full and address*) apply under section 8 of the Mortgage Ordinance, No. _____ of 1927, for registration in the folio or folios specified in B. below of the address specified in A. below as the address for service on me of legal documents in any hypothecary action to enforce any mortgage registered in the folio or folios specified in B. below. Particulars of the instrument under which I derive title are given in C. below.

A.—Address for Service.

(*Name of person to whom legal documents are to be sent. This person may be applicant or another person.*)

(*Full postal address in the Island.*)

e.g. :—H. John Perera,
No. 18, Maliban street,
Pettah, Colombo.

B.—Folio or Folios in which the Address is to be registered.

Volume : _____.

Folio : _____.

Volume : _____.

Folio : _____.

C.—Particulars of Instrument under which Applicant
derives Title.

(1) Number and date of deed : _____.

(2) Name of attesting notary : _____.

(3) Volume and folio where the deed is registered : _____.

2. I further declare that my address for service previously registered with you on _____ in volume _____, folio _____, is hereby cancelled.

3. The registration fee of Rs. _____ is enclosed in stamps.

Dated : _____, (*Signature of Applicant or Agent.*)*

Form of Conveyance by Fiscal.

(Title.)

To all to whom these presents shall come, greeting.

Whereas by a mortgage bond dated _____, and bearing number _____ and attested by _____, notary public, and registered in the _____ District Land Registry at folio _____, the payment to _____ of the sum of _____ rupees was secured with interest by mortgage of the property hereinafter described and hereby conveyed.

And whereas by a decree entered in action No. _____ of the District Court of _____ on the _____ day of _____ it was ordered and decreed that _____ the defendant in the said action do pay to _____ the plaintiff in the said action forthwith the sum of _____ rupees (Rs. _____), being the aggregate amount of the principal, interest, and costs due in respect of the said mortgage bond, together with interest thereon at the rate of nine per centum per annum from the date of the said decree until payment. And that in default of payment of the said sum, interest, and costs within (*state period*) from the date of the said decree the said property be sold :

And whereas an order for the sale of the said premises was subsequently given by the court to the Fiscal under section 12 (2) of the Mortgage Ordinance, No. _____ of 1927.

And whereas after due notice and publication in manner by law prescribed the said property was exposed to public sale on the _____ day of _____, 19____, by _____ acting under the authority of the said Fiscal, and was sold to _____ as the highest bidder at the said sale for the sum of _____ rupees :

* Agent means an agent authorized in writing by the applicant or proctor or notary public.

And whereas the said (*purchaser*) has duly paid to the said Fiscal the whole of the said purchase money and thus became entitled to a conveyance of the said property (*or, where the plaintiff is purchaser, and whereas the said (purchaser) has been allowed the amount of the purchase money (or as the case may be) in reduction of his claim, and has produced the order of court, copy whereof is hereunto annexed, and has thus become entitled, &c.*):

And whereas the said court by an order dated the _____ day of _____, 19____, copy of which is hereunto annexed, has duly confirmed the said sale.

Now these presents witness that the said Fiscal in consideration of the said sum of _____ rupees so paid by (*or credited to*) the said (*purchaser*) as aforesaid, the receipt whereof the said Fiscal doth hereby acknowledge, hath sold and assigned, and by these presents doth sell and assign, unto the said (*purchaser*), his heirs, executors, administrators, and assigns, the property described in the schedule hereto. To have and to hold the same with their and every of their appurtenances to him, the said (*purchaser*), his heirs, executors, administrators, and assigns for ever:

In witness whereof the said Fiscal hath hereunto subscribed his name at _____ this _____ day of _____, 19____.

_____, Fiscal.

Witnesses:

*Schedule.**

(*To contain a description of the property conveyed.*);

Annexures.

N.B.—This form may be varied as circumstances may require.

CHAPTER III.

Mortgages to secure Future Advances.

17 (1) In the following cases, that is to say:

- (a) Where a mortgage is given to secure future advances (whether with or without any previous advances or other liability);
- (b) Where a mortgage is given to secure the floating balance from time to time due upon an account;
- (c) Where a mortgage is given to secure a contingent liability arising out of a particular relationship (not being a liability of the nature of those referred to in either of the last two preceding paragraphs);

such mortgage shall be effective to the full extent of the charge intended to be created thereby as against any person claiming under any subsequent mortgage or transfer, notwithstanding that no money may have been actually due at the date of such subsequent mortgage or transfer in respect of the liability intended to be secured, and irrespective of the actual amount so due on such date.

(2) For the purposes of this section, the expression "transfer" includes any instrument creating any interest in the mortgaged property.

(3) This chapter applies to mortgages and transfers of land whether created, executed, or arising before or after the commencement of this Ordinance, but shall not affect the mutual rights of the parties in the case of *K. P. S. T. Sithambaram Chetty of Sea Street, Colombo; v. Bentotage David Fernando and Bentotage Bastian Fernando, both of Wellawatta, D. C., Colombo, Case No. 46,630*, or in any other case in which the decision of the Supreme Court in the said case shall have been followed prior to April 24, 1918.

(4) This chapter does not apply to mortgages of property other than land.

18 Nothing contained in this chapter shall affect the priorities attaching to instruments as the result of registration under the law for the time being regulating the registration of instruments affecting land.

Effect of mortgages to secure future, &c., liability.

Priorities of law of registration unaffected.

CHAPTER IV.

Supplementary.

19 (1) Sections 201, 640, 641, 642, 646, 647, 648, and 649 of the Civil Procedure Code, 1889, and forms Nos. 98 and 99 in Schedule II. to that Code and section 1 of Ordinance No. 8 of 1871, and the whole of Ordinance No. 8 of 1918 are hereby repealed.

Repeal and amendment.

(2) The following shall be substituted for section 645 of the Civil Procedure Code, 1889, viz. :

645. Sections 643 and 644 shall not apply where the mortgage in suit was created or arose after the commencement of the Mortgage Ordinance, No. of 1927.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, March 1, 1927.

A. G. M. FLETCHER,
Colonial Secretary.

Statement of Objects and Reasons.

THE primary object of this Ordinance is to remedy certain difficulties which have arisen under Chapter XLVI. of the Civil Procedure Code. That chapter provides, in effect, that, where a primary mortgagee has registered his mortgage and furnished an address to the Registrar of Lands, only those puisne incumbrancers need be served with notice of an hypothecary action who have furnished the primary mortgagee with an address for service. These provisions have not worked well in practice. Mortgagees constantly omit to register their addresses, and very great difficulty has been experienced in working out the rights of the parties in such cases.

2. There seems to be no real reason either for requiring a primary mortgagee to register his address or for requiring a puisne incumbrancer to give his address to the primary mortgagee. It is thought that all parties will be amply protected by providing that only those puisne incumbrancers need be joined in a hypothecary action who have registered their deeds and addresses in the deeds registry. This principle is, accordingly, adopted in the new Ordinance (section 6), but the new provision will apply only to mortgages created after the commencement of the new Ordinance. The address of a puisne incumbrancer will be registered in the same folio as the primary mortgage (section 8) instead of, as at present, in a separate register of addresses. The fee for registration will be one rupee, with an addition of twenty-five cents for each folio after the first in which the address is to be registered.

3. Cases will, no doubt, continue to occur where a puisne incumbrancer who is a necessary party is, by inadvertence, not joined as a party. In such an event the title of the purchaser under the mortgage decree will be subject to that of the puisne incumbrancer. On the other hand, the purchaser will under section 11 be entitled to the protection of a hypothecary charge on the purchased property equal to the amount of the primary mortgage discharged out of his purchase money. This gives legislative sanction to the decisions in *Kristnappa Chetty v. Horatala*, (1923) 25, New Law Reports, page 39, and *Anohamy v. Haniffa*, (1923) 25, New Law Reports, page 289, and is analogous to the English doctrine under which a mortgage paid off out of purchase money may be kept on foot for the protection of the purchaser against undisclosed incumbrances. This provision (section 11) will apply to sales effected before or after the new Ordinance, but will not affect a title acquired for valuable consideration before the new Ordinance.

4. Section 9 contains special provisions for service on puisne incumbrancers in a hypothecary action. Ceylon law by requiring puisne incumbrancers to be joined as defendants imposes a heavy burden on the primary mortgagee. The present law (sections 643 and 644 of the Civil Procedure Code) permitting service to be effected by registered letter cannot be regarded as a satisfactory remedy. It is well known that in many cases the registered letter is returned by the post office as undeliverable. Accordingly, section 9 of the new Ordinance requires that the document to be served, if not

served personally, shall, not only be sent to the defendant by registered post, but also be conspicuously posted on the mortgaged property and published in a Ceylon newspaper.

5. Section 7 reproduces the substance of the proviso to section 642 of the Civil Procedure Code relating to the appointment of persons to represent the estate of a deceased mortgagor. It has, however, been extended to the executors and administrators of deceased puisne incumbrancers, and to cases where the value of the mortgaged property exceeds one thousand rupees where the grant of representation to the deceased is, in the opinion of the court, likely to be unduly delayed.

6. Sections 645 to 648 providing for the sequestration of the estate of a defendant to a hypothecary action who cannot be found are repealed, it being considered that the ordinary law as to substituted service is sufficient.

7. Section 12 (1) replaces section 201 of the Civil Procedure Code and obviates the difficulty raised by the decision in *Walker v. Mohideen*, (1924) 6, Ceylon Law Recorder, that directions as to the conduct of a mortgage sale cannot be given after decree. Section 12 (2) provides that, in default of directions, a sale under a mortgage decree shall be conducted by the Fiscal in the same manner as sales in execution of money decrees.

8. Section 14 permits a decree absolute, instead of a decree *nisi*, to be made in a hypothecary action heard *ex parte* under section 85 of the Civil Procedure Code. The present procedure requiring a decree *nisi* to be made in the first instance leads to unnecessary expense, and serves no useful purpose. It will not be necessary to serve notice of the decree on the defendant in default. But the decree can be set aside where there are reasonable grounds for the default.

9. Section 15 declares that a mortgagee's costs include costs, charges, and expenses properly incurred by the mortgagee after decree. This will enable such costs to be taxed in the usual way.

10. Section 16 permits a mortgagee to pursue his remedies in more than one action, at his risk as to costs.

11. Chapter III. reproduces Ordinance No. 8 of 1918 as to mortgages of land for future advances.

12. Section 3 avoiding conventional general mortgages reproduces section 1 of Ordinance No. 8 of 1871. The remainder of that Ordinance (requiring the registration of bills of sale) will be incorporated in another Ordinance which will deal comprehensively with the registration of documents affecting land and movable property.

Attorney-General's Chambers, L. H. ELPINSTONE,
Colombo, December 14, 1926. Attorney-General.

Z 127/1926

MINUTE.

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

An Ordinance to amend and consolidate the Law relating to the Registration of Documents.

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FIRST SCHEDULE.

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An Ordinance to amend and consolidate the Law relating to the Registration of Documents.

BE it enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.

Preliminary.

Short title and commencement.

1 This Ordinance may be cited as the Registration of Documents Ordinance, No. of 1927, and shall come into operation on a day to be appointed by the Governor by Proclamation published in the Gazette.

Land registries.

2 (1) There shall continue to be in Colombo a land register office for the purposes of this Ordinance and the Land Registration Ordinances, No. 5 of 1877 and No. 4 of 1889, with branch offices at such places as the Governor may from time to time direct, and the land register office and branch offices established under the Land Registration Ordinance, 1891, or any Ordinance repealed by that Ordinance shall be deemed to be duly established under this Ordinance.

(2) The business of the land register office and branch offices shall be conducted by a Registrar-General of Lands (in this Ordinance called the "Registrar-General"), and such number of Assistant Registrars-General (in this Ordinance called "Assistant Registrars-General") and Registrars of Lands (in this Ordinance called "registrars") as the Governor may from time to time consider necessary. Acting appointments may be made as may be necessary in the event of the Registrar-General or any Assistant Registrar-General or registrar being ill or incapable of acting or temporarily absent from duty.

(3) All appointments under this section shall be made, and may at any time be revoked, by the Governor.

Provided that in the case of the death, illness, incapacity, absence from duty, or other emergency, the Registrar-General may appoint any person to act as a registrar for not more than thirty days at any one time and may at any time revoke such appointment.

(4) All appointments under this section shall be notified in the Gazette.

(5) All appointments made under the Land Registration Ordinance, 1891, shall be deemed to have been made under this Ordinance.

(6) The Registrar-General may, if he thinks fit, exercise all or any of the powers possessed by a registrar.

(7) Subject to the directions of the Registrar-General, any matter or thing which by this Ordinance or any regulation may or is to be done by the Registrar-General may also be done by any Assistant Registrar-General.

Definition of land.

3 In this Ordinance, unless the context otherwise requires, "land" includes things attached to the earth or permanently fastened to anything attached to the earth and any estate or interest in land, and a mortgage of or charge on land.

CHAPTER II.

Registration of Duplicates of Deeds, &c.

Duplicates to be transmitted to registrar.

4 (1) Every District Judge, Commissioner, or Justice of the Peace shall, on or before the fifteenth day of each month, deliver or transmit to the registrar of the district wherein he resides the duplicates of all deeds or other instruments executed before him under the provisions of Ordinance No. 17 of 1852, together with two copies of a list of such duplicates, and, if the land affected by any such deed or instrument is situated in a district other than that in which he resides, he shall also on or before the day aforesaid transmit or deliver an attested copy of the deed or instrument to the registrar of the last-mentioned district.

(2) Every public officer by or before whom any document affecting land is executed shall, if sub-section (1) of this section does not apply thereto, on or before the fifteenth day of the following month deliver or transmit a duplicate or an attested or certified copy thereof to the registrar of each district in which the land affected thereby is situated, together with two copies of a list of all duplicates or copies so delivered by him.

5 (1) Every registrar shall from time to time cause all duplicates and copies transmitted or delivered to him under the preceding section or any other written law, or by any notary under the provisions of the Notaries Ordinance, 1907, to be bound in convenient volumes distinguished by the name of the court to which the Judge or Commissioner is attached, or by the name of the Justice or notary who attested the deed or instrument, or, in the case of duplicates or copies transmitted or delivered under sub-section (2) by the official designation of the public officer by or before whom the deed or instrument was executed, and shall keep and preserve the same in his office.

Registrar to bind all duplicates.

(2) All duplicates and copies transmitted or delivered to a registrar or bound in volumes under the corresponding provision in the Land Registration Ordinance, 1891, or any Ordinance repealed by that Ordinance shall be deemed to have been so transmitted, delivered, or bound under this chapter.

CHAPTER III.

Registration of Instruments affecting Land.

6 In this chapter, unless the context otherwise requires, "instrument" means an instrument affecting land.

Meaning of "instrument."

7 (1) An instrument executed or made on or after January 1, 1864, whether before or after the commencement of this Ordinance shall, unless it is duly registered under this chapter, or, if the land has come within the operation of the Land Registration Ordinance, 1877, in the books mentioned in section 26 of that Ordinance, be void as against all parties claiming an adverse interest thereto on valuable consideration by virtue of any subsequent instrument which is duly registered under this chapter, or, if the land has come within the operation of the Land Registration Ordinance, 1877, in the books mentioned in section 26 of that Ordinance.

Unregistered instruments void against subsequent registered instruments.

(2) But fraud or collusion in obtaining such subsequent instrument or in securing the prior registration thereof shall defeat the priority of the person claiming thereunder.

(3) An instrument duly registered before the commencement of this Ordinance, under the Land Registration Ordinance, 1891, or any Ordinance repealed by that Ordinance, shall be deemed to have been duly registered under this chapter.

(4) Registration of an instrument under this chapter shall not cure any defect in the instrument or confer upon it any effect or validity which it would not otherwise have except the priority conferred on it by this section.

8 For the purpose of this Ordinance, the following instruments shall be deemed to affect land, viz. :

Meaning of "affecting land."

(a) If executed or made before the commencement of this Ordinance, every deed or other instrument of sale, purchase, transfer, assignment, or mortgage of any land, or of promise, bargain, contract, or agreement for effecting any such object, or for establishing or transferring any security, interest, or incumbrance affecting any land (other than a lease at will, or for any period not exceeding one month); or of contract or agreement for the future sale or purchase or transfer of any land; and every deed or act of release, surrender, or annulment of or affecting any such deed or other instrument, and every will disposing of any land, and every grant of administration affecting any land; and every judgment or order of court affecting land;

(b) If executed or made after the commencement of this Ordinance, all instruments, including wills, decrees and orders of any court or authority, and awards, which purport or operate to create, confer, declare, limit, assign, transfer, charge, incumber, release, or extinguish any right, title, or interest, whether vested or contingent, past, present, or future, to, in, or over land, or which create or record or are evidence of any contract for effecting any such object.

Provided that paragraph (b) of this section shall not apply to—

- (i.) Any decree or order of court where the action in which the decree or order is made has been duly registered as a *lis pendens* ;
- (ii.) A writ of execution issued under section 225 and a notice of seizure issued under section 237 of the Civil Procedure Code, 1889 ;
- (iii.) Any letters of administration to the estate of an intestate ;
- (iv.) A decree or order adjudging a person to be insolvent or bankrupt ;
- (v.) A decree, order, or other instrument appointing or recording, certifying, or confirming the appointment or election of an assignee or trustee in insolvency or bankruptcy ;
- (vi.) Any document relating to shares in a registered company notwithstanding that the assets of the company consist in whole or in part of land ;
- (vii.) Any debenture issued by any such company and not creating, declaring, assigning, limiting, or extinguishing any right, title, or interest to or in land except in so far as it entitles the holder to the security afforded by a registered document whereby the company has mortgaged, charged, conveyed, or otherwise transferred the whole or part of its land or any interest therein to or in favour of or for the benefit of the holders of such debenture ;
- (viii.) Any endorsement upon or transfer of any debenture issued by such company ;
- (ix.) Any receipt for payment of money due under a mortgage or charge when the mortgage or charge is not thereby extinguished ;
- x.) Any instrument if the only interest in land created or dealt with thereby is a tenancy at will or for a period not exceeding one month or determinable by the landlord by not more than one month's notice.

Will when defeated by conveyance by heir.

9 (1) A will shall not, as against a disposition by any heir of the testator of land affected by the will, be deemed to be void or lose any priority or effect by reason only that at the date of the disposition by the heir the will was not registered under this chapter.

(2) This section applies whether the testator died before or after the commencement of this Ordinance, but does not apply—

- (a) Where the disposition by the heir was executed before the commencement of this Ordinance ; or
- (b) Where, at the time of the disposition by the heir, being not less than one year after the death of the testator, letters of administration to the estate of the testator have been granted on the footing that he died intestate.

Registration of *lis pendens*.

10 (1) No *lis pendens* affecting or relating to land instituted on or after November 9, 1917, shall bind a purchaser, unless and until the *lis pendens* is duly registered under this chapter.

(2) But a *lis pendens* duly registered before the commencement of this Ordinance under the provisions of Ordinance No. 29 of 1917, shall be deemed to have been duly registered under this chapter.

(3) In this section, "purchaser" means any person (including a mortgagee or lessee) who, for valuable consideration, takes any interest in or charge on land.

(4) For the purpose of registering a *lis pendens* a document in the prescribed form shall be presented for registration, and such document shall be registered in the same manner as other instruments affecting land, but shall be retained by the registrar.

(5) Registration of a *lis pendens* shall not be in force beyond a period of five years from the date of registration, whether before or after the commencement of this Ordinance; but a *lis pendens* may be re-registered as often as may be necessary, and every such re-registration shall have the effect of an original registration.

(6) A *lis pendens* may be registered at any time after the plaint has been accepted by the court in accordance with the provisions of the Civil Procedure Code, 1889.

(7) For the purpose of the application of the doctrine of *lis pendens*, an action duly registered as a *lis pendens* shall be deemed to be pending from the time of registration notwithstanding that the summons has not been served on the defendant.

11 (1) A precept or order for the service of a summons in a partition action shall not be issued unless and until the action has been duly registered as a *lis pendens*.

Partition actions.

(2) Where the plaint in a partition action has been duly registered as a *lis pendens*, a decree for sale or partition in the action shall be deemed not to be an instrument affecting land.

(3) This section applies only where the plaint in the partition action is filed after the commencement of this Ordinance.

(4) Nothing in this Ordinance shall affect the provisions of section 17 of Ordinance No. 10 of 1863, intituled "An Ordinance to provide for the Partition or Sale of Lands held in common" (which relate to the alienation or hypothecation of undivided shares or interests).

12 (1) Every registrar shall prepare and keep the prescribed books for the registration of instruments, allotting to each book (which may be in as many volumes as necessary) a defined division of his province or district.

Books for registration of instruments affecting land.

(2) The books for the registration of instruments established under the Land Registration Ordinance, 1891, or any Ordinance repealed by that Ordinance shall continue to be used, and shall be deemed to be kept under this chapter.

13 (1) Every instrument (except a will) presented for registration shall contain embodied therein, or in a schedule annexed thereto, an accurate and clear description of the land affected thereby, its boundaries, extent, and situation specifying the district and the village, pattu, korale, or other division of the district in which the land is situated; and in case the land is situated in any town, the name, if any, of the street in which it is situated and its assessment number and name, if any.

Mode of description of lands in instruments.

(2) If the land consists of a divided portion of a land or allotment, such portion shall be clearly and accurately defined by its particular boundaries and extent.

(3) If the land consists of an undivided share in a land, the proportion which the share bears to the entire land shall be stated, and a description of the entire land shall be given as required by sub-section (1).

(4) A person desiring to register a will shall give to the registrar a written description of the land affected thereby which shall comply with the provisions of sub-sections (1) to (3) of this section.

(5) No instrument, other than a will, which does not state the particulars required by this section shall be registered except with the sanction of the Registrar-General, who shall give his sanction, if it is shown to his satisfaction—

- (a) That the description is sufficient to enable the land to be identified with reasonable certainty; or
- (b) That it was impracticable to insert the required particulars in the instrument.

Any person aggrieved by a decision of the Registrar-General under this sub-section may, within thirty days from the date of such decision being communicated to him, institute in any District Court having jurisdiction a suit against the Registrar-General praying for the variation or reversal of such decision.

(6) Where the description of the land affected by an instrument executed or made after the commencement of this Ordinance is not contained in a schedule to the instrument, a fee of five rupees shall be payable for the registration in addition to any other fee which may be payable.

Instruments to be registered in proper folio.

14. (1) Every instrument presented for registration shall be registered in the book allotted to the division in which the land affected by the instrument is situated and in, or in continuation of, the folio in which the first registered instrument affecting the same land is registered.

Provided that—

(a) An instrument may, if the registrar thinks fit, be entered in a new folio, cross references being entered in the prescribed manner so as to connect the registration with any previous registration affecting the same land or any part thereof; and

(b) Where no instrument affecting the same land has been previously registered, the instrument shall be registered in a new folio to be allotted by the registrar.

(2) An instrument, whether registered before or after the commencement of this Ordinance, shall not be deemed to be duly registered under this chapter unless it is registered in accordance with the foregoing provisions of this section.

(3) Every order made after the commencement of this Ordinance under section 4 of Ordinance No. 1 of 1897 entitled "An Ordinance relating to claims to Forest, Chena, Waste, and Unoccupied Lands" and embodying therein an agreement between the Government Agent or Assistant Government Agent or the special officer appointed under section 28 of that Ordinance and the claimant shall be registered in a new folio to be allotted by the registrar, and an instrument affecting land dealt with by the agreement and registered after registration of the order shall not be deemed to be duly registered under this chapter unless it is registered in or in continuation of the folio in which the order is registered.

Method of registration.

15 Registration of an instrument shall be effected by entering the prescribed particulars in the proper folio.

CHAPTER IV.

Registration of Bills of Sale.

Meaning of "bill of sale."

16 (1) In this Ordinance, unless the context otherwise requires, "bill of sale" includes a pledge, conventional hypothecation, assignment, transfer, declaration of trust without transfer, and any other assurance of movable property, whether absolute or by way of mortgage or otherwise, and also a power of attorney and authority or licence to take possession of movable property as security for any debt, but does not include a marriage settlement or assignment thereof.

(2) Nothing in this chapter shall apply to contracts of sale of goods within the meaning of the Sale of Goods Ordinance, 1896, and made in the ordinary course of any business, trade, or calling, nor to bills of sale of any ship or vessel registered under the Merchant Shipping Acts, or any share thereof, nor to bills of sale of goods in any foreign parts or at sea; nor to property represented by bills of lading, dock warrants, warehouse-keepers' certificates, warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, and authorizing or purporting to authorize either by endorsement or by delivery the possessor of such document to transfer or receive goods thereby represented; nor to any shares or interests in the stock funds or securities of any Government, or in the capital or property of any incorporated or joint stock company; nor to choses in action; nor to any crops or produce growing or to be grown on any lands or plantations.

17 No bill of sale of movable property, whether executed before or after the commencement of this Ordinance, shall be valid and effectual, so as thereby to give the pledgee, mortgagee, or transferee any lien, charge, claim, right, or priority over, to, or in respect of such property—

Bill of sale of movable property to be effected by actual delivery.

Unless the said property shall have been actually delivered over into the custody and possession of the pledgee, mortgagee, or transferee, or some person on behalf of such pledgee, mortgagee, or transferee, and shall continue and remain ostensibly and *bona fide* in such custody and possession from the date of such bill of sale until the time when the pledgee, mortgagee, or transferee shall make his claim at law to, over, or in respect of such property; or

Unless such bill of sale shall have been created by writing signed by the person effecting the same, or by some person thereto lawfully authorized by him, and unless such writing shall within twenty-one days (exclusive of Sundays and public holidays) from the date thereof have been duly registered in the office of the Registrar of Lands for the district in which such property shall be at the time of such bill of sale, or in the office of the said registrar for each of such districts, when such property is at the time of such bill of sale in more than one district.

18 No transfer or assignment, whether made before or after the commencement of this Ordinance, of any bill of sale of any movable property, shall be valid and effectual, so as thereby to give the transferee or assignee any lien, charge, claim, right, or priority over, to, or in respect of such property, unless such transfer or assignment shall be in writing, signed by the person transferring the same, or by some person thereto lawfully authorized by him, and shall within twenty-one days (exclusive of Sundays and public holidays) from the date thereof have been registered in manner aforesaid.

Transfer or assignment of bills of sale to be also by deed and registered.

19 But a bill of sale or transfer or assignment thereof duly registered under Ordinance No. 8 of 1871, or under the Land Registration Ordinances, No. 8 of 1863 and No. 3 of 1865, shall be deemed to have been duly registered under this Ordinance.

Saving of registrations under earlier Ordinances.

20 (1) A bill of sale of movable property not in existence at, or to be acquired after, the time of such bill of sale, and a transfer or assignment of such a bill of sale, shall, if it is registered under this chapter in any district, be deemed to be duly registered as respects such movable property, but shall not affect such movable property unless and until such movable property is in, or is brought into, the district in which the bill of sale is registered.

Bills of sale of after acquired property.

(2) This section applies to bills of sale and transfers or assignments of bills of sale, whether created or executed before or after the commencement of this Ordinance, but shall not affect any title for value acquired before the commencement of this Ordinance.

21 (1) Every registrar shall prepare and keep the prescribed books for the registration of bills of sale. Each book may be in as many volumes as necessary.

Books for registration of bills of sale.

(2) The books for the registration of bills of sale established for the purposes of Ordinance No. 8 of 1871 shall continue to be used, and shall be deemed to be kept under this chapter.

22 (1) Every bill of sale and transfer or assignment of a bill of sale shall contain embodied therein or in a schedule annexed thereto as clear and accurate description of the movable property affected thereby as circumstances permit.

Method of registration.

(2) Where the description of the movable property affected by a bill of sale executed or made after the commencement of this Ordinance is not contained in a schedule annexed thereto, a fee of five rupees shall be payable for the registration in addition to any other fee which may be payable.

(3) Registration of a bill of sale shall be effected by entering the prescribed particulars in the proper book and in the prescribed form.

Non-application
of chapter to
certain
documents.

23 (1) No bill of sale effected before the commencement of this Ordinance, and no transfer or assignment effected before such commencement of any such bill of sale, shall be deemed to be invalid or in any respect ineffectual for want of registration under the provisions of this chapter, if such bill of sale, transfer, or assignment was effected by any instrument executed before the commencement of this Ordinance which also contains any mortgage or assurance of any land, or any transfer or assignment of such mortgage or assurance, and if such mortgage or assurance of land, or transfer or assignment thereof, has been or shall be duly registered under the law for the time being in force with respect to the registration of instruments affecting land.

(2) An assurance or mortgage of land in favour of any person, whether executed before or after the commencement of this Ordinance, shall not, if within twenty-one days (exclusive of Sundays and public holidays) from the date thereof it is duly registered under the law for the time being in force relating to the registration of instruments affecting land, be deemed to be a bill of sale of movable property by reason only that movable property is also affected thereby if such movable property is situated on the land dealt with by the assurance or mortgage.

CHAPTER V.

Provisions applicable to Instruments affecting Land and Bills of Sale.

Meaning of
"instrument."

24 In this chapter, unless the context otherwise requires, "instrument" means an instrument affecting land or a bill of sale.

Who may
present
instrument for
registration.

25 (1) An instrument may be presented for registration by—

- (a) any person executing the instrument ;
- (b) any person claiming any interest or benefit thereunder ;
- (c) any person having any interest in or charge on any property affected thereby ; or
- (d) the agent of any such person or a proctor or notary acting on behalf of any such person.

(2) Either the original or a duly attested or certified copy of the instrument may be presented for registration.

Provided that, in the case of a will, the probate or letters of administration with a copy of the will annexed shall be presented for registration.

(3) An instrument may be presented for registration through the post or under cover if it is accompanied by the appropriate fee, if any.

Day book.

26 (1) Each registrar shall keep a book to be called the "day book," in which shall be entered the prescribed particulars of every instrument presented for registration with the day and hour and, if required by the person presenting the instrument, the minute of presentation, and for the purpose of priority the time of presentation shall be taken as the time of registration.

(2) An instrument presented for registration through the post or under cover shall be deemed to have been presented for registration at the time when the packet containing the instrument is opened.

Return of
instruments.

27 (1) After registration, the registrar shall endorse the instrument in the prescribed manner and return it on demand to the person who presented it for registration or his agent.

(2) If the return of an instrument is not claimed within six months from the time of registration or, in the case of an instrument registered before the commencement of this Ordinance, within six months from such commencement, then—

- (a) The registrar shall send the instrument by unregistered letter addressed to the person who presented it for registration at his last known place of abode or business ; or

- (b) If his address is unknown, the registrar shall retain the instrument for a further period of six months, and if the instrument is still unclaimed, the Registrar-General may order it to be destroyed.

28 (1) An instrument which affects land or movable property situated in more districts than one may be presented for registration to the registrar of each such district, or to the Registrar-General.

Land or movable property situated in several districts.

(2) The Registrar-General shall, if the instrument is presented to him, instruct each registrar concerned as to the entry to be made in the register by him.

(3) For the purpose of determining the time of registration, the receipt by a registrar of the instructions of the Registrar-General shall be deemed to be the receipt of the instrument for registration.

(4) When the instrument has been registered by all the registrars concerned, the Registrar-General shall endorse the instrument in the prescribed manner and return it on demand to the person who presented it for registration and the immediately preceding section shall apply to the instrument.

29 (1) Any person (in this section called a "transferee") acquiring or proposing to acquire for valuable consideration from any other person (in this section called the "transferor") any interest or benefit in any land may before the execution of the instrument by the transferor with his written consent, or after the execution of the instrument by the transferor without such consent, present for registration a notice (in this Ordinance called a "priority notice") of his intention to register the instrument.

Priority notices.

(2) If at any time while a priority notice remains in force, any instrument is registered whereby the transferee or a person deriving title under him acquires for valuable consideration from the transferor or a person deriving title under him any interest or benefit in the land described in the priority notice, such instrument shall, for the purposes of this Ordinance, be deemed to have been registered on the date of registration of the priority notice, or at 4 P.M. on the date on which the instrument was executed by the transferor, whichever date shall be the later, and shall have effect accordingly.

(3) No instrument executed by the transferor while a priority notice registered with his written consent remains in force and affecting any land described in the priority notice shall, except with the written consent of the transferee, be registered while the priority notice remains in force.

(4) The registrar shall, on receiving a priority notice, register it in the same manner as other instruments, but shall retain the notice.

(5) A priority notice shall remain in force for six weeks from the date of registration of the notice, but may at any time before the end of such six weeks, before the execution of the instrument by the transferor with his written consent, or after the execution of the instrument by the transferor without such consent, be renewed by the transferee or a person deriving title under him for a further period of six weeks, and if so renewed shall remain in force for a further period of six weeks computed from the end of the first period of six weeks.

(6) If an instrument is not registered pursuant to a priority notice, while the notice remains in force, the priority notice shall be deemed to have lapsed and shall have no effect under the provisions of this Ordinance.

(7) This section shall apply to a decree, order, or will affecting land in like manner as it applies to any other instrument, except that a priority notice as to a decree, or order may not, except with the leave of the court, be lodged before delivery in court of the judgment, and a priority notice as to a will may not be lodged until after the death of the testator.

30 (1) Any person (in this Ordinance called a "caveator") may present for registration a caveat in the prescribed form requiring to be served with notice of the presentation for registration of any instrument affecting the land described in the caveat or the movable property comprised in any registered bill of sale described in the caveat.

Caveats.

(2) The registrar shall on receiving a caveat register it in the same manner as other instruments, but shall retain the caveat.

(3) A caveat shall be in force for such period as may be specified therein, not being longer than the period covered by the fee paid on the caveat.

(4) The notice to be given to the caveator shall be in the prescribed form and shall be sent by registered letter to the address mentioned in the caveat.

(5) If, while a caveat is in force, an instrument affecting the land described in the caveat or the movable property comprised in the bill of sale described in the caveat is presented for registration, and in an action commenced by the caveator in a competent court within thirty days from posting of the notice required by sub-section (4) it is proved to the satisfaction of the court that the instrument presented for registration is or was at the time of registration void or voidable by the caveator or fraudulent as against him or in derogation of his lawful rights, the court may order the instrument to be rectified or cancelled as may be necessary to preserve the rights of the caveator, and may order the necessary correction to be made in the register.

(6) Nothing in this section shall affect any other power which may be possessed by any court of ordering any instrument to be rectified or cancelled.

Cancellation of priority notices, caveats, and *lis pendens*.

31 (1) Registration of a priority notice, caveat, or *lis pendens* may be cancelled at the request of the person by or on whose behalf it was presented for registration.

(2) A District Court may, on the application of any person interested in any property affected by registration of a priority notice, caveat, or *lis pendens*, if it is satisfied that the registration was or has become unnecessary, order that the registration be cancelled. An application under this sub-section may be made in a suit or summarily under Chapter XXIV. of the Civil Procedure Code, 1889.

(3) Cancellation of a priority notice, caveat, or *lis pendens* shall be registered by the registrar in the prescribed manner.

Damages for unreasonable priority notice, caveat, or *lis pendens*.

32 Any person injured by reason of the registration or renewal of a priority notice, caveat, or *lis pendens* without reasonable cause, or by unreasonable failure to request cancellation of registration of a priority notice, caveat, or *lis pendens* may recover compensation from the person who applied for such registration or renewal. A claim for such compensation may be joined with an application for the cancellation of the notice, caveat, or *lis pendens* or may be made by suit.

Correction of errors.

33 (1) Where any person proves to the satisfaction of the Registrar-General that any error or omission has been made in registering any instrument, whether before or after the commencement of this Ordinance, the Registrar-General shall, after giving all the persons appearing from the instrument to be interested an opportunity of being heard, order such error or omission to be corrected, and the correction shall then be made by the registrar concerned in the prescribed manner.

(2) A person aggrieved by an order of the Registrar-General under this section or by his refusal to make such an order, may, within thirty days from the date of such order or refusal being communicated to him, institute in the District Court a suit praying for the variation or reversal of the decision of the Registrar-General.

Grounds for refusing to register an instrument.

34 (1) A registrar may, if he thinks fit, refuse to register an instrument—

- (a) Where he has reason to suspect that the person presenting the instrument for registration is not a person who is authorized by this Ordinance to present it for registration, until such person proves his right to present it for registration;
- (b) If it does not comply with the provisions of this Ordinance or any written law affecting the form or mode of execution of such instrument.

(2) A registrar shall refuse to register an instrument—

- (a) If it is liable to stamp duty, unless it is duly stamped;
- (b) Until any fee payable for registration has been paid.

35 Every registrar finally refusing to register an instrument shall make an order of refusal and record his reasons for such order in the prescribed book, and shall endorse the words "registration refused" on the instrument, and on application made by the person who presented the instrument shall without payment or unnecessary delay give him a copy of the reasons so recorded.

Reasons for refusal to be recorded.

36 (1) Any person aggrieved by an order of a registrar refusing to register an instrument may, within thirty days from the date of the order being communicated to him, appeal to the Registrar-General, who may vary or reverse the order.

Appeals against refusal.

(2) Any person aggrieved by the decision of the Registrar-General under this section may, within thirty days from the date of such decision being communicated to him, institute in the District Court a suit against the Registrar-General praying for the variation or reversal of the decision of the Registrar-General.

37 Where it is shown to the satisfaction of a District Court that any instrument registered under Chapters III. or IV. is a forgery, or has been registered without due authority or in contravention of any provision of this Ordinance, or where any instrument registered as aforesaid is rectified or set aside by a competent court, the District Court may order the registration of the instrument to be cancelled or to be rectified in such manner as the circumstances may require, and may order the original instrument to be brought into court and the endorsement of registration thereon to be cancelled or altered.

Power for District Court to cancel registration.

CHAPTER VI.

Supplementary.

38 If any volume of duplicates or copies in the custody of a registrar under Chapter II. or any volume of any book kept by a registrar under this Ordinance shall at any time be damaged or be in danger of becoming illegible, the Registrar-General may, if he thinks fit, direct a copy thereof to be made, verified, and certified in such manner as he may direct, and thereupon such copy shall be substituted for, and shall for all the purposes of this Ordinance (including this section) and every other written law be deemed to be, the volume so damaged or in danger of becoming illegible.

Copies of damaged or illegible volumes.

39 Each registrar shall keep such indexes of instruments affecting land and bills of sale registered by him as may from time to time be prescribed.

Indexes.

40 Subject to the prescribed regulations, all duplicates and copies and all books and indexes kept under this Ordinance may be searched and examined by any person claiming to be interested therein or by his proctor or agent duly authorized thereto in writing, and certified copies of or extracts from any such duplicate, copy, or book may be obtained if required.

Searches and copies.

41 (1) A copy or extract purporting to be certified under the hand of a registrar to be a true copy of or extract from any duplicate or copy preserved under this Ordinance or of or from any book kept pursuant to this Ordinance shall be admissible in evidence without proof of the signature or appointment of the registrar, and shall be *prima facie* evidence of the contents of such duplicate, copy, or book for all purposes and in all proceedings, civil or criminal, but subject to all just and lawful exceptions.

Evidence.

(2) An endorsement by the registrar in the prescribed form on a duplicate of an application for registration of a *lis pendens*, or on a duplicate of a priority notice or an application for renewal of a priority notice, or on a duplicate of a caveat shall be admissible in evidence without proof of the signature or appointment of the registrar, and shall be *prima facie* evidence of registration of the *lis pendens*, priority notice, or caveat or of the renewal of the priority notice for all purposes and in all proceedings, civil or criminal, but subject to all just and lawful exceptions.

- Indemnity of registrars. 42 No registrar shall be liable in damages by reason of anything in good faith done or refused in his official capacity.
- Costs in suits against Registrar-General. 43 No order for the payment of costs by the Registrar-General shall be made in any suit authorized by this Ordinance to be brought against him.
- Defect in appointment of registrars or procedure. 44 Nothing done in good faith pursuant to this Ordinance or the Land Registration Ordinance, 1891, or any Ordinance repealed by that Ordinance by any registrar shall be deemed invalid by reason only of a defect in his appointment or in procedure.
- Fees. 45 The fees specified in the First Schedule hereto shall be payable for the matters to which they relate.
- Power to make regulations. 46 (1) The Governor in Executive Council may make regulations, to be published in the Gazette, as to any matter which by this Ordinance may or is to be prescribed and generally for regulating the forms to be used and the procedure and practice to be observed in carrying this Ordinance into effect.
(2) All such regulations shall, as soon as conveniently may be, be laid before the Legislative Council, and may, at any of the next following three meetings, be rescinded by resolution of the Legislative Council, but without prejudice to anything already done thereunder, and if not so rescinded shall be deemed to be valid.
- Forms. 47 The forms contained in the Second Schedule shall be used with such variations as circumstances may require, but such schedule may be altered or added to by regulation.
- Repeals. 48 Ordinances Nos. 8 and 21 of 1871, No. 14 of 1891, No. 13 of 1908, No. 29 of 1917, No. 21 of 1918, No. 11 of 1919, and No. 22 of 1921 are hereby repealed.

FIRST SCHEDULE.

Fees.

(Section 45.)

PART I.

For the registration of the following instruments, if executed or made on or after July 1, 1919, whether before or after the commencement of this Ordinance—

	Rs.	c.
1. Every instrument of release, surrender, or annulment and every receipt or discharge—		
Where the amount for which such instrument or receipt or discharge is given does not exceed Rs. 5,000, a fee of	2	0
Where it is indefinite, or it exceeds Rs. 5,000, a fee of	5	0
2. Every instrument of partition, and every judgment or decree of court decreeing such partition—		
For each land allotted or divided of which the value does not appear on the face of the instrument or judgment or decree, a fee of	5	0
For land allotted or divided of which the value appears on the face of the instrument or judgment or decree, where the aggregate value of such land does not exceed Rs. 100, a fee of	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2	0
Rs. 250 and does not exceed Rs. 500, a fee of	3	0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4	0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5	0
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7	50
Rs. 5,000 and does not exceed Rs. 10,000 a fee of	10	0
And every further Rs. 10,000 or part of Rs. 10,000, a fee of	10	0
3. <i>Lis pendens</i> , for each land affected—		
Where the action is in a District Court, a fee of	5	0
Where the action is in a Court of Requests, a fee of	2	0
Where the action is in a Village Tribunal, a fee of	0	50
4. A priority notice, for each land affected, a fee of	5	0
5. Caveat, for each land or bill of sale affected, and for each period of six months, a fee of	12	50
6. Every decree or order of court affecting land, not being a decree or order decreeing partition, and every will, a fee of	6	0

- | | Rs. c. |
|--|--------|
| 7. Every instrument of any kind whatsoever not charged in this schedule nor expressly exempted, a fee of | 12 50 |
| <i>N.B.</i> —No fee shall be charged under this item for registering any instrument of sale, purchase, transfer, assignment, lease, mortgage, or bill of sale, or of promise, bargain, contract, or agreement for effecting any such object or for transferring any security, interest, or incumbrance, or of contract or agreement for a future sale or purchase or transfer. | |
| 8. An instrument presented to the Registrar-General under section 28 in addition to any other fee payable, a fee of | 10 0 |
| <i>N.B.</i> —When application is made to more registrars than one under section 28, any fee payable shall be collected by the first registrar. | |

PART II.

For the registration of the following instruments, if executed before July 1, 1919 :—

- | | |
|--|------|
| 1. Every instrument of sale, purchase, transfer, assignment, or mortgage of any immovable property, or of promise, bargain, contract, or agreement for effecting any such object, or for transferring any security, interest, or incumbrance affecting such property (other than a lease), or of contract or agreement for the future sale or purchase or transfer of any such property— | |
| (a) Where the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed Rs. 100, a fee of | 1 0 |
| Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of | 2 0 |
| Rs. 250 and does not exceed Rs. 500, a fee of | 3 0 |
| Rs. 500 and does not exceed Rs. 1,000, a fee of | 4 0 |
| Rs. 1,000 and does not exceed Rs. 2,500, a fee of | 5 0 |
| Rs. 2,500 and does not exceed Rs. 5,000, a fee of | 7 50 |
| Rs. 5,000 and does not exceed Rs. 10,000, a fee of | 10 0 |
| And for every further Rs. 10,000 or part of Rs. 10,000, a fee of | 10 0 |
| (b) Where the consideration of the instrument is not wholly in money, an additional fee of | 10 0 |
| (c) Where the money consideration of the instrument is not stated, but the value of the property is stated— | |
| Where such value does not exceed Rs. 100, a fee of | 1 0 |
| Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of | 2 0 |
| Rs. 250 and does not exceed Rs. 500, a fee of | 3 0 |
| Rs. 500 and does not exceed Rs. 1,000, a fee of | 4 0 |
| Rs. 1,000 and does not exceed Rs. 2,500, a fee of | 5 0 |
| Rs. 2,500 and does not exceed Rs. 5,000, a fee of | 7 50 |
| Rs. 5,000 and does not exceed Rs. 10,000, a fee of | 10 0 |
| And for every further Rs. 10,000 or part of Rs. 10,000, a fee of | 10 0 |
| (d) Where neither the money consideration of the instrument nor the value of the property is stated, a fee of | 20 0 |
| (e) Where the total amount of money ultimately recoverable upon the instrument is indefinite, a fee of | 25 0 |
| (f) Where the consideration of the instrument, or where the sum recoverable upon the instrument is a definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, together with an indefinite sum to be thereafter lent, advanced, or paid, or which may become due upon an account current, the same duty and conditions as to calculation of duty on the definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, as where the sum recoverable on the instrument is definite, together with an additional fee of | 25 0 |

	Rs. c.
2. Every lease, transfer, or assignment thereof—	
(a) Where the consideration is wholly in money and does not exceed Rs. 100, a fee of	1 0
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2 0
Rs. 250 and does not exceed Rs. 500, a fee of	3 0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4 0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5 0
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7 50
Rs. 5,000 and does not exceed Rs. 10,000, a fee of	10 0
And for every further Rs. 10,000 or part of Rs. 10,000, a fee of	10 0
Provided that the fee shall not exceed that on a lease for five years.	
(b) Every lease, transfer, or assignment thereof, where the consideration is partly in produce, and the value of such produce is not stated in the instrument, a fee of Rs. 2.50 in addition to the fee upon the stated pecuniary consideration.	
(c) Every lease, transfer, or assignment thereof, where the consideration consists wholly of produce, a fee of	1 0
3. Every instrument of release, surrender, or annulment, and every receipt or discharge—	
Where the amount for which such instrument or receipt or discharge is given does not exceed Rs. 5,000, a fee of	1 0
Where it is indefinite or it exceeds Rs. 5,000, a fee of	2 50
4. Every instrument of partition, and every judgment or decree of court decreeing such partition—	
For each land allotted or divided of which the value does not appear on the face of the instrument or judgment or decree, a fee of	5 0
For land allotted or divided of which the value appears on the face of the instrument or judgment or decree, where the aggregate value of such land does not exceed Rs. 100, a fee of	1 0
Where it exceeds Rs. 100 and does not exceed Rs. 250, a fee of	2 0
Rs. 250 and does not exceed Rs. 500, a fee of	3 0
Rs. 500 and does not exceed Rs. 1,000, a fee of	4 0
Rs. 1,000 and does not exceed Rs. 2,500, a fee of	5 0
Rs. 2,500 and does not exceed Rs. 5,000, a fee of	7 50
Rs. 5,000 and does not exceed Rs. 10,000, a fee of	10 0
And for every further Rs. 10,000 or part of Rs. 10,000, a fee of	10 0
5. Every instrument of any kind whatsoever not charged in this schedule nor expressly exempted, a fee of	10 0
6. Every judgment or order of court affecting immovable property, and every probate of a will or letters of administration, a fee of	5 0
7. An instrument presented to the Registrar-General under section 28, in addition to any other fee payable, a fee of	10 0
<i>N.B.</i> —When application is made to more registrars than one under section 28 any fee payable shall be collected by the first registrar.	

PART III.

1. (a) An application to inspect the duplicates attested during a period not exceeding 12 months by any one judge, commissioner, notary, or public officer, a fee of
- 1 0
- (b) And in respect of each additional period of 12 months or part of such period, an additional fee of
- 0 50
2. An application to inspect any number not exceeding five volumes of any book kept under Chapters III. or IV., a fee of
- 1 0
- And for every additional five volumes or less number, an additional fee of
- 0 25

	Rs.	c.
3. (a) For supplying certified copies of extracts, for every folio or part of a folio of 120 words, a fee of	0	50
(b) For each copy of a plan on tracing paper, a fee of	1	0
(c) For each copy of a plan on drawing paper, a fee of	3	0
With, in each case, (a), (b), or (c), an additional fee for each certificate of	1	0
4. For supplying an endorsement of registration of a <i>lis pendens</i> , priority notice, or caveat under section 41 (2)	5	0

SECOND SCHEDULE.

Forms.

(Section 47.)

FORM I.

Application for Registration of a *lis pendens*.

(Section 10.)

To the Registrar of Lands of _____.

I (*full name, occupation, and postal address*) hereby apply for registration of the **action (give parties, court, and reference number of action)* as a *lis pendens* affecting the following land in your district (*describe land as in section 13*):—

Dated _____ *Signature of applicant or his proctor.*

* In the case of a partition action the word "partition" should be inserted.

FORM II.

Endorsement of Registration of a *lis pendens* on a Duplicate of the Application for Registration.

(Section 41.)

Registered as a *lis pendens* on (*date*) in (*reference to folio*).*(Signature.)*

Dated _____ Registrar of Lands of _____.

FORM III.

Priority Notice.

(Section 29.)

To the Registrar of Lands of _____.

Take notice under the Registration of Documents Ordinance, No. _____ of 1927, that I (*full name, occupation, and postal address in Ceylon of transferee*) intend to present to you for registration within six weeks from the date of registration of this notice an instrument whereby I or a person deriving title under me will acquire for valuable consideration an interest or benefit from (*full name, occupation, and address of transferor*) in (*describe land giving the particulars required by section 13*).

Signature of applicant or his proctor or notary.

Dated _____.

Signed by the above-named _____ in the presence of (*full names and addresses of two witnesses*).

1. Signature of first witness :
2. Signature of second witness :

(Add where the instrument has not been executed by the transferor.)

And I (*name and address in full*) being the transferor described in the above-written priority notice hereby consent to the registration of such priority notice.

Dated _____ *Signature.*Signed by the above-named _____ in the presence of (*full names and addresses of two witnesses*).

1. Signature of first witness :
2. Signature of second witness :

FORM IV.

Endorsement of Registration of a Priority Notice on Duplicate.

(Section 41.)

Registered on (*date*) in (*reference to folio*).*(Signature.)*

Dated _____ Registrar of Lands of _____.

FORM V.

Application for Renewal of Priority Notice.

(Section 29.)

To the Registrar of Lands of _____.

I (*full name, occupation, and postal address of transferee*) hereby apply for the renewal of the priority notice dated _____ and registered in (*give reference to volume and folio*) for a further period of six weeks.

Signature of applicant or his proctor or notary.

Dated _____.

Signed by the above-named _____ in the presence of (*full names and addresses of two witnesses*).

1. Signature of first witness :
2. Signature of second witness :

(*Where the instrument has not been executed by the transferor, add his consent as in Form III.*)

FORM VI.

Endorsement of Renewal of a Priority Notice on Duplicate of Application for Renewal.

(Section 41.)

Renewed on (*date*).

(Signature.)

Dated _____ Registrar of Lands of _____.

FORM VII.

Form of Caveat.

(Section 30.)

Take notice that I (*full name and address of caveator*) require to be served with notice of the presentation for registration of any instrument affecting (*describe land as in section 13 or give reference to date and number of bill of sale*).

This caveat is to remain in force for a period of _____.

And I appoint (*here state postal address in Ceylon*) as the place at which notices relating hereto should be sent.

Signature of caveator or his proctor or notary.

Dated _____.

Signed by the above-named _____ in the presence of (*full names and addresses of two witnesses*).

1. Signature of first witness :
2. Signature of second witness :

FORM VIII.

Endorsement of Registration of a Caveat on Duplicate.

(Section 41.)

Registered on (*date*) in (*reference to folio*).

(Signature.)

Dated _____ Registrar of Lands of _____.

By His Excellency's command,

Colonial Secretary's Office,
Colombo, March 1, 1927.

A. G. M. FLETCHER,
Colonial Secretary.

Statement of Objects and Reasons.

THIS Ordinance reproduces in an amended and consolidated form the substance of the Land Registration Ordinance, 1891, as amended by Ordinances Nos. 13 of 1908, 29 of 1917, 21 of 1918, 11 of 1919, and 22 of 1921, and Ordinances Nos. 8 and 21 of 1871 relating to the registration of bills of sale.

2. The new Ordinance does not make any fundamental alteration in the present law, but introduces a large number of alterations in detail.

3. The most important alterations are—

- (a) Section 8 widening the class of instruments which will require registration so as to include all instruments which can possibly affect a subsequent purchaser, but introducing exceptions in the favour of letters of administration to the estate of an intestate, decrees where the action has been registered as a *lis pendens*, appointments of an assignee in insolvency debentures and similar documents, and monthly tenancies ;
- (b) Section 9 providing, in effect, that an unregistered will shall not be defeated by a disposition by the heir unless at the date of such disposition, being not less than one year after the death of the testator, letters of administration granted on the footing that the testator died intestate have been registered. This provision will, to some extent, obviate the difficulty raised by the decision in *Fonseka v. Cornelis*, 20 N. L. R. 97, that a registered conveyance by the heir over-rides a will the probate of which has not been registered, thus enabling the heir fraudulently to over-ride a *fidei commissum* created by the will ;
- (c) Section 10 enabling a *lis pendens* to be registered as soon as the plaint has been accepted by the court, but before it has been served on the defendant ;
- (d) Section 11 making registration of a partition action as a *lis pendens* compulsory so as to obviate the danger to purchasers arising from section 17 of the Partition Ordinance, No. 10 of 1863, which avoids the alienation of undivided shares *pendente lite* ;
- (e) Section 16 (2) excepting a contract of sale of goods made in the ordinary course of business from the requirement of registration as a bill of sale ;
- (f) Section 20 legalizing bills of sale of future or after acquired movable property ;
- (g) Section 29 introducing the system of " priority notices " whereby an intending purchaser or mortgagee can obtain priority of registration for his deed by registering a priority notice of his intention to register the deed, the registration of the deed then relating back to the date of the priority notice or of the deed, whichever is the later ;
- (h) Section 30 revising the law as to caveats ; and
- (i) Section 33 enabling the Registrar-General to make corrections in the registers, subject to appeal to the District Court.

CHAPTER I.

4. Section 2 reproduces the substance of sections 3 and 4 of Ordinance No. 14 of 1891. Section 5 of that Ordinance requiring the Registrar-General and Registrars to take the oath of office is not reproduced. Section 2 (7) enables powers conferred on the Registrar-General of Lands to be exercised by the Assistant Registrars-General, subject to the directions of the Registrar-General. Sections 9 to 12 of Ordinance No. 14 of 1891 relating to preliminary surveys for the purpose of registration of titles under Ordinance No. 5 of 1877 have not been reproduced. These surveys have been found too expensive, and no new surveys have been made for many years. Moreover the provisions of Ordinance No. 5 of 1877 have not worked well, the tendency being to ignore its provisions and to continue, notwithstanding registration under Ordinance No. 5 of 1877, to treat Ordinance No. 14 of 1891 as being applicable.

5. The definition of land in section 3 is new.

CHAPTER II.

6. Section 4 (1) reproduces the substance of section 13 of Ordinance No. 14 of 1891. The provision that duplicates sent to the Registrar of Lands shall be accompanied by two copies of a list of such duplicates is new.

7. Section 4 (2) requiring a public officer before whom any document affecting land is executed to send a duplicate of such document to the Registrar of Lands is new. Under various Ordinances instruments affecting land are executed before a public officer, but no provision is made for duplicates of such documents to be recorded.

8. Section 5 represents section 14 of Ordinance No. 14 of 1891. Provision for searches is made in Chapter VI.

CHAPTER III.

9. Section 7 reproduces the existing law (section 17 of Ordinance No. 14 of 1891) as to the effect of non-registration, *i.e.*, that unregistered instruments shall be void as against all parties claiming an adverse interest thereto on valuable consideration by virtue of any subsequent instrument which is duly registered.

10. Section 8 (a) specifies the instruments which require registration under the existing law (section 16 of Ordinance No. 14 of 1891). The expression "will disposing of any land" has, however, been substituted for "the probate of any will." It is the will and not the probate which disposes of the land, the probate being merely evidence of the will. In view of the definition of land in section 3, the reference to immovable property in section 16 of Ordinance No. 14 of 1891 has not been reproduced.

11. Section 8 (b) specifies the instruments which will require registration under the new law. The new provision is wider than the old law and will include all instruments which can possibly affect a subsequent purchaser. One of the main objects of a deeds registration system is to insure that an intending purchaser may know the exact state of the title. The present law appears to be seriously defective in this respect. It has been held not to apply to judgments declaring title (*Mohamed Ali v. Weerasuriya*, 17 N. L. R. 417), and it is open to doubt whether it applies to deeds creating servitudes, &c. It also appears not to apply to letters of administration with the will annexed.

12. On the other hand the new law excludes several instruments which appear to require registration under the present law, but ought, it is considered, to be excluded. Among others may be mentioned decrees or orders made in an action which is registered as a *lis pendens*, shares and debentures of companies, receipts for mortgage money when the mortgage is not extinguished, a tenancy at will, and a monthly tenancy.

13. An important alteration is made by excluding letters of administration to the estate of an intestate from the requirement of registration. Registration of such letters appears to serve no useful purpose. A purchaser from an heir knows that his title is liable to be defeated by a sale by the administrator for the payment of the deceased's debts. It is, therefore, his duty, if he wishes to be safe, to insist on the administrator joining in the sale.

14. It was decided in *Fonseka v. Cornelis*, 20 N. L. R. 97, that an unregistered probate is defeated by a subsequent registered disposition by the heir. This state of the law renders it possible for an heir fraudulently to defeat a will.

15. Section 9 will, to a great extent, prevent this. It provides that a disposition by the heir shall not defeat an unregistered will unless at the time of the disposition, being not less than one year after the death of the testator, letters of administration to the estate of the intestate granted on the footing that he had died intestate were registered.

16. Section 10 (dealing with *lis pendens*) represents section 27 A of Ordinance No. 14 of 1891. November 9, 1917, is the date on which the registration of a *lis pendens* first became necessary (see Ordinance No. 29 of 1917). Section 10 (6) and (7) allow registration of a *lis pendens* at any time after the plaint has been accepted by the court under the Civil Procedure Code. This alters the present law under which a *lis* does not become *pendens* until the plaint has been served on the defendant. (see *Muheeth v. Nadarajapillai et al.*, 19 N. L. R. 461). The object of the change is to prevent fraudulent alienation by a defendant who may be evading service for the very purpose. Section 31 confers power on a District Court to cancel the registration of a *lis pendens*, and section 32 gives a right of action for damages to any person injured by the registration of a *lis pendens* without reasonable cause. "Purchaser" is now defined so as to include any person who, for valuable consideration, takes any interest in or charge over any land.

17. Section 11 rendering it obligatory to register a partition action as a *lis pendens* is new. It is obvious that, unless a partition action is registered as a *lis pendens*, serious injustice may be caused to the purchaser of an undivided share, the sale being void under section 17 of Ordinance No. 10 of 1863.

18. Section 12 represents section 15 of the Ordinance No. 14 of 1891. But the provision requiring duplicate books to be kept in Colombo, having fallen into disuse for many years, is omitted.

19. Section 13 represents section 23 of Ordinance No. 14 of 1891. But the Registrar-General is now required to sanction registration of an instrument which does not contain the prescribed description if it is shown to his satisfaction, (a) that the description is sufficient to enable the land to be identified with reasonable certainty, or (b) that it was impracticable to insert the required particulars in the instrument. His decision is subject to appeal to the District Court. As regards future instruments it is made compulsory to place the description of the land in a schedule. If this is not done, a special fee of five rupees will be charged for the registration to cover the cost of the extra work involved.

20. Section 24 of Ordinance No. 14 of 1891 is not reproduced, the matter being dealt with by section 29 (16) of the Notaries Ordinance, No. 1 of 1907.

21. Section 14 (1) represents the latter part of section 18 (1) of Ordinance No. 14 of 1891. Paragraphs (a) and (b) of the proviso express what has been the practice for many years. Sub-section (3) requiring orders embodying agreements made under section 4 of Ordinance No. 1 of 1897 (Waste Lands) to be registered in a new folio to be allotted by the registrar is new. In practice it is almost impossible to ascertain with certainty in what folio earlier instruments affecting the land have been registered. The sub-section does not apply where the title of the claimant to the land is admitted without agreement, the reason being that such an admission does not confer any title on the claimant as against other persons.

22. Section 14 (2) providing, in effect, that an instrument is not duly registered unless it is registered in the "proper folio" is believed to express the present law.

CHAPTER IV.

23. This chapter reproduces the substance of Ordinances Nos. 8 and 21 of 1871 relating to registration of bills of sale. Those Ordinances require bills of sale of movables of which immediate possession is not taken by the grantee to be registered, but contain no details as to the method of registration. In practice, the provisions of Ordinance No. 14 of 1891 relating to the registration of instruments affecting land have been applied to bills of sale. It seems convenient that this practice should be legalized, and that all provisions relating to registration of documents should be comprised in one Ordinance.

In considering the Ceylon law as to bills of sale, it must be remembered that in Ceylon registration of a mortgage bill of sale of movables does not prevent the borrower from subsequently selling the movables to another person who, if he obtains possession, can hold the movables free from the mortgage. Registration of a bill of sale is, therefore, more for the purpose of giving notice of the transaction to creditors generally than for protecting the mortgagee.

24. Section 16 (1) represents section 6 of Ordinance No. 8 of 1871 and section 4 of Ordinance No. 21 of 1871. Section 16 (2) represents section 7 of Ordinance No. 8 of 1871.

25. It is open to considerable doubt whether a written contract of sale of goods, where the property in the goods passes to the purchaser, is not a bill of sale within Ordinance No. 8 of 1871, the express exception of "transfers of goods in the ordinary course of business of any trade or calling" in the English Act (Bills of Sale Act, 1878, s. 4) finding no place in Ordinance No. 8 of 1871. Section 16 (2) of the new Ordinance settles the question by excepting "contracts of sale of goods within the meaning of the Sale of Goods Ordinance, 1896, and made in the ordinary course of any business, trade, or calling." The new section 16 (1) by inserting the words "whether absolute or by way of mortgage or otherwise" also makes it plain that the law applies to absolute assignments as well as to mortgages. See *Darley, Butler & Co. v. Silva*, 1908, 11 New Law Reports 316. Section 16 (2) also exempts all bills of sale, and not merely hypothecations, as under the old law, of registered ships and goods in foreign parts or at sea.

26. Section 17 represents section 2 of Ordinance No. 8 of 1871. But the time for registration of a bill of sale has been extended from fourteen to twenty-one days. It is often found difficult to effect registration in fourteen days, particularly when the property is situated in more than one district, though this difficulty will now be removed by section 28. Section 4 of Ordinance No. 8 of 1871 required all bills of sale executed before the commencement of that Ordinance to be registered within three months. It follows that all bills of sale, whenever executed, require registration. Accordingly sections 17 and 18 of the new Ordinance are made applicable to all bills of sale whenever executed, and section 4 of Ordinance No. 8 of 1871 is omitted.

27. Section 18 represents section 3 of Ordinance No. 8 of 1871. Section 19 preserves the effect of registrations under earlier Ordinances.

28. Section 2 of Ordinance No. 8 of 1871 required a bill of sale to be registered in the district in which the property was situated *at the time of the bill of sale*. The effect of this was, probably, to avoid all bills of sale of after acquired property or of property not in existence at the date of the bill of sale (*e.g.*, a mortgage of a stock in trade). Section 20 (1) of the new Ordinance legalizes such bills of sale, but the bill of sale will not affect after acquired property until it is brought into the district in which the bill of sale is registered. As it is believed that a large number of bills of sale in existence purport to include after acquired property, this provision has been made retrospective, but will not affect a title for value acquired before the commencement of the new Ordinance.

29. Section 22 requires the movable property affected by a bill of sale to be described in a schedule, and imposes a registration fee of five rupees where this is not done.

30. Section 23 (1) reproduces, as regards bills of sale executed before the commencement of the new Ordinance, the provisions of section 1 of Ordinance No. 21 of 1871 to the effect that a bill of sale should not be invalid for want of registration if it was effected by an instrument which was duly registered as an assurance of land. It is obvious that this provision to a great extent defeats the object of the Ordinance, as the movable property comprised in a mortgage of land might not be situated in the same district as the land. For instance, a mortgage of a tea estate in the hills might well comprise stocks of tea in a warehouse at Colombo. Accordingly the operation of section 23 (1) is confined to past

bills of sale, while section 23 (2) provides, as regards future instruments, that a duly registered assurance of land shall not be deemed to be a bill of sale by reason only that movable property is also affected by the assurance if such movable property is situated on the land dealt with by the assurance. It should be noticed that growing crops are not affected by this chapter (section 16 (2)).

CHAPTER V.

31. This chapter contains provisions applicable both to instruments affecting land and to bills of sale. Section 25 represents section 18 (1) of Ordinance No. 14 of 1891. The class of persons who may present an instrument for registration has, however, been considerably extended. The words in the old section "gaining an interest or benefit under" appear to be unnecessarily restrictive and would prevent a purchaser from presenting for registration a prior unregistered deed forming a link in his title.

32. Section 25 (3) legalizes the presentation of an instrument for registration by post.

33. Section 26 requires each registrar to keep a day book in which is to be entered the time when the instrument was presented for registration. The provision enabling a person to require the minute of presentation to be recorded is new.

34. Section 27 (1) represents section 19 of Ordinance No. 14 of 1891.

35. Section 27 (2) authorizing the return by unregistered post of an instrument not claimed within six months, or if the owner's address is unknown, its destruction after a further six months is new. The storage of unclaimed deeds has become a serious matter.

36. Section 28 (as to instruments affecting land in more districts than one) represents section 21 of Ordinance No. 14 of 1891. See also end of Part I. of the First Schedule. The provision has been extended to movable property.

37. Section 29 is a new and important provision introducing the system of "priority notices." Under the present law there is no means whereby a purchaser or mortgagee can protect himself against the registration of unregistered deeds in the interval between execution and registration of his deed. Section 29 obviates this difficulty by allowing an intending purchaser or mortgagee to register a "priority notice" of his intention to register his deed. In such case if at any time within six weeks from registration of the priority notice the deed is registered, such registration will relate back to the date of registration of the priority notice or to the date of the execution of the deed, whichever is the later. For instance, a purchaser contracts to buy a piece of land in January. He then registers a priority notice, and on February 1 obtains his conveyance which is presented for registration on February 15. Under section 29 the deed will be deemed to have been registered on February 1. The provision applies to wills affecting land, except that the priority notice cannot be registered until the death of the testator, and to decrees and orders affecting land. Section 31 confers power on a District Court to cancel registration of a priority notice, and section 32 gives a right of action for damages to any person injured by the registration of a priority notice without reasonable cause. The duration of a priority notice may be extended for a further period of six weeks.

A priority notice can only be registered before completion of the sale or mortgage with the consent of the vendor or mortgagor. But a priority notice which is registered before completion will have the important effect of preventing the registration, while the priority notice remains in force, of any instrument executed by the vendor or mortgagor after registration of the priority notice and affecting the land described in

the priority notice. This will protect the purchaser against a transfer by the vendor pending completion of the sale. There is no need for a vendor or mortgagor to consent to registration of a priority notice before completion unless he so desires. But if he does so, he will in effect be bound to the purchaser or mortgagee in the same manner as if he had executed a notarially executed contract in favour of the purchaser or mortgagee.

Priority notices are not applicable to movable property. As registration of a bill of sale confers no priority, there is no object in making registration relate back to the date of execution of the bill of sale.

38. Section 30 amends the law as to caveats. The present law (section 25 of Ordinance No. 14 of 1891) enables any person to lodge a caveat to prevent the registration of any instrument subsequently tendered for registration. Some such provision seems to be necessary in order that a person claiming under an unregistered instrument may be able to prevent fraudulent alienations which, if once registered, would defeat his rights. The present provision, however, goes much farther than is necessary, and enables any person arbitrarily to prevent land from being dealt with and is open to abuse. It is believed to have been largely used by unsecured creditors with a view to putting pressure on their debtors. The present law is also open to the objection that no provision is made for a postponed registration relating back. This defect might let in a competing deed of later date and cause serious injustice.

The new provision (section 30) permits registration of a caveat requiring to be served with notice of the presentation for registration of any instrument. If, while the caveat is in force, any instrument is registered, and in an action commenced by the caveator within thirty days it is proved that the instrument is void or voidable by the caveator or fraudulent as against him or is in derogation of his lawful rights, the court may order the instrument to be rectified or cancelled and the necessary correction to be made in the register.

By section 30 (3) the caveat will remain in force for such period as is covered by the fee, instead of for six months as at present. The existing fee of rupees twelve and cents fifty for six months is retained.

Section 31 confers power on a District Court to cancel a caveat.

Section 32 gives a right of action for damages to any person injured by the registration of a caveat without reasonable cause.

39. Section 33 confers power on the Registrar-General to correct errors in the register, subject to appeal to the District Court. The present law provides no means for correcting a register. The result is that the parties have to execute a deed cancelling or varying the earlier deed.

40. Section 34 is founded on section 18 (2) of Ordinance No. 14 of 1891, and gives power for a registrar to refuse to register an instrument—

- (a) Where he has reason to suspect that the person presenting the instrument is not authorized to do so; or
- (b) If it does not comply with the Ordinance or any law affecting the form or mode of execution of the instrument.

The power given by section 18 (2) of Ordinance No. 14 of 1891 for a registrar to require proof of the due execution of the instrument and the obligation thereby imposed on him to give notice of a fraud, which he may have reason to apprehend is about to be committed are omitted. Both provisions are foreign to the Ceylon system, under which registration does not of itself give any validity to an instrument which it would not otherwise have had.

Section 36 gives a right of appeal to the Registrar-General, and from him to the District Court, against the refusal of a registrar to register an instrument.

41. Section 37 confers power on a District Court to order the rectification or cancellation of the registration of an instrument which is proved to be a forgery or has been rectified or set aside by a competent court.

CHAPTER VI.

42. Section 38 provides for the making of copies of illegible or damaged registers.

43. Section 39 provides for indexes, and section 40 for searches and certified copies. Section 41 provides for the admission of certified copies in evidence. Section 41 (2) affords a simple way of proving registration of a *lis pendens*, priority notice, or caveat by endorsement on a duplicate of the application for registration.

44. Section 42 indemnifies a registrar against anything done officially in good faith.

45. Section 43 provides that no order for payment of costs by the Registrar-General shall be made in any suit brought against him under the Ordinance (see sections 13 (5) and 36 (2)), such suits being in the nature of appeals against judicial decisions of the registrar.

46. Section 44 validates things done in good faith by a registrar notwithstanding a defect in his appointment or in procedure.

FIRST SCHEDULE.

47. Part I. reproduces Schedule III. added to Ordinance No. 14 of 1891 by Ordinance No. 11 of 1919.

Paragraph 2 makes it clear that in partition deeds and decrees the fixed fee of Rs. 5 is payable for each land of which the value is not specified, and that the *ad valorem* duty is payable on the aggregate value of the lands of which the value is specified and not on the value of each land taken separately. The latter construction has been ruled to be the correct one under the present law, but probably does not represent the intention of the Legislature.

48. Part II. reproduces the schedule of fees for instruments executed before July 1, 1919 (see page 96 of Volume II. of the Consolidated Laws). The same alteration has been made in the fees payable on instruments of partition.

49. Part III. specifies the fees for searches and certified copies. In accordance with the recommendation of the Fees Revision Committee the fee for searches has been raised. The fee for the search of duplicates kept under Chapter II. will now be one rupee for the first period of twelve months and fifty cents for each additional twelve months, instead of one rupee for an unlimited period (section 35 of Ordinance No. 14 of 1891).

Similarly the fee for the search of registers kept under Chapters III. or IV. will now be one rupee for the first five volumes and twenty-five cents for every additional five volumes.

50. Section 28 of Ordinance No. 14 of 1891 requiring lists of executors, administrators, guardians, and curators to be kept by Registrars of Lands has been omitted, it having been found that the lists are seldom used by proctors or the public.

51. Section 29 of Ordinance No. 14 of 1891 requiring lists of Crown debtors to be kept at the land registries has also been omitted, the provision having been found to be impracticable and having fallen into disuse for many years.

Attorney-General's Chambers,
Colombo, December 14, 1926.

L. H. ELPHINSTONE,
Attorney-General.

NOTIFICATION OF CRIMINAL SESSIONS.

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 Galle, Matara, and Tangalla will be holden at the Courthouse at Galle on Monday, April 25, 1927, 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,
Galle, March 26, 1927.

L. W. C. SCHRADER,
Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.
No. 3,078.

NOTICE is hereby given that Susai Philip Nazarath Peiris of 73, Fifth Cross street, Colombo, carrying on business under the name, style, and firm of Soovanna Nana Peeyanna has been adjudicated an insolvent in this court.

By order of court, P. DE KRETSEK,
Colombo, March 28, 1927. Secretary.

In the District Court of Colombo.

No. 3,631. In the matter of the insolvency of Samaratunge Muhandramge Don Mathias of Udakanampelle in the Gangaboda pattu of Siyane korale in the District of 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 April 12, 1927, for the purpose of approving conditions of sale.

By order of court, P. DE KRETSEK,
Colombo, March 23, 1927. Secretary.

In the District Court of Colombo.

No. 3,699. In the matter of the insolvency of Ana Mohamed Mohideen and Kovanna Meeran Mohideen *alias* Alim Saibo, carrying on business in partnership under the name, firm, and style or vilasam of S. S. M. Mohideen Saibo at premises 104, Fourth Cross street, Pettah, Colombo.

WHEREAS E. G. Adamaly & Co., Abdul Rahim Oosman & Co., T. A. J. Noorbhai & Co., H. Kasam Dada, D. H. Peermohamed Moosa, P. N. Kapadia, and Habib & Co. have filed a petition for the sequestration of the estate of the above-named Ana Mohamed Mohideen and Kovanna Meeran Mohideen *alias* Alim Saibo, under Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Ana Mohamed Mohideen and Kovanna Meeran Mohideen *alias* Alim Saibo insolvents accordingly; and that two public sittings of the court, to wit, on May 10, 1927, and on May 24, 1927, 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, P. DE KRETSEK,
Colombo, March 24, 1927. Secretary.

In the District Court of Colombo.

No. 3,707. In the matter of the insolvency of Mohamed Soolaiman Gajee of Fourth Cross street in Colombo.

WHEREAS the above-named Mohamed Soolaiman Gajee has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by A. S. Abdul Karim of Prince street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Mohamed Soolaiman Gajee insolvent accordingly; and that two public sittings of the court, to wit, on May 17, 1927, and on May 31, 1927, 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, P. DE KRETSEK,
Colombo, March 22, 1927. Secretary.

In the District Court of Colombo.

No. 3,708. In the matter of the insolvency of Susai Philip Nazarath Peiris of 169, Grandpass, presently of 73, Fifth Cross street, Colombo, carrying on business under the name, style, and firm of Soovanna Nana Peeyanna.

WHEREAS the above-named Susai Philip Nazarath Peiris has filed a declaration of insolvency, and a petition for the sequestration of his estate has also been filed by C. S. Venayagam of Grandpass, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Susai Philip Nazarath Peiris insolvent accordingly; and that two public sittings of the court, to wit, on May 17, 1927, and on May 31, 1927, 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, P. DE KRETSEK,
Colombo, March 28, 1927. Secretary.

In the District Court of Kandy.

No. 1,743. In the matter of the insolvency of Manikkubaduge William Silva and Manikkubaduge Simon de Silva, both of Gampola.

NOTICE is hereby given that a special meeting of the creditors of the above-named insolvents will take place at the sitting of this court on May 6, 1927, for the purpose of authorizing the assignee to sell the movable property belonging to the insolvents.

By order of court, T. J. M. FERNANDES,
Kandy, March 28, 1927. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 17. In the matter of the insolvency of S. R. Kathiresan Pillai of Dikoya.

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 April 22, 1927, for the purpose of considering the grant of a certificate of conformity to the insolvent.

By order of court, A. W. LUDEKENS,
Hatton, March 29, 1927. Secretary.

In the District Court of Galle.

No. 564. In the matter of the insolvency of Puwakandawe Lokuacharige Janis Hamy of Galwadugoda, Galle.

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 May 5, 1927, for the grant of a certificate of conformity to the above-named insolvent.

By order of court, C. W. GOONEWARDENE,
Galle, March 28, 1927. Secretary.

In the District Court of Galle.

No. 565. In the matter of the insolvency of Packir Mohideen Junaido of Kandewatta in Galle.

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 May 2, 1927, for the examination of insolvent.

By order of court, C. W. GOONEWARDENE,
Galle, March 28, 1927. Secretary.

In the District Court of Kurunegala.

Insolvency In the matter of the insolvency of No. 85. Jandris de Silva of Mawatagama.

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 May 18, 1927, to consider the granting of a certificate of conformity to the above-named insolvent.

By order of court, GERALD E. DE ALWIS,
Kurunegala, March 25, 1927. Secretary.

NOTICES OF FISCALS' SALES.

Western Province. 26/3/27

In the District Court of Colombo.

N. E. M. Packeer of Wellawatta in Colombo. Plaintiff.
No. 14,838. Vs.

Mohamed Khalid alias Mohamed Auwar, by his guardian *ad litem* M. N. Samahon of Church street, Slave Island, Colombo. Defendant.

NOTICE is hereby given that on Saturday, April 30, 1927, at 1 P.M., 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. 1,200 (less the sums of (a) Rs. 150 taxes, (b) Rs. 440 monthly contribution payable by plaintiff, and (c) Rs. 50 repairs), and costs, viz. :—

All that part of the garden called Gorakagahawatta with the two new houses and sheds standing thereon bearing assessment No. 21, now bearing Nos. 10a and 10b, Borella cross road, and Nos. 394 and 396, 3rd Division, Maradana, Colombo; bounded on the north-west and north-east by roads, south-east by the other part of the same garden of the property of the estate of the late Hon. James Van Langenberg, and on the south-west by land said to be the garden of D. Wijesinghe, Mudaliyar, deceased; containing in extent 36 67/100 perches.

Fiscal's Office,
Colombo, March 30, 1927.

N. WICKRAMASINGHE,
Deputy Fiscal.

In the District Court of Colombo.

N. M. A. R. Nallakaruppen Chetty of 178, Sea street, Colombo. Plaintiff.

No. 16,477. Vs.

(1) Nemath Umma, (2) A. C. M. Saheed of New Moor street in Colombo. Defendants.

NOTICE is hereby given that on Monday, May 2, 1927, at 2.30 P.M., will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 1,515, with interest thereon at 9 per cent. per annum from July 6, 1925, till payment in full, and costs of suit, less a sum of Rs. 1,050 and also Rs. 150, viz. :—

All that premises with the buildings thereon bearing assessment No. 26, situated at 2nd Gabo's lane, within the Municipality and District of Colombo, Western Province; bounded on the north by property of W. David de Alwis, east and west by property of Abdul Rahiman, and on the south by 2nd Gabo's lane; containing in extent 83/100 of a square perch.

Fiscal's Office,
Colombo, March 30, 1927.

N. WICKRAMASINGHE,
Deputy Fiscal.

In the District Court of Colombo.

W. Beer of Colombo Plaintiff.
No. 19,503. Vs.

W. M. H. M. Ghouse of Main street, Colombo. Defendant.

NOTICE is hereby given that on Wednesday, April 27, 1927, at 4 P.M., will be sold by public auction at 10, Kayman's Gate, the following movable property for the recovery of the sum of Rs. 2,418.50, being balance claim and interest, together with further interest at 9 per cent. per annum on Rs. 2,168.10 from the date hereof, February 22, 1927, till payment in full, and costs of suit, and poundage, viz. :—

<i>In Almirah No. 1.</i>	48 large tins paint of different colours
6 loose rolls ribbons	41 tins mixed paint
44 packets gold paint	6 packets distemper
60 tins sapolin	90 tins paint of different colours
11 loose boxes brushes	32 large and small tins metal polish
18 tins metal polish	11 tins polish
4 bottles French polish	
4 large brushes	
<i>In Almirah No. 2.</i>	5 loose barrels lime
6 pieces carpets	3 common wood almirahs
6 tins polish	2 common wood small almirahs
22 packets dry colour	3 common wood racks
24 packets white lead paint	1 common wood counter
9 brushes	1 jak table
3 loose boxes metal polish	2 common wood chairs
3 bottles spirits of wine	1 old nadun chair
1 bundle laces	17 packing cases
30 packets ink powder of different colours	4 empty small barrels
7 packets blue	3 buckets
100 sand papers	10 empty tins
<i>In No. 3 Almirah.</i>	30 empty bottles
5 pieces oil cloth	1 old rack
2 pieces carpets	1 bench
<i>In No. 1 Rack.</i>	6 brushes
25 bundles sand papers	5 tins
11 packets paint	1 tin linseed oil, about 1 gallon
4 boxes metal polish	1 tin tar
20 packets gold paint	1 common wood stand
250 packets ink powder of different colours	7 padlocks
18 packets blue	1 scale with weights
4 large tin spirits	3 loose tins paint
	3 empty small barrels

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, March 30, 1927. Deputy Fiscal.

In the District Court of Colombo.

S. K. R. A. A. R. Ramasamy Chetty of 101, Sea street, Colombo Plaintiff.
No. 20,505. Vs.

N. Sayed Mohamad of 17, Baillie street, Colombo Defendant.

NOTICE is hereby given that on Thursday, May 5, 1927, at 2.30 P.M., 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. 1,041.75, with interest thereon at 18 per cent. per annum from July 14, 1926, till payment in full, and costs of suit, less a sum of Rs. 50, viz. :—

All those three contiguous allotments of land with the buildings thereon formerly bearing assessment No. 7 (1-2 and 3-8) 8/1 to 8/15 and A and now bearing Nos. 55, 57, 59, 61, 63, and 65, situated at Wekanda, within the Municipality of Colombo in the District of Colombo, Western Province; and bounded on the north by premises formerly bearing assessment No. 6 and

now 53, on the east by Crown land, on the south by premises formerly bearing assessment No. 9 and 9a and now bearing No. 67, on the west by Wekanda road; and containing in extent 1 rood and 38-49 according to the figure of survey bearing No. 949 dated April 9, 1924, made by S. Sabaratnam, Licensed Surveyor.

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, March 30, 1927. Deputy Fiscal.

In the District Court of Colombo.

M. A. L. M. K. R. Sinnakaruppen Chetty of 67, Sea street, Colombo Plaintiff.
No. 20,820. Vs.

(1) Magalage Gabriel Perera, (2) Magalage Sediris Perera, both of Kirillapone in Colombo District, and (3) Magalage Albert Perera of 44, Dematagoda, Colombo Defendants.

NOTICE is hereby given that on Friday, April 29, 1927, at 2 P.M., will be sold by public auction at the premises in the following property mortgaged with the plaintiff by bond No. 1,996 dated April 29, 1926, attested by S. Somasundaram of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and decreed and ordered to be sold by the order of court dated September 22, 1926, for the recovery of the sum of Rs. 3,434.92, with interest on Rs. 3,420 at 16 per cent. per annum from August 12, 1926, to August 13, 1926, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that allotment of land called and known as Makulugahawatta marked lot 323 in the registration plan No. 4, together with all the buildings, trees, and plantations standing thereon bearing Sanitary Board assessment No. 391, situated at Kirillapone in the Palle pattu of Salpiti korale, in the District of Colombo, Western Province; bounded on the north by lot No. 319, on the east by lot No. 325, on the south by a road from Wellawatta to Nugegoda, and on the west by lots Nos. 320, 321, and 322; containing in extent 33 perches. Prior Registration, Kirillapone 3/260.

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, March 30, 1927. Deputy Fiscal.

In the District Court of Colombo.

A. Hutson & Co., Ltd., of Colombo Plaintiffs.
No. 21,265. Vs.

(1) Weddikamge Reikel Munindradasa and (2) Pattagam Aginda Zoysa, carrying on business under the name, style, and firm of "Colombo Motor Stores" at 67, Fourth Cross street, Pettah, Colombo Defendants.

NOTICE is hereby given that on Friday, May 6, 1927, at 2 P.M., will be sold by public auction at the premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 7,636.84, with interest thereon at 9 per cent. per annum from September 24, 1926, till payment in full, and costs of suit, viz. :—

All that western $\frac{1}{2}$ share of the lands called Delgahawatta and Madangahawatta marked A with the buildings thereon bearing Municipal assessment Nos. 1,410/198, 1,411/198, and 1,412/198, situated at Daniel's road in Madampitiya, within the Kotahena ward of the Colombo Municipality, and in the District of Colombo, Western Province; and bounded on the north-east by Daniel's road, on the east by lot B

the eastern half part, on the south-west by the property bearing assessment Nos. 1,457/107 and 1,456/106, and on the west by the property of H. Peter Silva bearing assessment No. 1,409/197 and the property bearing assessment No. 1,457/109; and containing in extent 1 rood and 2 perches according to the plan No. 321 dated April 1, 1925, made by W. E. Lucas, Licensed Surveyor, subject to the mortgage created by deed No. 1,460 of September 27, 1926, attested by M. S. Akbar, Notary Public, which said premises are registered in volume A, 173, Folio 298 of the Land Registry, Colombo.

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, March 30, 1927. Deputy Fiscal.

In the District Court of Colombo.

N. L. S. A. S. P. Somasundaram Chetty of 165,
Sea street, Colombo..... Plaintiff
No. 23,004. Vs.

Kungi Bawa Abdu Majeed, carrying on business at
39, Chatham street, Fort, Colombo, under the
name, style, and firm of K. B. A. Majeed &
Co..... Defendants.

NOTICE is hereby given that on Saturday, April 23, 1927, at 10 A.M., will be sold by public auction at 39, Chatham street, Fort, the following movable property mortgaged with the plaintiff by bond No. 1,319 dated April 4, 1925, and attested by C. Sevaprakasam of Colombo, Notary Public, and decreed and ordered to be sold by the order of court dated March 22, 1927, for the recovery of the sum of Rs. 1,165.41, together with interest thereon at the rate of 9 per cent. per annum from March 18, 1927, till payment in full, and costs of suit, viz. :—

All and singular the precious stones, diamonds, jewellery, curios, aquamarine, rose coral, gold and silver articles, shop goods, furniture, almirahs, show cases, silk goods, mirror, fittings, chattels and things now lying at 39, Chatham street, Fort, viz. :—

3 glass almirahs
4 show cases
2 iron safes

In No. 1 Show Case.

28 necklaces
18 brooches
2 rings set with gems
18 pairs eardrops
16 black toy elephants
12 tie pins
28 various types of necklace
8 black toy elephants

In No. 2 Show Case.

5 necklaces set with gems
9 tortoise shell articles
4 coral necklaces
12 pairs shirt buttons

In No. 3 Show Case.

64 various gems on trays
44 various gems
2 pocket watches

In No. 4 Show Case.

9 silver necklaces
87 bone ornaments
3 porcupine quill boxes
12 fans
2 carved coconut shells on stand
10 necklaces
14 purses
8 toy elephants
8 gauze banians
3 timepieces
10 straw hats
34 straw hats
9 porcupine quill boxes
4 toy deer
10 porcupine quill boxes
7 fans
11 necklaces
20 toy elephants
1 leather bag
47 purses
91 Kalutara baskets
4 bentwood chairs
2 jak chairs
1 jak table

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, March 30, 1927. Deputy Fiscal.

In the District Court of Colombo.

Avanna Roona Ravanna Mana Arumugam Chetty
of 183, Sea street, Colombo..... Plaintiff.
No. 22,776. Vs.

W. M. H. M. Ghouse of 10, Kayman's Gate,
Colombo..... Defendant.

NOTICE is hereby given that on Wednesday, April 27, 1927, at 2 P.M., will be sold by public auction at 10, Kayman's Gate, Pettah, Colombo, the following movable property mortgaged with the plaintiff by bond No. 1,390 dated October 16, 1925, and attested by C. Sivaprakasam of Colombo, Notary Public, and decreed and ordered to be sold by the order of court dated February 25, 1927, for the recovery of the sum of Rs. 929, with interest thereon at the rate of 9 per cent. per annum from February 25, 1927, till payment in full, and costs of suit, viz. :—

All and singular the paints, varnishes, oil, distemper, dry colours, window glasses, brushes, oil cloth, turpentine, stock in trade, book debts, almirahs, tables, chairs, counters, furniture fittings, effects, and things now lying in premises No. 10, Kayman's Gate, Colombo, viz. :—

<i>In Almirah No. 1.</i>	41 tins mixed paint
6 loose rolls ribbon	6 packets distemper
44 packets gold paint	90 tins paint different colours
60 tins sapolin	32 large and small tins metal polish
11 loose boxes brushes	11 tins polish
18 tins metal polish	
4 bottles French polish	
4 large brushes	
<i>In Almirah No. 2.</i>	
6 pieces carpets	5 loose barrels lime
6 tins polish	3 common wood almirahs
22 packets dry colour	2 common wood small almirahs
24 packets white lead paint	3 common wood racks
9 brushes	1 common wood counter
3 loose boxes metal polish	1 jak table
3 bottles spirits of wine	2 common wood chairs
1 bundle laces	1 old nadun chair
30 packets ink powder of different colours	17 packing cases
7 packets blue	4 empty small barrels
100 sand papers	3 buckets
<i>In No. 3 Almirah.</i>	
5 pieces oil cloth	10 empty tins
2 pieces carpets	30 empty bottles
<i>In No. 1 Rack.</i>	
25 bundles sand papers	1 old rack
11 packets paint	1 bench
4 boxes metal polish	6 brushes
20 packets gold paint	5 tins
250 packets ink powder of different colours	1 tin linseed oil, about 1 gallon
18 packets blue	1 tin tar
4 large tins spirits	1 common wood stand
48 large tins paint of different colours	7 padlocks
	1 scale with weights
	3 loose tins paint
	3 empty small barrels

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, March 30, 1927. Deputy Fiscal.

In the District Court of Colombo.

Navanna Oona Roona Orudrapathy Pillai of 6,
Main street, Colombo..... Plaintiff.
No. 22,639. Vs.

Kana Moona Seyadu Rawther of 46, Bazaar street, Kurunegala, present of Pettah, Colombo..... Defendant.

NOTICE is hereby given that on Thursday, April 21, 1927, at 10 A.M., will be sold by public auction at Weerappah's garage, Turret road, Colpetty, Colombo, the following movable property mortgaged with the

plaintiff by bond No. 1,998 dated May 1, 1926, and attested by S. Somasundaram of Colombo, Notary Public, and declared specially bound and executable under the decree entered in the above action and decreed and ordered to be sold by the order of court dated March 14, 1927, for the recovery of the sum of Rs. 5,475.44, with interest thereon at 9 per cent. per annum from February 15, 1927, till payment in full, and costs of suit, viz.:—

One Paige lorry bearing licence No. Q 341, with all the accessories thereto belonging. Prior Registration, Kegalla, mov: 1/347.

Fiscal's Office, N. WICKRAMASINGHE,
Colombo, March 30, 1927. Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Don Francis Manamperi Koralage of Colombo
and others Plaintiffs.

No. 19,606. Vs.

Johana de Alwis Samaranayaka of
Kalahe Defendant.

NOTICE is hereby given that on Monday, April 25, 1927, at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz.:—

1. All those contiguous lots marked Nos. 3 and 10 of the land called Alagiawatta, Alagiawatta-addaraowita and Kumbura, together with the buildings standing thereon, situate at Panagamuwa in Kalahe, in the Talpe pattu of Galle District; bounded on the north by Kuligodawatta *alias* Baduwatta and lots Nos. 4 and 9 of the same land, east by Eluwila, south by lots Nos. 11 and 2 of the same land and Mahawatta, and west by Pedigedarawatta *alias* Gama-gedarawatta; extent about 1 acre 3 roods and 7 perches.

2. All that lot No. 7 of the land called Alagiawatta, Alagiawatta-addaraowita and Kumbura, situate at Panagamuwa in Kalahe, in the Talpe pattu of Galle District; bounded on the north by Kurundugaha-addarawela, east by Eluwila, and south by lot No. 7A of the same land, and west by No. 6 of the same land; extent 1 rood and 2 perches.

Amount of writ Rs. 30.92, compensation Rs. 193.49, *pro rata* costs Rs. 22.45, writ costs Rs. 246.86.

Fiscal's Office, E. F. EDRISINGHE,
Galle, March 23, 1927. Deputy Fiscal.

In the District Court of Galle.

(1) Galappattiguruge Jane Nona, (2) L. G.
Mendis Silva, both of Koggala Plaintiffs.

No. 22,858. Vs.

Bulage Andiris Appu of Koggala Defendant.

NOTICE is hereby given that on Monday, April 25, 1927, at 2 p.m., will be sold by public auction at the premises in the following property mortgaged, viz.:—

1. The entire soil and trees of lot No. 4 of the land called Talawe-owita, situate at Koggala; bounded on the north by lot No. 3 of Talawe-owita, east by lands depicted in title plans Nos. 283,814 and 283,811, on the south by Ulugedarawatta, and on the west by lot No. 3 of Talawe-owita; extent about 18.98 perches.

2. The entire soil and trees of lot No. 2 of the land called Talawe-owita, situate at Koggala; bounded on the north by land depicted in title plan No. 283,810; east by lot No. 3 of Talawe-owita, south by high road, west by lot No. 1 of Talawe-owita; extent 1 rood and 12 perches.

Amount of writ Rs. 2,888.36; with interest on Rs. 2,671.55 at 9 per cent. per annum from January 28, 1926, till payment.

Fiscal's Office, E. F. EDRISINGHE,
Galle, March 29, 1927. Deputy Fiscal.

In the District Court of Matara.

The Hon. Mr. L. H. Elphinstone, His Majesty's
Attorney-General of Ceylon Plaintiff.

No. 2,480. Vs.

Don Nandias Tirimadura of Bateegama Defendant.

NOTICE is hereby given that on Friday, April 22, 1927, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 353.60:—

1. An undivided $\frac{3}{4}$ parts of the paraveni trees and of soil, together with the planter's $\frac{1}{4}$ share of the fruit trees of the defendant's residing portion, in extent about $\frac{1}{2}$ acre, with the buildings standing thereon, of the land called Tondilewalemalapalawa, situated at Bateegama in the Wellaboda pattu of Matara District, Southern Province; and bounded on the north by Indikehiyawatta, east by Paluwatta, south by Gungakanda, and on the west by the portion of the same land wherein U. Seyanis resides.

2. An undivided $\frac{1}{2}$ part of the soil and trees of the land called Ihalakattadigewatta, in extent about $1\frac{1}{2}$ acres, situated at Bateegama *aforsaid*; and bounded on the north and west by Bateegamahawatta, east by Diwelyawatta, and south by Tembiligahakoratuwa, Polkoratuwa and Betigahakoratuwa.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, March 21, 1927. Deputy Fiscal.

In the District Court of Matara.

Arnolis de Silva Wijesinghe of Kahawatta in Tan-
galla District Plaintiff.

No. 2,505. Vs.

Cyril Henry Francis Tennekoon Tillekeratne of
Tondila in Dikwella Defendant.

NOTICE is hereby given that on the dates and at the hours mentioned below 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. 2,830.20, with interest on Rs. 2,803 at 18 per cent. per annum from July 21, 1926, till August 30, 1926, and thereafter legal interest on the aggregate amount till payment in full, with costs:—

On Saturday, April 30, 1927, at 2 o'clock
in the afternoon.

1. An undivided $\frac{1}{2}$ share of the soil, plantations, and buildings of the land called Tondilewalesiriwalawwewatta *alias* Kandabodapattuwalawwewatta, in extent 29 acres 3 roods and 24 perches, situated at Babarenda in the Wellaboda pattu, Matara District, Southern Province; and bounded on the north and east by Thondilakalapuwa, south by sea-shore, and west by Medawatta *alias* Pitarode-watta and wella.

On Monday, May 2, 1927, at 2 o'clock
in the afternoon.

2. An undivided $\frac{1}{2}$ share of the land called Miriswatta, in extent 9 acres 2 roods and 1.63 perches, situated at Kitalagama in the Gangaboda pattu of the said district; and bounded on the north by Nagahaliadda and Dambakole, north-east and east by Crown land called Badulukele, west by Ihaliadda, Mullekumbura, Munnehegediwella, Angurumedatolla, south west by Hinira, and south by Maparagahaira, Kudaparagahaira, Ihalabodairikonda, and Duligewatta.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, March 23, 1927. Deputy Fiscal.

In the Additional Court of Requests of Matara.

Amadoru Galappathige Babasinno and another,
both of Babarenda Plaintiffs
No. 13,881. Vs.

Missienona Kulatunga, *alias* Missie Lucy
Cicilia Kulatunga Samarawickrema of
Dondra Defendant

NOTICE is hereby given that on Saturday, April 23, 1927, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 141.25, with legal interest on Rs. 120 from September 2, 1924, till payment in full:—

An undivided 6 amunams extent of the field called Amarakonwila, situated at Magallagoda in Gangaboda pattu of Matara District, Southern Province; and bounded on the north by Ambaladiwala, east by Amarasekerawila, south by Nalawa and Gederakumbura, and on the west by Kadawedduwala; and containing in extent 7 amunams of paddy sowing, subject to the mortgage bond No. 4,193 of November 2, 1924.

E. T. GOONEWARDENE,
Deputy Fiscal's Office, Deputy Fiscal.
Matara, March 25, 1927.

In the Additional Court of Requests, Matara.

L. N. de Silva of Matara Plaintiff
No. 14,446. Vs.

D. A. Nagasinghe of Delkada, Matara Defendant.

NOTICE is hereby given that on Saturday, April 23, 1927, commencing at 9 o'clock in the forenoon, will be sold by public auction near the Railway Goods Shed at Matara the right, title, and interest of the said defendant in the following property for the recovery of a sum of Rs. 321.36, with legal interest on Rs. 295.11 from November 4, 1926, till payment in full:—

1. One broken lorry, "Thornycroft," bearing No. N 17.
2. One jack and rod.
3. One engine spanner, $\frac{3}{4}$ inch.
4. One engine spanner, $\frac{1}{2}$ inch.
5. One engine spanner, $\frac{3}{8}$ inch.
6. Two box spanners.
7. One box spanner.
8. One Brohe engine spanner, $\frac{1}{2}$ inch.
9. One hub spanner.
10. Eight chisels.
11. One screw driver.
12. One puncher.
13. One oil can.
14. One chain spanner.

15. Two tins assorted bolts and nuts.
16. One old chain.
17. Three old cushions.
18. One damaged mirror.
19. One damaged horn.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, March 29, 1927. Deputy Fiscal.

Northern Province.

In the District Court of Jaffna.

Kathiravelu Ponnuru of Sandiruppay Plaintiff
No. 21,832. Vs.

Perampalam Arulampalam of Sandirup-
pay Defendant.

NOTICE is hereby given that on Wednesday, April 27, 1927, 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 decreed property for the recovery of Rs. 765, with interest on Rs. 700 at the rate of 10 per cent. per annum from August 23, 1926, until payment in full, poundage, and charges, viz.:—

A piece of land situated at Sandiruppay in Manipay parish, Valigamam West division of the Jaffna District, Northern Province, called Paththavathavalavu, containing or reputed to contain in extent 7 $\frac{1}{2}$ lachams varagu culture, with house and other appurtenances; bounded or reputed to be bounded on the east by property belonging to Thillaiampalam Vaithianathar and shareholders on the north by property belonging to the heirs of Veluppillai Sellappah, on the west by property belonging to Thiruvellankar Eliyatamby and byelane, and on the south by lane; with share of well situated in the eastern boundary land.

Fiscal's Office, C. MUTTUCUMARU,
Jaffna, March 26, 1927. for Fiscal.

North-Western Province.

In the Requests Court of Kurunegala.

Muna Kuna Mana Muthuramen Chetty of
Kurunegala Plaintiff.

No. 6,667. Vs.

Makykathiray Patabendinaidelage Suwandira of
Yantanpalawa in Tiragandahe korale Defendant.

NOTICE is hereby given that on Saturday, April 23, 1927, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz.:—

Kandahenawatta of about 2 lachas of kurakkan sowing extent; and bounded on the east by Velweta, on the north by Kapuhenakelaya, on the south by the fence of the garden of Sami Nathan Pulle, and on the west by dewata and fence of the garden of Mudaliyar; with the cadjan building and the plantations thereon, situated at Yantanpalawa in Tiragandahe korale of Weudawilli hatpattu in Kurunegala District. Amount to be levied Rs. 81.15, with further interest on Rs. 50 at the rate of 30 per cent. per annum from September 10, 1925, till October 7, 1925, and thereafter with legal interest on the aggregate amount till payment in full, and poundage.

Fiscal's Office, S. D. SAMARASINHE,
Kurunegala, March 28, 1927. Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Kurunegala.

Alfred Wemoda Bogahalanda of Meepitiya
Walamwa alias Aturupana Walawwa in
Kegalla Plaintiff.

No. 11,556. Vs.

Alfred Wemoda Bogahalanda of Meepitiya
Walamwa alias Aturupana Walawwa in
Kegalla Defendant.

NOTICE is hereby given that on April 23, 1927, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. —

Sale on April 23, 1927, at 2 p.m.

All that land called Poldeniyawatta of about 20 acres in extent, situated at Nikapitiya in Paranakuru korale, in the District of Kegalla of the Province of Sabaragamuwa; and bounded on the east by rubber estate belonging to Elangasuriya, on the south by limit of the garden of James Fernando, on the west by Hettigewatta and Kahatakumburagewatta, and on the north by the jak fence of the garden of Sirimala; for the recovery of the sum of Rs. 733.70 and poundage.

S. DE SILVA,
Additional Deputy Fiscal.

Deputy Fiscal's Office,
Kegalla, March 25, 1927.

35/328/ In the District Court of Colombo.

P. J. K. N. M. Palaniappa Chetty of Sea
street, Colombo Plaintiff.

No. 22,045. Vs.

Perumal Adekkan Kankani of Indurana in
Kegalla District Defendant.

NOTICE is hereby given that on April 26, 1927, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. —

All that land called Gorakagahakandekumbura, situated at Indurana in Dehigampal korale in Three Korales, in the District of Kegalla, Province of Sabaragamuwa; and bounded on the east by ela (stream), on the south by the other portion of this property (now Chesterford estate), on the west by Godakele (now Chesterford estate), and on the north by owita; containing an extent 2 pelas and 4 lahas of paddy, sowing or about 2½ acres, together with all the plantations and buildings now thereon or hereafter to be thereon, and all rights, privileges, easements, servitudes, and appurtenances whatsoever to the said premises belonging or usually held or occupied or used or enjoyed therewith, and all the estate, rights, title, and interest, property, claim, and demand whatsoever of the defendant in, to, out of, or upon the said property.

To recover the sum of Rs. 2,253, with interest thereon at 9 per cent. per annum from December 7, 1926, till payment in full, and costs.

S. DE SILVA,
Additional Deputy Fiscal.

Deputy Fiscal's Office,
Kegalla, March 26, 1927.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Arthur Henry de Alwis, deceased.
No. 3,249.

Walter de Alwis of Jayagedara, Kalutara North Petitioner.

And

Mabel de Alwis of Kalutara North Respondent.

THIS matter coming on for disposal before A. L. J. Croos-Dabrera, Esq., District Judge of Colombo, on March 7, 1927, in the presence of Mr. A. H. Seneviratne, Proctor, on the part of the petitioner above named, and the affidavit of the said petitioner dated March 4, 1927, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondent above named or any other person or persons interested shall, on or before April 7, 1927, show sufficient cause to the satisfaction of this court to the contrary.

March 7, 1927. A. L. J. CROOS-DABRERA,
District Judge.

29/28/ In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of M. L. M. H. Sakina Umma of 307, No. 3,257, Galle road, Wellawatta, Colombo, deceased.

S. L. Mohamed of 307, Galle road, Wellawatta, Colombo Petitioner.

And

(1) Alia Marikar Shaul Hamid of Frances road, Wellawatta, Colombo, (2) Alia Marikar Noor Muheetha, wife of (3) Idroobee Marikar Mohamed Sathack, both of Moor Lane, Wellawatta, Colombo Respondents.

THIS matter coming on for disposal before A. L. J. Croos-Dabrera, Esq., District Judge of Colombo, on March 10, 1927, in the presence of Mr. M. S. J. Akbar, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated March 6, 1927, having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as widower of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before April 7, 1927, show sufficient cause to the satisfaction of this court to the contrary.

March 10, 1927. A. L. J. CROOS-DABRERA,
District Judge.

In the District Court of Colombo.

Order Nisi. *30/3/27*

Testamentary In the Matter of the Last Will and
Jurisdiction. Testament of John Buchan Morris,
No. 3,250. late of Craighbank in Nuwara
Eliya, deceased.

Noble Love Charlotte Caroline Morris of Peter's
Cottage, Bambalapitiya, in Colombo.....Petitioner.

THIS matter coming on for disposal before
A. L. J. Croos-Dabrera, Esq., District Judge of
Colombo, on March 7, 1927, in the presence of
Mr. S. H. E. Thiedeman, Proctor, on the part of
the petitioner above named; and the affidavits
(1) of the said petitioner dated March 7, 1927, and
(2) of the attesting notary dated February 24, 1927,
having been read:

It is ordered that the last will of John Buchan
Morris, 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 interested shall, on or before March 17, 1927,
show sufficient cause to the satisfaction of this court
to the contrary.

March 7, 1927. A. L. J. CROOS-DABRERA,
District Judge.

The date for showing cause is extended to April
7, 1927.

March 17, 1927. A. L. J. CROOS-DABRERA,
District Judge.

In the District Court of Colombo.

Order Nisi. *30/6/27*

Testamentary In the Matter of the Intestate Estate
Jurisdiction. and Effects of Mas Rasib Thasim
No. 3,253. Kanaka of 13, Union lane, Slave
Island, in Colombo, deceased.

Mas Naima of 13, Union lane, Slave Island,
ColomboPetitioner.

And

(1) Nai Kusuma of 13, Union lane, (2) Nei Mas,
wife of (3) Tuan, Putra Saldeen, both of
Kegalla, (4) Mas Rayham, (5) Mas Rabi, (6)
Mas Abisan, (7) Mas Hura, (8) Mas Hareera,
(9) Mas Hameer, all of 13, Union lane, Slave
Island, in Colombo..... Respondents.

THIS matter coming on for disposal before A. L. J.
Croos-Dabrera, Esq., District Judge of Colombo, on
March 9, 1927, in the presence of Mr. A. C. M. Abdul
Cader, Proctor, on the part of the petitioner above
named; and the affidavit of the said petitioner dated
March 7, 1927, having been read:

It is ordered that the petitioner be and he is hereby
declared entitled, as son of the above-named deceased,
to have letters of administration to his estate issued
to him, unless the respondents above named or any
other person or persons interested shall, on or before
April 7, 1927, show sufficient cause to the satisfaction
of this court to the contrary.

March 9, 1927. A. L. J. CROOS-DABRERA,
District Judge.

In the District Court of Colombo. *31/3/27*

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. and Effects of Condagamage Engal-
No. 3,262. tina Fernando of St. James, Col-
petty, in Colombo, deceased.

Watutantrige Simon de Alwis of St. James, Col-
petty, in Colombo.....Petitioner.

And

(1) Watutantrige Allan de Alwis, wife of (2) M. J.
Perera, both of Ratmalana in the Palle pattu
of Salpiti Korale, (3) Watutantrige Charlotte
Emily de Alwis, wife of (4) Wilfred Pieris, (5)
Watutantrige Caroline de Alwis, (6) ditto Henry
de Alwis, (7) ditto Thejo Singhe de Alwis, all of
St. James Colpetty, in Colombo, (8) ditto
Odian de Alwis of Colpetty in Colombo (pro-
posed guardian *ad litem* over the 5th, 6th, and
7th respondents)..... Respondents.

THIS matter coming on for disposal before A. L. J.
Croos-Dabrera, Esq., District Judge of Colombo, on
March 14, 1927, in the presence of Mr. A. C. M.
Abdul Cader, Proctor, on the part of the petitioner
above named; and the affidavit of the said petitioner
dated March 10, 1927, having been read:

It is ordered that the petitioner be and he is hereby
declared entitled, as widower of the above-named
deceased, to have letters of administration to her
estate issued to him, unless the respondents above
named or any other person or persons interested
shall, on or before April 14, 1927, show sufficient
cause to the satisfaction of this court to the contrary.

March 14, 1927. A. L. J. CROOS-DABRERA,
District Judge.

In the District Court of Colombo.

Order Nisi. *31/6/27*

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Kalubovilage Don Theodoris
No. 3,264. Gunsekera of Pinnemeda, in the
Adikari pattu of Siyane korale,
deceased.

Kalubovilage Don Juan Gunsekera of Pinnemeda
afosaaidPetitioner

And

(1) Kalubovilage Don Elaris Gunsekera, (2)
Angodage Jokina Piger, (3) ditto Abilinu
Piger, (4) ditto Thomas Piger, (5) ditto Albert
Piger, (6) Kalubovilage Lucia Gunsekera and
her husband (7) Hettiaratchige Don Pella, all of
Pinnemeda afosaaid Respondents

THIS matter coming on for disposal before A. L. J.
Croos-Dabrera, Esq., District Judge of Colombo, on
March 14, 1927, in the presence of Mr. M. R. Akbar,
Proctor, on the part of the petitioner above named;
and the affidavit of the said petitioner dated March
10, 1927, having been read:

It is ordered that the petitioner be and he is hereby
declared entitled, as brother of the above-named
deceased, to have letters of administration to his
estate issued to him, unless the respondents above
named or any other person or persons interested shall,
on or before April 14, 1927, show sufficient cause to
the satisfaction of this court to the contrary.

March 14, 1927. A. L. J. CROOS-DABRERA,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Widanelage Johanis de Mel Appuhamy, late of Melbourne in Moratuwa, deceased. No. 3,265.

- (1) Henry Isaac Fernando of Bethesda in Moratuwa and (2) Stanley Vincent de Mel of Melbourne in Moratuwa. Petitioners.

THIS matter coming on for disposal before A. L. J. Croos-Dabrera, Esq., District Judge of Colombo, on March 16, 1927, in the presence of Mr. A. S. Fernando, Proctor, on the part of the petitioners above named; and the affidavits (1) of the said petitioners dated February 10, 1927, and (2) of the attesting witnesses dated March 15, 1927, having been read:

It is ordered that the last will of Widanelage Johanis de Mel Appuhamy, 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 April 7, 1927, show sufficient cause to the satisfaction of this court to the contrary.

A. L. J. CROOS-DABRERA, District Judge. March 16, 1927.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament and Codicil of Margaret Home Booth, late of Glendon Hall, near Kettering, in the County of Northampton, widow, deceased. No. 3,275.

THIS matter coming on for disposal before A. L. J. Croos-Dabrera, Esq., District Judge of Colombo, on March 21, 1927, in the presence of Mr. Cecil Herbert Spence Blatch of Colombo, Proctor, on the part of the petitioner, Mr. Oscar Percy Mount of Colombo; and the affidavit of the said petitioner dated March 16, 1927, exemplification of probate of the will and codicil of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated February 17, 1927, having been read:

It is ordered that the will of the said deceased dated August 8, 1924, and a codicil thereto dated September 16, 1924, of which an exemplification of probate has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the executor named in the said will, and that he is entitled to have letters of administration, with copies of the said will and codicil annexed, issued to him accordingly, unless any person or persons interested shall, on or before April 7, 1927, show sufficient cause to the satisfaction of this court to the contrary.

A. L. J. CROOS-DABRERA, District Judge. March 21, 1927.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Polwattage Carlina Gomis of Colombo, deceased. No. 7,864.

Tantrige Dona Carlina of Bambalapitiya in Colombo Petitioner.

And

- (1) Gamage Angela Alwis of Norman Cottage, Nuwara-Eliya, (2) Adambarage Hendrick Alwis of Colpetty, (3) Adambarage Peter Alwis of Colpetty, (4) A. M. M. Alwis of Bambalapitiya, (5) A. S. W. Alwis of Bambalapitiya, (6) Adambarage Anne Alwis, wife of (7) ditto John Henry de Alwis of Dehiwala, (8) ditto Jossie Alwis, wife of (9) Panambarage Henry Fernando of Kochchikade, (10) Adambarage Ressie Alwis, wife of (11) Dehiwalage Edward Valentine Philip of 33, Third Division, Katunayake Respondents.

THIS matter coming on for disposal before A. L. J. Croos-Dabrera, Esq., District Judge of Colombo, on February 14, 1927, in the presence of Mr. J. P. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 31, 1927, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as mother of the above-named deceased, to have letters of administration to her estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before March 24, 1927, show sufficient cause to the satisfaction of this court to the contrary.

A. L. J. CROOS-DABRERA, District Judge. February 14, 1927.

The date for showing cause is extended to April 7, 1927.

A. L. J. CROOS-DABRERA, District Judge. March 24, 1927.

In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. In the Matter of the Estate of the late Induruwe Acharige Josi Nona, deceased, of Hettimulla. No. 1,944.

THIS matter coming on for disposal before O. G. de Alwis, Esq., Acting District Judge of Kalutara, on October 26, 1926, in the presence of Messrs. de Abrew & Jayasundera, Proctors, on the part of the petitioner, Tebuwana Acharige Iron Sinno of Hettimulla; and the affidavit of the said petitioner dated October 25, 1926, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as widower of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents— (1) Tebuwana Acharige Jayasundera, (2) Tebuwana Acharige Lilawathi, minors, by their guardian ad litem (3) Tebuwana Acharige Andrishamy of Hettimulla— or any other person or persons interested shall, on or before December 16, 1926, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 3rd respondent be appointed guardian ad litem over the 1st and 2nd respondents, minors, for all the purposes of this action.

unless the said respondents or any other person or persons interested shall, on or before December 16, 1926, show sufficient cause to the satisfaction of this court to the contrary.

M. PRASAD,
District Judge.

October 26, 1926.

The time for showing cause is extended till April 12, 1927.

In the District Court of Kalutara.

Order Nisi declaring Will proved, &c.

Testamentary In the Matter of the Estate of the Jurisdiction. late Lewisdura Purappu Silva, No. 1,955. deceased, of Mullapitiya.

THIS matter coming on for disposal before M. Prasad, Esq., District Judge of Kalutara, on November 29, 1926, in the presence of Messrs. de Abrew, Jayasundera, Proctors, on the part of the petitioner, Lewisdura Senerishamy of Mullapitiya, and the affidavit of the said petitioner dated November 18, 1926, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as daughter of the above-named deceased, to have letters of administration to his estate issued to her be and the same is hereby declared proved, unless the respondents—(1) Lewisdura Themis de Silva Karunasekara, (2) ditto Sirenelia de Silva, both of Mullapitiya—or any other person or persons interested shall, on or before January 19, 1927, show sufficient cause to the satisfaction of this court to the contrary.

M. PRASAD,
District Judge.

The time for showing cause against the Order Nisi is extended till April 27, 1927.

N. M. BHARUCHA,
District Judge.

In the District Court of Kalutara.

Order Nisi.

Testamentary In the Matter of the Estate of the Jurisdiction. late Warnage Hendrick Fonseka, No. 1,987. deceased, of Diyalagoda.

Warnage Peter Fonseka of Diyalagoda.....Petitioner.

Vs.

(1) Deergawansa Martinu Fernandolage Lucy Maraya Fernando, (2) Warnage Francis Clement Gerard Fonseka, minor, by his guardian *ad litem* the 1st respondent. Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on March 2, 1927, in the presence of Mr. P. F. A. Goonetilleke, Proctor, on the part of the petitioner, Warnage Peter Fonseka of Diyalagoda; and the affidavit of the said petitioner dated March 1, 1927, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as brother of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents or any other person or persons interested shall, on or before April 27, 1927, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the said 1st respondent be appointed guardian *ad litem* over the 2nd respondent, minor, for all the purposes of this action, unless the said respondents or any other person or persons interested shall, on or before April 27, 1927, show sufficient cause to the satisfaction of this court to the contrary.

N. M. BHARUCHA,
District Judge.

March 2, 1927.

In the District Court of Kandy.

Testamentary In the Matter of the Estate of the Jurisdiction. late Akmeemana Hettiaraccige No. 4,460. Dinnahamy, deceased, of Konakalagala.

THIS matter coming on for disposal before Vincent Michael Fernando, Esq., District Judge, Kandy, on January 25, 1927, in the presence of Mr. M. A. Vanderwall, Proctor, on the part of the petitioner, Akmeemana Hettiaraccige Podisingho of Konakalagala; and the affidavit of the said petitioner dated January 22, 1927, and his petition having been read:

It is ordered that the petitioner, as the next of kin of deceased, be and he is hereby declared entitled to have letters of administration issued to the petitioner above named, unless the respondents—(1) Akmeemana Hettiaraccige Girigoris of Konakalagala, (2) A. H. Nonnahamy and her husband (3) Medduma Appuhamy of Mudugamuwa, (4) A. H. Kawanihamy of Konakalagala, (5) A. H. Hamina and her husband (6) H. B. Mendis Appuhamy of Kodagoda, (7) A. H. Arnolis of Jamburegoda, (8) A. H. Meddumahamy and her husband (9) L. L. Singho Appuhamy of Padukka, and (10) A. H. Abaranahamy of Horadugoda—shall, on or before March 3, 1927, show sufficient cause to the satisfaction of this court to the contrary.

V. M. FERNANDO,
District Judge.

January 25, 1927.

Extended and re-issued to April 7, 1927.

V. M. FERNANDO,
District Judge.

In the District Court of Galle.

Order Nisi.

Testamentary In the Matter of the Estate of the No. 6,407. late Pandigamage Seiyanihamy, deceased, of Meepe.

THIS matter coming on for disposal before A. P. Boone, Esq., District Judge, Galle, on March 12, 1927, in the presence of Messrs. A. D. & G. D. Jayasundere, Proctors, on the part of the petitioner, Pandigamage Arnolis of Meepe; and the affidavit dated February 25, 1927, having been read:

It is ordered that the said petitioner, as an heir of the deceased above named, is entitled to have letters of administration issued to him accordingly, unless the respondents, viz., (1) Pandigamage Babunhamy, (2) ditto Punchihamy, both of Meepe, (3) Heenatigala Kanattage Hinnihamy, (4) ditto Carohamy, both of Howpe, shall, on or before May 30, 1927, show sufficient cause to the satisfaction of this court to the contrary.

A. P. BOONE,
District Judge.

March 12, 1927.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Vitaranage Don Carolis ex No. 3,292. Vidane Arachchi of Sulutanagoda, deceased.

Gallege Babyhamine of Sulutanagoda.....Petitioner.
Vs.

(1) Vitaranage Dona Ciciliana and husband, (2) D. B. V. Kumaramna, Vidane Arachchi of Kamburugamuwa, (3) Vitaranage Don Coranelis, Police Officer of Sulutanagoda, (4) Vitaranage Dona Carlina and husband, (5) B. Paulis Perera, and (6) Vitaranage Sumitta, (7) ditto Leelawathie, (8) ditto Wimalasana, (9) ditto Dayananda, all of Sulutanagoda; 6th to 9th are minors, by their guardian *ad litem* the 3rd respondents Respondents.

THIS matter coming on for disposal before G. P. Keuneman, Esq., Acting District Judge, on March 3, 1927, in the presence of Mr. Samson Dias, Proctor, on the part of the petitioner above named; and the petition and the affidavit of the said petitioner dated February 10, 1927, having been read:

It is ordered that the petitioner, Gallege Babyhamine, be and she is hereby declared entitled, as widow of the said deceased, to administer the said estate and that letters of administration do issue to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before May 2, 1927, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 3rd respondent, Vitaranage Don Cornelis, be and he is hereby appointed guardian *ad litem* over the 6th to 9th minor respondents above named, unless sufficient cause be shown to the contrary on May 2, 1927.

It is also ordered that the said 6th to 9th minor respondents be produced before this court on May 2, 1927.

A. E. CHRISTOFFELSZ,
District Judge.
March 3, 1927.

In the District Court of Matara.

Order Nisi.

Testamentary In the Matter of the Estate of the late Gama Etige Don Andris of No. 3,298. Wepotira, deceased.

Don Samel Sedera Senerat, Registrar of Kebeliyapola Petitioner.
Vs.

(1) Gama Etige Dingirihamy *alias* Singirihamy, (2) ditto Gimarahamy *alias* Dona Ciciliana, (3) ditto Francinahamy, all of Kebeliyapola, minors by their proposed guardian *ad litem* (4) Don Davith Sedera Senerat ex Registrar, Lalpe Respondents.

THIS matter coming on for disposal before A. E. Christoffelsz, Esq., District Judge of Matara, on March 10, 1927, in the presence of Messrs. G. E. & G. P. Keuneman, Proctors, on the part of the petitioner above named; and the petition and the affidavit of the said petitioner dated March 10, 1927, having been read:

It is ordered that the petitioner, Don Samel Sedera Senerat, be and he is hereby declared entitled, as a cousin of the said deceased, to administer the said estate, and that letters of administration do issue to him accordingly, unless the respondents above named or any person or persons interested shall, on or before May 30, 1927, show sufficient cause to the satisfaction of this court to the contrary.

It is also ordered that the 4th respondent, Don Davith Sedera Senerat, be and he is hereby appointed guardian *ad litem* over the minors 1st to 3rd respondents, unless sufficient cause be shown to the contrary on May 30, 1927.

It is also ordered that the said 1st, 2nd, and 3rd minor respondents be produced before this court on May 30, 1927.

A. E. CHRISTOFFELSZ,
District Judge.
March 10, 1927.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Subramaniam Arumugam of Jaffna No. 6,260. deceased.

Kamalambal, widow of Arumugam of Jaffna Petitioner.

Vs.

(1) Arumugam Makalingam, (2) Arumugam Murugesu, and (3) Subramaniam Thirushittampalam, all of Jaffna Respondents.

THIS matter of the petition of the above-named petitioner praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on September 30, 1926, in the presence of Mr. M. V. Thialingam, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated September 24, 1926, having been read: It is declared that the petitioner is the lawful widow of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondents or any other person shall, on or before November 1, 1926, show sufficient cause to the satisfaction of this court to the contrary.

G. W. WOODHOUSE,
District Judge.
October 8, 1926.

Time to show cause extended till April 5, 1927.

G. W. WOODHOUSE,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late Valliammai, wife of Sapathippillai No. 6,359. Murugesu of Vaddukodai West, deceased.

Muthalithan, Kanthappu of Vaddukodai West Petitioner.

Vs.

(1) Sapathippillai Murugesu of Pudu, Kuala Lumpur in F. M. S., and (2) Murugesu Thiagarajah of Vaddukodai West, presently of Kuala Lumpur in F. M. S., (3) Murugesu Nadarajah of Vaddukodai West, (4) Murugesu Thangammah of ditto, 2nd to 4th are minors appearing by their guardian *ad litem* (5) Wannippillai, widow of Sapathippillai of ditto Respondents.

THIS matter of the petition of the above-named petitioner, praying that the above-named 5th respondent be appointed guardian *ad litem* over the minors, the 2nd, 3rd, and 4th respondents above named, and that letters of administration to the estate of the above-named deceased, be granted to the petitioner, coming on for disposal before G. W. Woodhouse, Esq., District Judge, Jaffna, on January 27, 1927, in the

presence of Messrs. Nagalingam & Nagalingam, Proctors, on the part of the petitioner; and the affidavit of the petitioner dated January 17, 1927, having been read:

It is ordered that the above-named 5th respondent be appointed guardian *ad litem* over the minors, the 2nd, 3rd, and 4th respondents.

It is further ordered that the petitioner is entitled, as the father of the said deceased, to administer the deceased's estate, and that letters of administration be issued to him accordingly, unless the above-named respondents or any other person shall, on or before March 8, 1927, show sufficient cause to the satisfaction of this court to the contrary.

G. W. WOODHOUSE,
District Judge.
February 15, 1927.

Extended to April 5, 1927.

In the District Court of Jaffna.

Order Nisi. 25/2/27

Testamentary In the Matter of the Estate of the late
Jurisdiction. Kanapathiar Thambu of Kalliyangadu,
No. 6,372. gadu, Nallore, deceased.

Annapillai, widow of Kanapathiar Thambu of
Kalliyangadu, Nallore..... Petitioner.
Vs.

(1) Thambu Seevaretnam, (2) Thambu Sivakolunthu, (3) Kanapathiar Thambipillai, all of
Nallore Respondents.

THIS matter of the petition of the above-named petitioner, praying that the above-named 3rd respondent be appointed guardian *ad litem* over the minors, the 1st and 2nd respondents, and praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, Jaffna, on February 8, 1927, in the presence of Mr. R. V. Ganapathippillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated February 7, 1927, having been read:

It is ordered that 3rd respondent be appointed guardian *ad litem* over the 1st and 2nd respondents. And it is further ordered that the petitioner is the legal widow of the said intestate, and is entitled to have letters of administration to the said intestate issued to her, unless the respondents or any others shall, on or before March 17, 1927, show sufficient cause to the satisfaction of the court to the contrary.

G. W. WOODHOUSE,
District Judge.
February 18, 1927.

Time extended till April 7, 1927.

In the District Court of Jaffna.

Order Nisi. 25/2/27

Testamentary In the Matter of the Estate and
Jurisdiction. Effects of Thampoo Chelliah, late of
No. 6,379. Vannarponnai East, deceased.

Thankamma, widow of Chelliah of Vannarponnai
West Petitioner.
Vs.

(1) Thampoo Simiah and (2) Thampoo Sellakandu, both of Vannarponnai West. Respondents.

THIS matter of the petition of the petitioner praying for grant of letters of administration to the estate of Thampoo Chelliah, deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, on February 17, 1927, in the presence of Messrs. Casipillai & Cathiravelu, the petitioner's Proctors; and the petitioner's affidavit dated February 15, 1927, having been read:

It is ordered that the petitioner be and she is hereby declared the widow of the deceased, and entitled to have letters of administration to his estate issued to her, unless the respondent shall, on April 5, 1927, show cause to the contrary.

G. W. WOODHOUSE,
District Judge.
March 2, 1927.

In the District Court of Jaffna. 25/2/27

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Kanther Kasinather of Ponnaveleu in
No. 6,395. Pooneryn, deceased.

Kasinather Somasuntharam of Pooneryn... Petitioner.
Vs.

Thillaiar Kumarasamy of Pooneryn..... Respondent.

THIS matter of the petition of the above-named petitioner, praying for letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, Jaffna, on March 7, 1927, in the presence of Mr. R. V. Ganapathippillai, Proctor, on the part of the petitioner; and the affidavit of the petitioner dated March 3, 1927, having been read:

It is ordered that the above-named petitioner is the son and the heir of the above-named deceased, and is entitled to have letters of administration to the estate of the above-named deceased issued to him, unless the above-named respondent or any others show sufficient cause to the satisfaction of the court to the contrary on or before April 12, 1927.

G. W. WOODHOUSE,
District Judge.
March 12, 1927.

In the District Court of Jaffna. 30/2/27

Order Nisi.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Vaitiar Muttukkumaru of
No. 6,397. Moolai, deceased.

Sinnappillai, widow of Vaitiar Muttukkumaru
of Moolai Petitioner.
Vs.

(1) Muttukkumaru Annugam, and (2) Muttukkumaru Kanappillai, (3) Sellammah, daughter of Muttukkumaru, (4) Nagammah, daughter of Muttukkumaru, (5) Valliammai, daughter of Muttukkumaru, (6) Vichaladchy, daughter of Muttukkumaru, all of Moolai, 2nd to 6th respondents, are minors Respondents.

THIS matter of the petition of the above-named petitioner praying that the above-named 1st respondent be appointed guardian *ad litem* over the minors the 2nd to 6th respondents, and praying for grant of letters of administration to the estate of the above-named deceased, coming on for disposal before G. W. Woodhouse, Esq., District Judge, Jaffna, on March 8, 1927, in the presence of Mr. A. K. Navaratnam, Proctor for petitioner; and the affidavit of the petitioner dated March 5, 1927, having been read:

It is ordered that the above-named 1st respondent be appointed guardian *ad litem* over the minors the 2nd to 6th respondents, and it is declared that the petitioner is the widow of the above-named deceased, and is entitled to have letters of administration to the estate of the above-named deceased issued to her accordingly, unless the above-named respondents or any others shall, on or before April 12, 1927, show sufficient cause to the satisfaction of this court to the contrary.

G. W. WOODHOUSE,
District Judge.
March 24, 1927.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Warnekulasuria Juan Fernando of
No. 1,761. Nanjundankare, deceased.

W. A. T. Goonewardene, Secretary of the District
Court of Chilaw.....Petitioner.

Vs.

(1) Ingracia Nonis, (2) Eusenia Fernando, and
(3) Benedict Fernando, all of Nanjundankare
..... Respondents.

THIS matter coming on for disposal before O. L. de
Kretser, Esq., District Judge of Chilaw, on January
10, 1927, in the presence of Mr. C. V. M. Panditte-
sekere, Proctor, of the firm of Messrs. Cooke & Pan-
dittesekere, Proctors, on the part of the petitioner;
and the affidavit of the said petitioner dated January
10, 1927, having been read:

It is ordered that the said petitioner be and he is
hereby appointed administrator of the above estate,
and that letters of administration do issue to him
accordingly, unless the respondents above named or
any other person or persons interested shall, on or
before February 11, 1927, show sufficient cause to the
satisfaction of this court to the contrary.

O. L. DE KRETSEK, District Judge.

January 10, 1927.

The above Order Nisi is extended to April 8, 1927.

O. L. DE KRETSEK, District Judge.

March 11, 1927.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Estate of K.
Jurisdiction. Pathumma Beebi of Duregama,
No. 1,769. deceased.

W. A. T. Goonewardene, Secretary, District
Court, Chilaw.....Petitioner.

Vs.

(1) Seeyanna Suluthan Marikar, (2) Seeyanna
Thanga Muthu, (3) Seeyanna Pakeer Muha-
mado, (4) Seeyanna Haifrus Saibo, all of
Madampe Respondents.

THIS matter coming on for disposal before O. L. de
Kretser, Esq., District Judge of Chilaw, on March 7,
1927, in the presence of Mr. C. V. M. Pandittesekere,
Proctor, of the firm of Messrs. Cooke & Pandittesekere,
Proctors, on the part of the petitioner; and the affi-
davit of the said petitioner dated March 7, 1927,
having been read:

It is ordered that the petitioner be and he is
hereby declared entitled to administer the said estate,
and that letters of administration do issue to him
accordingly, unless the respondents above named or
any person or persons interested shall, on or before
April 8, 1927, show cause to the satisfaction of this
court to the contrary.

O. L. DE KRETSEK, District Judge.

March 7, 1927.

In the District Court of Badulla.

Order Absolute declaring Will proved, &c.

Testamentary In the Matter of the Estate of the
Jurisdiction. late Ethel Louise Dassanaiké of
No. B 786. Colombo, deceased.

THIS matter coming on for final determination
before Hilary Rudolph Robert Blood, Esq., District

Judge, Badulla, on March 22, 1927, in the presence
of Messrs. Potger & Keyt, Proctors for petitioner;
and the affidavits of James Aubrey Martensz of
Colombo, having been read:

It is ordered that probate of the will of the said
Ethel Louise Dassanaiké be issued to Stephen William
Dassanaiké of Anuradhapura.

H. R. R. BLOOD,
District Judge.

March 22, 1927.

In the District Court of Badulla.

Order Nisi.

Testamentary In the Matter of the Intestate Estate
Jurisdiction. of Maurice George Campbell Halloran
No. B/785. of Verellapatana estate, deceased.

(1) Lisle Kate Halloran of Rosebay, (2) Kathleen
Adele Brook of Rosebay, (3) Gladys Bertha
Lang Halloran of Rosebay, and (4) Cecil Ram-
say Halloran of O'Connell street, Sydney, all of
Australia, by their attorney George Stewart of
Cullen estate, Badulla Petitioner.

Mrs. Ivy Fletcher of Kensington,
England Respondent.

THIS matter coming on for disposal before Hilary
Rudolph Robert Blood, Esq., District Judge of
Badulla, on March 19, 1927, in the presence of Mr.
A. C. W. Samarakoon, Proctor, on the part of the
petitioner; and his affidavit and petition dated March
19, 1927, having been read:

It is ordered and decreed that the petitioner, as the
attorney of the above-named next of kins, be and he is
hereby declared entitled to have letters of adminis-
tration to the estate of the deceased issued to him,
unless the respondent or person or persons interested
in the case shall, on or before April 20, 1927, show
sufficient cause to the satisfaction of this court to
the contrary.

H. R. R. BLOOD,
District Judge.

March 19, 1927.

In the District Court of Kegalla.

Order Nisi.

No. 1,226. In the Matter of the Intestate Estate of
Rasnekgedara Mudiyansa, Vel-Vidane
of Yatimahana deceased.

Rasnekgedara Mohotti Hamy of Yati-
mahana Petitioner.

(1) Malikagedara Mudali Hamy; (2) ditto Joti
Hamy both of Weligamuwa..... Respondents.

THIS matter coming on for disposal before V.
Coomaraswamy, Esq., District Judge, Kegalla, on
February 28, 1927, in the presence of Mr. R. L.
Perera, Proctor for the petitioner; and his affidavit and
petition dated February 25 and 28, 1927, respectively,
praying for letters of administration of the said estate
having been read: It is ordered and declared that the
petitioner, as the brother of the deceased, is entitled
to letters of administration of the said estate, and that
letters will be issued to him accordingly, unless the
respondents or any other person or persons interested
shall, on or before April 7, 1927, show sufficient cause
to the satisfaction of the court to the contrary.

V. COOMARASWAMY,
District Judge.

February 28, 1927.