



THE
CEYLON GOVERNMENT
GAZETTE

No. 7,969 – FRIDAY, FEBRUARY 24, 1933.

Published by Authority.

PART II.—LEGAL.

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

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PRINTED AT THE CEYLON GOVERNMENT PRESS, COLOMBO.

127—J.N. 27993-605 (2/33)

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DRAFT ORDINANCES.**MINUTE.**

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

An Ordinance to provide for the Systematic Development and Alienation of Crown Land in Ceylon.

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An Ordinance to provide for the Systematic Development and Alienation of Crown Land in Ceylon.

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

1 This Ordinance may be cited as the Land Development Ordinance No. of 1933, and shall come into operation on such date as the Governor shall appoint by proclamation in the Government Gazette. Short title and commencement.

2 In this Ordinance, unless the context otherwise requires— Interpretation.

"alienation" with its grammatical variations and cognate expressions means the alienation of Crown land under this Ordinance.

"Board" means the Board established under section 11 of "The Land Settlement Ordinance, 1931".

"Ceylonese" means a person of either sex domiciled in this Island and possessing a Ceylon domicile of origin.

"Chief Headman" has the same meaning as in "The Village Communities Ordinance, No. 9 of 1924".

"condition of ownership" means a condition contained in a grant at the time it is issued.

"court" means any court of justice constituted under "The Courts Ordinance, 1889," and includes a Village Tribunal and a Village Committee when such Committee is acting judicially.

"Crown land" means all land at the disposal of the Crown or to which the Crown is lawfully entitled together with all rights, interests and privileges attached or appertaining thereto.

"disposition" with its grammatical variations and cognate expressions means any transaction of whatever nature affecting land or the title thereto and includes any conveyance, devise, donation, exchange, lease, mortgage or transfer of land.

"Government Agent" includes an Assistant Government Agent.

"grant" means a grant of land from the Crown under this Ordinance.

"holding" means land alienated by grant under this Ordinance and includes any part thereof or interest therein.

"Kachcheri" means the office of a Government Agent.

"land" includes (a) the bed of any waterway or any collection of water, whether natural or artificial; (b) things attached to the earth or permanently fastened to anything attached to the earth; and (c) any title to land or any interest in the crops growing or to be grown thereon.

"Land Commissioner" means the officer appointed by the Governor under section 3 of this Ordinance, and includes any officer of his Department authorized by him in writing in respect of any particular matter or provision of this Ordinance.

- “ Land Kachcheri ” means a meeting held in the prescribed manner for the purpose of alienating Crown land.
- “ Land Officer ” means an officer appointed under section 6 for the purposes of this Ordinance and the expression “ the Land Officer ” means the officer dealing with the particular land which is referred to in the context in which such expression is used.
- “ local authority ” includes a Municipality, a District Council established under “ The Local Government Ordinance, No. 11 of 1920 ”, a Sanitary Board, a Local Board, and a Village Committee.
- “ mapping out ” with its grammatical variations and cognate expressions means the reservation of Crown land for one or more of the purposes specified in section 8 or for any purpose prescribed under that section.
- “ middle-class Ceylonese ” does not include a Ceylonese who is not qualified to be deemed a “ middle-class Ceylonese ” under the provisions of section 174.
- “ minimum fraction ” means the smallest fraction of a holding which can lawfully be held in undivided ownership.
- “ owner ” means the owner of a holding whose title thereto is derived from or under a grant issued under this Ordinance.
- “ permit ” means a permit for the occupation of Crown land issued under Chapter IV.
- “ permit-holder ” means any person to whom a permit has been issued.
- “ protected holding ” means a holding alienated by grant in which is inserted a condition prohibiting the disposition of the holding except with the prior permission in writing of the Government Agent.
- “ scheme ” means the scheme referred to in section 9.
- “ surveyed ” means surveyed by the Surveyor-General or under his authority.
- “ Surveyor-General ” means the Surveyor-General of Ceylon or any other officer deputed to act on his behalf for the purposes of this Ordinance to the extent to which such officer is deputed.
- “ title ” means, right, title, or interest.
- “ unit of sub-division ” means the minimum extent of land below which a holding cannot lawfully be sub-divided.
- “ unprotected holding ” means a holding other than a protected holding.

CHAPTER I.

Appointment, powers and duties of officers.

Appointment
and duties of
Land
Commissioner.

3 (1) The Governor shall appoint a Land Commissioner who shall be responsible—

- (a) for the due performance of the duties and functions assigned to him as Land Commissioner under this Ordinance ;
- (b) for the general supervision and control of all Government Agents and Land Officers in the administration of Crown land and in the exercise and discharge of the powers and duties conferred and imposed upon them by this Ordinance.

(2) In the exercise of his powers and in the discharge of his duties under this Ordinance, the Land Commissioner shall be subject to the general direction and control of the Executive Committee of Agriculture and Lands.

Powers of Land
Commissioner.

4 (1) The Land Commissioner may from time to time give general or special directions to a Government Agent or to a Land Officer as to the performance of his duties relating to land administration and may direct or authorise any question of doubt or difficulty in connexion with such duties to be referred to the Land Commissioner for decision.

(2) Any direction or decision of the Land Commissioner shall be observed and given effect to by the Government Agent or by the Land Officer as the case may be.

Appointment of
Assistant Land
Commissioner
and other
officers.
Land Officers.

5 The Governor may appoint one or more Assistant Land Commissioners and such other officers as may from time to time be required for the purposes of this Ordinance.

6 (1) The Governor may appoint one or more Land Officers for the whole Island or for any province or district.

(2) Every such Land Officer may, for the purposes of this Ordinance, perform, execute and exercise in any province or district or in the particular province or district for which he shall have been appointed, all or any of the functions, duties and powers assigned to or imposed upon or vested in a Government Agent under this Ordinance.

(3) Every person appointed by the Governor as a Settlement Officer or as an Assistant Settlement Officer under the Land Settlement Ordinance, 1931, shall be deemed to be appointed a Land Officer for the whole Island for the purposes of this Ordinance.

7 All officers appointed for the purposes of this Ordinance shall be deemed to be public servants within the meaning of the "Ceylon Penal Code".

All Officers to be public servants.

CHAPTER II.

Mapping-out of Crown land.

8 Subject to the general or special directions of the Land Commissioner, Crown land may be mapped-out by the Government Agent for any one or more of the following purposes:—

Purposes for which Crown land may be mapped-out.

- (1) village expansion ;
- (2) village forest ;
- (3) village pasture ;
- (4) chena cultivation ;
- (5) village purposes not herein specified ;
- (6) colonisation ;
- (7) protection of the sources or courses of streams ;
- (8) prevention of the erosion of the soil ;
- (9) forest reserves ;
- (10) Government purposes, including Government buildings, roads or works ;
- (11) preservation of objects of archaeological interest ;
- (12) the requirements of local authorities ;
- (13) the development of towns ;
- (14) alienation to middle-class Ceylonese ;
- (15) alienation to any persons ~~whomsoever~~ irrespective of the class to which they belong ;
- (16) any other purpose that may be prescribed.

9 When Crown land has been mapped-out in accordance with the provisions of section 8, the Government Agent shall cause to be prepared—

Scheme and diagram to be prepared by Government Agent and forwarded to Land Commissioner for confirmation.

- (1) a scheme specifying the mapped-out areas and the purposes for which the lands in such areas have been respectively reserved ;
- (2) a diagram depicting the mapped-out areas specified in the scheme ;

and shall forward such scheme together with the diagram to the Land Commissioner for confirmation.

10 Upon receipt of a scheme forwarded to him under section 9, it shall be lawful for the Land Commissioner to issue to the Government Agent such further directions or instructions in regard to the mapping-out or to the scheme or to the diagram as he may consider requisite and the Government Agent shall observe and give effect to such directions or instructions.

Land Commissioner may issue further instructions before confirmation.

11 Notice of the fact that the Land Commissioner has confirmed any scheme forwarded to him under section 9 shall be published in such manner as may be prescribed.

Notification of confirmation.

12 Upon publication of a notice under section 11, every member of the public shall be entitled to inspect free of charge at the District Kachcheri or at the office of the Surveyor-General the diagram depicting the scheme of mapping-out referred to in such notice.

Right of public to inspect diagram.

13 No scheme which has been confirmed by the Land Commissioner shall, except with the approval and consent of the Executive Committee of Agriculture and Lands, be varied or modified so as to enable—

No modification of scheme to be made except with the approval of the Executive Committee in certain cases and of the Land Commissioner in others.

- (1) land which has been mapped-out for any purpose mentioned in paragraphs (1) to (6) of section 8 to be mapped-out or to be utilised for any purpose mentioned in paragraphs (14) or (15) of that section ;
- (2) land mapped-out for the purpose mentioned in paragraph (14) of section 8 to be mapped-out or to be utilised for the purpose mentioned in paragraph (15) of that section ;

Provided, however, that any modification or variation of a scheme not requiring the approval and consent of the Executive Committee of Agriculture and Lands may be effected on the written authority of the Land Commissioner.

Mapping-out not essential before alienation
Unmapped-out land deemed to be mapped-out upon alienation.

14 Crown land may be alienated whether it has been mapped-out or not.

15 Unmapped-out land, which has been alienated, shall be deemed to have been mapped-out for alienation to persons of the class to which the alienee belongs.

CHAPTER III.

Alienation of Crown Land.

Mapped-out land not to be alienated except at a Land Kachcheri.

16 No land shall be alienated by grant except at a Land Kachcheri.

Notification of Land Kachcheri.

17 The notification that a Land Kachcheri will be held shall be substantially in the prescribed form and shall be published in such manner as may be prescribed.

Applications for land; when and how received and considered.

18 (1) The Government Agent may in a notification under section 17 fix a date before which application shall be made to him for the land proposed to be alienated at the Land Kachcheri appointed to be held by such notification.

(2) Where a date has been so fixed in such notification, the Government Agent may, in his discretion, refuse at the Land Kachcheri to accept or to consider any application for land received after such date.

(3) Where no date has been so fixed, the Government Agent shall be bound to consider all applications received, whether at the Land Kachcheri or before the date fixed for the holding of such Land Kachcheri :

Provided that it shall be lawful for the Government Agent, in a case where no date has been so fixed in terms of sub-section (1), to receive or to call for applications before the date fixed for the holding of the Land Kachcheri.

Powers of Government Agent at Land Kachcheri. Finality of decision of Government Agent.

19 (1) At a Land Kachcheri the Government Agent may, in his discretion,

- (a) select any applicant to receive a permit or a grant of Crown land either immediately, or on, or before, a future date ;
- (b) postpone consideration of any application ;
- (c) reject any application.

(2) Any decision made by a Government Agent under sub-section (1) in respect of any matter in which he has exercised the discretion vested in him by that sub-section shall, subject to any revision which may be made by the Land Commissioner, be final and conclusive.

Date of selection is material date for determination of qualification of alienee.

20 (1) The date on which a person is selected to receive a permit or a grant of Crown land shall be the material date for the purpose of ascertaining whether such person is duly qualified to receive such permit or grant.

(2) Where land alienated to a person on a permit is subsequently alienated to the same person on a grant, the material date for the purpose of ascertaining whether such person is duly qualified to receive such land on a grant shall be the date on which such person was selected by the Government Agent to receive the same land upon a permit.

CHAPTER IV.

Permits and Grants.

Form of permit.

21 Every permit shall be substantially in a prescribed form.

Permit to be personal to permit-holder.

22 A permit shall for all purposes be and be construed as personal to the permit-holder and upon his death no title whatever to the land held under such permit shall pass or accrue to his heirs or to any person other than a successor duly nominated by such permit-holder in the manner herein-after provided.

Form of Grant.

23 Every grant shall be substantially in a prescribed form.

Grant not to issue for unsurveyed land. Registration of grants.

24 Land which has not been surveyed shall not be alienated by grant.

25 (1) Every grant, when issued, shall be registered at the instance of the Government Agent.

(2) No fee shall be paid or recovered for such registration.

26 The land referred to in any grant shall be described with reference to a plan prepared by the Surveyor-General and kept in his charge but it shall not be necessary to attach to any grant a copy of such plan.

Survey plan need not be attached to grant.

27 The Surveyor-General shall cause to be issued to any applicant a copy of any plan or of any part thereof on payment of the prescribed fee.

Copy of plan to be supplied on payment of prescribed fee.

28 Every grant shall contain the conditions specified in the First Schedule.

Essential conditions of grant.

29 Every grant may, in addition, contain any one or more of the conditions specified in the Second Schedule.

Optional conditions of grant.

30 Any one or more of the conditions specified in the First or Second Schedules may be amended and further conditions may be added to either schedule by rules made under this Ordinance : provided that the conditions contained in any grant shall not be varied or affected by any amendment of or addition to the conditions specified in the First and Second Schedules made on a date subsequent to that of the grant.

Conditions of grant may be amended by rule.

31 The Land Commissioner may authorise the Government Agent to include in a grant special conditions applicable to individual cases or to classes of cases in particular areas.

Land Commissioner may authorise insertion of special conditions in grants.

32 Any condition included in a grant which imposes an obligation of residence on the owner shall not be deemed to have been infringed by reason only of the temporary absence from his holding of an owner who has established permanent residence therein.

Condition imposing obligation of residence not infringed by temporary absence of owner.

33 The conditions included in any grant shall, as from the date of such grant, run with the land and shall bind the original and all owners thereof and all persons whomsoever who acquire any title thereto.

Conditions in a grant to run with the land.

34 Rules may be made prescribing the person by whom and the principles upon which the amount of the annual payment due to the Crown in respect of any holding or of any land alienated under a permit shall be fixed.

Annual payments to be fixed according to rules.

35 (1) The amount of the annual payment due to the Crown in respect of each holding may be revised with effect from a date to be specified in the grant relating to such holding and thereafter at the end of each succeeding period of ten years reckoned from such date.

Revision of annual payments.

(2) In a revision made under sub-section (1), the amount of any annual payment due to the Crown in respect of a holding shall not be reduced below a prescribed minimum and shall not be increased so as to exceed a maximum equal to ten per cent. of the sum estimated as the profits derived from land of the same class and extent in the same locality. Rules may be made prescribing the person by whom and the principles upon which such profits may be estimated.

CHAPTER V.

Protection of land held on permits or grants.

36 No land alienated on a permit or as a protected holding shall be seized or sold in execution of the decree of any court.

Immunity of land alienated on permits and of protected holdings. Seizure or sale in execution of land alienated on permit or as protected holding invalid.

37 The seizure or sale of any land alienated on a permit or as a protected holding shall be invalid.

Scope of protection.

38 The protection afforded by sections 37 and 38 to land alienated on a permit or as a protected holding shall attach to such land notwithstanding the fact that the title thereto has been disposed of subsequent to the date of the original alienation by the Crown.

CHAPTER VI.

Dispositions.

39 No disposition of a protected holding shall be effected except with the prior written consent of the Government Agent.

Disposition of protected holding requires consent of Government Agent.

40 No protected holding shall be leased or mortgaged.

Protected holdings not to be leased or mortgaged.

41 Any disposition of a protected holding executed without the prior written consent of the Government Agent and any disposition purporting to operate as a lease or mortgage of such a holding shall be invalid.

What dispositions are invalid.

Appeal to Board where Government Agent refuses consent to disposition.

42 The decision of a Government Agent refusing consent to the execution of any disposition of a protected holding shall be subject to an appeal to the Board.

Permit-holder not entitled to execute disposition.

43 No permit-holder shall execute or effect any disposition of the land held under his permit.

Disposition of land held under a permit is invalid.

44 Any disposition of land held under a permit shall be invalid.

CHAPTER VII.

Succession.

Nomination of successor.

45 The owner of a holding may nominate a person, hereinafter called a successor, who shall succeed to the holding upon the death of such owner, or upon the death of the life-holder, if one has been nominated under section 46.

Nomination of life-holder.

46 (1) The owner of a holding may nominate a person, hereinafter called a life-holder, who shall succeed to the holding upon the death of such owner, subject to the following restrictions :

(a) such life-holder shall have no power to dispose of a holding ;

(b) such life-holder shall have no power to nominate a successor or another life-holder.

(2) Any disposition or nomination made by a life-holder in contravention of the provisions of sub-section (1) shall be invalid.

Restriction on nomination.

47 Except with the prior written consent of the Government Agent, no person shall be nominated by the owner of a protected holding either as successor to or as life-holder of such holding unless such person is the spouse of such owner or belongs to one of the groups of relatives enumerated in Rule 1 of the Third Schedule.

Plurality of successors if conditions of grant so permit.

48 More persons than one may be nominated by the owner as successors to a holding, provided that such nomination does not contravene the conditions of ownership of such holding.

Only one life-holder to be nominated.

49 The owner of a holding shall not on any occasion nominate more than one person as the life-holder of such holding.

Life-holder must be nominated for entire holding.

50 No person shall be nominated as the life-holder of a portion of a holding.

Life-holder and successors may be nominated together or separately.

51 The owner of a holding may nominate a life-holder only without nominating a successor, or may nominate a life-holder together with one or more successors.

Cancellation of nominations.

52 Any nomination of a successor or of a life-holder may at any time be cancelled by the owner who made such nomination.

Further nominations in lieu of cancelled nominations.

53 The owner of a holding may make a further nomination in lieu of any nomination which has been duly cancelled ; and a person may be renominated as successor or as life-holder notwithstanding the previous cancellation of the nomination of such person in either such capacity.

Act of nomination is not a disposition.

54 The act or transaction whereby a successor or a life-holder is lawfully nominated under the provisions of this Chapter shall not be or be construed as a disposition of the land for which such successor is so nominated.

How nomination is effected.

55 Except as is hereinafter provided in section 65, the nomination of a successor or of a life-holder and the cancellation of any such nomination shall be effected by a document substantially in the prescribed form executed and witnessed before the Government Agent or the Registrar of Lands or the Chief Headman of the division in which the holding is situated, or before a Justice of the Peace.

Successor cannot be nominated for portion of a holding only.

56 No person shall be nominated as successor to a portion of a holding unless in the document whereby he is so nominated, a successor is duly nominated for the remaining portion of such holding.

No stamp duty for nominations or cancellation of nominations.

57 No stamp duty shall be charged or levied on the execution of a document whereby a successor or a life-holder is nominated or whereby any such nomination is cancelled.

58 The nomination of a successor or of a life-holder and the cancellation of any such nomination shall not be made subject to any condition or defeasance.

Nomination or cancellation of nomination to be unconditional.

59 The document of nomination or of the cancellation of a nomination shall be the sole primary evidence, when registered, of such nomination or cancellation, as the case may be, for all purposes.

Document when registered is sole primary evidence of nomination or cancellation.

60 Where the document of nomination or of the cancellation of a nomination is not forthcoming or cannot be produced, a certified copy of the relevant entry in the register in which such document was registered shall be the sole evidence of the contents of such document.

When entry in register is proof of contents of document of nomination or cancellation.

61 No document (other than a last will) whereby the nomination of a successor or of a life-holder is effected or cancelled shall be valid unless and until it has been registered in the manner prescribed for the registration of instruments affecting land under the Registration of Documents Ordinance, No. 23 of 1927, and endorsed by the Registrar in such manner as may be prescribed by rules made under this Ordinance: provided that no fee shall be payable for such registration except such as may be prescribed by rules made under this Ordinance.

Documents of nomination or cancellation of nomination to be registered under Ordinance No. 23 of 1927, on payment of prescribed fee.

62 No nomination or cancellation of the nomination of a successor or of a life-holder shall be valid unless the document (other than a last will) effecting such nomination or cancellation is duly registered before the date of the death of the owner of the holding in respect of which such nomination or cancellation was made.

Nomination or cancellation of nomination invalid unless registered before death of owner.

63 The death of a person who has been nominated as a successor or as a life-holder shall, without registration, operate as a cancellation of the nomination of such person.

Nomination cancelled by death of nominee.

64 When a document effecting any nomination under this Chapter has been registered, no other document purporting to effect any nomination affecting the same holding shall be registered until the nomination effected by the former document has been cancelled.

No document of nomination to be registered until after cancellation of previous nomination.

65 The nomination of a person as successor to or as life-holder of a holding may be made in the last will of the owner of such holding, but no cancellation of any such nomination shall be effected by last will.

Nominations may be made in last will of owner.

66 (1) The owner of a holding shall not nominate a successor or a life-holder in his last will unless he has duly cancelled the last previously registered nomination, if any, of a successor or of a life-holder, as the case may be.

No nomination to be made by last will unless previous registered nomination has been cancelled.

(2) Any nomination made in contravention of the provisions of sub-section (1) shall be invalid.

67 Except as is provided in section 63, any nomination of a successor or of a life-holder shall, when registered, remain valid until the cancellation thereof has been duly registered.

Registered nomination remains valid until cancellation thereof is registered.

68 A successor or a life-holder who claims to succeed to a holding under a nomination made and duly registered before the date of the death of the owner of such holding shall be preferred to a successor or to a life-holder who claims to succeed to such holding by virtue of a nomination made in the last will.

Nominee under registered nomination to be preferred to nominee under last will

69 (1) If no life-holder has been nominated, or if the nominated life-holder is dead, or refuses to succeed, or does not enter into possession of the holding within a period of six months reckoned from the date of the death of the owner, succession by a life-holder shall be deemed to have failed.

Failure of succession.

(2) If no successor has been nominated, or if the nominated successor is dead, or refuses to succeed, or does not enter into possession of the holding within a period of six months reckoned from the date of the death of the owner of such holding or of the life-holder thereof, as the case may be, succession by a successor shall be deemed to have failed.

70 Upon the death of the owner of a holding the life-holder, if any, shall succeed to the holding.

Succession of life-holder.

71 Upon a failure of succession by a life-holder under section 70 the successor, if any, shall succeed to the holding.

Succession of successor.

72 Upon a failure of succession by a successor under section 71, the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Succession under Third Schedule.

Succession upon death of life-holder.

73 (1) Upon the death of the life-holder of a holding the successor, if any, shall succeed to the holding:

(2) Upon a failure of succession by a successor under section 73 (1), the title to the holding shall devolve as prescribed by the rules in the Third Schedule.

Date of succession.

74 (1) Title to the holding shall be deemed to have devolved on any person succeeding under the provisions of sections 70, 71, and 72 as from the date of the death of the owner to whose title such person so succeeds.

(2) Title to a holding shall be deemed to have devolved on any person succeeding under the provisions of sections 73 and 74 as from the date of the death of the life-holder of the holding to which such person so succeeds.

Accrual of rights in case of plurality of successors.

75 Where two or more persons have been duly nominated as successors of a holding, the title of any one of such successors who is dead on the date on which such successor is entitled to succeed, or who refuses so to succeed, or who fails so to succeed within a period of six months reckoned from such date, shall, as from such date, be deemed to have accrued to the other successors who were duly nominated with him.

Third Schedule may be amended by rules.

76 The Third Schedule may be rescinded, amended, or added to by rules made under this Ordinance.

Nomination or cancellation of nomination is invalid if contrary to provisions of Ordinance.

77 Any nomination of a successor or of a life-holder, and any cancellation of any registered nomination of either shall be wholly invalid if such nomination or cancellation in any way contravenes the provisions of this Ordinance.

Nomination of successor by permit-holder requires approval of Government Agent.

78 If a permit-holder desires that the land held under his permit shall be alienated to a particular person upon his death, he may with the approval of the Government Agent nominate such person as his successor.

Name of nominated successor to be endorsed on permit.

79 The name of the person so approved and nominated shall be endorsed upon the permit and the Government Agent shall sign and date such endorsement in token of his approval.

Decision of Government Agent granting or refusing approval is final.

80 The decision of a Government Agent granting or withholding his approval to the nomination of a successor made by a permit-holder shall be final and conclusive.

Permit-holder may nominate only one person as successor. No conditional nomination.

81 Not more than one person may be nominated as successor to land held under a permit and such nomination shall not be subject to any condition or defeasance.

Cancellation of permit-holder's nomination.

82 The Government Agent shall, at the request of the permit-holder, cancel any nomination of a successor made by such permit-holder. Such cancellation shall be endorsed upon the permit and shall be signed and dated by the Government Agent.

Further nomination permitted upon cancellation of a nomination by permit-holder.

83 A permit-holder may, with the approval of the Government Agent, nominate another successor in place of any successor whose nomination has been cancelled, and the provisions of section 81 shall apply accordingly in the case of any such further nomination.

Rights of nominated successor on death of permit-holder.

84 Upon the death of the permit-holder the duly nominated successor of such permit-holder shall be entitled, on application made to the Government Agent, to receive a permit for the land which was alienated to the deceased permit-holder.

Land reverts to Crown unless successor nominated by permit-holder applies for permit within specified time.

85 A successor duly nominated by a permit-holder, who fails to make application for a permit within a period of one year reckoned from the date of the death of such permit-holder shall be deemed to have surrendered to the Crown his title as successor to the land.

Land vests in Crown free from encumbrances.

86 Land deemed to have been surrendered under section 85 shall vest in the Crown free from all encumbrances.

Name of successor nominated by permit-holder may be endorsed on permit before issue.

87 It shall be lawful for a person to whom the Government Agent has agreed to alienate land upon a permit to nominate his successor and the name of such successor may be endorsed on the permit before it is issued to such person. The provisions of section 81 shall apply accordingly in the case of any successor so nominated under this section.

CHAPTER VIII.

Cancellation of grants and permits.

88 If it appears to the Government Agent that the owner of a holding has failed to observe a condition of ownership, the Government Agent may issue a notice in the prescribed form intimating to such owner that a recommendation will be made to the Governor for the cancellation of the grant of such holding unless sufficient cause to the contrary is shown to the Government Agent on a date and at a time and place specified in such notice.

Notice to owner of holding where there has been a breach of a condition of ownership.

89 The date specified in a notice issued under section 88 shall not be less than thirty days from the date of the issue of such notice on the owner:

Period allowed for showing cause.

90 (1) A copy of every notice issued by the Government Agent under section 88 shall be served on the owner of the holding and a copy shall be affixed in a conspicuous position on the holding.

Notice to be posted on land and served on interested parties.

(2) The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the holding or may be affected by a cancellation of the grant thereof.

91 If the owner of the holding or other person interested therein fails to appear on the date and at the time and place specified in a notice issued under section 88, or appears and states that he has no cause to show why the grant should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of ownership, recommend to the Governor the cancellation of the grant of such holding.

Procedure where no cause is shown against cancellation of grant.

92 (1) If on the date and at the time and place specified in a notice issued under section 88 cause is shown by any person against the proposal to cancel the grant of the holding referred to in such notice, the Government Agent may, if he is satisfied after inquiry that there has been due service of notice and that there has been a breach of any of the conditions of ownership, recommend to the Governor the cancellation of the grant of such holding.

Procedure where cause is shown; Government Agent may after inquiry recommend cancellation of grant.

(2) The Government Agent may adjourn any inquiry under this section from time to time and may hear evidence before making his recommendation. All such evidence shall be given on oath or affirmation which the Government Agent is authorised to administer for the purpose.

93 Every recommendation made by a Government Agent for the cancellation of the grant of a holding shall be dated as of the date on which such recommendation was so made.

Date of recommendation.

94 A copy of the recommendation made by the Government Agent under section 92 shall be served upon every person who showed cause against the cancellation of the grant at the inquiry held under that section and a copy shall also be affixed in a conspicuous position on the holding. Every copy so served or affixed shall contain a statement to the effect that an appeal will lie to the Board against the recommendation of the Government Agent if preferred within a period of thirty days reckoned from the date on which such recommendation was made, and such date shall be specified in such statement.

Order of Government Agent to be served on parties showing cause and to be posted on land.

95 A person aggrieved by a recommendation made by the Government Agent under section 92 may appeal therefrom to the Board if he has shown cause against the proposal to cancel the grant of the holding in respect of which such recommendation for cancellation was made.

Appeal to Board.

96 (1) An appeal under section 94 shall be preferred by written petition within a period of thirty days reckoned from the date on which the recommendation for cancellation of the holding was made.

Time limit to appeal.

(2) In computing the time within which an appeal must be preferred, the date on which the recommendation was made shall be excluded, but all public holidays and Sundays shall be included.

97 It shall be competent for the Board in appeal—

- (1) to allow the appeal and reverse the recommendation of the Government Agent; or
- (2) to direct further inquiry to be made or information to be furnished or evidence to be taken; or
- (3) to modify the recommendation of the Government Agent; or
- (4) to affirm the recommendation of the Government Agent.

Powers of the Board in appeal.

Decision of Board under heads (1) or (2) to be communicated to Government Agent.

98 If the Board acts under heads (1) or (2) of section 97, the decision of the Board shall be communicated to the Government Agent who shall forthwith comply with and give effect to the terms thereof.

Decision of Board under heads (3) or (4) to be submitted to the Governor for confirmation.

99 If the Board acts under heads (3) or (4) of section 97, the decision of the Board shall be submitted to the Governor for confirmation through the Minister of Agriculture and Lands.

No appeal against recommendation of Government Agent under section 91.

100 No appeal shall lie against a recommendation made by the Government Agent under section 91, but such recommendation shall be submitted to the Governor for confirmation through the Minister of Agriculture and Lands.

Powers of Governor.

101 The Governor may, when a recommendation of the Government Agent or a decision of the Board is submitted to him for confirmation, order the cancellation of the grant or make such other order as he may consider just. Any order made by the Governor under this section shall be final and conclusive for all purposes.

Order of cancellation to be registered. Effect of such registration.

102 Every order made by the Governor for the cancellation of a grant shall be registered, and, upon such registration, the grant shall be deemed to be cancelled with effect from the date of the Governor's order and the holding shall revert to and become the exclusive and absolute property of the Crown, free from all encumbrances.

Exclusion of claims in court for compensation.

103 No claim against the Crown for compensation of any kind whatever by any person shall be entertained by any court in any case where the grant of a holding has been cancelled.

Powers of the Governor in the case of failure of succession to a holding.

104 The Governor may make order cancelling the grant of a holding if he is satisfied that there has been a failure of succession thereto either because there is no person lawfully entitled to succeed or because no person so entitled is willing to succeed.

Delay or acceptance of annual payment not to be considered as condonation of breach of condition of ownership.

105 Delay in the issue of a notice under section 88, or the acceptance from the owner of any annual payment after a breach by him of any of the conditions of his grant shall, under no circumstances, be regarded or construed as condonation of any breach of the conditions of ownership.

Notice to permit-holder where there has been a breach of the conditions of permit.

106 If it appears to the Government Agent that a permit-holder has failed to observe a condition of his permit, the Government Agent may issue a notice in the prescribed form intimating to such permit-holder that his permit will be cancelled unless sufficient cause to the contrary is shown to the Government Agent on a date and at a time and place specified in such notice.

Period allowed for showing cause.

107 The date specified in a notice issued under section 106 shall not be less than thirty days from the date of the issue of such notice on the permit-holder.

Notice to be posted on land and served on interested parties.

108 A copy of every notice issued under section 106 shall be served on the permit-holder and a copy shall also be affixed in a conspicuous position on the land affected by such notice. The Government Agent may also cause a copy of such notice to be served on any person who, in his opinion, is interested in the land or may be affected by a cancellation of the permit.

Order cancelling permit if permit-holder fails to appear.

109 If the permit-holder fails to appear on the date and at the time and place specified in a notice issued under section 106, or appears and states that he has no cause to show why his permit should not be cancelled, the Government Agent may, if he is satisfied that there has been due service of such notice and that there has been a breach of any of the conditions of the permit, make order cancelling such permit.

Procedure where permit-holder appears and shows cause.

110 (1) If on the date and at the time and place specified in a notice issued under section 106, the permit-holder appears and offers to show cause why his permit should not be cancelled, the Government Agent may, if he is satisfied after inquiry that there has been a breach of any of the conditions of the permit, make order cancelling the permit.

(2) The Government Agent may adjourn any inquiry under this section from time to time and may hear evidence before making his order.

Date of order of cancellation.

111 Every order made by the Government Agent for the cancellation of a permit shall be dated as of the date on which such order was made.

112 A copy of an order made by a Government Agent under section 110 shall be served on the permit-holder and a copy of such order shall also be affixed in a conspicuous position on the land affected by such order. Every copy so served or affixed shall contain a statement to the effect that an appeal from such order will lie to the Land Commissioner if preferred within a period of thirty days reckoned from the date of the order and such date shall be specified in such statement.

Order of Government Agent to be served on permit-holder and to be posted on land.

113 A permit-holder aggrieved by an order made by the Government Agent under section 110 may appeal therefrom to the Land Commissioner.

Appeal to Land Commissioner.

114 (1) An appeal under section 113 shall be preferred by written petition within a period of thirty days reckoned from the date on which the order appealed from was made.

Time limit for appeal.

(2) In computing the time within which an appeal must be preferred, the date on which the order appealed from was made shall be excluded, but all public holidays and Sundays shall be included.

115 The Land Commissioner may in appeal—

Powers of Land Commissioner.

- (1) direct further inquiry to be made or information to be furnished or evidence to be given; or
- (2) allow the appeal and set aside the order of the Government Agent; or
- (3) modify the order of the Government Agent; or
- (4) affirm the order of the Government Agent; or
- (5) make such other order as he may consider just.

116 The decision of the Land Commissioner under section 115 shall be communicated to the Government Agent who shall forthwith cause a copy thereof to be served on the permit-holder who preferred the appeal.

Decision of Land Commissioner to be communicated to permit-holder.

117 No appeal shall lie against an order of cancellation made by the Government Agent under section 109 but such order shall be final and conclusive for all purposes.

Government Agent's order under section 109 is final.

118 Any decision made by the Land Commissioner under section 115 shall be final and conclusive for all purposes.

Decision of Land Commissioner under section 115 is final.

CHAPTER IX.

Summary procedure in ejectment.

119 When the grant of a holding has been cancelled, the Government Agent may issue a notice on any person in possession or occupation of the holding calling upon such person forthwith to vacate the holding.

Notice to issue on party in occupation to vacate holding.

120 If any person on whom a notice has been issued under section 119 fails forthwith to vacate the holding and deliver over possession thereof in terms of the notice so issued and served upon him, the Government Agent, or some other person deputed by him for the purpose, may present to the Police Magistrate a written report stating the fact that the grant relating to such holding has been duly cancelled and that the person named in such report is in unlawful possession or occupation of such holding and has failed to vacate such holding though served with a notice issued under section 119.

Report to a Police Magistrate if person served with notice refuses to vacate holding.

121 Upon receipt of a written report presented to him under section 120, the Police Magistrate shall forthwith issue a summons to the person named in such report to appear and show cause on a specified date why he should not be ejected from the holding.

Summons to issue.

122 If on the date specified in a summons issued under section 121, the person to whom such summons was issued fails to appear, or appears and informs the court that he has no cause to show against an order of ejectment, the court shall forthwith issue an order directing such person to be ejected from the holding.

Order of ejectment where no cause is shown.

123 If the person to whom summons has been issued under section 121 appears on the date specified in such summons and states that he has cause to show against the issue of an order of ejectment, the Police Magistrate may proceed forthwith to hear and determine the matter or may set the case down for inquiry on some future date.

Inquiry if cause is shown.

124 At such inquiry it shall not be open to any person to assert or prove—

Scope of inquiry.

- (1) that the holding does not belong to the Crown;
- (2) that the order of cancellation of the grant should not have been made.

Order of
ejectment.

125 If, after due inquiry, the Police Magistrate is not satisfied that the person showing cause is entitled to the possession or occupation of the holding, he shall make order directing such person forthwith to be ejected from the holding.

Order of
Magistrate
final.

126 There shall be no appeal against an order made by a Police Magistrate under section 125.

Execution of
order of
ejectment.

127 (1) The Magistrate shall, on the application of the Government Agent, direct the Fiscal or a Police Officer to eject from the holding any person in the possession or occupation thereof and to deliver possession of the holding to the Government Agent or to his representative.

(2) The Fiscal or the Police Officer entrusted with the execution of the order of ejectment shall comply with the directions of the Police Magistrate and make due return of the manner in which he executes the order.

(3) In executing an order of ejectment, the Fiscal or the Police Officer or any officer authorized by either of them may use such force as may be necessary to enter the holding, to eject any occupant and to deliver possession of the holding to the Government Agent or to his representative.

Ejectment
from land
alienated on
permit.

128 The provisions of this Chapter shall apply, *mutatis mutandis*, in a case where any person is in unlawful or unauthorised possession or occupation of Crown land after the cancellation of the permit whereby such land was alienated.

CHAPTER X.

Recovery of annual payments and moneys due to the Crown.

Payment of
moneys due
to the Crown.

129 Any annual or other payment of any money due to the Crown by an owner or by a permit-holder in respect of any land alienated under this Ordinance may be made at the District Kachcheri to the Government Agent or to an officer authorised by the Government Agent to receive such payments and to issue receipts therefor.

Payments due to
Crown in respect
of alienated land
may be reduced
or waived by
Government Agent.

130 If the Government Agent is satisfied that there is sufficient cause for granting relief generally to any class of persons in any locality in respect of any annual payments due by such persons on account of lands alienated in such locality on grants or permits, he may either reduce the amount of any such annual payment or waive it altogether: provided that such reduction or waiver shall not be made operative for a period exceeding one year.

Specified grounds
upon which a
reduction or
waiver of annual
payments may be
made.

131 Without prejudice to the generality of the grounds upon which a Government Agent may reduce or waive any annual payment under section 130, any general failure of crops due to unfavourable weather conditions, any unusual fall in the price of any staple commodity, any epidemic, or any outbreak of cattle disease adversely affecting the cultivation of the land, may be deemed to be a sufficient cause for granting relief under that section.

Penalties for
payments
overdue or in
arrears.

132 The owner of a holding or a permit-holder shall be liable, in respect of any payments which may be overdue or in arrears, to make additional payments to the Crown according to such scale and in such manner as may be prescribed.

Money due to
Crown a first
charge on land.

133 Any amount due to the Crown by an owner or by a permit-holder in respect of any land alienated under this Ordinance shall be a first charge on the holding of such owner or on the land held by such permit-holder on his permit, as the case may be.

Seizure and
sequestration of
crops and
movable property
of defaulting
owner.

134 If the owner of a holding makes default in the due payment of any moneys payable by him to the Crown in respect of such holding, the Government Agent or any person authorised by him in writing may seize and sequester the crops and produce of such holding together with any movable property thereon belonging to the owner who has so made default.

In this Chapter a
growing crop is
movable property.

135 In this Chapter a growing crop on any land shall not be regarded as an interest in land but shall be deemed to be movable property.

Property seized
to be taken
charge of.

136 The person effecting the seizure may take charge of or place another person in charge of any crops, produce or movable property seized under section 134.

Sale of
property
seized.

137 (1) If the defaulter fails to pay the amount due to the Crown together with the costs of seizure within a period of thirty days reckoned from the date of such seizure, the Government Agent may cause the property seized to be sold by public

auction or by tender : provided that perishables may be sold as soon as may be deemed expedient by the person effecting the seizure.

(2) In computing the period of thirty days referred to in sub-section (1), the date on which the seizure was made shall be excluded but all Sundays and public holidays shall be included.

(3) Rules may be made prescribing the costs which may be charged or recovered for any seizure or sale effected under this Chapter.

138 (1) A list shall be made showing details of the property seized under section 134 and sold under section 137, the names and addresses of the purchasers, the prices realised, and the total amount recovered by the sale.

List of property seized.

(2) Upon payment of the purchase money, a purchaser at a sale under section 137 shall receive a certificate of sale showing the property purchased and the price paid for such purchase.

139 If the amount realised by the sale of the property seized under section 134 exceeds the total amount of the debt due to the Crown together with the costs of seizure and sale, the Government Agent shall refund the excess to the defaulter.

Excess to be refunded to defaulter.

140 If at a sale under section 137 the amount recovered is insufficient to discharge the debt due by the owner to the Crown together with the costs of seizure and sale, the Government Agent or a person authorised by him in writing may seize the holding.

Seizure of holding.

141 (1) A seizure of a holding shall be effected by serving upon the owner thereof a notice in the prescribed form and by affixing a copy of such notice in a conspicuous position on such holding. A copy of such notice may also be served on any other person interested in the holding or affected by the seizure thereof.

Seizure, how effected.

(2) No holding shall be seized if the defaulting owner thereof surrenders free and unclaimed movable property to satisfy the entirety of the amount due from him.

142 Every seizure of a holding shall be registered.

143 (1) The seizure of a protected holding under this Chapter shall operate as a cancellation of the grant thereof and shall vest such holding absolutely in the Crown free from all encumbrances ; but the person who was the owner of such holding at the time of seizure shall be entitled to a re-conveyance thereof upon payment within a period of one year of the total amount due in respect of such holding together with the costs of seizure.

Registration of seizure.

Seizure of protected holding operates as cancellation of grant thereof and vests holding in the Crown.

(2) The re-conveyance referred to in sub-section (1) may be effected by an endorsement substantially in the prescribed form made by the Government Agent on the grant relating to such protected holding. Every such endorsement shall be registered.

144 No protected holding shall be sold by the Crown under this Chapter.

Protected holding not to be sold.

145 An unprotected holding, which has been seized under section 141, may be sold at the instance of the Government Agent by public auction in such manner as may be prescribed.

Sale of unprotected holding.

146 All moneys realised by the sale of an unprotected holding shall be paid to the Government Agent who shall, after deducting the amount due to the Crown including the costs of the seizure and sale of such holding, pay the balance, if any, to the person who was the owner of such holding before the sale.

Moneys realised by sale to be paid to Government Agent.

147 (1) A certificate substantially in the prescribed form shall, when signed by the Government Agent, be sufficient to vest in the purchaser the title of the owner against whom the unprotected holding was sold under section 145.

Certificate of sale.

(2) Such certificate shall be liable to the stamp duty payable on conveyances of immovable property and to any registration or other charges authorised by law. Such duty and all such charges shall be paid by the purchaser.

148 An unprotected holding sold under section 145 may be purchased by the Crown and the Government Agent may authorise any person in writing to bid for and purchase such holding on behalf of the Crown, but no stamp duty or other charges referred to in section 147 (2) shall be payable by any person who so purchases an unprotected holding on behalf of the Crown.

Purchase of unprotected holding by the Crown.

Cancellation of sale.

149 (1) Where the Crown purchases an unprotected holding sold under section 145, it shall be lawful for the Government Agent, at any time before such holding shall have been re-alienated, on payment by the owner against whom such holding was sold of the total amount due to the Crown in respect of such holding (including the costs of seizure and sale), together with interest thereon at the rate of nine per centum per annum, by endorsement on a certified copy of the certificate referred to in section 147, to cancel the sale; and upon the registration of such endorsement, such holding shall revert in the owner as though such sale had never been made.

(2) No stamp duty shall be payable on an endorsement made under this section, but the registration and other charges shall be payable by the owner in whom the unprotected holding is so re-vested.

Re-sale by Crown.

150 (1) Where the Crown purchases an unprotected holding sold under section 145, and such sale has not been cancelled under section 149, it shall be competent for the Government Agent at any time, when re-alienating the land, to transfer to the purchaser, by endorsement on a certified copy of the certificate referred to in section 147, the title which would have been acquired by such purchaser if he had purchased such holding at the original sale, and upon the registration of such endorsement such title shall vest in the purchaser accordingly.

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

Rights of mortgagee.

151 (1) If an unprotected holding to be sold under section 145 is subject to a mortgage, it shall be lawful for the mortgagee, on payment to the Government Agent of the total amount due to the Crown including the costs of seizure, to add the amount so paid to his mortgage debt and the amount so added shall be secured in the same manner, and shall be subject to the same interest and be recoverable on the same conditions as the mortgage debt.

(2) The amount paid by the mortgagee under sub-section (1) shall be certified by the Government Agent by an endorsement on the mortgage bond and such certificate may be registered by the mortgagee. No stamp duty shall be payable on the certificate so endorsed.

Recovery of money due to local authorities.

152 (1) If the owner of a protected holding fails to pay any sum due to a local authority in respect of such holding, such local authority may report the defaulter to the Government Agent, who may thereupon take action under this Chapter to recover the sum due from the defaulter as though such sum were due to the Crown and not to such local authority.

(2) Save as is herein expressly provided, a local authority shall not take proceedings for the recovery of any sum due to such local authority from the owner of a protected holding in respect of such holding.

Delivery to local authority of money received by Government Agent.

153 The Government Agent shall deliver to a local authority any sum recovered by him in satisfaction of the debt due to such local authority and of the interest thereon, if any, and shall pay the costs of seizure, if recovered, into the general revenue of the Island.

All moneys due to Crown must be recovered by procedure under this Chapter.

154 No money, rate, tax, duty or fee due to the Crown under any other written law in respect of or on account of a and protected holding, shall be recovered except in accordance with the provisions of this Chapter.

CHAPTER XI.

Rules.

Executive Committee authorised to make rules.

155 The Executive Committee of Agriculture and Lands may make rules for the purpose of carrying out or giving effect to the principles and provisions of this Ordinance.

Matters which may be provided for by rules.

156 In particular and without prejudice to the generality of the powers conferred by section 155, rules may be made for, and with respect to, all or any of the following matters:—

- (1) The forms, fees, documents, and matters stated in or required by this Ordinance to be prescribed;
- (2) the mapping-out of Crown land;
- (3) the alienation under this Ordinance of Crown land over 5,000 feet in elevation;

- (4) the maintenance of reserves for the preservation of the sources and courses of streams and for the prevention of erosion of the soil ;
- (5) the manner of paying or recovering fees, costs or other charges.
- (6) the collection by the Government Agent of moneys due to local authorities ;
- (7) the classification of persons for the purpose of alienating Crown land under this Ordinance ;
- (8) the procedure to be observed, the fees to be paid and the forms to be used in preferring appeals to the Board ;
- (9) the manner of publishing or serving notices or of serving other process ;
- (10) any matters incidental to or connected with the matters or subjects specifically referred to in this section.

157 No rule shall have effect until it has been approved by the State Council and ratified by the Governor. Notification of such approval and ratification shall be published in the Government Gazette.

Rules to be approved by State Council and ratified by the Governor.

158 A rule made by the Executive Committee of Agriculture and Lands shall, upon the publication of the notification of approval and ratification provided for in section 157, be as valid and effectual as though it were herein enacted.

Rules to have statutory force.

CHAPTER XII.

Miscellaneous.

159 Where in any Crown lease or permit executed before the date on which this Ordinance shall come into operation it is provided—

- (i) that such lease or permit shall terminate when legislation is passed for its cancellation ; or
- (ii) that at the expiration of a stated period of time or upon the fulfilment by the lessee or by the permit-holder of stated conditions such lessee or permit-holder shall be given the right to hold the land upon a tenure to be thereafter introduced by legislation,

this Ordinance shall be deemed to be the legislation referred to in such lease or permit.

Ordinance deemed to be referred to in leases or permits executed prior to its introduction.

160 The Government Agent or any person duly authorised by him in writing may at any time enter any holding for the purpose of inspection or for any other purpose incidental to or connected with the duties of a Government Agent under this Ordinance.

Right of Government Agent to enter any holding at any time.

161 It shall be lawful for the Governor to make order that any facility, benefit, privilege or right given, conferred, enjoyed, or exercised to or by a Ceylonese or a middle-class Ceylonese under this Ordinance shall be extended to any other person or class of persons to be specified in such order and on such terms and conditions as the Governor shall consider necessary.

Scope of application of Ordinance may be extended by order of the Governor.

162 No person shall, by possession of any land alienated on a permit or a grant, acquire any prescriptive title thereto against any other person or against the Crown.

No prescriptive title to be acquired to land alienated under Ordinance.

163 (1) A notary shall not attest any deed operating as a disposition of a protected holding unless the written consent of the Government Agent to such disposition shall have been previously obtained nor unless such deed shall have attached thereto the document by which the Government Agent granted his consent to the disposition sought to be effected by such deed. Such document of consent shall be specifically referred to by the notary in the attestation of such deed.

Notary prohibited from attesting disposition of a holding unless consent of Government Agent is attached thereto.

(2) A deed executed or attested in contravention of the provisions of this section shall be null and void for all purposes.

164 A notary who attests any deed in breach of the provisions of section 163 shall be guilty of an offence and shall, on conviction by a Police Magistrate after summary trial, be liable to a fine not exceeding Rs. 500.

Notary attesting deed in breach of section 163 guilty of offence.

165 (1) Whenever it shall appear to the Governor that any land alienated under this Ordinance is likely to be needed for a public purpose, he may issue an order cancelling the grant or permit upon which such land was alienated and the whole of the land alienated on such grant or permit shall thereupon revert to and become the exclusive and absolute property of the Crown free from all encumbrances.

Grant or permit may be cancelled if land is required for public purpose.

(2) If the whole of such land is not so needed for a public purpose, the former owner or permit-holder shall be entitled to receive a fresh grant or permit for the remainder of such land.

(3) The procedure to be adopted in the cancellation of a grant or permit under sub-section (1), the manner in which compensation for the land so needed for a public purpose shall be assessed or paid, and the conditions on which a new grant or permit may be issued under sub-section (2), may be prescribed by rules made under this Ordinance.

Mapped-out land may be settled.

166 The fact that any land has been mapped out shall be no bar to the inclusion of such land in a settlement notice under the Land Settlement Ordinance, 1931.

Action *rei vindicatio* may be maintained against Crown in respect of alienated land.

167 Nothing in this Ordinance contained shall preclude any person claiming to be entitled to any land which has been alienated from instituting an action against the Crown for the vindication of his title thereto ; but nothing in this section shall enable or authorise the owner of a holding or a permit-holder to sue the Crown for the vindication of title to such holding or to the land alienated to such permit-holder, as the case may be.

Protection of public servants.

168 No suit shall lie against any public servant for anything done by him in good faith under this Ordinance.

Provisions of particular Ordinances not to apply.

169 (1) The provisions of the Ordinances enumerated in the first column of the Fourth Schedule shall, to the extent indicated in the second column of such Schedule, have no application to any land alienated under this Ordinance.

(2) The Executive Committee of Agriculture and Lands may, by rule made under section 155, add to the Fourth Schedule.

Penalty for clearing mapped-out land.

170 (1) If any person—

(i) clears or breaks up for cultivation or cultivates any Crown land which has been mapped out, or,

(ii) erects any building or structure on such land, or,

(iii) fells or otherwise destroys any trees standing on such land, or

(iv) otherwise encroaches on such land,

he shall, on conviction by a Police Magistrate after summary trial, be liable to pay a fine not exceeding Rs. 200.

Provided that no person shall be convicted under this section unless the land in question has been declared to be the property of the Crown under "The Land Settlement Ordinance, 1931" or under any Ordinance repealed thereby, or has been acquired by the Crown under "The Land Acquisition Ordinance, 1876".

(2) A conviction under this section shall operate as an order of ejection made under section 125 and on such conviction the Government Agent may, after the lapse of the appealable time, or, if an appeal has been preferred, after the conviction has been affirmed in appeal, apply to the Magistrate under section 127 for the enforcement of such order of ejection.

Administration of Ordinance to be outside jurisdiction of a civil Court.

171 No civil Court shall have jurisdiction in any matter which the Board or any person is authorised to decide or to determine by this Ordinance or by the rules made thereunder, nor shall such Court take cognizance of the manner in which the Board or any person exercises any power or discretion vested in such Board or person by this Ordinance or by the rules made thereunder.

Trusts, &c., affecting land not to be recognised.

172 No trust, *fidei commissum*, or equitable charge shall be created, declared, recognised or enforced in respect of any land alienated under this Ordinance.

Succession to be regulated entirely by this Ordinance.

173 (1) No written or other law relating to succession to land upon an intestacy shall have any application in respect of any land alienated under this Ordinance.

(2) No person shall, by virtue of any appointment in any last will, have or acquire any title to succeed to any land alienated under this Ordinance save and except a life-holder or a successor duly nominated by last will under the provisions of Chapter VII.

Definition of "middle-class Ceylonese".

174 No person shall for the purposes of this Ordinance be deemed to be a "Middle Class Ceylonese" on a particular date if the statutory income of such person computed under the provisions of the Income Tax Ordinance, 1932, for the year of assessment ending on the thirty first day of March preceding such date exceeds a sum of six thousand rupees.

Provided that—

- (1) in the case of spouses, the statutory income of either spouse shall be computed as though separate assessment had been claimed and made in pursuance of notice duly given under the provisions of section 22 of the Income Tax Ordinance, 1932 ;
- (2) in the case of spouses who have not been divorced by the decree of a competent court, or who are not living apart under a duly executed deed of separation, neither spouse shall be deemed to be a middle-class Ceylonese for the purposes of this Ordinance if the joint statutory income of both spouses exceeds in the aggregate a sum of twelve thousand rupees.

FIRST SCHEDULE.

(Section 28.)

Essential Conditions.

1. The owner shall not dispose of a divided share of the holding less, in extent, than the unit of subdivision specified in the grant.
2. The owner shall not dispose of an undivided share in the holding less than the minimum fraction specified in the grant.
3. No person shall be the owner of a divided share of the holding less in extent than the unit of subdivision specified in the grant.
4. No person shall be the owner of an undivided share in the holding less than the minimum fraction specified in the grant.
5. The holding or a specified portion or proportion thereof shall be regularly cultivated. For the purposes of this condition chena cultivation shall not be deemed to be regular cultivation.
6. There shall be paid annually to the Crown on account of the holding the sum specified in the grant or such sum as may be fixed on a revision made under this Ordinance.

SECOND SCHEDULE.

(Section 29.)

Optional Conditions.

1. Specified crops shall not be grown and specified plantations shall not be made on the whole or a specified portion of the holding without the written consent of the Government Agent.
2. Specified crops shall be grown or specified plantations shall be made upon the whole or a specified portion of the holding unless the written consent of the Government Agent be obtained to any relaxation of this condition.
3. The holding shall not be leased or mortgaged. No other disposition of the holding shall be made except with the prior permission in writing of the Government Agent.
4. The holding or any specified portion or proportion thereof shall be treated to the satisfaction of the Government Agent in some manner to be specified in the grant or shall be asweddumized or be cultivated annually with the plough.
5. If the Government Agent considers that any works are necessary in order to prevent erosion of the soil, the owner shall at his own expense carry out such works to the satisfaction of the Government Agent.
6. The owner shall reside upon the holding.
7. Within a specified period after the issue of the grant the timber on the holding shall be used for specified purposes only and not for any other purpose except with the permission of the Government Agent.

THIRD SCHEDULE.

(Sections 72, 73 and 76.)

Rules.

1. Where, on the death of the owner, no successor or life-holder succeeds to the holding, the title thereto shall devolve on the surviving spouse of such deceased owner and, failing such spouse, on one only of the relatives of such owner in the order of priority in which they are respectively mentioned in the subjoined table, the older being preferred to the younger where there are more relatives than one in any group.

Table.

1. Sons.
2. Daughters.
3. Grandsons.
4. Granddaughters.
5. Father.
6. Mother.
7. Brothers.
8. Sisters.
9. Uncles.
10. Aunts.
11. Nephews.
12. Nieces.

In this rule, "relative" means a relative by blood and not by marriage.

2. Where in any group of relatives mentioned in the Table subjoined to Rule 1 there are two or more persons of the same age who are equally entitled and willing to succeed, the Government Agent may nominate one of such persons to succeed to the holding. Such decision of the Government Agent shall be final.

3. Where the surviving spouse on whom the title to a holding devolves under the provisions of Rule 1 is unwilling to succeed, the title to such holding shall devolve upon the relative next entitled to succeed to the holding under the provisions of Rule 1.

4. If any relative on whom the title to a holding devolves under the provisions of these rules is unwilling to succeed to such holding, the title thereto shall devolve upon the relative who is next entitled to succeed under the provisions of Rule 1.

5. It shall be lawful for the surviving spouse or any relative of the deceased owner of a holding to refuse to succeed to such holding.

FOURTH SCHEDULE.

(Section 169.)

Column 1.	Column 2.
1. Ordinance No. 10 of 1863	.. The whole
2. The Land Acquisition Ordinance, 1876	.. The whole

Objects and Reasons.

1. The objects of this Ordinance are (1) to provide for the systematic development of Crown land and, (2) to establish a suitable tenure upon which Crown land can be alienated to various classes of persons.

2. The Ordinance provides legal machinery for implementing a number of recommendations contained in the Final Report of the Land Commission and the decisions of Government thereon which were published in Sessional Papers XVIII. and XXXV. of 1929, respectively, and gives effect to the decisions of the Executive Committee of Agriculture and Lands contained in the report accepted by the State Council on the 26th February, 1932, and approved by the Governor and the Secretary of State. The scheme elaborated in the Ordinance is based on the experience gained during the last five years in the introduction and evolution of the new land policy.

3. Under the system which was in force until it was recently discontinued, the machinery for alienation of Crown land was set in motion by the application of the individual, and it was normally only after such application had been received that any use of the land applied for, other than its alienation to the applicant, was considered. The application system thus tended to result in haphazard development, and, not infrequently, the interests of certain classes, particularly the peasant class, were overlooked.

4. The Ordinance provides for the mapping-out of Crown land. Mapping-out implies a systematic study of the various uses for which the land might be utilized and its reservation for such purposes as are set out in detail in section 8. Though it is provided that unmapped-out land may be alienated in exceptional cases, in practice, Crown land will ordinarily be mapped-out before it is alienated. In this way, the interests of the various classes concerned and of the whole community can be adequately safeguarded.

5. As it is impossible in many cases to anticipate all possible contingencies, it is inevitable that the results of mapping-out would in certain cases, require modification as circumstances change or as the country develops. It is, however, intended that the results of mapping-out should have a certain permanence, and it is therefore provided that no modification can be made in particular cases without the sanction of the Executive Committee of Agriculture and Lands and in all other cases without the sanction of the Land Commissioner.

6. The Ordinance seeks to confer on two classes of people the facility to obtain the Crown land which they require preferentially and without competition with other classes. These classes are the peasants and the middle-class-Ceylonese. The term "middle-class-Ceylonese" has been so defined as to exclude any person whose total statutory income assessed for purposes of the Income Tax Ordinance, 1932, exceeds a specified figure. In order to secure this preference for peasants and middle-class-Ceylonese, provision has been made that land may be alienated to persons selected by the Government Agent. Competition by auction or by tender has been entirely eliminated. A certain publicity is secured by the provision that land may not be alienated on a grant except at a Land Kachcheri. The necessary preliminary publication and the procedure to be observed at a Land Kachcheri will be prescribed by rules made under the Ordinance.

7. Further objects of the Ordinance are :—

- (1) to prevent land alienated to a special class from subsequently passing into the hands of a member of some other class, thus defeating the policy of the Ordinance ;
- (2) to secure that land once alienated is put to some profitable use and not allowed to lie fallow ;
- (3) to provide that the land shall be used for some special purpose, *e.g.*, that the land should be asweddumized or cultivated with the plough, or that some particular crop should or should not be cultivated, or that the land should be protected from erosion by some system of draining or terracing ;
- (4) to prevent the land from being divided, after alienation, into portions so small as to detract from its economic utility or, in the alternative, from becoming subject to multiple or unlimited undivided ownership.

In order to secure these objects, it has been found necessary to create, by law, a new conditional tenure of land. Under this tenure, land is alienated upon conditions which run with the land and bind all owners thereof. So long as the conditions of ownership are not violated, the owner, as he is termed, enjoys all the privileges of an absolute owner. On the other hand, if he violates the conditions of his ownership, the Crown can, in the last resort, cancel his grant and resume ownership of the land.

8. Land alienated by grant under the Ordinance is called a holding. Holdings are of two kinds : protected and unprotected. A protected holding cannot be mortgaged or leased and the owner cannot dispose of it in any other way without the prior written permission of the Government Agent. A protected holding cannot be seized or sold on the order of any Court. Unprotected holdings can be freely disposed of and may be sold on the order of any Court. Both classes of holdings are subject to the general condition that they must be cultivated, and may be made subject to special conditions in regard to the method of cultivation to be adopted, the particular crops to be grown or cultivated, and the measures to be taken for the protection of the land against erosion of the soil.

9. In order to safeguard the land against the evils of multiple *divided* ownership, the Ordinance provides for the inclusion in a grant of a condition prohibiting the sub-division of the holding below a specified unit. This unit is called the "unit of sub-division" and is defined as the minimum *extent* of land below which a holding may not lawfully be subdivided. In order to prevent the land from being held in multiple *undivided* ownership, similar provision has been made in the Ordinance for the insertion of a condition prohibiting undivided ownership in a case where the smallest share of a co-owner is less than a specified fraction. This fraction is called the "minimum fraction," and has been defined to mean the smallest fraction of a holding which can lawfully be held in undivided ownership. The operation of the ordinary law of intestate succession would very soon render this condition nugatory. It has therefore been found necessary in the case of land alienated under this Ordinance to exclude entirely the working of the ordinary law of succession. Provision has been made, instead, for the nomination by the owner of a life-holder, or a person who succeeds to a life-interest only in the holding, and for the nomination of one or more successors who will be entitled to succeed as owner or owners of the holding. Such nominations have to be registered under the Registration of Documents Ordinance, and provision has been made that only one valid nomination to any holding can be on the register at one time, and that no other document of nomination can be registered until the earlier nomination has been cancelled. Nominations may be made by last will, but such nominations will not be effective until the last nomination made by a duly registered document has been cancelled. Every effort has been made to make the procedure of nomination and registration simple and to prevent any conflict of nominations or any dishonest practice likely to result in subsequent litigation. Failing nomination, succession devolves according to the rules in the Third Schedule which provides a scheme of unitary succession where no successor or life-holder has been duly nominated or where the duly nominated successor or life-holder fails to succeed.

10. In the last resort, adherence to the conditions of a grant can only be enforced by the penalty of cancellation. A special procedure has been provided to effect such cancellation and, in this procedure, numerous safeguards have been introduced to secure equitable consideration of the case of any defaulter. The Government Agent makes a recommendation to the Governor that a grant should be cancelled. Before making his recommendation, the owner has to be noticed to appear before the Government Agent and to show cause, if any, against the recommendation. An owner who has shown cause against the proposal to cancel his grant and who is aggrieved by a recommendation for cancellation made by the Government Agent, is allowed to appeal to the Board constituted under the Land Settlement Ordinance, 1931. Wide powers have been given to the Board which can revise or modify the recommendation of the Government Agent, or direct further inquiry to be made or evidence to be taken. The final order of cancellation can only be made by the Governor who is vested with power to make any order which the equity of a case may demand.

11. One of the essential conditions which has to be inserted in the grant of every holding is that the owner thereof has to make an annual payment to the Crown in respect of his holding. These payments are fixed at the time of the alienation of the holding. They are subject to periodical revision. Provision has been made that the principle governing such revision shall be that an annual payment cannot be revised so as to exceed an amount equal to ten per cent. of the estimated profits derived from land of similar class and of the same extent in the same locality. Power has been taken to fix by rule the minimum amount of each annual payment. The Government Agent is also authorised to reduce the amount of any annual payment or to waive it altogether where, for special reasons, relief is called for in cases of hardship and difficulty.

12. A special procedure has been provided for the recovery of these annual payments in cases of default. The general principle is that movables should be seized and sold first. It is only when the movable property of the defaulting owner is insufficient to meet the entirety of the moneys due to the Crown that execution may proceed against the holding itself. A protected holding cannot be sold at all for default of payment of arrears due. Special safeguards of the rights of mortgagees have been introduced in the event of the sale of an unprotected holding. Rates and taxes due to a local authority by the owner of a protected holding can be recovered only under the special procedure provided in the Ordinance, the Government Agent being the officer responsible for such collection. Power has also been taken for the Crown to purchase back an unprotected holding which is sold under the Ordinance for the recovery of moneys due to the Crown.

13. It has been found that it is not always advisable permanently to alienate Crown land to certain persons in the first instance. In some cases such persons either do not take up their allotments at all or abandon them after one or two years' occupation. Provision has therefore been made for the issue of permits in the first instance, on the understanding that the persons so put into possession of the land will subsequently be given grants for such lands. At the same time, permits under this Ordinance are not intended to be leases-at-will and a permit-holder who fulfils the conditions of his permit cannot be ejected and will become entitled in due course to receive a grant. A permit has been made personal to the permit-holder and no right whatever to the land alienated under the permit can pass to his heirs on his death. Provision has, however, been made for the nomination of a successor by a permit-holder; but such nominee merely obtains a statutory right to another permit for the same land. The procedure for the cancellation of a permit is of a more summary nature than that provided for the cancellation of a grant. An appeal lies to the Land Commissioner against an order made by a Government Agent for the cancellation of a permit and extensive powers have been given to the Land Commissioner for making such orders in appeal as the equity of the case may demand.

14. The special provisions of the Ordinance would be rendered nugatory without adequate machinery for ejecting from the land any person who is in unauthorised occupation thereof. A special procedure has therefore been introduced enabling a Police Magistrate to make the necessary order of ejectment and to secure the enforcement of such order with

the assistance of the Fiscal or of the Police. Where cause is shown against the issue of an order of ejectment, such order can be made only after adequate enquiry. Section 170 of the Ordinance penalises any unauthorised act on Crown land after mapping out but before alienation; but it has been considered advisable to restrict the application of this section to cases where such land has been duly declared Crown under the Waste Lands Ordinance, 1931, or where the land has been duly acquired by the Crown under the Land Acquisition Ordinance, 1876.

15. Chapter I deals with the appointment, powers and duties of officers required for the proper working of the Ordinance. Power has been taken for the appointment of one or more Land Officers. The Settlement Officer and every Assistant Settlement Officer, *ipso facto*, becomes a Land Officer for the purposes of this Ordinance upon appointment under the Land Settlement Ordinance, 1931.

16. Chapter II provides for the mapping out of Crown land. Fifteen special purposes have been mentioned and power has been taken to prescribe other purposes to meet special contingencies or requirements.

17. Chapter III deals, generally, with the alienation of Crown land. Briefly, land can be alienated (a) on a permit (b) on a grant as a protected holding and (c) on a grant as an unprotected holding. No land can be alienated by grant except at a Land Kachcheri. Provision has been made that the material date for the purpose of ascertaining whether a person belongs to a particular class to which land may be alienated is the date on which such person is *selected* by the Government Agent for the purpose of such alienation.

18. Chapter IV contains miscellaneous provisions relating to the form of grants and permits. As a measure of economy, definite provision has been introduced making it unnecessary to attach a survey plan to every grant. Power has been taken to amend both the essential and optional conditions relating to grants, but no such amendment is permitted to have retrospective effect.

19. Chapter V deals with the protection of land alienated on permits or grants. No land can be seized or sold in execution of the decree of any Court if such land is a protected holding.

20. A "disposition" is defined in wide terms so as to include nearly every transaction relating to land. No protected holding can be leased or mortgaged under any circumstances. Any other disposition requires the consent of the Government Agent. An appeal to the Board is given in a case where consent to a disposition has been refused.

21. Chapter VII deals with the question of succession to land alienated under the Ordinance. Only one life-holder may be nominated; but a plurality of successors is allowed provided that the conditions of the grant relating to the minimum fraction or to the unit of subdivision are not infringed. On the death of the owner, the holding passes first to the life-holder. On the death of the life-holder, the holding passes to the duly nominated successor. If a successor or a life-holder dies, or refuses to succeed, or fails to enter into possession within a specified time, a failure of succession is presumed.

If neither a life-holder nor a successor succeeds, the holding passes to *one* person only who is ascertained by reference to the rules in the Third Schedule. Provision has been made for such alteration in these rules as may be required after experience has been gained in the practical operation of the Ordinance.

22. Chapter VIII provides procedure for the cancellation of grants and permits and Chapter IX provides the necessary machinery for ejecting persons in unauthorised possession of holdings or of lands alienated under permits. Chapter X deals with the recovery of annual payments and moneys due to the Crown.

23. The scope of the rule-making powers in Chapter XI has been made specially wide in view of the unforeseen contingencies that may arise upon the introduction of an Ordinance which creates an entirely new tenure of land. The power to make rules is assigned to the Executive Committee of Agriculture and Lands but no rule will have effect until it has been approved by the State Council and ratified by the Governor. These safeguards have been introduced as section 158 virtually gives statutory effect to subordinate legislation.

24. Chapter XII deals with miscellaneous matters which require special attention. All written law relating to prescription and to succession has been made inapplicable to any land alienated under the Ordinance. Section 161 provides for an extension of the scope of the Ordinance by order of the Governor. Special provision has been made protecting the rights of individuals who claim title to land which has been alienated as Crown land under the Ordinance. Such persons are not debarred from seeking their appropriate legal remedy by the mere fact that the land has been dealt with on the assumption that it belonged to the Crown. Otherwise, the general policy has been to exclude the Courts in cases where adequate provision is made in the Ordinance for the final determination of any particular question or matter. No trusts or *fidei commissa* can be created, recognised or enforced in respect of any land alienated under the Ordinance. As it may be necessary to exclude the operation of other provisions of written law in a manner more expeditious than by an amendment of the Ordinance, power has been taken for the Executive Committee of Agriculture and Lands to add to the provisions of the Fourth Schedule by rules duly made under the Ordinance.

D. S. SENANAYAKE,
Minister of Agriculture and Lands.

Colombo, February 20, 1933.

MINUTE.

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

AL 245/32

An Ordinance to amend The Irrigation Ordinance, No. 45 of 1917.

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

Short title.

1 This Ordinance may be cited as The Irrigation Amendment Ordinance, 1933.

Amendment of section 21 of the principal Ordinance.

2 Section 21 (3) of The Irrigation Ordinance, No. 45 of 1917, is amended by the addition of the following words at the end :—

“ and no person who for any other reason has been dismissed under sub-section (4) shall be so eligible except with the previous consent of the Government Agent.”

Objects and Reasons.

It is desirable that a person who has been dismissed from the office of Irrigation Headman should remain disqualified from being re-elected or re-appointed to that office. This Bill makes dismissal a disqualification unless the Government Agent gives his consent to the election or appointment.

D. S. SENANAYAKE,
Minister for Agriculture and Lands.

Colombo, February 20, 1933.

MINUTE.

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

An Ordinance to amend the Ceylon Post Office Ordinance, 1908.

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

1 This Ordinance may be cited as The Ceylon Post Office Amendment Ordinance, 1933.

24
06 Short title.

Amendment of section 55 of the principal Ordinance.

2 Section 55 of The Ceylon Post Office Ordinance, 1908, is amended (a) by inserting the words “ or placed on fixed deposit in any bank or banks in Colombo ” between the word “ Council ” and the word “ and ” in line 6 ; and (b) by inserting the words “ or placed ” between the word “ invested ” and the word “ and ” in line 7.

Objects and Reasons.

This Bill authorizes the placing of Post Office Savings Bank's funds in fixed deposits in local banks. The purpose of the amendment is to permit of a portion of the funds of the Savings Bank being more readily realizable than is possible in the case of the securities now open for investment.

MOHD. MACAN MARKAR,
Minister for Communications and Works.

Colombo, February 20, 1933.

MINUTE.

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

I 191

An Ordinance to amend the Small Towns Sanitary Ordinance, 1892.

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

1 This Ordinance may be cited as The Small Towns Sanitary Amendment Ordinance, 1933.

2 Between section 7 and section 8 of The Small Towns Sanitary Ordinance, 1892, the following is inserted as new section 7A :—

7A (1) If any building is rendered untenanted, and is untenanted by reason of its being altered, repaired, or improved, a proportionate remission of all rates and taxes whatsoever payable in respect of such building may be allowed for each month of the year during which it is so rendered untenanted, but no remission shall be made for any broken period or part of any particular month.

(2) If any building is or remains untenanted for any reasons other than those mentioned in sub-section (1) hereof a proportionate remission of all rates and taxes whatsoever payable in respect of such building for each month of the year in which this occurs may be allowed, but no such remission shall be made unless such building has been untenanted during the whole of such a month.

(3) No such remission shall be allowed unless the person claiming such remission shall (a) have given to the Chairman, within seven days of the commencement of the period for which remission is claimed, a written notice of the fact that such building is untenanted, and shall in such notice have stated the date on which the building became untenanted, and the reason thereof, and an address to which all communications in respect of such notice may be posted ; and also (b) have given to the Chairman a written notice of the fact that such building was re-occupied within seven days of the new tenancy, and shall in such notice state the fact of such re-occupation and the date of the commencement thereof.

(4) In the event of any dispute arising regarding the occupation of any such building during any particular period, the decision of the Chairman thereon shall be notified in writing to the address given in the notice required by sub-section (3) (a) hereof, and such decision shall be final, unless a written application for the revision of such decision be presented to the Chairman within seven days of the date upon which notice of such decision was posted or left at such address when such decision shall be subject to revision by the Board.

Objects and Reasons.

The purpose of this Bill is to enable a Sanitary Board to remit a portion of the quarterly rates and taxes ordinarily due in respect of a building when the building remains untenanted for a whole month. The immediate reason for this amendment is the desire to afford relief to landlords in the present general trade depression, which has made the renting of their buildings and the continuance of tenancy a matter of great uncertainty ; but provision is also made for buildings remaining untenanted for reasons connected with structural alterations, repairs or improvements. Similar provision now exists both within Local Boards and Municipal limits.

CHAS. BATUWANTUDAWA,
Minister for Local Administration.

Ministry of Local Administration,
Colombo, February 20, 1933.

Short title.

Insertion of new section 7A in the principal Ordinance.

Remission of rates in cases of non-tenancy.

56
8/2

MINUTE.

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

No. 11 of 1873.
I 802.

An Ordinance to amend The Museum Ordinance, 1873.

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

Short title.

1 This Ordinance may be cited as the Museum (Amendment) Ordinance, 193 .

Substitution of "Director" for "curator" in principal Ordinance.

2 The Museum Ordinance, 1873, (hereinafter referred to as "the principal Ordinance") is hereby amended by the substitution of the word "Director" for the word "curator" wherever the latter word occurs therein.

Amendment of section 3 of the principal Ordinance.

3 Section 3 of the principal Ordinance is hereby amended as follows :—

(1) by the insertion of the words "for the constitution of a committee of management of the said museum, for defining the powers, duties and functions of such committee" between the word "fees", and the word "and" in the tenth line thereof ; and

(2) by the addition of the following words at the end thereof :—

"The rules and regulations contained in the Schedule shall be deemed to have been made under this section by the Governor with the advice of the Minister for Education ; and all such rules and regulations shall remain in force until repealed, amended or otherwise varied or altered by the Governor, with similar advice."

Insertion of Schedule in the principal Ordinance.

4 The following Schedule is hereby inserted in the principal Ordinance immediately after section 9 thereof :—

SCHEDULE.

s. 3.

Rules and Regulations relating to the Committee of Management of the Colombo Museum.

1. The Committee of Management shall be constituted as follows :—

President : His Excellency the Governor.

Vice-Presidents : The Chief Justice.

The Chief Secretary.

Other Members : The Director of Education.

The Principal, University College.

The Director, Colombo Museum.

The Archæological Commissioner.

Such other members as may from time to time be nominated by the Governor, of whom three at least shall be persons not holding office under the Government.

2. The Committee of Management shall be the managing body of the museum and shall be responsible, subject to financial control by the State Council and the Government, for laying down the general policy to be followed by the Director in the administration and supervision of the museum, and for assisting the Director in carrying out such general policy.

3. The Committee of Management shall meet at least once in every quarter but may meet more frequently, if at any time it becomes necessary to do so.

4. All meetings of the committee shall be summoned by circular addressed to the members, specifying the hour and place of the meeting and, if possible, the proposed business of the meeting.

5. Three members of the committee, in addition to the President or Presiding Member, shall constitute a quorum at all meetings of the committee.

6. Free copies of all museum publications shall be sent to all members of the committee.

7. The Librarian of the museum shall be the Secretary of the committee.

Objects and Reasons.

The Museum Ordinance, 1873, sanctions the appointment of a curator for the Colombo Museum and defines his rights and duties. But a curator does not appear to have been appointed at any time, and the officer who has been appointed from time to time to exercise the rights and perform the duties of the curator under the principal Ordinance has always been called the Director of the Colombo Museum. Strictly, therefore, there is no one now known to the law who is legally entitled to do what the curator may do, or who is legally bound to perform

what the curator must perform. Some reconciliation between the law and usage is therefore necessary, and it is advisable that this should be made as in clause 2 of this Bill, since there is not only long practice but also legislative approval (*e.g.* section 26 of the Game Protection Ordinance, 1909) for styling as Director the officer intended by the principal Ordinance to look after the Colombo Museum.

2. A Committee of Management of the Museum has been in existence for many years in virtue of rules made under section 3 of the Museum Ordinance, constituting such committee and defining its powers and duties. There is, however, a doubt whether the present wording of section 3 is wide enough to authorise the making of such rules. Clause 3 of the Bill is therefore inserted with the object of supplying the necessary authority, and clause 4 inserts a Schedule containing rules which, though based on the existing rules, have been modified to a certain extent to meet the recommendations of the Select Committee on the Colombo Museum (Sessional Paper XXIII.—27).

C. W. W. KANNANGARA,
Minister for Education.

The Ministry of Education,
Colombo, February 24, 1933.

NOTIFICATIONS 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 Western Circuit will be holden at the Court-house at Hulftsdorp on Monday, March 20, 1933, 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,
Colombo, February 17, 1933.

CARL E. ARNDT,
for Fiscal.

Notification of Postponement of Supreme Court Sessions.

BY virtue of instructions from the Honourable the Supreme Court of the Island of Ceylon to me directed, I do hereby proclaim that the Sessions of the said Court for the 1st Eastern Circuit, 1933, has been postponed.

My Notification dated February 1, 1933, proclaiming the Sessions for February 27, 1933, appearing in the issue of the *Government Gazette* dated February 3, 1933, is hereby cancelled.

Fiscal's Office,
Batticaloa, February 16, 1933.

J. R. WALTERS,
Fiscal.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Ratnapura will be holden at the Court-house at Hulftsdorp, Colombo, on Monday, March 20, 1933, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Ratnapura, February 20, 1933.

C. B. P. PERERA,
for Fiscal.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 4,349. In the matter of the insolvency of E. D. Billimoria of Mutwal, 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 11, 1933, for the grant of a certificate of conformity to the insolvent.

February 15, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,501. In the matter of the insolvency of R. G. Koelman 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 11, 1933, for the grant of a certificate of conformity to the insolvent.

February 15, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,582. In the matter of the insolvency of S. K. Hamidu of 133, Sea street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on May 23, 1933, for the grant of a certificate of conformity to the insolvent.

February 15, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,589. In the matter of the insolvency of A. C. Abdul Majeed of 98, Hulftsdorp street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 11, 1933, for the grant of a certificate of conformity to the insolvent.

February 15, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,606. In the matter of the insolvency of P. L. A. Fernando of 77, Wolfendahl street, Colombo.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on April 11, 1933, for the grant of a certificate of conformity to the insolvent.

February 15, 1933. By order of court, A. E. PERERA,
for Secretary.

In the District Court of Colombo.

No. 4,628. In the matter of the insolvency of K. A. C. Arthur Alwis of 40/46, Mohandiram's road, Colpetty, Colombo.

WHEREAS the above-named K. A. C. Arthur Alwis has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by D. J. S. P. Appuhamy of Dias place in Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court

has adjudged the said K. A. C. Arthur Alwis insolvent accordingly; and that two public sittings of the court, to wit, on March 14, 1933, and on March 28, 1933, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
February 10, 1933. for Secretary.

In the District Court of Colombo.

No. 4,629. In the matter of the insolvency of P. Mammu and T. Anthuru, both of Kochchikade in Colombo.

WHEREAS the above-named P. Mammu and T. Anthuru have filed declarations of insolvency, and a petition for the sequestration of their estates has been filed by S. Kandesampillai of Skinner's road south, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said P. Mammu and T. Anthuru insolvents accordingly; and that two public sittings of the court, to wit, on March 14, 1933, and on March 28, 1933, will take place for the said insolvents to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
February 14, 1933. for Secretary.

In the District Court of Colombo.

No. 4,630. In the matter of the insolvency of T. Muttukumarasamy of Kotahena street, Colombo.

WHEREAS the above-named T. Muttukumarasamy has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by P. Shanmuganathan of 5, Chekku street, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said T. Muttukumarasamy insolvent accordingly; and that two public sittings of the court, to wit, on March 14, 1933, and on March 28, 1933, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
February 15, 1933. for Secretary.

In the District Court of Colombo.

No. 4,631. In the matter of the insolvency of M. A. Abdul Cader of the firm of M. A. A. Mohamed Abubacker & Co., 44, Second Cross street, Colombo.

WHEREAS the above-named M. A. Abdul Cader has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by M. M. Abdul Cader of Pettah, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said M. A. Abdul Cader insolvent accordingly; and that two public sittings of the court, to wit, on April 4, 1933, and on May 16, 1933, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, A. E. PERERA,
February 20, 1933. for Secretary.

In the District Court of Negombo.

Insolvency In the matter of the insolvency of Costa-
No. 216. pata Indige Emmanuel Benjamin Dal-
gado of Main street, Negombo.

NOTICE is hereby given that a meeting will be held at 10 A.M. on March 2, 1933, to examine the insolvent in the above case.

By order of court, C. EMMANUEL,
January 31, 1933. Secretary.

In the District Court of Kalutara.

No. 270/I. In the matter of the insolvency of Mulle-
kandage John Perera of Mawala.

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 March 24, 1933, to consider the grant of certificate of conformity.

By order of court, A. W. LUDEKENS,
February 16, 1933. Secretary.

In the District Court of Kalutara.

No. 274/I. In the matter of the insolvency of Magodage Don Simon Jayawardena of Panadure.

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 March 30, 1933, to consider the grant of certificate of conformity.

By order of court, A. W. LUDEKENS,
February 16, 1933. Secretary.

In the District Court of Nuwara Eliya holden at Hatton.

No. 24/I. In the matter of the insolvency of Jainoor Ahamat of Kalapitiya, Kotmale.

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 March 8, 1933, for the examination of the insolvent.

By order of court, T. A. WIJETUNGE,
February 22, 1933. Acting Secretary.

In the District Court of Galle.

No. 677/I. In the matter of the insolvency of Kariyawasam Katukulihe Gamage William Peter of Baddegama.

NOTICE is hereby given that examination of the above-named insolvent will take place at the sitting of this court on March 29, 1933.

By order of court, C. W. GOONEWARDENE,
February 21, 1933. Secretary.

In the District Court of Galle.

No. 684. In the matter of the insolvency of Bulatgei Dharmasena of 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 March 27, 1933, for the filing of balance sheet.

By order of court, C. W. GOONEWARDENE,
February 21, 1933. Secretary.

In the District Court of Jaffna.

Insolvency In the matter of the insolvency of Vellautha-
Jurisdiction. pinai Moothatamby Velauthapillai of
No. 125. Vannarponnai East, insolvent.

NOTICE is hereby given that a public sitting is fixed on March 21, 1933, for grant of certificate to the above-named insolvent.

By order of court, K. M. CHELLAPPAH,
February 15, 1933. Secretary.

In the District Court of Chilaw.

No. 40/I. In the matter of the insolvency of Muttu-
namagonnage Juan Fernando of Nainamadama
west, insolvent.

NOTICE is hereby given that the last examination of the above-named insolvent will take place at a sitting of this court to be held at 10 A.M. on February 28, 1933.

By order of court, S. P. STOUTER,
February 14, 1933. Secretary.

In the District Court of Badulla.

No. 15. In the matter of the insolvency of M. A. S. Seiyadu Abbas of Bandarawela.

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 March 8, 1933, to examine the insolvent.

By order of court, J. N. CULANTHAIVALU,
Secretary.

In the District Court of Badulla.

No. 19. In the matter of the insolvency of M. H. Paekir Saibo of Badulla.

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 March 1, 1933, for appointing an assignee.

By order of court, J. N. CULANTHAIVALU,
Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Mrs. Petricia de Soysa of Ragama Plaintiff
No. 23,451. Vs.

(1) Violet de Soysa, (2) Francis Richard de Soysa, both of Princes Court, Bambalapitiya; (3) Stanley Soysa, (4) Sydney de Soysa, (5) Iris de Soysa, (6) Geraldine de Soysa, (7) Olga de Soysa, (8) Lucian de Soysa, (9) Douglas de Soysa, (10) Kenneth de Soysa, (11) Givendoline de Soysa, (12) Bertie de Soysa, minors, by their guardian *ad litem*, (13) Francis de Soysa of Princes Court, Bambalapitiya; (19) Elsie F. Perera of Ragama; (20) Bertie Karunaratne, (21) Joyce Karunaratne, minors, by their guardian *ad litem*, (22) Felix Karunaratne of Dehiwala; (23) Norbert F. Perera of Ragama Defendants.

NOTICE is hereby given that on Monday, March 27, 1933, will be sold by public auction at the respective premises the following property for the recovery of the sum of Rs. 6·82½ from each of the 1st and 2nd defendants, Rs. 6·82½ from each of the 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12th defendants, Rs. 81·90 from the 13th defendant, less Rs. 42, Rs. 15 from the 19th defendant, Rs. 40·95 from each of the 20th and 21st defendants, Rs. 81·90 from the 22nd defendant, and Rs. 163·80 from the 23rd defendant, less a sum of Rs. 15·15 being *pro ratu* costs and a further sum of Rs. 865·12 from the 23rd defendant being compensation, viz. :—

At 12.30 p.m.—The right, title, and interest of the 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, and 13th defendants in the following property, to wit :—

1. The lot marked E in plan No. 1,543 dated November 9 and 13, 1931, made by H. Don David, Licensed Surveyor, of the land called Ketakelagahawatta, situated at Ragama in the Ragam pattu of Alutkuru korale, in the District of Colombo, Western Province; which said lot "E" is bounded on the north-west by lot "C", on the north-east by lot "H", south-east by lot "L", and on the south-west by a road; containing in extent 2 roods and 31·40 perches.

2. At 1 p.m.—The lot marked "F" in the said plan of the land called Ketakelagahawatta, situated at Ragama aforesaid; which said lot "F" is bounded on the north-west by lot "G", on the north-east by a road, on the south-east by part of the same land of Mr. Pumpeus, and on the south-west by Iriyagahakumbura; containing in extent 18·20 perches.

At 1.30 p.m.—The right, title, and interest of the 19th defendant in and to the following property, to wit :—

3. The lot marked "G" in the said plan of the land called Ketakelagahawatta, situated at Ragama aforesaid; which said lot "G" is bounded on the north-west by lot "K", on the north-east by a road, on the south-east by lot "C", and on the south-west by Iriyagahakumbura; containing in extent 18·20 perches.

4. At 2 p.m.—The lot marked "H" in the said plan of the land called Ketakelagahawatta, situated at Ragama aforesaid; which said lot "H" is bounded on the north-west by lot "A", on the north-east by lot "J", on the south-east by lot "L", and on the south-west by lots C and E; containing in extent 2 roods and 31·40 perches.

At 2.30 p.m.—The right, title, and interest of the 20th, 21st, and 22nd defendants in and to the following property, to wit :—

5. The lot marked "J" in the said plan of the land called Ketakelagahawatta, situated at Ragama aforesaid; which said lot "J", is bounded on the north-west by lot "A", on the north-east by Ambagahawatta of the heirs of late F. C. Dornhorst, on the south-east by lot "L", and on the south-west by lot "H"; containing in extent 2 roods and 31·40 perches.

6. At 3 p.m.—The lot marked "K" in the said plan of the land called Ketakelagahawatta, situated at Ragama aforesaid; which said lot "K" is bounded on the north-west by lot "D", on the north-east by road, on the south-east by lot "G", and on the south-west by Iriyagahakumbura; containing in extent 18·20 perches.

At 3.30 p.m.—The right, title, and interest of the 23rd defendant in and to the following property, to wit :—

7. The lot marked "C" in the said plan of the land called Ketakelagahawatta together with the building standing thereon, situated at Ragama aforesaid; and which said lot "C" is bounded on the north-west by lot A, on the

north-east by lot "H", on the south-east by lot "E", and on the south-west by road; containing in extent 2 roods and 31·40 perches.

At 4 p.m.—The lot marked "D" in the said plan of the land called Ketakelagahawatta, situated at Ragama aforesaid; which said lot "D" is bounded on the north-west by lot "B", on the north-east by road, on the south-east by lot "K", and on the south-west by Iriyagahakumbura; containing in extent 18·20 perches.

Fiscal's Office,
Colombo, February 22, 1933.CARL E. ARNDT,
Deputy Fiscal.

In the District Court of Colombo.

S. L. M. Sheriffdeen of No. 71, New Moor street,
Colombo Plaintiff.
No. 50,764. Vs.S. L. A. Rahiman of Nos. 134 and 136, 3rd Cross street,
Pettah, Colombo. Defendant.

NOTICE is hereby given that on Thursday, March 16, 1933, at 10 A.M., will be sold by public auction at No. 134, 3rd Cross street, Pettah, Colombo, the following movable property for the recovery of the sum of Rs. 910, together with legal interest from October 25, 1932, and costs of suit, viz. :—

Eleven dozen brass locks, 16 boxes brass hinges, 4 iron hinges, 9 loose boxes brass handles, 114 packets screw nails, 2 glass almirahs, 22 scales, 15 brass padlocks, 1 table, 35 loose boxes brass hooks, 2 boxes brass brackets, 173 packets hasps-and-staples, 26 water taps, 114 packets screw nails, 2 loose boxes brass door bolts, 2 boxes wheels, 2 boxes brass curtain rings, 22 boxes files, 3 boxes copper nails, 5 pairs brass hinges, 8 ditto iron hinges, 1 box brass balls, 94 loose boxes nickel handles, 9 ditto chisels, 95 large brass hasps-and-staples, 28 small ditto, 500 brass hinges, 60 boxes iron screw nails, 14 packets tin tax, 60 sand papers, 100 loose boxes brass handles, 18 ditto hooks, 54 augers, 2 adzes, 16 paint brushes, 1 saw, 6 iron chains, 1 scale, 1 box nipples, 2 cages, 1 lot sundries.

Fiscal's Office,
Colombo, February 22, 1933.CARL E. ARNDT,
Deputy Fiscal.

In the District Court of Colombo.

P. R. L. V. Veerappa Chettiar of 104, Sea street in
Colombo Plaintiff.
No. 35,917. Vs.D. C. Matugama of Nalanda, Old road, Pana-
dure Defendant.

NOTICE is hereby given that on Monday, March 27, 1933, at 4.30 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. 10,435·41, with interest thereon at 9 per cent. per annum from December 16, 1929, till payment in full, and costs of suit, viz. :—

An undivided 2/15+1/10 shares of the soil, together with the entirety of the rubber plantation and an undivided 2/15+1/10 shares of the building and of all the remaining trees standing thereon of the land called Ketakelagahawatta, situated at Pattiya in Panadure; and bounded on the north by land belonging to H. Allis Peiris and Pamunugamage people and land belonging to Dhoby people, east by land belonging to H. Allis and M. Simon Perera, south by land belonging to M. Endoris Rodrigo and land belonging to Modera Acharige people and land belonging to W. J. Isan Fernando, and west by lands of W. J. Isan Fernando, C. D. A. Goonaratna, and W. D. B. Goonatileka; and containing in extent about 18 acres.

Deputy Fiscal's Office,
Kalutara, February 20, 1933.D. J. JAYASUNDERA,
Deputy Fiscal.

Central Province.

In the District Court of Colombo.

Walker, Sons and Company, Limited, of Colombo. . Plaintiffs.
No. 37,535. Vs.(1) Mrs. Jayasundera Hamine, Doragamuwa, Katu-
gastota, and (2) P. R. Rajapakse, Gunnepana R. O.,
Kandy Defendants.

NOTICE is hereby given that on Thursday, March 23, 1933, at 12 noon, will be sold by public auction to the respective premises the right, title, and interest of the said defendants without prejudice to the rights of the claimants as per court order No. 66 of January 25, 1931, for the

recovery of the sum of Rs. 2,427.85, with legal interest thereon at the rate of 9 per cent. per annum from April 4, 1930, till date of decree, and thereafter on the aggregate amount of the decree till payment in full, and costs, and poundage, in the following property, viz:—

(1) Phiyanehederawatta and house thereon, situate at Doragamuwa in Pallegampaha korale of Pata Dumbara; and bounded on the east by bund of Dawatagahamula, kumbura, north by footpath, west by boundary of the property of late Police Officer Kiri Banda, and south by boundary of the remaining portion; containing in extent 2½ acres.

(2) Ambegahamullatennawatta, situate at Doragamuwa aforesaid; and bounded on the east by boundary of Lisadewatta, north by boundary of Hidgollahena, south by road, and west by road and the hedge; containing in extent 1 pela paddy sowing.

(3) Paddy field known as Dehigastennekumbura, situate at Doragamuwa aforesaid; and bounded on the east by boundary of the Pansalakumbura, north by the boundary of the paddy field known as Dingirihaminegekumbura, west by boundary of the paddy field belonging to Loku Menika, and on the south by slope of the property known as Pattiyamudunewatta; containing in extent 12 lahas paddy sowing.

(4) Land and fields known as Maligatennawatta and kumbura, situate at Doragamuwa aforesaid; and bounded on the east and south by stream, west by boundary of the property known as Waduranekandewatta, and north by boundary of the remaining portion; containing in extent 8 acres.

Fiscal's Office,
Kandy, February 20, 1933.

A. RANESINGHE,
Deputy Fiscal.

Southern Province.

In the District Court of Galle.

K. M. R. M. Ramanathan Chettiar of Galle Plaintiff

No. 30,253.

Vs.

M. R. de Silva of Wellaboda Defendant.

NOTICE is hereby given that on Saturday, March 18, 1933, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant in the following property, viz:—

1. An undivided 37/168 part of the land called Kokatiya-mukalanabinkabella marked letter A, situated at Kosgoda in Bentota-Walallawiti korale, Galle District, Southern Province; and bounded on the north by Crown property, east by lot No. 53,156 and the Crown property, south by Crown property, and west by letter B of this land; containing in extent 36 acres and 1 rood.

2. An allotment of land called Babuwageudumullakele, situated at Kosgoda aforesaid; bounded on the north by land described in plan No. 70,881, north-east by land described in plan No. 70,881 and Crown land called Dikgodaudumulla, south-east by Crown land called Dikgodawela, south-west and north-west by a footpath; containing in extent 6 acres 3 roods and 12 perches.

3. All that the land called Bolgowipola, situated at Kosgoda aforesaid; bounded on the north by T in plan No. 2,183,945 and a road, east and south by road, west by lot T in plan Nos. 183,949, 183,946, and 135,175; containing in extent 6 acres 2 roods and 37 perches.

4. An undivided 93/133 part of the southern ¼ portion of the land called Kokatiyamukalana, situated at Kosgoda aforesaid; bounded on the north by a portion of this land belonging to Latthuwahandi Nandoris de Silva, east by Kokatiyamukalana *alias* Polgahaudumullakebella belonging to Hakkini Bastiyan de Silva, south by field belonging to Pannis de Silva Wijekulatilaka Edirisingha and others and the field belonging to the estate of Albert Mendis Siriwardana, Registrar, west by a portion of this land belonging to Bodahandi Kornelis; containing in extent 11 acres and 13½ perches.

5. All that undivided ¼ part of the land called Kokatiyamukalana, situated at Kosgoda aforesaid; bounded on the north by a portion of this land belonging to W. Siyadoris de Silva, east by land of C. de S. W. Idirisingha, Vedarala, south by Welbunes appertaining to this land, west by a portion of this land belonging to B. Cornelis de Silva; containing in extent 12 acres.

6. An undivided 1/18 part of the field called Karijapitiya Ambagahakumbura, situated at Kosgoda aforesaid; bounded on the north by field of Kokkalinga Seineris and

Dewarahandi Sayaneris, east by field of Bodahandi Sayaneris, south by high road, and west by land of Mukundadura Andiris Perera and Hunudehiyagekumbura; containing in extent 6 acres.

Writ amount Rs. 2,262, with legal interest thereon from September 28, 1931, till payment, and Rs. 73.92 for costs; less Rs. 1,700 paid.

Fiscal's Office,
Galle, February 18, 1933.

J. R. WEERASEKERA,
Deputy Fiscal.

In the District Court of Galle.

Warusavithana Rangohamy of Hikkaduwa Plaintiff.

No. 30,827.

Vs.

Kottigoda Kankarunge Mendis Silva of Hikkaduwa Defendant.

NOTICE is hereby given that on Saturday, March 25, 1933, 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:—

All the buildings, plantations and the soil of the lot No. 2 of the land called Maradanewatta, situated at Hikkaduwa in the Wellaboda pattu; and bounded on the north by lot No. 8 and Maradanewatta, east by rail road, south by lot No. 3A, and west by the high road to Colombo; containing in extent 10.72 perches.

Writ amount Rs. 1,693.75, with legal interest thereon from June 24, 1932, till payment in full, and costs Rs. 138.74.

Fiscal's Office,
Galle, February 22, 1933.

J. R. WEERASEKERA,
Deputy Fiscal.

In the District Court of Matara.

Baron de Silva Abeywickrama of Nupe, Matara . . Plaintiff.

No. 3,510.

Vs.

(1) Manamperige Appu of Akurugoda and others Defendants.

NOTICE is hereby given that on Friday, March 17, 1933, commencing at 2.30 in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st to 6th defendants in the following property for the recovery of sum of Rs. 196.34, viz:—

1. *Property of 6th Defendant.*—All that divided and separated lot No. 1 of the land called Henmullewatta *alias* Pitaduwewatta, situated at Akurugoda in the Weligam korale of the District of Matara, Southern Province; and bounded on the north by Henmulle Balahamy's portion, east by lot No. 2 of the same land, south by Pinkumbura, and on the west by Henmulleaddarakumbura; and containing in extent 3 acres 2 roods and 5.8 perches.

2. *Property of 1st to 4th Defendants.*—All that divided and separated lot No. 2 of the land called Henmullewatta *alias* Pitaduwewatta aforesaid; and bounded on the north by Henmulle Balahamy's portion, east by lot No. 3 of the same land, south by Pinkumbura, and on the west by lot No. 1 of the same land; containing in extent 1 acre 1 rood and 9.7 perches.

Deputy Fiscal's Office,
Matara, February 16, 1933.

E. T. GOONEWARDENE,
Deputy Fiscal.

In the District Court of Matara.

Leelawathie Wejesingha and husband Plaintiffs.

No. 4,213.

Vs.

(1) Mrs. S. L. Wijesingha of Kamburupitiya and another Defendants.

NOTICE is hereby given that on Saturday, March 25, 1933, 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 1st defendant in the following property for the recovery of a sum of Rs. 1,021.57:—

1. All that the entirety of lot No. 1 of the land called Welagehena *alias* Kurunduwattehena and Hankoonmulanegodahena, situated at Pitakatuwana in the Gangaboda

pattu of the Matara District, Southern Province; and bounded on the north by Pitadeniya, east by Ilankoonmulanekumbura, south by T. P. 154,911, and on the west by lot No. 2 of the same land; and containing in extent 5 acres 2 roods and 8 perches.

2. All that the entirety of lot No. 1A of the land called Welagehena *alias* Kurunduwattehena and Ilankonmulanegodahena, situated at Pitakatuwana aforesaid; and bounded on the north by road, east by channel, south by channel, and on the west by Welegehena *alias* Kurunduwattehena; and containing in extent 17.5 perches.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, February 20, 1933. Deputy Fiscal.

In the District Court of Matara.

Hewa Dunege Don Andrayas of Kirinda Plaintiff.
No. 7,416.

(1) Don Harumanis Kumasaru, *Kidaru* Arachchi of Horapawita Defendant.

NOTICE is hereby given that on Tuesday, March 28, 1933, commencing at 2.30 in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following mortgaged property for the recovery of a sum of Rs. 482.96:—

All that the soil, fruit trees, and plantations of, and the entirety of the two 9 cubits tiled houses and the 7 cubits tiled boutique on the land called Pelaketiyekella, situated at Ransogoda in the Kandaboda pattu of the Matara District, Southern Province; and bounded on the north by Arachchigewatta, east by Kanattewatta, south by Malimboda Appuhamigewatta, and west by Helligoda; and containing in extent 2 kurunies of kurakkan sowing.

Deputy Fiscal's Office, E. T. GOONEWARDENE,
Matara, February 15, 1933. Deputy Fiscal.

In the District Court of Galle.

V. E. L. S. Letchumanan Chettiar of Galle Plaintiff.
No. 30,763.

A. Abdul Careem of Hambantota Defendant.

NOTICE is hereby given that on Saturday, March 18, 1933, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 1,682.47, with legal interest thereon from April 25, 1932, till payment, and costs of suit Rs. 73.92, and poundage, less Rs. 150 paid, viz.:—

At Hambantota.—All that allotment of land bearing assessment No. 189 called Alimowlanagewatta, containing in extent 2 acres and 9 perches, situated in Line street within the Four Gravets of Hambantota in Magam pattu of the Hambantota District, Southern Province; and bounded on the north by land reserved by Crown described in plans bearing Nos. 55,313 and 55,315, east by land described in plans bearing Nos. 57,517 and 55,305 and land belonging to the Crown and lands bought by Seyado Ibrahim Seyado Hassim and Amath Dula Pandan, south by the land described in plan bearing No. 55,729, and west by the Line street; reserving the right to Mr. Baba Shaffin Doole to use and possess the portion of the land towards the south during his natural life.

Valuation Rs. 1,750.

Deputy Fiscal's Office, C. J. OORLOFF,
Hambantota, February 18, 1933. Additional Deputy Fiscal.

Northern Province

In the Court of Requests of Point Pedro.

S. V. Sinnathamby of Valvettiturai Plaintiff.
No. 25,992. Vs.

(1) Aiyana Kandasarmy, (2) Seena Ana Senapathy, both of Valvettiturai Defendants.

NOTICE is hereby given that on Saturday, March 18, 1933, at 3.30 in the afternoon, will be sold by public auction at the Kayts Harbour the right, title, and interest of the said 1st defendant in the following property for the recovery of Rs. 202.89, with legal interest thereon at the

rate of 9 per cent. per annum from October 1, 1932, till payment in full, costs Rs. 25.58 and writ costs Rs. 2.75, poundage and charges, viz.:—

One boat weighing 48.96 tons and lying at Kayts Harbour, licensed under No. 1 of May 8, 1914, bearing Official Number 132,388 called "Sriannapooranavisaladchumi Prasad" with its accessories.

Also seized under writ No. 1,586 D. C., Jaffna.

Fiscal's Office,
Jaffna, February 17, 1933.

S. TURAIYAPPAH,
Deputy Fiscal.

Eastern Province.

In the District Court of Nuwara Eliya.

K. Abram Saibo & Co. of Nuwara Eliya Plaintiffs.
No. 929. Vs.

Abdul Rahuman Marakayar Pathumma Natchia of Weligama, Matara, administratrix of the estate and effects of N. M. M. Nugootamby, deceased Defendant.

NOTICE is hereby given that on Friday, March 17, 1933, commencing at 3 o'clock in the afternoon, will be sold by public auction near the Miravodai Mosque the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 15,930, with legal interest on Rs. 12,000 from January 26, 1928, to March 26, 1928, and thereafter on the aggregate amount of the decree till payment in full (less Rs. 754.60), viz.:—

(1) The paddy land called "Porukkan Munmary" formed of "Koddadivyal", "Puliyadikudah", and "Palaiyadi Panku", situated at Thavanai Kandam in Miravodai in Koralai pattu, Batticaloa District, Eastern Province; and bounded on the north and west by the land of Ponniah Vanniah and others, south by Vandilthaddamadu, and east by the land of U. A. Umarulevve Hadjar and others; in extent 63 acres, with all rights.

(2) A land called "Thickattavaddavan" situated at the aforesaid place; and bounded on the north by Santhiaru, south by Vaikal, east by the land of U. P. Karuthankando and Vaikal, and west by Santhiaru and by the land of A. Cassimbawa; in extent 15 acres with all rights.

(3) A paddy land called "Pakuthi Munmary" situated at Odduvelikandam in Miravodai in the aforesaid pattu; and bounded on the north by the land of Samyppodiyar and Vaikal, south by Surippuvaddavan Vaikal, east by the land of K. Kumaraveli, and west by the land of P. Kandan and others; in extent about 30 acres, with all rights.

(4) A paddy land called "Iluppaiyadi Munmary" situated at the aforesaid place; and bounded on the north by Porukkan Munmari Kulathu Vadichchal, south and east by Vaikal, and west by the land of T. Kandiah; in extent 21 acres, with all rights.

Fiscal's Office, K. S. CHANDRASEGARAMPILLAI,
Batticaloa, February 20, 1933. Deputy Fiscal.

North-Western Province.

In the Additional Court of Requests, Kurunegala.

K. M. P. L. Palaniappa Chettiar of Narammala Plaintiff.
No. 6,457. Vs.

(1) Patirenehalage Kiri Mudiense of Pentenigoda in Dambadeni Udukaha korale west, (2) Amaratunga Jayalath Rallage Sopihamy of Kelagedara in Katugampola Medapattu korale east Defendants.

NOTICE is hereby given that on Friday, March 31, 1933, commencing from 1st land at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property mortgaged with the plaintiff by bond No. 17,167 dated September 18, 1928, and attested by M. V. P. Dharmaratne, Notary Public, and declared specially bound and executable under the decree dated April 16, 1931, entered in the above action and ordered to be sold by the order of court dated November 10, 1931, for the recovery of the sum of Rs. 327, with further interest on Rs. 200 at the rate of 25 cents per Rs. 10 per mensem from February 19, 1931, to April 16, 1931, and thereafter with legal interest on the aggregate amount till payment in full, and poundage, viz.:—

1. The land called Hitinawatta of about 1 laha kurakkan sowing extent, situate at Pentenigoda in Dambadeni Udukaha korale west of Dambadeni hatpattu in the

District of Kurunegala, North-Western Province; and bounded on the north by limit of the garden of Kiri Ettana, east by the chena of Punchappuhamy, south by the garden of Kawrala, and west by the garden of Hetuhamy.

2. The land called Tembiliwattehenena now garden of about 2 lahas kurakkan sowing extent, situate at Pentenigoda aforesaid; and bounded on the north by the chena belonging to Punchi Menika and the limit of the chena belonging to others, east by limit of the chena belonging to Punchirala Vidane and the limit of the chena belonging to Punchappuhamy, south by the live fence separating the garden of Appuhamy, and west by limit of the chena of Menik Ettana.

3. The land called Tembiliwatta of about 3 seers kurakkan sowing extent, situate at Pentenigoda aforesaid; and bounded on the north by the chena belonging to Ranhamy and others, east by the chena of Ranhamy, south by the garden belonging to Ranhamy and others, and west by the chena belonging to Hetuhamy and others.

4. An undivided $\frac{1}{2}$ share of the land called Tembiliwatte-ambagahamulahena now garden of about 2 lahas kurakkan sowing extent, situated at Pentenigoda aforesaid; and bounded on the north by the chena of Punchappu, deceased, east by the chena of Tikiri Etana and Punchirala, south by the chena of Mudalihamy, and west by roda of the field of Punchappu, deceased.

5. An undivided $\frac{1}{2}$ share of the land called Tembiliwatte-maha-ambagahamulahena now garden of 2 lahas kurakkan sowing extent, situate at Pentenigoda aforesaid; and bounded on the north and west by the wela belonging to Punchi Menika and others, east by the chena of Mudaliharay and others, and south by the chena belonging to Appu and others.

6. An undivided $\frac{5}{6}$ th share of the land called Tembiliwatta now garden of about 4 seers kurakkan sowing extent, situate at Pentenigoda aforesaid; and bounded on the north by limit of the chena of Kapuruhamy, east by limit of the chena of Punchirala, south by the chena of Ranhamy, and west by limit of the chena of Mudalihamy; together with the houses and buildings standing thereon.

Fiscal's Office,
Kurunegala, February 20, 1933.

A. BASNAYAKE,
Deputy Fiscal.

In the Additional Court of Requests, Kurunegala.

D. E. Ranasinghe Appuhamy, presently of Kirillawala Plaintiff.

No. 6,836. Vs.

(1) Nayaka Ratna Mudiyanse Appuhamy, *ex* Arachchi, (2) ditto Kiri Banda Vedarala, both of Pathinwatta in Udukaha korale Defendants.

NOTICE is hereby given that on Thursday, March 30, 1933, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 60.34, with interest on Rs. 88 at 15 cents per Rs. 10 per mensem from July 17, 1931, to October 13, 1931, and thereafter with legal interest on the aggregate amount till payment in full, and poundage, viz. :—

The land called Badalagamawatta of 1 pela kurakkan sowing extent, situate at Badalagama in Dewamedi Udukaha korale of Dewamedi hatpattu, in the District of Kurunegala, North-Western Province; and bounded on the north by chena of Dingiri Amma and others, east by road leading to Kalugomuwa, south by garden of Aratchi, west by field and pilawa. With the plantations thereon.

Fiscal's Office,
Kurunegala, February 20, 1933.

A. BASNAYAKE,
Deputy Fiscal.

In the District Court of Colombo:

(1) K. S. P. S. Kathiresan Chettiar and (2) A. R. K. N. Arunasalam Chettiar, both carrying on business under the name, style, and firm of "Kawanna Suna Pana Suna", Sea street, Colombo Plaintiffs.

No. 47,816. Vs.

Maddur Banda Halangoda of Kandy Defendant.

NOTICE is hereby given that on Wednesday, March 29, 1933, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest, property, claim, and demand whatsoever of the defendant in the following property mortgaged with the plaintiffs by bond No. 2,437 dated June 13, 1931, and attested by E. H. Wijenaike, Notary Public, and declared specially bound and executable under the decree dated September 6, 1932, entered in the above action and ordered to be sold by the order of court dated December 9, 1932, for the

recovery of the sum of Rs. 1,650, together with further interest on Rs. 1,500 at 15 per cent. per annum from February 7, 1932, up to September 6, 1932, and thereafter on the aggregate amount of the decree at 15 per cent. per annum till payment in full, costs of suit, and poundage, less a sum of Rs. 1,200, viz. :—

One undivided half part or share of and in the following premises :—

All those contiguous allotments of land comprising the lots called Meegahamulawatta and Timbirigahamulawatta adjoining each other together with the buildings standing thereon called Helen House bearing assessment No. 13, situate at Udawalpola in the town of Kurunegala in the Tirigandahe korale of the District of Kurunegala, North-Western Province; and bounded on the north by the fence of the land belonging to Leenigiriye Menike, on the east by the Wekanda or the Circular road, on the south by the land of Mr. J. P. Jayatilleke, Proctor, deceased, and the Circular road of Udawalpola, and on the west by the Circular road; and containing in extent about 2 lahas of kurakkan sowing.

Prior Registration : A 339/200.

Fiscal's Office,
Kurunegala, February 14, 1933.

A. BASNAYAKE,
Deputy Fiscal.

In the District Court of Puttalam.

D. Publis of Pothupitiya in Kalutara District, presently of Puttalam Plaintiff.

No. 4,369. Vs.

Mariamamma of Tetapolai in Akkarai pattu in the District of Puttalam, administratrix of the estate of the late Pedropillai Juvapillai, deceased Defendant.

NOTICE is hereby given that on Monday, March 20, 1933, at 10 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the defendant in the following property viz. :—

An undivided $\frac{1}{4}$ share of the land called Karambe Kadu, situate at Karambe in Mel Akkarai pattu Tekku, Puttalam pattu, Puttalam District, North-Western Province, in extent 22 acres 1 rood and 20 perches; and bounded on the north and west by reservations, east by lot No. G 838 appearing in plan No. 1,891 now belonging to Marthino Fonseka, and south by Crown land.

Amount of writ Rs. 453.08, with further interest on Rs. 376 at 12 per cent. from January 25, 1932, to July 25, 1932, and thereafter at 9 per cent. till payment in full, costs, and poundage.

Puttalam, February 17, 1933.

K. ALVAPPILLAI,
Deputy Fiscal.

In the District Court of Chilaw.

N. W. P. Wenceslaus Perera of Wennappuwa Plaintiff.

No. 9,359. Vs.

P. M. John Mariyanu Fernando of Wennappuwa Defendant.

NOTICE is hereby given that on Thursday, March 30, 1933, at 10.30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 3,646.71, with interest on Rs. 3,700 at 15 per cent. per annum from August 23, 1930 up to September 18, 1930, and thereafter with legal interest till payment and poundage, viz. :—

1. All those two contiguous of land called Kosgahawatta and Nugagahawatta, situate at Ulhetiyawa Wennappuwa in Kammal pattu of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded, on the north by land of Miguel Juwakin Fernando Muppurala, and by the land of the said Miguel Juwakin Fernando Muppurala and Silvestri Fernando, Peace Officer, east by the high road, south by the land of Miguel John Mariyanu Fernando, the heirs of Juana Perera, and the heirs of Franciska Perera, west by a portion of this land belonging to Clementu Perera Annavirala; containing in extent about 7 acres, together with the buildings and plantations standing thereon.

2. An undivided extent of 182 coconut trees plantable soil from and out of all that portion of land called Nugagahawatta alias Madangahawatta, situate at Ulhetiyawa aforesaid; and bounded on the north by dewata road, east by the lands of Miguel Juwakin Fernando Muppurala and Silvestri Fernando, Peace Officer, and others, south by land of Miguel Juwakin Fernando Muppurala and land of Clementu Annavirala, west by the drain separating the land of Adrian Peris and others; containing in

extent 500 coconut trees plantable soil, together with all buildings and plantations standing on the said extent of 182 coconut trees plantable soil.

3. All that portion of land called Nugagahawatta *alias* Madangahawatta, situate at Uhetiyawa aforesaid; and bounded on the north by dewata road, east by the land in extent 182 coconut trees, previously sold to Miguel John Mariyanu Fernando, Constable Arachchi, south by the land of Miguel Fernando, Peace Officer, and Virisida Perera, presently of Miguel John Mariyanu Fernando, Constable Arachchi, and by the land of Engracia Fernando and Juan Jagarias Fernando Muppu, west by the drain separating the land of Adrian Peris and others; containing in extent 318 coconut trees plantable soil, together with all buildings and plantations thereon.

4. An undivided 31/36 shares of the land called Nugagahawatta, situate at Uhetiyawa aforesaid; and bounded on the north by land of Thomis Fernando, Miguel Juwakinu Fernando Muppurala, presently of Miguel John Mariyanu Fernando, President Muppu, east by portion of this whole land belonging to Virisida Perera and Miguel Juwakinu Fernando Muppurala, presently of Miguel John Mariyanu Fernando, President Muppu, south by lands of Jawana Perera and Davidu Perera, presently of Miguel John Mariyanu Fernando Muppu, and west by land of Paulu Fernando and others, Miguel Juwakinu Fernando, Muppurala and others, and presently of Miguel John Mariyanu Fernando, President Muppu, and others; containing in extent 2½ acres, together with buildings and plantations standing thereon.

Deputy Fiscal's Office,
Chilaw, February 22, 1933.

F. G. DALPETHADO,
Deputy Fiscal.

In the Court of Requests of Colombo

(1) V. Thambo, (2) V. V. Subraminatha Pillai, (3) V. V. Kandiah, (4) K. Nagamuttu, (5) V. Viswalingam, all carrying on business under the name and style and firm of A. N. T. K. K. & Company at Walfendal street, Colombo. Plaintiffs.

No. 76,841.

Vs.

Seena Kana Ambalampulle of Haputale. Defendant.

NOTICE is hereby given that on Tuesday, March 28, 1933, at 10.30 in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 300, with legal interest thereon, costs of suit and poundage, viz. :—

The lots marked I and H in extent 2 roods and 10.90 perches of the land called Penikongahawatta described in title plan No. 76,416, situate at Dankotuwa in Otara palata of Pitigal korale south in the District of Chilaw, North-Western Province; and bounded on the north by road, east by land appearing in plan No. 76,280, south by the land in T. P. 76,417, and west by the lot G of this land of Abilina Perera, together with the buildings and plantations thereon.

Deputy Fiscal's Office,
Chilaw, February 22, 1933.

F. G. DALPETHADO,
Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Ratnapura.

Kuruppu Mohottalalaye Mudalnahatmaya of Gampolawatta. Plaintiff.
No. 5,683.

(1) Samsadeen Lebbe Marikar Mohamed Haniffa (2) Usup Lebbe Falila Umma, both of Kalamawatta. Defendants.

NOTICE is hereby given that on Saturday, March 18, 1933, at 2 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said 1st and 2nd defendants in the following property for the recovery of the sum of Rs. 1,618.90, with interest on Rs. 1,500 at the rate of 12 per centum per annum from November 6, 1929, to November 1, 1932, and thereafter at the rate of 9 per centum per annum till payment in full; viz. :—

An undivided ¼ share of the land called Gampolawatta, situated at Nugawela in Pannil pattu of Atakalan korale in Ratnapura District of the Province of Sabaragamuwa; bounded on the north by land belonging to E. M. William Singho, east by high road, south by land belonging to Osan Lebbe Marikar, and on the west by kumbura (field); containing in extent of 1 acre and 2 roods, together with

the entirety of the two boutique rooms bearing assessment Nos. A 32 and 33 standing thereon mortgaged by the defendants, and registered at the Ratnapura Land Registry under F 83/100.

H. C. WIJESINGHE,
Fiscal's Office, Additional Deputy Fiscal.
Ratnapura, February 15/16, 1933.

In the District Court of Avissawella.

S. P. V. Suppramaniam Chettiar of Puwakpitiya. Plaintiff.
No. 1,381.

Vs.

Peter Wijesundara of Indurana, in his own behalf and as representative of the estate of A. A. Maria Nona and D. Thepanis Wijesundara Appuhamy (deceased). Defendant.

NOTICE is hereby given that on Saturday, March 25, 1933, 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 for the recovery of the sum of Rs. 3,700, with interest on Rs. 2,500 at 24 per cent. per annum from August 5, 1932, till date of decree, and thereafter at the rate of 9 per cent. per annum on the aggregate amount till payment in full, and costs of suit Rs. 174.23½. Mortgaged by bond No. 4,320 dated February 14, 1930, and attested by Joseph de Jacolyn Seneviratna, Notary Public, viz. :—

All that allotment of land called and known as Diyananawalalangahena, together with the two tiled houses and outhouses and the rubber and other plantations standing thereon and also the machinery fixed thereon, situated at Indurana in Dehigampal korale of Three Korales, in the District of Kegalla, Province of Sabaragamuwa; and bounded on the north by Udage Aratchillagehena and Abeysinghe Aratchillagehena, east by elu, south by Alawatupitiyakumbura, and west by Diyananawalalangahena-assedduma; and containing in extent within these boundaries 30 acres.

Valuation : Rs. 3,700.

Fiscal's Office, CHARLES DE SILVA,
Avissawella, February 21, 1933. Additional Deputy Fiscal.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of the late Liyanage Sediris Perera of Kanduboda in the Adikari pattu of Siyane korale, deceased.
No. 6,187.

Panapitiyage Soidahamy of Kanduboda afore-said. Petitioner.

And

(1) Liyanage Adonona Perera, (2) ditto Wije Perera, (3) ditto Warliyanu Perera, (4) ditto Marthinu Perera, all of Kanduboda, (5) ditto Isonona Perera, (6) Don Jimonis Samarasinghe Appuhamy, both of Putupagala, (7) Liyanage Philippu Perera, (8) ditto Jompi Nona Perera, (9) ditto Nandawathi Perera, (10) ditto Doisawathie Perera, (11) ditto Bastian Perera, (12) ditto Somawathie Perera, (13) ditto Josi Nona Perera, all of Kanduboda, (14) Henerathmottige Simon Singhe, (15) ditto Gunawardena, (16) ditto Hemawathie, (17) ditto Suwatilleke, all of Dharnagama in the Adikari pattu of Siyane korale. Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on November 25, 1932, in the presence of Mr. D. L. Gunasekera, Proctor, on the part of the petitioner above named; and the affidavits (1) of the said petitioner dated July 28, 1932, and (2) of the attesting witnesses also dated July 28, 1932, having been read :

It is ordered that the last will of Liyanage Sediris Perera, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless the respondents above named or any other person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

November 25, 1932.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Mas Dervish Jaro of Dawson street, No. 6,198. Slave Island, Colombo, deceased.

Nye Kitchil Jaro of Dawson street, Slave Island, Colombo Petitioner.

And

- (1) Mas Clarence Zamil Jaro, (2) Mas Alson Sheerin Jaro, (3) Mas Cameron Tajnil Jaro, (4) Irene Tarshim Jaro and (5) Tamim Samahon Mohamed, all of Dawson street, Slave Island, Colombo Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on November 7, 1932, 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 October 14, 1932, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow of the above-named deceased, to have letters of administration to his estate issued to her, unless the respondents above named or any other person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

November 7, 1932.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Sellambara Hettiaratchige Gabriel Peries of St. Joseph's street, Grandpass, in Colombo.

Magalage Alice Peries of Nagalagam street, Grandpass, in Colombo Petitioner.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 3, 1933, in the presence of Mr. D. I. Paul Perera, Proctor, on the part of the petitioner above named; and the affidavit (1) of the said petitioner dated February 9, 1932, and (2) of the attesting notary and witnesses also dated February 9, 1932, having been read:

It is ordered that the last will of Sellambra Hettiaratchige Gabriel Peries of St. Joseph's street, Grandpass, in Colombo, deceased, of which the original has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the petitioner is the executrix named in the said will and that she is entitled to have probate thereof issued to her accordingly, unless any person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 3, 1933.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of David Dias Dissanayake, Notary Public, of Nikepe in the Palle pattu of Salpiti korale, deceased.

- (1) Arthur Cornelius Dias Dissanayake, (2) Charles Ernest Dias Dissanayake, (3) Lionel Clarence Dias Dissanayake Petitioners.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 4, 1933, in the presence of Mr. T. H. Gooneratne, Proctor, on the part of the petitioners above named; and the affidavits (1) of the said petitioner dated December 21, 1932, and (2) of the attesting notary and witnesses dated February 2, 1933, having been read:

It is ordered that the last will of David Dias Dissanayake, 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 March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 4, 1933.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Harry Ernest James, late of Beau Site Bandol Var France and of care of Westminster Bank Limited, Epsom, Surrey, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 11, 1933, in the presence of Mr. Frederick Claude Rowan of Colombo, Proctor, on the part of the petitioner, Mr. William Kevitt Smyth Hughes of Colombo; and the affidavit of the said petitioner dated February 4, 1933, exemplification of probate of the will of the above-named deceased power of attorney in favour of the petitioner, and Supreme Court's order dated January 24, 1933, having been read: It is ordered that the will of the said, deceased, dated November 3, 1927, 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 a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 11, 1933.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Sarah Kate Hewson of Elysee St. Helier, Jersey, Channel Islands, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 11, 1933, in the presence of Mr. Frederick Claude Rowan of Colombo, Proctor, on the part of the petitioner, Mr. William Kevitt Smyth Hughes of Colombo; and the affidavit of the said petitioner dated February 4, 1933, a certified copy of probate, a certified copy of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated January 24, 1933, having been read: It is ordered that the will of the said deceased dated January 6, 1932, of which a certified copy has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the sole executor named in the said will and that he is entitled to have letters of administration with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 11, 1933.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Charlotte Ann Hall of Westwood Lodge, Windlesham, Surrey, widow, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 11, 1933, in the presence of Messrs. Julius & Creasy of Colombo, Proctors, on the part of the petitioner, Mr. Reginald Sydney Hall of Ambolpattia, Nawalapitiya; and the affidavit of the said petitioner dated February 4, 1933, a certified copy of probate, a certified copy of will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's order dated January 20, 1933, having been read: It is ordered that the will of the said deceased dated February 25, 1921, of which a certified copy has been produced and is now deposited in this court, be and the same is hereby declared proved; and it is further declared that the said petitioner is the attorney of the executors named in the said will and that he is entitled to have letters of administration, with a copy of the said will annexed issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 11, 1933.

G. C. THAMBYAH, District Judge.

30 In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament and Codicil of Catharine Emily Bingwall, late of Ambawella, 5, Trewartha Park, Weston super Mare Somerset, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 11, 1933, in the presence of Mr. Frederick Claude Rowan of Colombo, Proctor, on the part of the petitioner, Mr. William Kevitt Smyth Hughes of Colombo; and the affidavit of the said petitioner dated February 4, 1933, 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 January 27, 1933, having been read: It is ordered that the will of the said deceased dated August 12, 1927, and a codicil thereto dated August 19, 1931, 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 executors named in the said will, and that he is entitled to have letters of administration, with a copy of the said will and codicil annexed issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 11, 1933.

G. C. THAMBYAH,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Violet Mary Anita Macintyre of Weatherby Bude County, of Cornwall, deceased.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 11, 1933, in the presence of Mr. Frederick Claude Rowan of Colombo, Proctor, on the part of the petitioner, Mr. William Kevitt Smyth Hughes of Colombo; and the affidavit of the said petitioner dated February 4, 1933, a certified copy of letters of administration to the estate of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's Order dated January 24, 1933, having been read: It is ordered and declared that the said petitioner is the attorney of the sole heir of the said deceased and the English Administrator and that he is entitled to have letters of administration to the intestate estate of the said deceased issued to him accordingly, unless any person or persons interested shall, on or before March 2, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 11, 1933.

G. C. THAMBYAH,
District Judge.

31 In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Madappuliyatchige Joslin Cecilia Fernando, deceased, of Canadure.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on December 12, 1932, in the presence of Mr. H. Leo Perera, Proctor, on the part of the petitioner, Merennage Bastian Abraham Fernando of Panadure; and the affidavit of the said petitioner dated December 7, 1932, having been read:

It is ordered that the said petitioner be and he is hereby declared entitled, as widower, to have letters of administration to her estate issued to him, unless the respondents—(1) Merennage Milicent Patricia Fernando of Panadure by her guardian *ad litem* (2) Hinter Samson Peiris of Moratuwa—or any other person or persons interested shall, on or before January 26, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said 2nd respondent be and he is hereby appointed guardian *ad litem* over the 1st minor respondent for all the purposes of this action, unless the respondents or any other person or persons interested shall, on or before January 26, 1933, show sufficient cause to the satisfaction of this court to the contrary.

December 12, 1932.

The date for showing cause is extended to March 9, 1933.

January 26, 1933.

N. M. BHARUCHA,
District Judge.N. M. BHARUCHA,
District Judge.

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In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late Medagedera Ingurantilake Rajapakse Vitanage Alice Ranthebe, deceased, of Galatha.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge, Kandy, on January 26, 1933, in the presence of Mr. M. J. Taylor, Proctor, on the part of the petitioner, Bopitiya Wilson Sikurajapathi of Suriyagoda Estate, Gampola; and the affidavit of the said petitioner dated December 23, 1932, having been read:

It is ordered that the petitioner, as the husband of the deceased, be and he is hereby declared entitled to have letters of administration to the estate of the deceased above named issued to him accordingly, unless the respondents—(1) Bopitiya Wimalawathi Sikurajapathi, (2) ditto Abhayadasa Sikurajapathi, (3) ditto Budhapreme Sikurajapathi, (4) Galatha Medagedera Punchi Amma of Galatha, the 1st, 2nd, and 3rd by their guardian *ad litem* the 4th respondent—shall, on or before March 6, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 6, 1933.

R. F. DIAS,
District Judge.

In the District Court of Matara.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Last Will and Testament of Wattiyage Pedrick of Kumbalgama, deceased.

Elpitiyage Cornelis Fernando of Telawela, Moratuwa Petitioner.
Hewa Vidane Kattadige Nonnohamy of Kumbalgama Respondent.

THIS matter coming on for disposal before C. J. S. Pritchett, Esq., District Judge of Matara, on November 23, 1932, in the presence of Mr. G. E. Dantanarayana, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated August 18, 1932, together with the last will dated June 11, 1932; and the affidavit of the subscribing Notary dated September 2, 1932, having been read:

It is ordered that the will of Wattiyage Don Pedrick of Kumbalgama, deceased, dated June 11, 1932, and now produced in this court be and the same is hereby declared proved.

It is further declared that the said Elpitiyage Cornelis Fernando above named is the legatee named in the said will and that he is entitled to have probate of the same issued to him accordingly.

Date for showing cause against the said order absolute has been fixed for January 12, 1933—extended to March 13, 1933.

November 23, 1932.

C. J. S. PRITCHETT,
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. In the Matter of the Estate of the late S. K. Kandiahpillai of Vannarponnai East, deceased.

Kadiravelu Veerasingham of Vannarponnai East Petitioner.

Vs.

(1) Valliammai, widow of S. K. Kandiahpillai of ditto, (2) Kandiahpillai Shanmuganathan of Union Hostel, Bambalapitiya, (3) Kandiahpillai Ganathanam of ditto (minor), (4) Kandiahpillai Ramanathan of ditto (minor), (5) Maheswari, daughter of Kandiahpillai of ditto (minor) Respondents.

THIS matter of the petition of the above-named petitioner, praying that letters of administration to the estate of the above-named deceased be granted to the petitioner, coming on for disposal before D. H. Balfour, Esq., District Judge of Jaffna, on June 10, 1932, in the presence of Mr. T. N. Subbiah, Proctor, for the petitioner; and on reading the affidavit and petition of the petitioner:

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner, as the brother of the said deceased, unless the above-named respondents appear before this court on July 15, 1932, and show sufficient cause to the satisfaction of this court to the contrary.

June 28, 1932.

D. H. BALFOUR,
District Judge.

Order Nisi extended to March 30, 1933.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
No. 8,185. Apiramipillai, wife of Namasivayam
Thambipillai of Anaikodai, deceased.

Annam widow of Sinnathamby Sivasampoo of Anai-
kodai Petitioner.

Vs.

(1) Sathumathevi, daughter of N. Thambipillai, (2)
Thambipillai Nadarajah, (3) Valamipikai, daughter of
Thambipillai, all are minors by their guardian *ad*
litem (4) Ghelliah Sinnathamby of ditto. . . Respondents.

THIS matter of the petition of the petitioner praying, for
letters of administration to the estate of the above-named
deceased, coming on for disposal before D. H. Balfour,
Esq., District Judge, on November 16, 1932, in the presence
of Mr. S. Patanjali, Proctor, on the part of the petitioner ;
and the affidavit of the petitioner dated November 14,
1932, having been read : It is declared that the petitioner
is the mother 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 December 21, 1932, show sufficient
cause to the satisfaction of this court to the contrary.

S. RODRIGO,
District Judge.

November 22, 1932.

Time to show cause extended to February 27, 1933.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
No. 8,235. Kandiah Selvadurai of Karanavay north,
deceased.

Appledchumy, widow of K. Selvadurai of ditto. . . Petitioner.

Vs.

(1) Selvadurai Kandiah, (2) Selvadurai Subramaniam,
(3) Selvadurai Mailvaganam, (4) Sinnathangam,
daughter of Selvadurai, and (5) Sinniah Kandasamy,
all of ditto; the 1st to 4th respondents are minors by
their guardian *ad litem* the 5th respondent. . . Respondents.

THIS matter coming on for disposal before D. H. Balfour,
Esq., District Judge, Jaffna, on February 9, 1933, in the
presence of Mr. S. Appadurai, Proctor, on the part of the
petitioner ; and the affidavit of the petitioner having been
read : It is ordered that the above-named petitioner be
declared entitled to have letters of administration to the
estate of the said intestate, as his widow, unless the respon-
dents shall appear before this court on March 15, 1933, and
state objection or show cause to the contrary.

D. H. BALFOUR,
District Judge.

February 10, 1933.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Sithamparapillai Vaithilingam of
No. 8,247. Tellippallai East, deceased.

Selvanayakippillai, widow of Vaitelingam of Tellip-
pallai east Petitioner.

Vs.

(1) Vaithianathar Sithamparapillai of Maviddapuram,
(2) Vaithilingam Thambiah (minor) of Tellippallai
East Respondents.

THIS matter coming on for disposal before D. H. Balfour,
Esq., District Judge, Jaffna, on January 24, 1933, in the
presence of Mr. V. Coomaraswamy, Proctor, on the part of
the petitioner ; and the affidavit of the petitioner dated
November 19, 1932, having been read :

It is ordered that letters of administration in respect of
the estate of the above-named deceased be granted to the
petitioner, unless the above-named respondents or any
other person shall, on March 3, 1933, show sufficient cause
to the satisfaction of this court to the contrary.

D. H. BALFOUR,
District Judge.

February 14, 1933.

In the District Court of Jaffna.

Order Nisi.

No. 8,254. In the Matter of the Estate of the late Gnan-
atnam, wife of D. K. Pillay of Mampey,
deceased.

THIS matter of the petition of the petitioner, praying
that letters of administration to the estate of the deceased
be issued to him, coming on for disposal before D. H.
Balfour, Esq., District Judge, Jaffna, on December 9,
1932, in the presence of Mr. C. T. Kumaraswamy, Proctor,
it is ordered that letters be issued to the petitioner, unless
sufficient cause to the contrary be shown on March 3, 1933.

D. H. BALFOUR,
District Judge.

February 10, 1933.

In the District Court of Ratnapura.

Order Nisi.

Testamentary In the Matter of the Estate of the late
Jurisdiction. Mestige Dqn. Marthenis Gunatilaka,
No. 1,001. deceased, of Amuwala.

THIS matter coming on for disposal before R. Y. Daniel,
Esq., District Judge, Ratnapura, on January 23, 1933, in
the presence of Messrs. Gunasekera & Gunasekera,
Proctors, on the part of the petitioner, Wanasundera
Muhandiramalaye Samarathne Menike of Amuwala ; and the
affidavit of the said petitioner dated January 23, 1933,
having been read :

It is ordered that the 2nd respondent, Wanasundera
Muhandiramalaye Chandrasekera of Amuwala, be appointed
guardian *ad litem* of the 1st minor respondent, Mestige
Dharmawardena of Amuwala, unless the said respondent or
any other person or persons interested shall, on or before
March 6, 1933, show sufficient cause to the contrary.

It is further declared that the said petitioner above
named is the widow of the deceased above named, and that
she is entitled to have letters of administration to the estate
of the said deceased issued to her accordingly, unless said
respondent or any other person or persons interested shall,
on or before March 6, 1933, show sufficient cause to the
satisfaction of this court to the contrary.

R. Y. DANIEL,
District Judge.

January 23, 1933.