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

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## DRAFT ORDINANCES.

## MINUTE.

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

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 :—

Short title.

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

Insertion of new section 7A in the principal Ordinance.

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

Remission of rates in cases of non-tenancy.

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.

## 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 :

Short title and commencement.

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.

Interpretation.

2 In this Ordinance, unless the context otherwise requires—

- "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.*

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

Appointment and duties of Land Commissioner.

- (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.

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.

Powers of Land Commissioner.

(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.

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.

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

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.

All Officers to be public servants.

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".

## CHAPTER II.

### *Mapping-out of Crown land.*

Purposes for which Crown land may be mapped-out.

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:—

- (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.

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

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

- (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.

Land Commissioner may issue further instructions before 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.

Notification of 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.

Right of public to inspect diagram.

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.

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.

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—

- (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.

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

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

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.*

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

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

Notification of Land Kachcheri.

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.

Applications for land; when and how received and considered.

(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.

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

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

(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.

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.

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

(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.*

21 Every permit shall be substantially in a prescribed form.

Form of permit.

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 hereinafter provided.

Permit to be personal to permit-holder.

23 Every grant shall be substantially in a prescribed form.

Form of Grant.

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

Grant not to issue for unsurveyed land  
Registration of grants.

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.



Survey plan need not be attached to grant.

**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.

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

**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.

Essential conditions of grant.

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

Optional conditions of grant.

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

Conditions of grant may be amended by rule.

**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.

Land Commissioner may authorise insertion of special conditions in grants.

**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.

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

**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.

Conditions in a grant to run with the land.

**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.

Annual payments to be fixed according to rules.

**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.

Revision of annual payments.

**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.

(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.*

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.

**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.

Scope of protection.

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

**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.*

Disposition of protected holding requires consent of Government Agent.

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

Protected holdings not to be leased or mortgaged.

**40** No protected holding shall be leased or mortgaged.

What dispositions are invalid.

**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.



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.

Appeal to Board where Government Agent refuses consent to disposition.

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

Permit-holder not entitled to execute disposition.

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

Disposition of land held under a permit is invalid.

## CHAPTER VII.

### *Succession.*

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 successor.

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 :

Nomination of life-holder.

(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.

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.

Restriction on nomination.

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.

Plurality of successors if conditions of grant so permit.

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

Only one life-holder to be nominated.

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

Life-holder must be nominated for entire holding.

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.

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

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

Cancellation of 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.

Further nomination in lieu of cancelled nominations.

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.

Act of nomination is not a disposition.

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.

How nomination is effected.

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.

Successor cannot be nominated for portion of a holding only.

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.

No stamp duty for nominations or cancellation of nominations.



Nomination or cancellation of nomination to be unconditional.

**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.

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

**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.

When entry in register is proof of contents of document 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.

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

**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.

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

**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 cancelled by death of nominee.

**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.

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

**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.

Nominations may be made in last will of owner.

**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.

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

**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.

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

Registered nomination remains valid until cancellation thereof is registered.

**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.

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

**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.

Failure of succession.

**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.

(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.

Succession of life-holder.

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

Succession of successor.

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

Succession under Third Schedule.

**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.



- 73** (1) Upon the death of the life-holder of a holding the successor, if any, shall succeed to the holding. Succession upon death of life-holder.
- (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.
- 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. Date of succession.
- (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.
- 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. Accrual of rights in case of plurality of successors.
- 76** The Third Schedule may be rescinded, amended, or added to by rules made under this Ordinance. Third Schedule may be amended by rules.
- 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 or cancellation of nomination is invalid if contrary to provisions of Ordinance.
- 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. Nomination of successor by permit-holder requires approval of Government Agent.
- 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. Name of nominated successor to be endorsed on permit.
- 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. Decision of Government Agent granting or refusing approval is final.
- 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. Permit-holder may nominate only one person as successor. No conditional 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. Cancellation of permit-holder's nomination.
- 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. Further nomination permitted upon cancellation of a nomination by 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. Rights of nominated successor on death of permit-holder.
- 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 reverts to Crown unless successor nominated by permit-holder applies for permit within specified time.
- 86** Land deemed to have been surrendered under section 85 shall vest in the Crown free from all encumbrances. Land vests in Crown free from encumbrances.
- 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. Name of successor nominated by permit-holder may be endorsed on permit before issue.



## 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.
- 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.
- 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.
- (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.
- 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.
- (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.
- 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.
- 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.
- 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.
- (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.

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

Period allowed for showing cause.

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

Procedure where no cause is shown against cancellation of grant.

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

Date of recommendation.

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

Appeal to Board.

Time limit for appeal.

Powers of the Board in appeal.



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 (1) or (2) to be communicated to Government Agent.

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.

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

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.

No appeal against recommendation of Government Agent under section 91.

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.

Powers of Governor.

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.

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

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.

Exclusion of claims in court for compensation.

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.

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

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.

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

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.

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

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.

Period allowed for showing cause.

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.

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

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.

Order cancelling permit if permit-holder fails to appear.

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.

Procedure where permit-holder appears and shows cause.

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

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.

Date of order of cancellation.



Order of Government Agent to be served on permit-holder and to be posted on land.	<b>112</b> 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.
Appeal to Land Commissioner.	<b>113</b> A permit-holder aggrieved by an order made by the Government Agent under section 110 may appeal therefrom to the Land Commissioner.
Time limit for appeal.	<b>114</b> (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. (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.
Powers of Land Commissioner.	<b>115</b> The Land Commissioner may in appeal— (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.
Decision of Land Commissioner to be communicated to permit-holder.	<b>116</b> 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.
Government Agent's order under section 109 is final.	<b>117</b> 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.
Decision of Land Commissioner under section 115 is final.	<b>118</b> Any decision made by the Land Commissioner under section 115 shall be final and conclusive for all purposes.
<b>CHAPTER IX.</b>	
<i>Summary procedure in ejectment.</i>	
Notice to issue on party in occupation to vacate holding.	<b>119</b> 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.
Report to a Police Magistrate if person served with notice refuses to vacate holding.	<b>120</b> 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.
Summons to issue.	<b>121</b> 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.
Order of ejectment where no cause is shown.	<b>122</b> 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.
Inquiry if cause is shown.	<b>123</b> 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.
Scope of inquiry.	<b>124</b> At such inquiry it shall not be open to any person to assert or prove— (1) that the holding does not belong to the Crown ; (2) that the order of cancellation of the grant should not have been made.



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  
ejection.

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

Order of  
Magistrate  
final.

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.

Execution of  
order of  
ejection.

(2) The Fiscal or the Police Officer entrusted with the execution of the order of ejection 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 ejection, 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.

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.

Ejection  
from land  
alienated on  
permit.

#### CHAPTER X.

##### *Recovery of annual payments and 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.

Payment of  
moneys due  
to the Crown.

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.

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

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.

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

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.

Penalties for  
payments  
overdue or in  
arrears.

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.

Money due to  
Crown a first  
charge on land.

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.

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

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.

In this Chapter a  
growing crop is  
movable property.

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.

Property seized  
to be taken  
charge of.

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.

Sale of  
property  
seized.



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.

List of property seized.

**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.

(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.

Excess to be refunded to defaulter.

**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.

Seizure of holding.

**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, how effected.

**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.

(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.

Registration of seizure.

**142** Every seizure of a holding shall be registered.

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

**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.

(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.

Protected holding not to be sold.

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

Sale of unprotected holding.

**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.

Moneys realised by sale to be paid to Government Agent.

**146** All moneys realized 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.

Certificate of sale.

**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.

(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.

Purchase of unprotected holding by the Crown.

**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.



**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.

Cancellation of sale.

(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.

**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.

Re-sale by Crown.

(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.

**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.

Rights of mortgagee.

(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.

**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.

Recovery of money due to local authorities.

(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.

**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.

Delivery to local authority of money received by Government Agent.

**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 protected holding, shall be recovered except in accordance with the provisions of this Chapter.

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

## CHAPTER XI.

### *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.

Executive Committee authorised to make 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 :—

Matters which may be provided for by rules.

- (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.

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

**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 have statutory force.

**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.

## CHAPTER XII.

### *Miscellaneous.*

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

**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.

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

**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.

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

**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.

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

**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.

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

**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.

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

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

**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.

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

**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.



(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.

**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.

Mapped-out land may be settled.

**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.

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

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

Protection of public servants.

**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.

Provisions of particular Ordinances not to apply.

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

**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.

Penalty for clearing mapped-out land.

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 ejectment 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 ejectment.

**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.

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

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

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

**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.

Succession to be regulated entirely by 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.

**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.

Definition of "middle-class Ceylonese".



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 ejection, 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 :—

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

Short title.

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

Amendment of section 21 of the principal Ordinance.

“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.

Short title.

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.

Amendment of section 55 of the principal Ordinance.



*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 :—

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, 1933.

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

## MINUTE.

24/3/33 The following Draft of a proposed Ordinance is published for general information:—

**An Ordinance to amend the Medical Ordinance, 1927.**

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 Medical Amendment Ordinance, 1933.

Short title.

2 Section 51 of the Medical Ordinance 1927 is amended as follows:—

Amendment of section 51 of the principal Ordinance.

(a) Sub-section (1) (a) by the insertion of the words " or surgeon dentist " between the word " surgeon " and the word " or " in line 2 thereof.

(b) Sub-section (2) by the addition of the words " and shall not assume or use the titles of dental surgeon or surgeon dentist unless he possesses the qualifications indicated in section 45 (1) (a) and section 45 (1) (b)."

*Objects and Reasons.*

As the titles of " Dental Surgeon " and " Surgeon Dentist " are generally accepted to describe either persons registered under the Dentists Acts 1878 of the United Kingdom or those holding the Ceylon Medical Council's diploma in dentistry, this Bill is designed to prevent the assumption and use of these titles by dentists who do not possess the qualifications mentioned.

The Ministry of Health,  
Colombo, March 1, 1933.

T. B. PANABOKKE,  
Minister for Health.



**PASSED ORDINANCE.**

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

**No. 3 of 1933.**

An Ordinance to amend "The Excise Ordinance, No. 8 of 1912."

GRAEME THOMSON.

**B**E 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 Excise Amendment Ordinance, No. 3 of 1933.

Amendment of section 17 of Ordinance No. 8 of 1912.

2 Section 17 of "The Excise Ordinance, No. 8 of 1912," (hereinafter referred to as "the principal Ordinance") is hereby amended by the deletion of the full-stop immediately after the word "Ordinance" in the fourth line of paragraph (1) of the proviso thereof and by the addition of the following words immediately after the said word "Ordinance":

"or to a person licensed under this Ordinance to manufacture arrack or vinegar from toddy."

Amendment of section 34 of the principal Ordinance.

3 Section 34 of the principal Ordinance is hereby amended as follows:—

(1) by the re-numbering of the said section as section "34 (1)";

(2) by the deletion of the full-stop immediately after the words "to be" in the thirteenth line thereof and by the addition of the following words immediately after the said words:

"and, for the purposes of such search, may stop any such person, vessel, vehicle or animal.";

(3) by the addition of the following as sub-section (2) thereof:

"(2) The driver of any vehicle or vessel who fails or refuses to stop or to halt such vehicle or vessel when directed to do so either verbally or by signal by an Excise Officer not below the rank of Inspector wearing his uniform and acting in execution of his duty, shall be guilty of an offence and shall be liable, upon conviction, to a fine not exceeding fifty rupees or in default of payment of such fine to simple imprisonment for a term which may extend to six weeks."

(4) by the addition of the following as sub-section (3) thereof:

"(3) In this section "vehicle" includes any carriage coach, cart, motor-car, motor-cycle, omnibus, lorry, bicycle, or other mechanically propelled vehicle and the "driver" of a vehicle includes the rider of a motor-cycle or of a bicycle; and "signal" includes one or more blasts of a whistle."

Passed in Council the Fourteenth day of February. One thousand Nine hundred and Thirty-three.

V. COOMARASWAMY,  
Clerk of the Council.

Assented to by His Excellency the Governor the Twenty-fifth day of February, One thousand Nine hundred and Thirty-three.

C. C. WOOLLEY,  
Secretary to the Governor.

## COUNCIL OF LEGAL EDUCATION NOTICE.

The Incorporated Council of Legal Education.

AT a meeting of the Incorporated Council of Legal Education held on Monday, November 7, 1932, rule 62 governing the awarding of special prizes in respect of the final examination for advocates and proctors respectively as embodied in the resolution of December 16, 1925, was amended to read as follows:—

1. A prize of Rs. 100 consisting of books shall be awarded in respect of the final examination for proficiency in each of the following subjects—

- a. Civil Procedure and Pleadings
- b. Criminal Law and Procedure
- c. Evidence

to the student who obtains the highest marks in any of such subjects provided that no student shall be eligible

for any such prize unless he shall have passed the examination, obtained 75 per cent. in the aggregate, and not less than 70 per cent. in the subject for which a prize is awarded.

2. A prize of Rs. 50 consisting of books shall be awarded for proficiency in each of the following remaining subjects in the final examination, e.g.

- a. Law of Insolvency
- b. Law of Executors and Administrators
- c. Conveyancing

to the student who obtains the highest marks in any of such subjects provided that no student shall be eligible for any such prize unless he shall have passed the examination, obtained 75 per cent. in the aggregate, and not less than 70 per cent. in the subject for which a prize is awarded.

GUY O. GRENIER,  
Secretary, Council of Legal Education.



## NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 3,886. In the matter of the insolvency of F. J. Schoff 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 March 7, 1933, for the appointment of an auditor.

By order of court, A. E. PERERA,  
February 21, 1933. for Secretary.

In the District Court of Colombo.

No. 4,509. In the matter of the insolvency of A. A. M. Ramize of 34, New Moor 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 16, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,  
February 22, 1933. for Secretary.

In the District Court of Colombo.

No. 4,510/4,578. In the matter of the insolvency of M. P. Mohideen &amp; M. A. Mohamed Gany, carrying on business as "Gany Stores" at 126, 1st Cross 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 16, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,  
February 22, 1933. for Secretary.

In the District Court of Colombo.

No. 4,607. In the matter of the insolvency of E. J. Fernandopulle of Shoe road, 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 March 28, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,  
February 22, 1933. for Secretary.

In the District Court of Colombo.

No. 4,611. In the matter of the insolvency of R. Pereira of 335, Alutnawatta road, Mutwal.

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 28, 1933, for the grant of a certificate of conformity to the insolvent.

By order of court, A. E. PERERA,  
February 22, 1933. for Secretary.

In the District Court of Colombo.

No. 4,632. In the matter of the insolvency of Kurukulasuriyage Edwin Joseph Dias of Lunawa.

WHEREAS the above-named Kurukulasuriyage Edwin Joseph Dias has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by W. D. J. Jayawardene of Bambalapitiya, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Kurukulasuriyage Edwin Joseph Dias insolvent accordingly; and that two public sittings of the court, to wit, on March 28, 1933, and on April 11, 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 24, 1933. for Secretary.

In the District Court of Colombo.

No. 4,633. In the matter of the insolvency of Mohamed Marzook Saleem of 105, Third Cross street, Colombo.

WHEREAS the above-named Mohamed Marzook Saleem has filed a declaration of insolvency, and a petition for the sequestration of his estate has been filed by O. L. M. Basheer of New Urugodawatta road, Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Mohamed Marzook Saleem insolvent accordingly; and that two public sittings of the court, to wit, on March 28, 1933, and on April 11, 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 24, 1933. for Secretary.

In the District Court of Negombo.

Insolvency No. 218. In the matter of the insolvency of Wewalage Pemiyo Fernando of Palagature, insolvent.

NOTICE is hereby given that a meeting will be held at 10 A.M. on March 15, 1933, to declare the dividends in the above case.

By order of court, C. EMMANUEL,  
Secretary.

In the District Court of Kalutara.

No. 271/L. In the matter of the insolvency of Widanelage Peter Edwin de Mel of Horana.

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 31, 1933, to consider the grant of certificate of conformity.

By order of court, A. W. LUDEKENS,  
February 22, 1933. Secretary.

In the District Court of Kalutara.

No. 283. In the matter of the insolvency of B. E. S. Fernando of "Arden Forest," Sarikkamulla, Panadura.

WHEREAS B. E. S. Fernando has filed a declaration of insolvency, and a petition for the sequestration of the said estate has been filed by Collin Duncan Pereira of Colombo, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said B. E. S. Fernando insolvent accordingly; and that two public sittings of the court, to wit, on March 30, and on May 11, 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. W. LUDEKENS,  
February 23, 1933. Secretary.

In the District Court of Galle.

No. 674. In the matter of the insolvency of Boosabaduge Appu Singho Fernando of Gonapniuwala.

NOTICE is hereby given that examination of the above-named insolvent will take place at the sitting of this court on May 16, 1933.

By order of court, P. E. S. DHARMASEKHARA,  
March 1, 1933. Secretary.

In the District Court of Matara.

No. 78. In the matter of the insolvency of Mohamoodu Neina Marikar Mathicham Mohamed Ziyandeen Alim of Katuregoda.

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 25, 1933, for further examination of insolvent.

By order of court, R. MALALGODA,  
February 26, 1933. Secretary.



In the District Court of Matara.

Insolvency In the matter of the insolvency of Don Nonis Case No. 87. Illanperuma of Wabalakananke, insolvent.

NOTICE is hereby given that the above-named insolvent has been awarded a certificate of conformity as of the first class.

By order of court, R. MALALGODA,  
February 27, 1933. Secretary.

In the District Court of Matara.

Insolvency In the matter of the insolvency of Seiyado Case No. 88. Salibu Ibbnu Saiyado Sheik Hibshi Mawlana of Weligama, insolvent.

NOTICE is hereby given that the above-named insolvent has been awarded a certificate of conformity as of the first class.

By order of court, R. MALALGODA,  
February 28, 1933. Secretary.

In the District Court of Matara.

No. 91. In the matter of the insolvency of Galbokko Hewage Charles Silva of Kadeweediya, Matara.

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 31, 1933, to consider why the book debts due to the insolvent should not be sold by public auction and the proceeds brought to court.

By order of court, R. MALALGODA,  
January 26, 1933. Secretary.

In the District Court of Matara.

No. 95. In the matter of the insolvency of Osman Aiub, carrying on business under the name and style and firm of A. H. Osman of Kadeweediya, Matara.

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 27, 1933, for examination of insolvent.

By order of court, R. MALALGODA,  
February 27, 1933. Secretary.

In the District Court of Jaffna.

Insolvency In the matter of the insolvency of Hajee Jurisdiction. Ismail Hajee Noor Mohamed of Grand Bazaar, Jaffna, insolvent. No. 137.

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 granting of conformity to the insolvent above named.

By order, K. M. CHELLAPPAH,  
February 23, 1933. Secretary.

In the District Court of Chilaw.

Insolvency. In the matter of the insolvency of Muttu- No. 40. nayagonnage Juan Fernando of Nainamadama West, insolvent.

NOTICE is hereby given that a meeting of creditors of the above-named insolvent will be held at this court on May 18, 1933, at 10 A.M. for the purpose of considering whether a certificate of conformity should be granted to the insolvent.

By order of court, S. P. STOUTER,  
March 1, 1933. Secretary.

In the District Court of Badulla.

No. 16. In the matter of the insolvency of A. C. Wijeyekoon 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 29, 1933, to receive the assignee's report.

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

In the District Court of Badulla.

No. 17. In the matter of the insolvency of K. K. Sathakku Ibrahim 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 29, 1933, to examine the insolvent.

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

In the District Court of Badulla.

No. 18. In the matter of the insolvency of Ana Muna Mohammadu Ibrahim Saibo 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 28, 1933, to examine the insolvent.

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

In the District Court of Ratnapura.

No. 63. In the matter of the insolvency of Henry Philip de Silva of Nivitigala.

WHEREAS Henry Philip de Silva of Nivitigala has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853, and it appears that he has been in actual custody within the walls of a prison for debt for more than 21 days: Notice is hereby given, that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on April 20 and May 18, 1933, will take place for the insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court, C. H. DE ZILWA,  
Secretary.

In the District Court of Kegalla.

Insolvency In the matter of the insolvency of Meera Jurisdiction. Lebbe Marikkar Abdul Wahab of Kirin- No. 63. gadeniya.

NOTICE is hereby given that a meeting of this court on the above matter will be held on March 14, 1933, to receive assignee's further report.

By order of court, L. B. CASPERSZ,  
February 28, 1933. Secretary.

## NOTICES OF FISCALS' SALES.

### Western Province.

In the District Court of Negombo.

Jayawardenalage Brampy de Silva of Balagalla ... Plaintiff.  
No. 3,839.

(2) Jayawardenalage Aratchi de Silva of Halugama ... Defendant.

NOTICE is hereby given that on Thursday, March 30, 1933, will be sold by public auction at the respective premises the right, title, and interest of the said 2nd defendant in the following property for the recovery of the sum of Rs. 2,379.22, less a sum of Rs. 400, viz. :—

1. At 2 p.m.—An undivided  $\frac{1}{4}$  share of the western side of the land called Delgahalanda, situated at Halugama in the Udugaha pattu of Hapitigam korale in the District of Negombo, Western Province; and bounded on the north by Siyambalagahawatta and the live fence belonging to Jayawardana Talwattage Jeelis Naide and others, on the east by the live fence of Kelagahawatta belonging to Jeelis Naide and others, on the south by the land belonging to Silpathchari Nekatige Unga and others, and on the west by water-course; containing in extent about 3 acres.

2. At 2.30 p.m.—A portion of the land called Ketakelagahawatta, situated at Halugama aforesaid; and bounded on the north and east by the live fence of a portion of Ketakelagahawatta, on the south by the fence of Bogahawatta of Unga, and on the west by water-course (Elawella) of Rukmalekumbura belonging to Wattage Kiriappu Naide; containing in extent about 2 kurunies of paddy sowing.



3. At 3 p.m.—An undivided  $\frac{3}{8}$  share of the field called Koholanekumbura, situated at Halugama aforesaid; and bounded on the north by ela, on the east by land belonging to Johanis and others, on the south by land of Juwanis Silva, and on the west by land of Juwanis Silva and others; containing in extent about 3 beras of paddy sowing extent.

4. At 3.30 p.m.—The land called Bogahalanda, together with the buildings standing thereon, situated at Halugama aforesaid; and bounded on the north by Delgahawatta of Aratchi Silva, on the east by dola (water-course), on the south by a portion of this land belonging to Jayatuwa and others, and on the west by the ditch of the land of Appuralla; containing in extent about 2 acres and 1 rood, and registered F 48/20.

5. At 4 p.m.—An undivided  $\frac{1}{2}$  share on the eastern side of the field called Rukmalekumbura, situated at Kindiwala in the Udugaha pattu of Hapitigam korale in the District of Negombo, Western Province; and bounded on the north by field belonging to Pina Duraya and others, on the east by the land of Anthony Dariju, on the south by the field of Aratchi Naide and others, and on the west by the land of Charles Naide and others; containing in extent about 3 beras of paddy sowing extent.

6. At 4.30 p.m.—An undivided  $\frac{1}{2}$  share of the field called Rukmalekumbura, situated at Kindiwala aforesaid; and bounded on the north by the portion of this field of Cornelis Silva, on the east by the portion of this field belonging to Carolis Dariju, on the south by portion of this field of Migel Silva, and on the west by the land of Carolis Silva; containing in extent about 3 kurunies of paddy sowing extent. Registered under F 11/126, 5/354, 18/398.

Fiscal's Office,  
Colombo, March 1, 1933.

CARL E. ARNDT,  
Deputy Fiscal.

In the District Court of Colombo.

Collin Theobaldus Gray of Pita Kotte, administrator of the intestate estate of Wickrema Aratchige Alice Gray, deceased, ..... Plaintiff.  
No. 25,325.

A. Edmund Silva of Dematagoda, administrator of the estate of A. Arnolis Silva, deceased, substituted in place of the said A. Arnolis Silva, the deceased, defendant ..... Substituted Defendant.

NOTICE is hereby given that on Friday, March 31, 1933, will be sold by public auction at the respective premises the right, title, and interest of the said A. Arnolis Silva, now vested in the substituted defendant above named in the following property for the recovery of the sum of Rs. 1,303.77 being half taxed costs due to the plaintiff above named, less a sum of Rs. 614.50, viz. :—

1. At 2 p.m.—All that lot No. 336B in registered plan No. 4 of the land called Gorakagahawatta, situated at Kirillapone in the Palle pattu of Salpity korale in the District of Colombo, Western Province; and bounded on the north by lot No. 336A allotted to Don Paul Wijesinghe, on the south by lots Nos. 343A, 343B, and 389 of Dona Francina Wijesinghe and others, on the east by lots Nos. 345 and 344 of A. A. de Silva and others, and on the west by lots Nos. 335 and 331 in extent 2 acres 3 roods and 19.38 perches, together with the trees and plantations standing thereon.

2. At 2.30 p.m.—All that lot D in registered plan No. 4 of the land called Bulugahawatta, situated at Kirillapona aforesaid; and bounded on the north by lot C, on the south by lot E, on the east by a road, and on the west by lot No. 336; containing in extent 1 acre and 39.12 perches, together with the trees and plantations standing thereon.

Fiscal's Office,  
Colombo, March 1, 1933.

CARL E. ARNDT,  
Deputy Fiscal.

In the District Court of Colombo.

Podisimo Peris Suriapperuma Appuhamy of Palugama in the Gangabodapattu of Siyane korale ..... Plaintiff.  
No. 41,953.

W. D. Alice of Urapola in the Udugaha pattu of Siyane korale ..... Defendant.

NOTICE is hereby given that on Thursday, March 30, 1933, will be sold by public auction at the respective premises the right, title, and interest of the said defendant at the risk of the original purchasers, Peter Wickrema-atchi Goonatilleke Seneviratne of Attanagalla and Wickrema-atchi Millawalage Manuel Appuhamy of Hunupola, respectively, in the following properties for the recovery of the sum of Rs. 505.95, with interest on Rs. 425 at 18 per cent. per annum from December 10, 1930, to October 12,

1931, and thereafter on the aggregate amount at 9 per cent. per annum till payment in full and a further sum of Rs. 275.05 being costs of suit, less Rs. 94.46, viz. :—

1. At 10 a.m.—The land called Thalagahawatta, situated at Yatawaka in the Udugaha pattu of Siyane korale in the District of Colombo, Western Province; bounded on the north by land belonging to Gajanayaka Kankanamalage Sardiel and others, on the south by Galwetiya of the land belonging to Jayakodi Aratchige Selo Hamy, on the east by Galwetiya of the land belonging to Jayakodi Aratchige John Singho, and on the west by Yatawaka Pansalawatta and Galwetiya; containing in extent about 2 $\frac{1}{2}$  acres.

2. At 10.30 a.m.—The field called Kotadeniyekumbura, situated at Yatawaka aforesaid; and bounded on the north by portion of this field belonging to Ganeatchi Kankanamalage Bolin, on the south by the ridge of the field belonging to P. W. G. Seneviratne Registrar Ralahamy and ela, on the east by the portion of this field belonging to Gajanayaka Kankanamalage Sardiel Appuhamy and others, and on the west by ela; containing in extent about 12 lahas of paddy sowing.

Fiscal's Office,  
Colombo, March 1, 1933.

CARL E. ARNDT,  
Deputy Fiscal.

In the District Court of Colombo.

A. D. Herath Perera of Mulleriyawa ..... Plaintiff.  
No. 50,509. Vs.

K. A. Carolis Appuhamy of Mulleriyawa ..... Defendant.

NOTICE is hereby given that on Tuesday, March 28, 1933, at 3 p.m., will be sold by public auction at the premises the following property mortgaged with the plaintiff by bond No. 3,970 dated May 11, 1931, and attested by R. de S. Abhayanayake, Notary Public, and declared specially bound and executable under the decree entered in the above action and ordered to be sold by the order of court dated February 9, 1933, for the recovery of the sum of Rs. 1,462.50, with further interest on Rs. 1,250 at 12 per cent. per annum from October 4, 1932, to date of decree October 26, 1932, and thereafter on the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

All that allotment of land called Wachanawalawatta being lot marked G in the survey plan hereafter mentioned, together with the plantations and buildings standing thereon, situated at Mulleriyawa in the Adigari pattu of Hewagama korale in the District of Colombo, Western Province; and bounded on the north by the road, on the east by lot H of the same land, on the south by the field of L. Arnolis and others, and on the west by lot F of the same land; containing in extent 29  $\frac{77}{100}$  perches, according to survey plan No. 849 dated July 3, 1922, made by S. Sabaratnam, Licensed Surveyor.

Fiscal's Office,  
Colombo, March 1, 1933.

CARL E. ARNDT,  
Deputy Fiscal.

In the District Court of Negombo.

Nawanna Mana Kana Nana Ramasamy Chettiar alias Kuna Pana Ana Nawanna Muna Ramasamy Chettiar by his attorney Kowanna Sinniah Pulle of Negombo ..... Plaintiff.  
No. 5,786. Vs.

Hettiarachchige Manuel Perera of Kanuwana ..... Defendant.

NOTICE is hereby given that on Tuesday, April 4, 1933, commencing at 4 o'clock in the afternoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following properties subject to bond No. 3,593 dated November 15, 1927, attested by S. K. Wijeratnam, Notary Public, viz. :—

1. All these contiguous portion of the land called Ambagahawatta, Kongahawatta alias Jaelawatta, Delgahawatta alias Gorakagahawatta and Thalagahawatta comprised of the portions hereinafter described under headings (a), (b), (c), and (d), situated at Kanuwana in Ragam pattu of Alutkuru korale in the District of Colombo, Western Province; the entire land being bounded on the north by the road, east by a portion of this land of S. Lucia Rodrigo, land of Elaris Perera Mudalaly, and land of Nanayakkara Patabendige Jusey Perera, south by the land formerly of Manuel Costa now of Veronica Fernando, and on the west by the land of Porutotage Migel Perera, land formerly of the heirs of John Melwis now of K. Migel Perera, and land formerly of Siman Nada and A. P. Gunatilaka now of Siman Nada; containing in extent excluding the rail road passing through the land about 3 acres, with the buildings standing thereon, and registered under B 245/130.



2. The undivided  $\frac{3}{4}$  shares from and out of an undivided  $\frac{1}{2}$  share of the divided  $\frac{1}{4}$  share of the land called Kongahawatta, situated at Kanuwana aforesaid; the said  $\frac{1}{4}$  share being bounded on the north by the land of Augustina Silva, east by Puwakwetiya separating a portion of this land, south by the land of Ando Singho, and on the west by a portion of this land of Paulu Rodrigo and land of others; containing in extent 1 acre, with the buildings standing thereon, and registered under B 245/131.

Amount to be levied Rs. 530.59, with interest on Rs. 300 at 24 per cent. per annum from August 27, 1931, till September 16, 1931, and thereafter at 9 per cent. per annum till payment.

Deputy Fiscal's Office, H. SAMERESINGHA,  
Negombo, February 28, 1933. Deputy Fiscal.

In the District Court of Kalutara.

The matter of the estate of Yalagalage Charlon Peiris of Kehelwatta ..... Plaintiff.  
No. 2,430. Vs.

Yalagalage Leon de Peiris of Kehelwatta ..... Petitioner.

NOTICE is hereby given that on Tuesday, April 11, 1933, at 4.30 in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said petitioner in the following property for the recovery of Rs. 118.54, with interest on Rs. 90.14 at 4 per cent. per annum from November 5, 1931, date of payment, viz. :—

The entirety of the land called Kahatagahawatta, together with everything thereon, situated at Kehelwatta in Panadure hadda of Panadure totamune of the Kalutara District, Western Province; and bounded on the north by cart road leading to Diggala ferry, east by portion of Kahatagahawatta, south by portion of Kahatagahawatta, west by cart road; containing in extent 1 rood and 15/100 perches:

Deputy Fiscal's Office, D. J. JAYASUNDERA,  
Kalutara, February 21, 1933. Deputy Fiscal.

In the District Court of Kalutara.

Patikirige Don Allis of Wetara in Salpiti korale... Plaintiff.  
No. 8,012. Vs.

(8) Olaboduwanekatige Adonchi Gura, (9) ditto Sadia Gura, (10) ditto Nando Gura, (16) Silpadipathinekatige Sidoris Fernando, (17) ditto Josa Fernando, substituted in room of the 11th defendant, deceased ..... Defendants.

NOTICE is hereby given that on Tuesday, April 4, 1933, at 4.30 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 Rs. 330.70, viz. :—

The lot marked E of the land called Kongahawatta *alias* Nekatigewatta *alias* Delgahawatta allotted to 8th, 9th, 10th, 11th, 16th, and 17th defendants, situated at Olaboduwa in Kumbuke pattu of Raigam korale in the District of Kalutara; and bounded on the north by Kolainkumbura and Godakumbura, east by Muttettuwwatta, Tudigalwatta, Aratchigewatta, and Liyanagewatta, south by Nagahawila, and west by lots marked A, D, and C; and containing in extent 5 acres 2 roods and 35 5/12 perches (subject to the mortgaged bond No. 9,984, dated November 20, 1926, attested by D. E. M. Mahipala, Notary Public).

Deputy Fiscal's Office, D. J. JAYASUNDERA,  
Kalutara, February 27, 1933. Deputy Fiscal.

In the District Court of Kalutara.

The Orient Company (Ceylon), Limited, Colombo... Plaintiffs.  
No. 15,336. Vs.

Sinnatamby Corera, carrying on business under the name and style of P. P. Corera Sons & Co., Kalutara South ..... Defendant.

NOTICE is hereby given that on the following days will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property for the recovery of Rs. 781.40, with interest on Rs. 659.50 at 9 per cent. per annum from February 14, 1929, till payment in full, viz. :—

On Wednesday, April 19, 1933, commencing at 4 p.m.

1. All that lot No. 1 of the land called Pitagon estate *alias* Uswatta, situated at Nagoda in Kalutara totamune in the Kalutara District; bounded on the north by Uswatta, east by lot C, south-east by road from Kalutara

to Tebuwana, and west by canal; containing in extent 1 rood and 12 perches more or less, registered under title A 267/185.

2. All that land called Murungagahawatta bearing assessment No. 7 now 16, situated at Welapura Kalutara in Kalutara totamune aforesaid; bounded on the north by portion of the same land bearing assessment No. 6 now 14 and 15 of Louisa Perera Abeysinghe, schoolmaster and others, east by Kongahawatta, south by a portion of the same land bearing assessment No. 8 now 17, west by military ground; containing in extent 2 roods, and registered A 267/187.

3. The undivided 17/32 share of the land called Murungagahawatta bearing assessment No. 6 now 14 and 15, situated at Welapura Kalutara aforesaid; bounded on the north by property bearing assessment No. 5 now No. 13, on the east by Kongahawatta, on the south by the property bearing assessment No. 7 now 16, and on the west by Crown land; containing in extent 3 roods, registered A 267/188.

4. All that northern portion of the land called Pitagon estate, situated at Nagoda aforesaid; bounded on the north by a road to Tebuwana, east and south by the remaining portion, and west by ela; containing in extent 1 acre, and registered A 264/200.

5. All that defined portion of land called Pitagon estate, situated at Nagoda aforesaid; bounded on the north by a portion of the same land of S. T. Corera, east by the portion of the same land of S. D. S. Gunasekera, south by Badalge-watta, and west by Maha-ela; containing in extent 5 acres and 16 perches, and registered A 318/179.

On Friday, April 21, 1933, commencing at 4 p.m.

6. All that land called Ambagahawela, situated at Yatadolawatta in Kalutara District; bounded, on the north and east by T. P. 231,048, south by a road, and west by Crown land; containing in extent 3 roods and 38 perches as per title plan No. 231,050.

7. All that land called Manillakanda, situated at Wadugama in Iddagoda pattu of Pasdun korale aforesaid; bounded on the north by Crown land, on the east by Crown land, land of villagers, and land in plan No. 131,133, south by land in plan No. 131,133, and west by footpath, land claimed by villagers, including Crown land; and containing in extent 3 acres 3 roods and 29 perches, and registered C 36/158.

8. All that lot marked A of Liyangahakurunduwatta, situated at Dodangoda in Iddagoda pattu aforesaid; bounded on the north by Crown land, east by Hattangalagewatta, south by land in plan No. 62,475, and west by lot B, land purchased by K. K. Johana; containing in extent 5 acres and 3 roods, registered C 47/92.

9. All that land called Kiripellagahawatta (T. P. No. 247,378), situated at Nehinna in Iddagoda pattuwa aforesaid; bounded on the south by T. Ps. 194,099 and 131,133, and on all other sides by lot 17967 in P. P. 12,631; containing in extent 2 acres 1 rood and 3 perches, and registered C 47/93.

10. All that land called Delgahakele, situated at Yatadolawatta aforesaid; bounded on the north by lot R 95 in P. P. 341, east by lot 1515 in P. P. 341, south and west by T. P. 221,223; containing in extent 16 perches, and registered C 41/94.

11. All that land called Gattarakumbura *alias* Datchambalamedolapahalakumbura, situated at Dodangoda; bounded on the north by high road, east by Ambagahawelakumbura, south by Crown land and land claimed by natives, and west by field of Pantiya Juan Appu; containing in extent 6 acres, and registered C 46/126.

On Tuesday, April 25, 1933, commencing at 4 p.m.

12. An allotment of land called Puwakgahawilakele, together with the trees and plantations standing thereon, situated in the village Wadugoda in Paiyagal hadda, Kalutara totamune in the District of Kalutara, Western Province; bounded on the north by lots 18100 and 18101 in P. P. 12,648, T. P. 56,098, and lot 25837 in P. P. 14,009, on the east by lot 18106 in P. P. 12,648, on the south by lots 25841 and 25840 in P. P. 14,009, and on the west by T. P. 56,113; containing in extent 8 acres 2 roods and 14 perches, and registered in the Kalutara District Land Registry Office under title A 203/10.

13. All that land called and known as Marugeudumulle-pahalakattiya *alias* Pandurekele with all the buildings, plantations, and whatsoever thereon, situated in the village Wadugoda in Paiyagal hadda, Kalutara totamune in the District of Kalutara; bounded on the north by T. Ps. 56,100, 221,696, and lot 17492 in P. P. 12,553, east by lot 17492 in P. P. 12,558, south by lot 17492 in P. P. 12,558 and T. P. 56,100, and west by T. P. 56,100; containing in extent 3 acres 2 roods and 6 perches.

Deputy Fiscal's Office, D. J. JAYASUNDERA,  
Kalutara, February 27, 1933. Deputy Fiscal.



In the District Court of Kalutara.

Kandanakankanange Lucia Perera Hamine of Talpitiya ..... Plaintiff.

No. 16,036.

Vs.

(1) Diniyadura Nomishanji and (2) Manikkukankanange Sirineris Silva both of Pohaddaramulla ..... Defendants.

NOTICE is hereby given that on Tuesday, March 28, 1933, at 4.30 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 by the defendants with plaintiff and declared bound and executable for the decree entered in the said case) for the recovery of Rs. 1,805.24, with interest on Rs. 1,000 at 16½ per cent. per annum from January 13, 1930, till October 28, 1930, and thereafter at the rate of 9 per cent. per annum on the aggregate till payment in full, and costs of suit, Rs. 162.10, viz. :—

An undivided 46/60 shares of the soil and of the trees and plantations, together with everything thereon and the tiled house thereon standing on the land called Weralugahawatta, situated at Pohaddaramulla in Waskadu badda of Panadure totamune in the District of Kalutara, Western Province; and bounded on the north by cart road, east by Delgahawatta in the name of Marikku Aratchirala, south by Rukattanagahawatta, and on the west by Lindamulawatta belonging to Nissanga Nomis Silva; containing in extent about 2 acres and 2 roods.

Deputy Fiscal's Office, D. J. JAYASUNDERA,  
Kalutara, February 27, 1933. Deputy Fiscal,

In the District Court of Kalutara.

M. Peter Perera of Maha Wadduwa ..... Plaintiff.

No. 17,234.

Vs.

Samarage Don Sepas, Police Vidane of Handapangoda ..... Defendant.

NOTICE is hereby given that on Thursday, March 30, 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 (mortgaged by the defendant with plaintiff and declared bound and executable for the decree entered in the said case) for the recovery of Rs. 1,269.91, with interest on Rs. 750 at 16½ per cent. per annum from November 3, 1931, till February 18, 1932, and thereafter at the rate of 9 per cent. per annum on the aggregate till payment in full, viz. :—

The undivided 59/144 shares of the soil, trees, and plantations and of everything belonging thereto, together with the tiled house built by the defendant in which the defendant resides and the tiled boutique built by him of the land called Liyanagahawatta, situated at Handapangoda in Udugaha pattu of Rayigam korale, Kalutara District, Western Province; bounded on the north by the land appearing in plan No. 75,595 and the land claimed by villagers, on the east by Crown land, on the south by Crown land and land appearing in plan No. 124,257, and on the west by a road; containing in extent about 1 acre 3 roods and 32 perches.

Deputy Fiscal's Office, D. J. JAYASUNDERA,  
Kalutara, February 21, 1933. Deputy Fiscal.

### Central Province.

In the Additional Court of Requests, Kandy.

D. S. Abeysekera of Ampitiya, Kandy ..... Plaintiff.

No. 12,596.

Vs.

W. M. T. Lucia Silva Hamine of 58, Deiyannawela, Kandy ..... Defendant.

NOTICE is hereby given that on Monday, March 27, 1933, at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant for the recovery of sum of Rs. 250.55, with legal interest on Rs. 218.30 at 9 per cent. per annum from June 25, 1932, till payment in full, and poundage, in the following property, viz. :—

Northern half share of about 15 lahas paddy sowing in extent, together with the tiled house standing thereon, out of Hitinawatta and Batalawatta, both adjoining each other and forming one property of the aggregate extent of 3 pelas paddy sowing, bearing assessment No. 61, Deiyannawela, Kandy, situate at Deiyannawela, within the town and Municipality of Kandy; which said northern portion is bounded on the east by Galeappu's garden, south by remaining portion of this land, west by field, and north by Ukkuwa Duraya's land.

All that southern half share of about 15 lahas paddy sowing out of Hitinawatta and Batalawatta, both adjoining

each other, now forming one property can be included in one survey of the aggregate extent of 3 pelas paddy sowing, and bearing assessment No. 61, Deiyannawela, Kandy, situate at Deiyannawela aforesaid; and which said southern half share is bounded on the east by Galeappu's garden, south by Lovichehigewatta, west by field and north by the remaining portion belongs to John de Silva, which said two portions of land adjoin each other now form one property, can be included in one survey.

Fiscal's Office,  
Kandy, February 28, 1933.

A. RANESINGHE,  
Deputy Fiscal.

In the District Court of Kandy.

Ratnayake Mudiyanse Ukku Amma Menike of Hendeniya in Gangapalata of Udunuwara ..... Plaintiff.

No. 40,747.

Vs.

(1) Pallegedera alias Muruthangegedera Kiri Duraya, (2) ditto Ebita, (3) Dingiri Ukku, (4) Kuda Duraya, (5) Sima alias Tikiri Duraya by his duly appointed guardian *ad litem* the 5th defendant, (6) ditto Sahando, (7) Horatalee, (8) Kiri Bandu, sub-defendant in place of 1st defendant, deceased. .... Defendants.

NOTICE is hereby given that on Friday, March 31, 1933, at 12 noon, will be sold by public auction at the respective premises the right, title, and interest of the said 1st defendant, deceased, for the recovery of the sum of Rs. 3,344, with interest thereon at 9 per cent. per annum from July 30, 1931, and costs of suit, and poundage, less a sum of Rs. 25 already paid, in the following property, viz. :—

(1) The eastern 8 acres in extent, out of the land called Bandarattenna-Copiwatta of 11 acres in extent, situate at Daulagala in Medapalata of Udunuwara in the Kandy District of the Central Province; which said eastern 8 acres being bounded on the east by the live fence of Ebita Duraya's garden, a road, ditch of Bandarawatta and ditch of Kuda Duraya's garden, on the south by the stone fence of the remaining portion of this land, on the west by Medagala, and on the north by Daulagalamahagala being the land and everything standing thereon. Registered in C 86/25.

(2) The western 2 acres in extent out of the land called Galapaulawatta of 3 acres 1 rood and 3 perches in extent, situate at Daulagala aforesaid, which said western 2 acres being bounded on the east by the remaining portion of this land, on the south by road, on the west by the land claimed by Jusey-Fernando Bastian Appoo; and land described in plan No. 58,930, and on the north by Crown land, being the land and everything standing thereon. Registered in C 86/26, and all the right, title, interest and claim whatsoever of the 1st defendant in, to, upon, or out of the said several premises mortgaged by the 1st defendant upon bond No. 22,652 of November 23, 1926, and attested by Mr. J. W. Illangantilake, Notary Public.

Fiscal's Office,  
Kandy, February 28, 1933.

A. RANESINGHE,  
Deputy Fiscal.

In the District Court of Kandy.

M. R. P. L. M. R. Murugappa Chettiar of Kandy. . Plaintiff.

No. 41,051.

Vs.

(1) Muna Sena Pappathieammal, (2) A. M. M. Samy, both of Thalpinna estate in Ampitiya ..... Defendant.

NOTICE is hereby given that on Saturday, March 2 1933, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said defendant for the recovery of the sum of Rs. 715, with legal interest on Rs. 1,165, from April 21, 1931, till payment in full, and poundage, less Rs. 300 paid; in the following property, viz. :—

All that and those the estate, plantations, and premises called and known as Talapinnawa estate, also known as Samy land; containing in extent 52 acres 2 roods and 2 perches more or less, situate at Ampitiya in Gandahaya korale of Pata Hewaheta of Kandy District in the Central Province; and bounded on the north by land claimed by Palaniandy, land claimed by Korale, fields claimed by villagers, property of Muna Cadarsa, now of K. R. S. T. Sidambaram Pulle, on the east by property of Kariwane Kangany, south by property of Muna Nattar Saibo, now of K. R. S. T. Sidambaram Pulle, on the west by land claimed by Kutta Periannen Kangany, now of K. R. S. T. Sidambaram Pulle, an ela, and land claimed by Vedarale, registered in division G, volume 141, folio 149, of the Kandy District Land Registry Office (subject to mortgage bond No. 1,942 dated September 16, 1928).

Fiscal's Office,  
Kandy, February 28, 1933.

A. RANESINGHE,  
Deputy Fiscal.



In the District Court of Kandy.

Kasim Mohammad Ismail Deen of Star Cottage, Katugastota, near Kandy ..... Plaintiff.

No. 42,204.

Vs.

(1) Karuppa Pulle's son Ramalingam Pulle, (2) Thevaya Pulle's son Sappani Pulle, both of Godapola estate in Medasiya pattu of Harispattu .... Defendants.

NOTICE is hereby given that on Thursday, March 30, 1933, at 12 noon, will be sold by public auction at the premises the right, title, and interest of the said 1st defendant for the recovery of the sum of Rs. 2,400, with interest thereon at 9 per cent. per annum from September 5, 1932, till payment in full, and poundage, in the following property, viz. :—

All those lands called Kethimitiyawehena of 2 acres 2 roods and 16 perches in extent; and the western portion marked A containing in extent 1 acre 1 rood and 8 4/10 perches out of the land called Hewa-angehena, which said premises form one property; containing in the aggregate extent of 3 acres 3 roods and 24 4/10 perches as per plan dated February 15, 1925, and made by H. Keyt, Licensed Surveyor, of Kandy, situate at Wewela in Galasiya pattu of Harris pattu in the District of Kandy, Central Province; and are bounded according to the said plan, east by the remaining portion of Hewa-angehena, marked lot B in the said plan, south by paddy field Beruwewatta and Gonagahadeniyewatta, west by Gonagahadeniyawatta and Gallawatta, and north by Homaragederahena and Kethimitiyawehena, together with the tea plantations and everything standing thereon. Registered in H 163/40, and all the right, title, interest, and claim whatsoever of the 1st defendant in, to, upon, or out of the said several premises mortgaged by the 1st defendant upon bond No. 215 dated January 27, 1927, and attested by Mr. M. A. S. Marikar, Notary Public, Kandy.

Fiscal's Office,  
Kandy, February 28, 1933.

A. RANESINGHE,  
Deputy Fiscal.

In the Court of Requests of Matale.

A. O. Letchumanen Chettiar of Matale ..... Plaintiff.

No. 123.

Vs.

Mrs. D. C. M. Wickremasinghe and Mr. D. C. M. Wickremasinghe, both of Hulangomuwa in Matale ..... Defendants.

NOTICE is hereby given that on Thursday, March 30, 1933, at 12 noon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 264, with legal interest on Rs. 233 from March 18, 1930, till payment in full, viz. :—

All those lands called Nekattakotuwedematagahamulahena and Yapagekolaborehena, now garden which form one land, containing in extent of about 16 seers kurakkan sowing, situate at Weragama in Matale Pallesiya pattu of Matale East; bounded on the east by the roda of Heratgehena, south by the endaru fence of garden belonging to Notary Jayawardena, west by high road, and on the north by the limit of Malkotuwehena, presently said to be bounded on the east and south by the property of Mr. Vanstarrex and on the north by the property of Mr. Uduwawela and on the west by high road.

Deputy Fiscal's Office, Matale, February 28, 1933.

S. D. CUMARASWAMY,  
Additional Deputy Fiscal.

In the District Court of Kandy.

N. Annalakshumy Ammal of Hafftsdorp, Colombo ..... Plaintiff.

No. 41,911.

Vs.

Victor Lewke Ratwatte and wife (2) Leelawathy Bulankulame Ratwatte Kumarihamy, both of Matale, presently of Anuradhapura ..... Defendants.

NOTICE is hereby given that on Friday, March 31, 1933, at 1 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property for the recovery of the sum of Rs. 5,665.10, with legal interest thereon from August 29, 1932, till payment in full, and costs of suit, viz. :—

All that northern portion 161 feet along the road and 321 feet along the southern boundary from the road to the fence on the west, containing in extent about 1 acre out of all those contiguous allotments of land called Maninkohewatta and Manilkohe-watta, registered under titles A 3/232

and 4/93, respectively, situate at Higgolla and Aranchiyela, respectively, within the Urban District Council limits of Matale in the District of Matale in the Central Province; and which said northern portion is bounded on the north by Crown land and Sinni's land, east by Moysey Crescent road, south by remaining portions of same lands, and west by Crown land, together with the plantations and the house standing thereon bearing assessment No. 53, Moysey Crescent road, Matale, mortgaged with the plaintiff upon bond No. 397 dated December 3, 1928, and attested by Mr. P. Balasingham, Notary Public.

Deputy Fiscal's Office, Matale, February 28, 1933.

S. D. CUMARASWAMY,

Additional Deputy Fiscal.

Eastern Province.

In the District Court of Batticaloa.

The Hon. the Attorney-General of the Island of Ceylon ..... Plaintiff.

No. 7,047.

Vs.

The Miravodai Muslim Co-operative Credit Society ..... Defendants.

NOTICE is hereby given that on Saturday, March 25, 1933, commencing at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the under-mentioned members of the defendant society in the following properties for the recovery of the sum of Rs. 3,883.25, with interest thereon at the rate of 6 per cent. per annum from December 20, 1930, till payment in full, and costs, Rs. 228.40 (less Rs. 2,810), viz. :—

(1) A paddy land called "Ollithavanaikany" belonging to S. P. H. Aliyarpody (a member of the defendant society), situate at Miravodai in Koralai pattu, Batticaloa District, Eastern Province; and bounded on the east by the land of Casupathy, south and west by the land of K. Kandiah, and north by the land of A. M. Mohideenvava; in extent 12 acres with crops standing thereon.

(2) A paddy land called "Arasadikudahpoomy" belonging to S. P. H. Aliyarpody (a member of the defendant society), situated at the aforesaid place; and bounded on the east, west, and north by Crown lands and south by the land of V. V. Kattamuttu and others; in extent 10 acres with crops standing thereon.

(3) A paddy land called "Ollithavanaikany" belonging to A. M. Muhaiadeenvava (a member of the defendant society), situated at the aforesaid place; and bounded on the east by the land of Casupathy, north by Vaikal, south by the land of S. P. H. Aliyarpody, and west by the land of K. Kandiah and Vaikal; in extent 36 acres with crops standing thereon.

(4) A paddy land called "Thavanaivayal" belonging to A. M. Muhaiadeenvava (a member of the defendant society), situated at the aforesaid place; and bounded on the east by the land of Ismalevvepody Hadjiar, south by the land of U. Seenimuhamad, west by the land of A. Hadjiamma, and north by the land of M. M. Abdulcarim; in extent 8 acres with crops standing thereon.

(5) A paddy land called "Chenaivayal" belonging to M. Umarukatta (a member of the defendant society), situated at the aforesaid place; and bounded on the east and west by the land of M. Ahamadulevve, south by the land of A. V. V. Muhamadualiyar, and north by Crown land; in extent 20 acres with crops standing thereon.

(6) A paddy land called "Chenaivayal" belonging to M. Ahamadulevve (a member of the defendant society), situated at the aforesaid place; and bounded on the east by the land of M. Umarukatta, south by the land of M. Meeralevve, west by the land of A. Umarulevve, and north by the land of A. Muhamadulmail; in extent 40 acres with crops standing thereon.

(7) A paddy land called "Kaddayadimaduvayal" belonging to E. Muhamadualiva (a member of the defendant society), situated at the aforesaid place; and bounded on the north by the land of A. Umarulevve, west by the land of Kuppaiyar, east by Crown land, and south by the land of Cumaraswamy; in extent 30 acres with crops standing thereon.

(8) A garden belonging to A. Kalandar (a member of the defendant society), situated at the aforesaid place; and bounded on the north by the garden of A. Meerasaibo, east by the garden of A. Avakkar, south by the property of N. E. M. Nugootamby, and west by the garden of M. Umarukatta; in extent from north to south 27 fathoms and from east to west 27 fathoms with house, well, coconut trees, and produce.

Fiscal's Office, Batticaloa, February 24, 1933.

K. S. CHANDRASEGARAMPILLAI,  
Deputy Fiscal.



**North-Western Province.**

In the District Court of Kurunegala.

S. P. A. V. K. N. Suppramaniam Chettiar by his attorney  
Ana Lana Wellasamy Pillai of Kurunegala, . . . . . Plaintiff.

No. 13,118.

Vs.

(1) Mandaliwalli Achari Muhammadiramalage Appu Naide  
of Waldeniya, (2) Samarakkoda Mudiyanselage  
Dingiri Banda Korala of Nugawela, both in Damba-  
deni Udukaha korale east . . . . . Defendants.NOTICE is hereby given that on Monday, March 27,  
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. 261.75 being balance interest and costs,  
and poundage, viz. :—(1) All that land called Madangahamulawatta, situate at  
Nugawela in Dambadeni Udukaha korale east of Damba-  
deni hatpattu in the District of Kurunegala, North-  
Western Province; and bounded on the north by fence of  
the land of Banda Korala and others, east by ditch of the  
land of Sonda and others, south by ditch of the land of  
Sonda and others, west by field; containing in extent  
1 acre and 1½ perches.(2) At 3.15 p.m. on same day.—All that land called  
Millehena alias Innawatta, situate at Nugawela aforesaid;  
and bounded on the north by enderu fence of the land of  
Banda Korala and others, east by field and enderu fence,  
south by field, west by enderu fence of Pinhena; containing  
in extent 1 acre and 1 perch, together with the house stand-  
ing thereon.(The above properties are under seizure under A. C. R. K.  
3,927.)Fiscal's Office,  
Kurunegala, February 28, 1933.A. BASNAYAKE,  
Deputy Fiscal.

In the District Court of Negombo.

M. R. M. M. R. Periyaman Chettiar of  
Negombo . . . . . Plaintiff.

No. 6,264.

Vs.

Warnakulasuriya Ichchampullige Salis Fernando alias  
Warnakulasuriya Ichchampullige Charles Fernando,  
Police Headman of Nainamadama . . . . . Defendant.NOTICE is hereby given that on Tuesday, April 4, 1933,  
at 10.30 in the forenoon, will be sold by public auction at  
the premises the right, title, and interest of the said defend-  
ant in the following property for the recovery of Rs. 838.54,  
with interest on Rs. 3,750 at 13 per cent. per annum from  
August 13, 1930, till August 22, 1932, and poundage,  
viz. :—An undivided 55/56 share of the contiguous lands called  
Bogahawatta, Madangahawatta, Ambagahawatta, Thal-  
gahawatta, and of the buildings and plantations with tiled  
house standing thereon, situate at Nainamadama in Kam-  
mal pattu of Pitigal korale south in the District of Chilaw,  
North-Western Province; and bounded on the north by  
garden now of the heirs of Peduru Waas Annavirala and  
Salis Fernando, ex Police Headman, east by devata road  
leading to the Roman Catholic Church, south by garden  
now of Warnakulasuriya Marsalina Fernando, and west by  
garden now of Ladis Laus Fernando and others; contain-  
ing in extent 3 acres and 38 87/100 perches, subject to  
mortgage bond No. 1,208.Deputy Fiscal's Office,  
Chilaw, February 28, 1933.F. G. DALPETHADO,  
Deputy Fiscal.**Province of Uva.**

In the District Court of Badulla.

W. Don Pabilis Appuhamy of Badulla . . . . . Plaintiff.

No. 5,390.

Vs.

Ana Muhammadu Ismail Lebbe of Udawela, . . . 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 for the recovery  
of the sum of Rs. 1,500, with legal interest thereon at the  
rate of 9 per cent. per annum from October 2, 1931, till  
payment in full and costs, Rs. 160.55, viz. :—The defined eastern portion out of the portion lying below  
the high road of the garden called Gederakumbura-  
Pallawatta, situated at Udawela in Rambukpota in Rilpola  
korale of Yatikinda division; and bounded on the east by  
live fence which separates the portion allotted to Mana  
Kadijamma, west by the limit of the middle portion ofthis garden allotted to Ana Muhammadu Neina and Ana  
Muhammadu Abdulla Saibo, north by the old high road,  
and south by the high road; and containing in extent  
400 feet along the high road and 44 feet in width on the  
eastern side and 72 feet in width on the western side,  
together with the house standing thereon.Fiscal's Office,  
Badulla, February 23, 1933.J. W. GOONEWARDENE,  
for Fiscal.**Province of Sabaragamuwa.**

In the District Court of Avissawella.

(1) Kehelgamuwe Galladdalage Pulis Singho of Dera-  
niyagala, (2) Kader Thamby Abdul Samid of  
Dehiowita . . . . . Plaintiffs.

No. 395.

Vs.

(1) Vidanelage Garutarahamy Korala of Udabage,  
(2) U. V. Siriwardana of Deraniyagala, (3) W. L.  
Lokubanda, (4) U. B. Ekanayaka of Deraniyagala,  
(5) Amaris of ditto . . . . . Defendants.NOTICE is hereby given that on Saturday, April 1, 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 1st  
and 2nd plaintiffs in the following property for the recovery  
of the sum of Rs. 232.50, viz. :—All that land called Pidawillegamwasama, situate at  
Deraniyagala in Atulugam korale of Three Korales in the  
District of Kegalla, Province of Sabaragamuwa; and  
bounded on the north by village limit of Wattantrikanda  
and the limit of Dangampolage land, east by Moneran-  
etugala and Liyanagegammaina and Deraniyagala river,  
west by Visnagala-oya, and south by Deraniyagala river;  
containing in extent about 8 amunams of paddy sowing,  
held and possessed by them on deed No. 1,759 of March 22,  
1924, without prejudice to the rights, if any, of the claimant  
A. L. Noordeen of Napawala in claim 27 to the undivided  
8/15 share of an undivided portion in extent 35 feet in  
breadth and 40 feet in length and buildings claimed by  
him.

Valuation: Rs. 8,750.

Fiscal's Office,  
Avissawella, February 27, 1933.

CHARLES DE SILVA,

Additional Deputy Fiscal.

In the District Court of Kegalla.

In the Matter of the Estate of R. A. W. N. Dingiri Ukku  
of Danagama, deceased.

The Commissioner of Stamps . . . . . Applicant.

Testy. No. 1,409. Vs.

(1) Bulumulle Palagamagedera Kirihamy of Utuwana  
and 2 others . . . . . Respondents.NOTICE is hereby given that on March 27, 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 respondents in the following property,  
viz. :—1. One-third share of the land called Hitiyawatta of 1  
amunam of paddy sowing in extent, situated at Danagama  
in Tanipperu pattu of Galboda korale in the District of  
Kegalla of the Province of Sabaragamuwa; and bounded on  
the east by Hathlahagodawatta-agala, west by wela and  
Kudahangidigewatta-agala, south by the ditch, and on the  
north by wela.2. One-third share of the land called Hathlahagoda  
chena of 1 amunam of paddy sowing in extent, situated at  
Danagama as aforesaid; and bounded on the east by the  
ditch of Polkumbure Dingiriappu's land, south by the  
enderu fence of the land belonging to Sehu Lebbe, west by  
Kudahangidigewatta-agala, and on the north by wela and  
Pallekumburewatta.3. One-third share of the land called Mandadeniye chena  
of 1 amunam of paddy sowing in extent, situated at Dana-  
gama aforesaid; and bounded on the east by Iyagallewatta  
and Galenda, south by Mandadeniyewela, west by the ditch  
and north by Watapolatenneima.For the recovery of the sum of Rs. 96.90, with interest on  
Rs. 63.10 at 4 per cent. per annum from October 11, 1928,  
till payment in full.Deputy Fiscal's Office,  
Kegalla, February 25, 1933.J. A. F. SIRIWARDENE,  
Additional Deputy Fiscal.



I, CYRIL LEONARD WICKREMESINGHE, Fiscal for the North-Central Province, do hereby appoint Mr. Kirthisena Loku Banda, Relapanawa, President, Village Tribunal, Kalagam palata, to act as Marshal for the division of Tamankaduwa, from February 23 to March 8, 1933, under the provisions of "The Fiscal's Ordinance, 1867," and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

February 25, 1933. C. L. WICKREMESINGHE, Fiscal.

**NOTICES IN TESTAMENTARY ACTIONS.**

In the District Court of Colombo.

*Order Nisi.*  
 Testamentary Jurisdiction. In the Matter of the Intestate Estate of Akerawatte Lokuliyanaage Elias Perera of Dematageda in Colombo, deceased.  
 No. 6,297.

Dona Lilian Perera nee Nethayakkara of Dematageda ..... Petitioner.

And

(1) Akerawita Lokuliyanaage Edward Perera and five others ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on November 23, 1932, in the presence of Mr. D. F. J. Perera, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated November 16, 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 January 26, 1933, show sufficient cause to the satisfaction of the court to the contrary.

November 23, 1932. G. C. THAMBYAH, District Judge.

The date for showing cause against this application is extended for March 9, 1933.

G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Nanayakkara Atulugamage Paulis Silva of Papiliyana, deceased.  
 No. 6,355.

Nanayakkara Atulugamage Seeman Silva of Papiliyana ..... Petitioner.

And

(1) Nanayakkara Atulugamage Dayawathis Silva, (2) Hapuaratchige Jane Nona, both of Papiliyana; the 1st respondent a minor by his guardian *ad litem* the 2nd respondent ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on January 24, 1933, in the presence of Mr. C. V. Wickremasinghe, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 19, 1932, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as brother of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

January 24, 1933. G. C. THAMBYAH, District Judge.

In the District Court of Colombo.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Henrietta Arnoldina Drieberg, late of Alfred place in Colombo, deceased.  
 No. 6,380.

Allan Drieberg of Alfred place in Colombo ..... Petitioner.

(1) Hettie La Brooy, wife of C. A. La Brooy of Kandy, and (2) Nita Drieberg of Colombo, presently of Nice in France ..... Respondents.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 16, 1933, in the presence of Messrs. Wilson & Kadirgamar, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated February 9, 1933, having been read :

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to her estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 30, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 16, 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 James Watson, late of Springfield House, Kempston, Bedfordshire, England, deceased.  
 No. 6,384.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 21, 1933, in the presence of Mr. Joseph Francis Martyn 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 13, 1933, an affidavit as to the due execution of the last will and testament, original last will and testament of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's Order dated February 2, 1933, having been read : It is ordered that the will of the said deceased dated June 7, 1910, 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 said petitioner is the attorney of the surviving executrix 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 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 21, 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 Jehanand Assanmal, late a Merchant of Bombay, Hindu, Multani Habitant, deceased.  
 No. 6,385.

THIS matter coming on for disposal before G. C. Thambyah, Esq., District Judge of Colombo, on February 21, 1933, in the presence of Mr. Joseph Francis Martyn 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 13, 1933, a certified copy of probate of the will of the above-named deceased, power of attorney in favour of the petitioner, and Supreme Court's Order dated February 2, 1933, having been read : It is ordered that the will of the said deceased dated February 4, 1929, 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 proving 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 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 21, 1933. G. C. THAMBYAH, District Judge.



In the District Court of Kalutara.

*Order Nisi declaring Will proved, &c.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Gunawardanukulawadumestrige Arnold Ed- No. 2,522. Fernando, deceased, of Panadure.

THIS matter coming on for disposal before P. Saravanamuttu, Esq., District Judge of Kalutara, on November 24, 1932, in the presence of Mr. C. S. Perera, Proctor, on the part of the petitioner, Wijesooriya Gunawardane Mahawaduge Giliar Apalonia Fernando *nec* Perera of Panadure; and the affidavit of the said petitioner dated August 17, 1932, having been read:

It is ordered that the said petitioner be and she is hereby declared, as widow, to have letters of administration to his estate issued to her, unless the respondents—(1) Gunawardanukulawadumestrige Leelawathie Fernando, (2) ditto Sathyananda Fernando, (3) ditto Wilmat Arnold Fernando, (4) ditto Peter Edwin Fernando, minors, by their guardian *ad litem* (5) Waduge William Fernando Wijesekera 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 5th respondent be and he is hereby appointed guardian *ad litem* over the 1st to 4th minor respondents 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.

November 24, 1932. P. SARAVANAMUTTU, District Judge.

Date of showing cause is extended till March 9, 1933.

January 26, 1933. N. M. BHARUCHA, District Judge.

In the District Court of Kalutara.

Testamentary In the Matter of the Intestate Estate of the late Don Albert Lambert Jayasundara, No. 2,528. deceased, of Talpitiya.

Celia Alice Jayasundara Ratnayaka of Boralesgamuwa ..... Petitioner.

Vs.

(1) Jayasundarahettige Don Juwanis Jayasundara Appuhamy, (2) Pulahinge Menchinona Rodrigo Hamine, both of Talpitiya ..... Respondents.

THIS matter coming on for disposal before N. M. Bharucha, Esq., District Judge of Kalutara, on January 16, 1933, in the presence of Mr. P. D. B. Gunetilleka, Proctor, on the part of the petitioner above named; and the affidavit of the said petitioner dated January 6, 1933, having been read:

It is ordered that the petitioner be and she is hereby declared entitled, as widow, 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 9, 1933, show sufficient cause to the satisfaction of this court to the contrary.

January 16, 1933. N. M. BHARUCHA, District Judge.

In the District Court of Kalutara.

*Order Nisi.*

Testamentary In the Matter of the Estate of the late Jurisdiction. Maddumage Jeremias Fernando, No. 2,515. deceased, of Galgoda, in Panadure.

THIS matter coming on for disposal before P. Saravanamuttu, Esq., District Judge of Kalutara, on September 19, 1932, in the presence of Mr. Tudor A. Perera, Proctor, on the part of the petitioner, Tewaratantirige Sophia Engaltina Fernando of Galgoda, Panadure; and the affidavit of the said petitioner dated September 16, 1932, having been read:

It is ordered that the said petitioner be and she is hereby declared entitled, as widow, to have letters of administration to his estate issued to her, unless the respondents—(1) Maddumage Remie Emalia Fernando, (2) Maddumage Dotie Charlotte Fernando, (3) Maddumage Kitie Caroline Fernando, all of Galgoda, Panadure—or any other person or

persons interested shall, on or before November 17, 1932, show sufficient cause to the satisfaction of this court to the contrary.

September 19, 1932. P. SARAVANAMUTTU, District Judge.

Extended for January 31, 1933.

November 17, 1932. P. SARAVANAMUTTU, District Judge.

Extended for March 9, 1933.

January 31, 1933. N. M. BHARUCHA, District Judge.

In the District Court of Kandy.

*Order Nisi.*

Testamentary In the Matter of the Intestate Estate of Edmund Stanley Suraweera, deceased, No. 5,138. of Katugastota.

Don Louis Suraweera, Inspector of Schools, Kandy ..... Petitioner.

THIS matter coming on for disposal before R. F. Dias, Esq., District Judge of Kandy, on January 9, 1933, in the presence of Mr. L. B. Ratnayake, Proctor, on the part of the petitioner, Don Louis Suraweera of Kandy; and the affidavit of the said petitioner dated December 4, 1932, having been read: It is ordered that the petitioner, as the father 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) Dona Anne Lititia Suraweera, (2) Dona Tilina Rosemand Suraweera, (3) Walter Douglas Suraweera, (4) Dona Rose Lucy Suraweera, all of Kandy; the 2nd, 3rd, and 4th by their guardian *ad litem* the 1st respondent—shall, on or before February 6, 1933, show sufficient cause to the satisfaction of this court to the contrary.

January 9, 1933.

R. F. DIAS, District Judge.

Extended and returnable on March 6, 1933.

R. F. DIAS, District Judge.

In the District Court of Matara.

Testamentary In the Matter of the Intestate Estate of Kadawatha Arachchige Don Cornelis Appuhamy, late of Kohunugamuwa, deceased. No. 3,790.

Udupilage Don Juwanis of Poramba Kananke .. Petitioner

Vs.

(1) Udupilage Rosahamy of Porambakananka, (2) Kadawatha Arachchige John Dias of ditto, (3) ditto Ciciliana of ditto, (4) ditto Gunawathie of ditto ..... Respondents.

THIS matter coming on for disposal before C. J. S. Pritchett, Esq., District Judge of Matara, on January 12, 1933, in the presence of Messrs. G. E. & G. P. Keuneman, Proctors, on the part of the petitioner above named; and the affidavit of the said petitioner dated December 16, 1932, having been read:

It is ordered that the petitioner above named be and is hereby declared entitled, as father-in-law of the deceased, to administer the said estate, and that letters of administration do issue to him accordingly, unless the respondents above named or any person or persons interested shall, on or before April 28, 1933, show sufficient cause to the satisfaction of this court to the contrary.

It is further ordered that the 1st respondent above named be and she is hereby appointed guardian *ad litem* over 2nd to 4th named minor respondents, unless sufficient cause be shown to the contrary on April 28, 1933.

January 12, 1933.

C. J. S. PRITCHETT, District Judge.



In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Sinnappillai, wife of V. Tharmalingam of Nallur, deceased.  
No. 8,081.

(1) Ponnampalam Thamberasa and his wife (2)  
Chellammah of Nallur ..... Petitioners.

Vs.

(1) Tharmalingam Thammaraiah of Nallur, minor, (2)  
Vaithilingam Tharmalingam of Daisy Valley,  
Mawatagama ..... Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on July 27, 1932, in the presence of Messrs. Sivapiraksam & Kathiresu, Proctors, on the part of the petitioners; and the affidavit and petition of the petitioners having been read:

It is ordered that letters of administration to the estate of the above-named deceased will be granted to the petitioners, unless the above-named respondent shall, on or before September 14, 1932, appear and show sufficient cause to the contrary.

Jaffna, July 30, 1932. D. H. BALFOUR,  
District Judge.

Order Nisi extended for March 8, 1933.

January 25, 1933.

D. H. BALFOUR,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Perampalam Saravanamuttu of  
No. 8,128. Mandaitieve, deceased.

Kartigesu Ampalayavar of Mandaitieve ..... Petitioner.

Vs.

(1) Saravanamuttu Kunaratnam of ditto. (minor), (2) Sinnammah, widow of Perampalam Saravanamuttu of ditto ..... Respondents.

THIS matter coming on for disposal before D. H. Balfour, Esq., District Judge, Jaffna, on September 9, 1932, in the presence of Messrs. Sivappiragasam & Kathiresu, Proctors for the petitioner the petition and the affidavit of the petitioner having been read:

It is ordered that letters of administration to the estate of the above-named deceased be granted to the petitioner as mortgagee creditor of the said deceased, unless the above-named respondents appear before this court on October 4, 1932, and state objections to the contrary.

September 9, 1932.

Extended for March 8, 1933.

D. H. BALFOUR,  
District Judge.

D. H. BALFOUR,  
District Judge.

In the District Court of Jaffna.

Order Nisi.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Naganather Kathiresapillai of Kopay  
No. 8,176. South, deceased.

Valliammaipillai, widow of N. Kathiresapillai of  
Kopay South ..... Petitioner.

Vs.

(1) Kathiresapillai Naganathan of ditto, (2) Visvalingam Samugalingam of Irupalai: the 1st respondent is a minor appearing by his guardian *ad litem* the 2nd respondent ..... 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, Jaffna, on February 8, 1933, in the presence of Messrs. Sivappiragasam & Kathiresu, Proctors, on the part of 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 widow of the said deceased, unless the above-named respondents appear before this court on March 8, 1933, and show sufficient cause to the satisfaction of this court to the contrary.

February 21, 1933.

D. H. BALFOUR,  
District Judge.

In the District Court of Jaffna.

Testamentary In the Matter of the Estate of the late  
Jurisdiction. Ramasamycheddiar Theyagarajapillai  
No. 8,207. of Puloly East, deceased.

Theyagarajapillai Balasubramaniam of Puloly  
East ..... Petitioner.

Vs.

(1) Ramasamycheddiar Visuvalingam of Puloly East, presently of Point Pedro, (2) Wallynnyagy, daughter of Theyagarajapillai of Puloly East, the 2nd respondent (minor) by her guardian *ad litem* the 1st respondent ..... Respondents.

THIS matter of the petition of the above-named petitioner, praying that letters of administration to the estate of the late Ramasamycheddiar Theyagarajapillai of Puloly East, be issued to the petitioner, coming on for disposal before D. H. Balfour, Esq., District Judge, on February 2, 1933, in the presence of Mr. K. Subramaniam, Proctor for petitioner, and on reading the petition and affidavit of the petitioner dated September 20, 1932.

It is ordered that letters of administration to the estate of the late Ramasamycheddiar Theyagarajapillai be and is hereby issued to the petitioner, unless the respondents or any other person shall, on or before March 17, 1933, show sufficient cause to the satisfaction of the court to the contrary.

February 15, 1933.

D. H. BALFOUR,  
District Judge.

In the District Court of Chilaw.

Order Nisi.

Testamentary In the Matter of the Intestate Estate of  
Jurisdiction. Costa Patabendige James Robert Dalpe-  
No. 2,099. thado of Negombo, deceased.

Costa Patabendige Francis George Dalpethado,  
Deputy Fiscal, Chilaw ..... Petitioner.

Vs.

(1) Arsakulasuriya Rajakaruna Mary Margaret Dalpethado *nee* Fernando Senewiratne, (2) Costapatabendige Joseph Loyal Dalpethado, (3) ditto Furminus Leonard Dalpethado, (4) ditto Mary Winifred Dalpethado, (5) ditto James Kingsley Dalpethado, (6) ditto Eustace Angelo Dalpethado, all of Negombo ..... Respondents.

THIS matter coming on for disposal before Waldo Sansoni, Esq., District Judge of Chilaw, on January 26, 1933, in the presence of the petitioner above named; and the affidavit of the said petitioner dated January 26, 1933, having been read: It is ordered that the 1st respondent above named be and she is hereby appointed as guardian *ad litem* over the minors, the 2nd to 6th respondents above named for the purpose of these proceedings, and that the petitioner be and he is hereby declared entitled, as a brother of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondents above named or any other person or persons interested shall, on or before March 10, 1933, show sufficient cause to the satisfaction of this court to the contrary.

January 26, 1933.

W. SANSONI,  
District Judge.

In the District Court of Badulla.

Order Nisi.

No. 5,719. In the Matter of the appointment of a  
Trustee to the Theiwanai Amman Kovil  
and other Temples, Shrines, Matams, and  
other properties in the Trust Deed  
No. 2,317, and belonging to the said  
Temples.

(1) Saravanamuttu Saba Ratnam of Colombo, and presently of Badulla, (2) Ambalayana Tillaiambalam of Badulla ..... Petitioners.

THIS matter coming on for disposal before J. N. Arumugam, Esq., District Judge of Badulla, on February 13, 1933, in the presence of Mr. K. V. Nadarajah, Proctor, on the part of the petitioners; and their petition and affidavit dated February 12, 1933, and also the affidavit of the proposed trustee, Srimathi Nandawathie, dated February 10, 1933, having been read:

It is ordered that Srimathi Nandawathie of Kathirgamam, the disciple of Sri Sugathapuri Swami of Kathirgamam be appointed trustee for the Theiwanai Amman Kovil and other temples, shrines, matams, and other properties referred to in deed of trust No. 2,317, attested by Notary



John Caderamen of Colombo, unless any person or persons lawfully interested therein shall, on or before April 28, 1933, show sufficient cause to the satisfaction of this court to the contrary.

February 13, 1933.

J. N. ARUMUGAM,  
District Judge.

In the District Court of Kegalla.

*Order Nisi.*

Testamentary Jurisdiction. In the Matter of the Intestate Estate of Aththanayake Mudiyansele Ukku banda ex Arachchi of Muwapitiya, deceased.

Aththanayake Mudiyansele Pinchi Banda of Muwapitiya ..... Petitioner.

Vs.

(1) Aththanayake Mudiyansele Piyaratana Unnanse of Muddanawa, (2) ditto Tikiri Banda of Muwapitiya, (3) ditto Mudiyansele of Arampola in Kurunegala, (4) ditto Jinaratana Unnanse of Hingala ..... Respondents.

THIS matter coming on for disposal before K. Somasuntharam, Esq., District Judge of Kegalla, on November

3, 1932, in the presence of Mr. M. B. Kappagoda, Proctor, on the part of the petitioner; and his affidavit and petition dated October 31, and November 2, 1932, respectively having been read:

It is ordered that the petitioner be and he is hereby declared entitled, as son of the above-named deceased, to have letters of administration to his estate issued to him, unless the respondent or respondents or any person or persons interested shall, on or before December 14, 1932, show sufficient cause to the satisfaction of the court to the contrary.

November 3, 1932.

K. SOMASUNTHARAM,  
District Judge.

This *Order Nisi* is extended for January 18, 1933.

December 14, 1932.

K. SOMASUNTHARAM,  
District Judge.

This *Order Nisi* is extended for March 8, 1933.

January 18, 1933.

K. SOMASUNTHARAM,  
District Judge.