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and General Government Notifications.
PART II.—Legal and Judicial.

PART III.—Provincial Administration.
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Part II.—Legal and Judicial.

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DRAFT ORDINANCES.

MINUTE.

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

An Ordinance to consolidate and amend the Law relating to the Construction, Upkeep, and Repair of Branch Roads.

[The proposed amendments and additions to the existing Ordinances are indicated by the use of *italics* or of a thick marginal line.]

Preamble.

WHEREAS it is expedient to consolidate and amend the Ordinances relating to the construction, upkeep, and repair of branch roads: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.

Preliminary.

Short title.

1 This Ordinance may be cited for all purposes as "The Branch Roads Ordinance, 18 . . ."

Commencement.

2 This Ordinance shall come into operation *at such date as the Governor shall by Proclamation, to be published in the "Government Gazette," appoint.*

Interpretation.

3 In the construction and for the purposes of this Ordinance the word "proprietor" shall mean the sole or any joint owner or lessee of an estate, *the words "provincial*

committee shall mean the provincial committee constituted and appointed under the provisions of the Ordinance No. 10 of 1861, and the word "estate" shall mean a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons, and forming a separate or distinct property. Provided that nothing in this Ordinance contained shall be held to apply to proprietors of paddy lands, or land cultivated with paddy or other grain.

Repeal of former Ordinances.

4 The Ordinances Nos. 6 of 1874 and 20 of 1889 are hereby repealed, *but such repeal shall not affect—*

(a) The past operation of any Ordinance hereby repealed, nor anything duly done or suffered under any Ordinance hereby repealed; nor

(b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any Ordinance hereby repealed.

Where any unrepealed Ordinance refers to any provision of any Ordinance hereby repealed, such unrepealed Ordinance shall be deemed to refer to the corresponding provision of this Ordinance.

CHAPTER II.

Construction of Branch Roads.

Application for construction of road.

5 The proprietors of any *two* or more estates situated in the same district, to which there is no available cart road leading from some convenient principal thoroughfare, may make application in writing to the provincial committee of the province in which such estates are situated, that the provisions of this Ordinance be extended to the said district, and such application shall set forth, so far as the same may be ascertained, the following particulars:

Particulars to be set out in application.

- (1) The name of the said district;
- (2) The names of all the estates therein;
- (3) The names of the proprietors, or if *they be* absent from the Island, of the resident manager or superintendent, and of the agents, if any, of each estate;
- (4) The acreage of each estate, so far as *it is* known, with the extent of land under cultivation;
- (5) The estimated length in miles of the road required to be made to connect the said estates with the most convenient principal thoroughfare.

If estates within two provinces, the Governor to choose the province the committee of which shall be empowered to act.

If the estates in any district fall within two provinces, it shall be lawful for the Governor to choose the province the provincial committee of which shall be empowered to act as provided by this Ordinance; and upon such choice being made and published in the *Government Gazette*, the provincial committee so chosen shall have power to act as hereinafter provided.

Provincial committee to keep a register of names of proprietors and agents.

6 The provincial committee shall keep a register of the names of the proprietors and agents (if any) for the time being of all estates in districts which shall have been brought under this Ordinance, and upon any estate being transferred to a new proprietor *or upon* the agents of the estate *being* changed, it shall be the duty of the provincial committee to record such transfer or change in the said register. Provided always that the duty of notifying every such transfer or change shall lie on the transferee *and the agents of the estate*, and until such transfer or change, as the case may be, shall have been notified to the provincial committee by the proprietor or agents of the estate, all notices to be sent under this Ordinance by the provincial committee to the proprietor or agents of the estate shall be deemed duly sent if sent to the late proprietor or agents, as the case may be.

Duty of notifying transfers or changes of agency to provincial committee.

The provincial committee to define limits of district upon day appointed;

7 On receipt of such application the provincial committee shall, by publication in *two* consecutive numbers of the *Government Gazette*, and by such other means as *it* may think necessary, give notice of *its* intention to define the

or at any
adjourned
meeting.

Committee
empowered to
vary or alter
limits, if
occasion arise.

limits of the district, the estates in which will—if the proposal for the construction of such branch road under the provisions of this Ordinance be assented to by the proprietors of two-thirds of the acreage in such district—be assessed for the construction and maintenance of such road. In such notice the *provincial* committee shall appoint the time and place at which it will take evidence if necessary, and receive and consider objections, and after making such inquiry as it may deem requisite, and considering any such objection, shall proceed to define the limits of such district; or, if need be, shall adjourn such meeting as often as it considers necessary to any day or days to be fixed by it when it shall upon such adjourned meeting define the limits of such district. And it shall be competent to the *provincial* committee from time to time, if occasion arise, to alter and vary such limits so as to include such estates as may have been newly opened, or may have been inadvertently or otherwise excluded, or if it considers just, to exclude any estate which may have been erroneously included. Provided, however, that the *provincial* committee shall, by publication in *two* consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to alter and vary the limits of any district, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district; and the limits so altered shall thereupon be the limits of such district as if they had been originally defined, and the estates included within such limits, altered as aforesaid, shall become bound and be liable to be assessed as if they had been originally included for the construction of such road and for the upkeep and repair thereof.

Sums assessed for
construction to
be recovered in
manner
hereinafter
provided.

Provided further that it shall be competent to the chairman of the provincial committee to call upon the proprietor or resident manager of any estate included within such limits so altered as aforesaid, to pay the sum which he would have been liable to pay had such estate been originally assessed for construction of such road, as well as such sum as may be assessed for the repair and upkeep of such road from such time as such estate began to use such road; and in default of payment of any such sum, the same shall be recovered in manner hereinafter provided for the recovery of sums assessed.

Proprietors to be
called upon to
declare whether
they desire to
bring district
under the
Ordinance.

8 (1) Upon the limits of the district being defined as aforesaid, the chairman of the *provincial* committee shall transmit to the proprietor (or, in case of his absence from the *island*, to the resident manager or superintendent, or if there be no resident manager or superintendent, to the agent, if any, in this *island*, of the proprietor) of every estate within the limits of such district, so defined as aforesaid, a requisition calling upon him to declare in writing within such time as shall be therein specified, whether he desires that the provisions of this Ordinance should be extended to such district for the purpose of the construction therein of a branch road. Such requisition shall be in form B of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause such requisition to be affixed to some conspicuous part of the estate, and published in *two* consecutive numbers of the *Government Gazette*. If no answer be received at the office of the said committee within the time limited by such requisition, the person to whom the same was forwarded shall be deemed to have assented to the proposal referred to therein.

If no agent,
requisition to be
affixed.

Proprietors may
express
willingness to
pay cost of
acquiring land.

(2) It shall be lawful for the proprietors, in reply to such requisition, to state that they are prepared to contribute, in addition to the moiety of the cost of making such branch road within such district, the whole cost of acquiring the land required for the construction of such road.

If proprietors of two-thirds of acreage assent, committee to forward application to Governor, with report.

Director of Public Works to report and submit estimates for construction.

Governor may propose a vote of moiety of cost out of public funds; and, if voted, proprietors become liable for the other moiety.

9 If it shall appear to the *provincial* committee, from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend and be applied to the said district for the purpose of constructing therein a branch road, *it* shall forthwith forward the application to Government, together with *its* report as to the necessity for the said road, and as to the direction and terminus which *it* recommends as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Governor to direct the Director of Public Works to examine the said district and to report as to the best mode of giving effect to the proposal, and to frame and submit an estimate of the probable cost of properly constructing and metalling the proposed road in such sections as in that behalf provided in *section* 18.

10 Upon receipt of the report of the Director of Public Works, and of the estimate prepared by him as aforesaid, it shall be lawful for the Governor, if to him, with the advice of the Executive Council, it shall appear expedient so to do, to propose *an* estimate *in* the Legislative Council. And if the estimate so proposed be approved by the Legislative Council, (*a*) and a sum of money equal to one moiety of the total cost of constructing the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally bound and liable for their contribution, equal to the other moiety, *in accordance with* the rates to be determined by an assessment as hereinafter provided; or (*b*) where the proprietors of at least two-thirds of the acreage of any district have stated, in reply to the requisition served on them under the provisions of section 8, that they are prepared to contribute, in addition to the cost of the moiety of making the proposed road, the whole cost of acquiring the land required for the construction of such road, and a sum of money equal to one moiety of the total cost of making the proposed road be duly voted by the Legislative Council, the proprietors of all the estates within the limits of such district so defined as aforesaid shall become and be severally liable for their contribution equal to the other moiety, together with the cost of the acquisition of the land required for the construction of such road, in accordance with the rates to be determined as aforesaid.

CHAPTER III.

Provincial Road and Local Committees.

Chairman to convene meeting for election of local committees.

11 Upon a vote being passed by the Legislative Council (*a*) for a moiety of the cost of constructing *such* road; or (*b*) for the moiety of the cost of making *such* road, excluding the cost of acquiring the land required for the construction of *such* road, and notice thereof being communicated to the provincial committee, the chairman thereof shall, by notice in *two* consecutive numbers of the *Government Gazette*, and such other means of publication as he may think necessary, convene at some place within *the limits of such* district a general meeting of the proprietors or resident managers of the estates *therein* to elect a local committee, which shall consist of *not less than three nor more than five* members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so convened for the election of *such* committee shall consist of *such number of* proprietors or resident managers within the district as shall represent *not less than one-third of the acreage*.

Proceedings at election.

12 At such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of *the local* committee. The chairman of the provincial committee, if present, or if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn *such meeting* to any other time or place. All questions and

resolutions shall be determined by a majority of *the* votes of the proprietors, or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of *the local* committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the provincial committee, with the names of the persons elected as members of the local committee, and the provincial committee shall cause such names to be published in the *Government Gazette*.

Members to hold office for two years. Proceedings in case of vacancy.

13 The persons elected to act as members of *the local* committee shall hold office for two years, and shall be eligible for re-election at the end of that term. In case of any member resigning, dying, or leaving the island, or becoming incapable to act, the other members for the time being may, in the manner provided in section 15, elect another proprietor or resident manager to serve in his place for the remainder of the term for which the member so resigning, dying, or leaving the island, or becoming incapable to act, was elected.

Biennial meeting for election of local committee.

14 At the expiration of every two years from the appointment of the first local committee, the chairman of the provincial committee shall convene, in manner provided in section 11, a meeting of proprietors or resident managers for the election of a new local committee. At such meeting the chairman of the provincial committee, if present, or if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman, and in all other respects the proceedings at such meeting shall be governed by the provisions of section 12.

Appointment of chairman.

15 The local committee so elected shall appoint one of its members as chairman, who shall hold office during the said term of two years; and in case of any vacancy the *local* committee shall elect another member to act as chairman. And it shall be the duty of the chairman so appointed to convene, by notice in *two* consecutive numbers of the *Government Gazette*, and by such other means as he may deem necessary, a meeting of the members, whenever required by the Government or by the provincial committee, appointing the time and place for such meeting; the chairman, or if he be absent, such other member of the local committee as the meeting shall elect, shall preside at every such meeting, and shall duly record the proceedings of such meetings and forward the same to the provincial committee.

Majority of members to decide all questions.

16 All acts whatsoever authorized or required to be done by any local committee may and shall be done by the majority of members of such committee present at any meeting convened as aforesaid, or at any adjournment of such meeting; three of them to form a quorum. Provided that when the votes of the members present shall be equally divided, the chairman shall, beside his vote as a member, have a casting vote.

If members not elected, the provincial committee may nominate a local committee.

17 (1) If the proprietors or resident managers of estates in any district fail to elect a committee for the district at the meeting convened for that purpose or at the adjourned meeting, it shall be competent to the provincial committee to nominate not less than three nor more than five proprietors or resident managers residing within the district to be the local committee. The persons so nominated shall hold office for two years, and a local committee so nominated may do any of the acts or perform any of the duties which an elected local committee is authorized to do or perform under the provisions of this chapter.

If local committee fail to perform duties imposed on it, provincial committee to act.

(2) If the local committee, whether elected or nominated shall fail to perform the duties imposed upon it by this Ordinance, the same may be performed by the provincial committee.

Assessment.
Local committee
to convene
meetings to
determine the
assessment of
estates, and
report to
provincial
committee.

18 The local committee shall so soon thereafter as it may be required so to do by the provincial committee, convene, by notice in *two* consecutive numbers of the *Government Gazette*, and by such other means as they may deem necessary, a meeting of the proprietors or resident managers of the estates within *the* district, at some specified time and place within *such* district, and the local committee shall thereat or at any adjourned meeting after hearing objections, if any, and taking evidence, if necessary, determine, and make report to the provincial committee, on —

- (1) The sections into which the road is to be divided for construction assessments ;
- (2) The sections into which the road is to be divided for upkeep assessments ;
- (3) The estates which in their opinion are interested in and will use each section of the road or of any part thereof ;
- (4) The acreage or reputed acreage of the land belonging to each estate ;
- (5) The names of the proprietors, resident managers, or superintendents and of the agents.

Proviso.

Provided, however, that the sections into which the road is divided for construction assessment shall in no case exceed half a mile in length, that the sections into which the road is divided for upkeep assessment shall in no case exceed one mile in length, and that an estate using any portion of a section shall be assessed for the whole of such section.

Provincial
committee to
determine
objections to
assessment
proposed by local
committee and
to determine
proportion due
by each estate.

19 On receipt of such report the provincial committee shall cause a notice to be published in two consecutive numbers of the *Government Gazette*, and made public by such other means as it may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the provincial committee shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing by the total number of acres of the estates which, in its opinion, are interested in and will use such section (subject to the exception in section 20 specified), the sum of money equal to (a) where the Government contributes half the cost of acquiring the land for the proposed road, a moiety of the total cost of the construction of each section of the proposed road ; and (b) in the absence of such contribution of the Government, a moiety of the total cost of making each section together with the whole cost of acquiring the land for such section, and thus apportioning the amount due upon and for each acre, and the rate so assessed by the provincial committee shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of the provincial committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the island, to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in this island, of the proprietor) a requisition calling upon him to pay into the Colonial Treasury, within such time as shall be therein specified, the amount of the contribution due by him ; provided that in any case in which the Governor, with the advice of the Executive Council, shall order that the amount of the contribution due by the proprietors may be payable in instalments, interest at the rate of four per centum per annum shall be charged on the balance due after payment of each instalment, such interest to be calculated from the date specified in the requisition for the payment of each instalment ; such requisition shall also specify the amount of interest payable on each such date.

The requisition under this section shall be in the form C of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman shall cause the requisition to be affixed in some conspicuous part of the estate. The chairman shall also cause a notice to be published in two consecutive numbers of the *Government Gazette*, and

made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which, the instalments by which, and the dates upon which, the several contributions are to be paid into the Colonial Treasury.

Exemption from assessment of uncultivated and abandoned lands.

Proviso 1: Such exemption to be promptly claimed.

Proviso 2: Such estates to be liable if afterwards cultivated.

20 If by reason of any estate, or any portion not less than half of the entire extent thereof, being obviously unfit for cultivation, or having been cultivated and abandoned, or from any other cause it shall seem to the provincial committee right to exempt such estate or portion thereof from the assessment, it shall be lawful for such committee to do so, and to proceed in its assessment as if there was no such land in the district. Provided that to entitle a proprietor to such exemption, he or some person representing him shall claim the same at the time and place appointed by the provincial committee for hearing objections of proprietors or of agents to estates included within the limits of the district, as provided by section 19, and shall at his own cost and expense satisfy the committee, by such proof as it shall call for, that he is entitled to such exemption. Provided further that should the proprietor of any such estate or portion thereof, or any person claiming under him, bring such estate or portion thereof into cultivation afterwards, and use the road for the purposes of, or with a view to such cultivation, it shall be competent for such provincial committee to call upon such proprietor or person to pay the sum which he would have been liable to pay had such estate or portion thereof not been exempted from the original assessment, together with any sums which shall have become due for upkeep and repair since such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed. Provided further that should the proprietor of any estate who had claimed and obtained exemption upon the ground of such road not being the proper outlet, or other cause, or any person on his behalf, use such road, it shall be competent for such provincial committee to include such estate within the limits of the district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had such estate not been exempted from the original assessment, and also any sum not exceeding double the amount of all rates and assessments for the upkeep and repair of such road subsequent to the time when such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

Application of moneys recovered.

21 Moneys recovered under the preceding section, and moneys recovered from estates added to a district as altered under the provisions of section 7, shall—

- (a) If recovered as construction assessment moneys, be divided amongst the proprietors (at the date of such recovery) of estates which have previously paid construction assessment, in shares proportionate to the sums so previously paid; and
- (b) If recovered as upkeep or repair assessment moneys, be retained by the provincial committee and applied towards the future upkeep and repair of the roads.

CHAPTER IV.

Completion and Repair of Branch Roads.

If amount of first estimate prove insufficient, further estimates are to be made, and the rates payable by the estates to be assessed in like manner as the original rates.

22 If, after any road shall have been commenced under the provisions of the Ordinances hereby repealed, or of the present Ordinance, the estimate originally made shall prove insufficient for properly constructing and metalling the same, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the further sum or sums required to complete the road, and it shall be lawful for the

Governor to direct the Director of Public Works to frame and submit further estimates for the purpose aforesaid. And on such further estimates being prepared, the provincial committee shall proceed, once or oftener, if necessary, to assess the proportion due by the estates in each section of the road, to make up the moiety of such further estimates, and to take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates assessed by such committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the districts, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Road Ordinance, 1861," or any other Ordinance to be in that behalf hereafter enacted, or by money from the Treasury), for the completion of the said road.

Further rates for repairs or improvements.

23 Whenever it shall be found necessary at any time to repair or improve any road constructed under the provisions of any repealed *Branch Roads Ordinance*, or of this Ordinance, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for a moiety of the sum or sums required for making the necessary repairs and improvements (provided that the amount of tolls which may be realized on such road shall be deducted from the moiety assessed on the estates), and it shall be lawful for the Governor to direct the Director of Public Works to frame and submit one or more estimates for such repairs. And on such estimates being prepared, the provincial committee shall proceed to assess the proportion due by the estates in each section of the road, to make up the moiety of such estimates, less the tolls as aforesaid, and shall take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates so assessed by the provincial committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the district, and shall be recovered as prescribed herein, and applied, with the other moiety to be contributed by the Government (either by labour under "The Road Ordinance, 1861," or any other Ordinance to be in that behalf hereafter enacted, or by money from the Treasury), for the purpose of repairing the said road.

Provided also that a moiety of the cost of erecting cooly lines for the coolies engaged in repairing or improving any road as aforesaid shall be borne by the estates in the district (including any which may have been opened since the original assessment), and the proportion due by such estates for the cost thereof shall be assessed by the provincial committee as aforesaid.

CHAPTER V.

Recovery of Sums assessed.

Order in which property is to be seized for the payment of assessment money.

24 If any proprietor or resident manager shall be in default in the payment of any money payable by him under this Ordinance, or under any repealed *Branch Roads Ordinance*, or any of them, it shall be lawful for the provincial committee to order proceedings to be taken for the recovery of the same. When the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, or any instalment thereof, it shall be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, live stock, and implements found on such estate, or any other movable property whatsoever belonging to the proprietor, until the full amount due by such estate (including all interest, costs, and charges payable under sections 26, 27, and 28) shall be recovered. If there be no crop, live stock, and implements on such estate, or other movable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such chairman,

or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for such chairman or any person as aforesaid to sell the property so seized by public auction at any time after thirty days from date of seizure.

If above insufficient, estate may be sold, subject to mortgage.

Proviso.

If the estate cannot be sold, then deficiency to be charged against other proprietors.

Proviso.

Defaulting proprietors made liable in interest.

Keeping a person in charge of property seized.

Costs and charges of seizure and sale.

25 If, after seizing and selling property enumerated in the preceding section, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the chairman of the provincial committee, or the person authorized as aforesaid, to seize the estate or any other immovable property belonging to the proprietor of the estate in default, and sell the same, subject to the existing mortgages and incumbrances thereon, after two months' notice from the date of seizure, but *he* shall not have the power to take in execution or seize the person of the proprietor in default for the assessment due, or for any balance thereon. Provided that in the case of a proprietor absent from the island, and not represented by any person therein, the sale shall not take place without notice of *such* sale being published in the *Government Gazette* for six months previous to the sale, and being affixed in some conspicuous part of the estate. If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold, but the proceeds are insufficient to satisfy the assessment and all expenses payable under section 28, it shall be lawful for the provincial committee to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the branch road therein, and, if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor. Provided that the right and duty of the provincial committee to recover from the original defaulter, should it subsequently become possible to do so, shall in no way be affected by its proceeding against such other proprietors and estates as aforesaid. And in case the provincial committee shall subsequently recover any moneys from such original defaulter, such moneys, in so far as they may have been so recovered in respect of construction assessment, shall be divided among the proprietors (at the date of such recovery) of the other estates, which paid in lieu of such original defaulter, in proportion to the sum so paid; and so far as such moneys may have been so recovered in respect of upkeep or repair assessment, they shall be retained by the provincial committee and applied towards the future upkeep and repair of the road.

26 If any proprietor shall neglect or refuse to pay his proportion of the money due by proprietors for the construction, completion, or repair of branch roads under *any repeated* Branch Roads Ordinance, or of the present Ordinance, he shall be liable to pay interest at the rate of nine per centum per annum from the time fixed for such payment, and such interest shall, with the principal and other costs and charges due, be recovered from him in manner prescribed for the recovery of sums assessed.

27 It shall be lawful for the person making the seizure to place and keep a person in possession of the property so seized as aforesaid, pending such sale. Any movable property so seized as aforesaid may be removed for safe custody, pending the sale thereof, to such place as the person directing the seizure may think fit.

28 It shall be lawful for the chairman of the provincial committee, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as assessment, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the cost of seizure, removal, custody, and sale of any property sold under sections 24 and 25.

Return of
overplus to
owner.

29 In the event of a sale of property seized, the chairman of the provincial committee at whose instance such seizure was made shall, after deducting the amount due by the defaulter, and also all costs and charges due (which said costs and charges such chairman is hereby authorized to retain), restore the overplus arising from such sale, if any there be, to the owner or joint owner of the property sold.

Certificate of
sale.

30 If property be sold for non-payment as aforesaid, a transfer in form D in the schedule hereto annexed, or as near thereto as may be, signed by the chairman of the provincial committee, shall be sufficient to vest the right, title, and interest of the defaulting proprietor in the purchaser, any law or custom to the contrary notwithstanding. Such transfer shall be liable to stamp duty as a conveyance, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.

Provincial
committees
liable in
damages.

31 The provincial committee, the chairman of which shall cause property to be seized and sold as aforesaid, shall, in the execution of the authority entrusted to it by this Ordinance, be civilly responsible in damages to any person who shall be aggrieved by reason of any irregularity of proceeding or abuse of authority on the part of such chairman as aforesaid, or on the part of any person specially authorized by him as aforesaid. Provided, however, that no action for such damages shall be brought against the provincial committee or any of its officers after the expiration of three months from the time when the cause of action shall have arisen.

Proviso.

CHAPTER VI.

General Provisions.

Appeal to
Governor in
Council against
decisions or
orders under
sections 7, 19, 22,
23, or 33.

32 Any person aggrieved by any decision or order of the provincial committee in respect of the definition of districts under section 7, or the assessment of estates under sections 19, 22, or 23, or any decision or order made under sections 20 or 33, may apply to the Governor for relief at any time within twenty-one days after such decision or order shall have been notified to him. It shall be lawful for the Governor, with the advice of the Executive Council, upon such application, to make or direct further inquiry, and to confirm the decision or order of the provincial committee, or to alter or modify the same. Provided always that no such appeal as aforesaid shall lie until the person aggrieved as aforesaid shall have paid (subject to the decision of the appeal) any moneys which he may have been required to pay by the decision or order in question.

Costs.

33 If costs shall be incurred in any suit, other than that provided by section 31, brought by or against the provincial committee for anything done under the provisions of this Ordinance, or if a survey be indispensable to enable the provincial committee to act, and such committee shall therefore order one to be made, such costs and the expenses of such survey shall be payable by the proprietors of the estates in the district in proportion to the acreage of such estates. And if any proprietor refuse or neglect to pay his proportion when required to do so, the chairman shall recover the same in the manner and subject to the provisions herein prescribed, under chapter V. relating to "recovery of sums assessed."

The grant of the
moiety may be
made subject to
conditions.

Moiety not to be
paid by
Government till
deposit of
amount payable
by proprietors or
part thereof.

34 It shall be lawful for the Governor, with the advice of the Executive Council, to make the grant of the moiety voted by the Legislative Council subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the public funds as by the proprietors, as the Governor, with the advice of the Executive Council, shall think fit from time to time to establish, either specially in each case or generally applicable to all cases. Provided that no warrant shall be issued to the Treasurer for the payment of any such sum of money, or of any part thereof, from the Colonial Treasury, nor shall any sum be issued by him from the said Treasury until the amount payable by the proprietors of the estimated cost of constructing or repairing such road, or so much thereof as the Governor may think necessary, shall have been deposited in the said Treasury by or on behalf of the proprietors of such estates as aforesaid.

Roads for which such grants-in-aid are made, to be deemed public roads.

Tolls on branch roads.

And may fix toll stations.

Provisions of the Ordinance No. 3 of 1896 extended to the tolls to be so established.

Proprietor may be represented by resident manager or agent.

Provisions of Ordinance No. 10 of 1861 to be in force so far as they are consistent with this Ordinance.

Pupuressa road to be repaired as a branch road.

Certain roads may be brought under the provisions of the Ordinance.

Provisions of Ordinance to apply to roads constructed under repealed Ordinance.

35 Every road towards the construction or repair of which any money shall be issued from the Colonial Treasury, under the authority of this Ordinance, shall be deemed and taken to be a public thoroughfare to all intents and purposes.

36 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation in the *Government Gazette*, to direct that tolls not exceeding those specified in the Ordinance No. 3 of 1896, entitled "An Ordinance to consolidate and amend the Law in respect to the Collection of Tolls," or in any Ordinance to be in that behalf hereafter enacted, shall be levied on any of the roads, which shall have been *constructed*, made, or completed or repaired under the provisions of *any repealed Branch Roads Ordinance*, or which shall be made or completed or repaired under the provisions of this Ordinance, and to determine at what place the tolls so levied shall be collected, and *such* places from time to time in like manner to alter, and other places to establish instead thereof, for the collection of such tolls; and when the tolls shall have been so established, the provisions of the Ordinance No. 3 of 1896, or of any other Ordinance to be in that behalf hereafter enacted, shall, so far as they are applicable thereto, be of force in respect of the tolls to be levied in virtue of the Proclamation to be made as aforesaid, and shall be read and construed as if the said provisions had been expressly enacted as applicable to the said places, and shall be applied, observed, and put in execution accordingly.

37 In case of the absence from the *island* of the proprietor of any estate, the resident manager—or, if there be no resident manager or superintendent, the agent, if any, in this *island*, of the proprietor—shall and may represent such proprietor, and act for him in all matters and things which it may be lawful or necessary for such proprietor to do under any of the provisions of this Ordinance. If there be no known agent, notice affixed on the land and published in the *Government Gazette* shall be deemed notice, to the proprietor.

38 The provisions, regulations, and directions in "The Road Ordinance 1861" contained, so far as they are applicable to the making and repairing of roads, and not inconsistent with this Ordinance, shall be of force in respect of the roads to be constructed or repaired under this Ordinance, and shall be read and construed as if such provisions, regulations, and directions had been inserted herein as applicable to the said roads, and shall be applied, observed, and put in execution accordingly.

39 The road leading from the Gampola and Pussellawa road to Pupuressa, and known as the Pupuressa road, shall be treated as a road made under this Ordinance, and provision shall be made for its upkeep and repair as if it had been originally constructed under the provisions of this Ordinance.

40 In any case in which a road or portion of a road has been constructed, or shall hereafter be constructed, by the proprietors of any estates, it shall be lawful for the proprietors for the time being of such estates to apply to the Governor that such road may be treated as a branch road constructed under this Ordinance, and on receipt of such application the Governor may, if he thinks fit, with the advice of the Executive Council, issue a Proclamation declaring that such road shall be treated as a road made under this Ordinance, and on the publication of such Proclamation in the *Government Gazette* the provisions of this Ordinance shall apply to such road, and provision shall be made for its upkeep and repair as if it had been originally constructed under the provisions of this Ordinance.

41 The provisions of this Ordinance shall apply to all roads which have been constructed under any repealed Branch Roads Ordinance, and any district which has been defined under the provisions of any such Ordinance shall be treated for the purposes of this Ordinance as a district defined hereunder.

SCHEDULE.

B (Section 8).

Office of the Provincial Committee,

To _____, _____, 18—

Proprietor (or Resident Manager) of _____ Estate

SIR,—It has been proposed to construct a branch cart road leading from the main road near the _____ milepost (or at the village of _____) to the district of _____, in which your estate _____ is situated, under the provisions of "The Branch Roads Ordinance, 18—," and I am therefore to request you to fill up the accompanying paper, and return the same to me before the _____ day of _____ next ensuing, in failure whereof you will be deemed to have concurred in the said proposal.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

(Paper referred to in the foregoing Letter.)

To the Chairman of the Provincial Committee for the
Central Province, Kandy.

SIR,—I hereby declare that I (do or do not) desire that the provisions of "The Branch Roads Ordinance, 18—," should be extended to the district of _____, in which my estate (or the estate under my management) called _____ is situated, for the purpose of the construction of a branch cart road to the said district, from the main road to _____ near the _____ milepost (or, at the village of _____).

I am, Sir,
Your obedient Servant,

Proprietor (or Resident Manager, or Agent)
of _____ Estate.

C (Section 19).

Office of the Provincial Committee,

To _____, _____, 18—

Proprietor (or Resident Manager or Agent) of _____ Estate

SIR,—The Governor, with the advice and consent of the Legislative Council, having agreed to grant a moiety for the construction (or completion, or repair, as the case may be) of a branch cart road, leading from the main road near the _____ milepost (or at the village of _____), to the District of _____, in which your estate _____ is situated, the Provincial Committee, acting under the provisions of "The Branch Roads Ordinance, 18—," have assessed the portion due by your estate at Rs. _____, which sum you are hereby required to pay into the Colonial Treasury on or before the _____ day of _____ 18—.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

D (Section 30).

Whereas _____, of _____, was in default in the payment of the moneys due by him as contribution for constructing (or completing, or repairing, as the case may be), under "The Branch Roads Ordinance, 18—," _____, and became liable in the sum of Rs. _____, inclusive of costs, and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance, and sold, also in conformity therewith, on the _____ day of _____, and the same was purchased by _____ for the sum of Rs. _____, which has been duly paid by the said _____.

Now, know ye that I, _____, Chairman of the Provincial Committee of _____ by virtue of the powers vested in me by the said Ordinance, do hereby certify that the following property, to wit: (*here describe the property accurately*), has been sold and purchased by _____ of _____ for the sum of Rs. _____, which he has duly paid, and that the right, title, and interest of the said _____ in the said premises are and shall henceforward be vested in the said _____, his heirs, executors, administrators, and assigns, for ever.

Given under my hand at _____, this _____ day of _____ 18—.

By His Excellency the Governor's command,

W. T. TAYLOR,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, October 30, 1896.

MINUTE.

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

An Ordinance to amend "The Village Communities' Ordinance, 1889."

Preamble.

WHEREAS it is expedient to amend in certain particulars "The Village Communities' Ordinance, 1889 :"
Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

This Ordinance and No. 24 of 1889 to be read together.

1 This Ordinance shall be read as one with the Ordinance No. 24 of 1889, herein referred to as the principal Ordinance, and may be cited for all purposes as "The Village Communities' Ordinance, 1896."

Insertion of section 26 (a).

2 After section 26 of the principal Ordinance the following section shall be inserted and numbered 26 (a) :

Councillor absenting himself without leave.

26 (a) Any person eligible to serve as a councillor who shall be noticed in writing by the president to attend as a councillor at the time and place specified in such notice, and who without lawful excuse fails to attend as required by such notice, or who having attended departs without having obtained the permission of the president, or fails to attend after an adjournment of the tribunal after being ordered to attend, shall be liable by order of the president to a fine not exceeding five rupees, and in default of payment of the fine to simple imprisonment not exceeding fourteen days,

Amendment of section 28.

3 To section 28 of the principal Ordinance, the following sub-section shall be added and numbered (5) :

(5) Offences under the Ordinance No. 20 of 1866, intituled "An Ordinance to amend the Law relating to Vaccination."

Section 44 amended.

4 For section 44 of the principal Ordinance the following section shall be substituted, namely :

Process may be directed for service to any person.

(a) Any summons or warrant issued by any president under the provisions of this chapter may be directed for service to any person or persons named therein, and such person or persons or any police officer may execute the same at any place in Ceylon.

Warrant how executed outside jurisdiction.

(b) When a warrant is to be executed outside the local limits of the jurisdiction of the village tribunal issuing the same, such tribunal may, instead of directing such warrant to any person, forward the same by post or otherwise to any village tribunal or police court within the local limits of the jurisdiction of which it is to be executed.

Endorsement of warrant.

(c) The president of the village tribunal or the magistrate of the police court to which the warrant is so forwarded shall endorse his name thereon, and, if practicable, cause it to be executed within the local limits of his jurisdiction.

Procedure on arrest.

(d) When a warrant is executed outside the local limits of the jurisdiction of the village tribunal by which it was issued, the person arrested shall be carried before the village tribunal or the police court within the local limits of the jurisdiction of which the arrest was made, and the president of such tribunal or the magistrate of such police court shall, if the person arrested appear to be the person intended by the tribunal which issued the warrant, direct his removal in custody to such last-mentioned tribunal, or if the offence be bailable, and the person arrested be ready and willing to give bail to the satisfaction of the president or magistrate before whom he shall have been brought, such last-mentioned president or magistrate shall take bail and forward the bond to the village tribunal which issued the warrant.

Insertion of section 49 (a).

Village committees may try cases under Ordinance No. 9 of 1876 and impose full amount of damages and penalty.

5 After section 49 of the principal Ordinance the following section shall be inserted and numbered 49 (a) :

49 (a) It shall be competent for a village committee in which a village tribunal has not been established to take cognizance of any case of trespass by animals under the provisions of "The Cattle Trespass Ordinance, 1876," and to award and impose the full amount of the damages, charges, and penalties payable under sections 7, 8, and 9 thereof or any of them, notwithstanding that such amount is otherwise beyond the jurisdiction of such village committee to award or impose.

By His Excellency the Governor's command,

W. T. TAYLOR,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, October 30, 1896.

MINUTE.

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

An Ordinance to amend "The Marriage Registration Ordinance, 1895."

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 2 of 1895, intituled "An Ordinance to consolidate and amend the Laws relating to the registration of Marriages other than the Marriages of Kandians and Mohammedans," hereinafter referred to as "the principal Ordinance," by repealing section 15 thereof : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Ordinance to be construed as one with Ordinance No. 2 of 1895.

1 This Ordinance and the principal Ordinance shall be construed and read as one Ordinance, and may be cited collectively as "The Marriage Registration Ordinances, 1895 and 1896."

Repealing clause.

2 Section 15 of the principal Ordinance is hereby repealed.

By His Excellency the Governor's command,

W. T. TAYLOR,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, November 4, 1896.

MINUTE.

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

An Ordinance to consolidate and amend the Law providing for the granting of Pensions to Widows and Children of Deceased Public Officers of this Colony.

- Preamble. **W**HEREAS it is expedient to consolidate and amend the law providing for the granting of pensions to the widows and children of deceased public officers of this colony: Be it therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :
- Short title. **1** This Ordinance may be cited as “The Widows’ and Orphans’ Pension Fund Ordinance, 1896,” and shall come into operation on such day as the Governor may by Proclamation in the *Government Gazette* appoint.
- Repeal. **2** On and from the day on which this Ordinance comes into operation, the Ordinances mentioned in the schedule hereto shall be severally repealed ; provided that such repeal shall not affect—
- (a) The past operation of anything duly done or suffered under the said Ordinances hereby repealed ; nor
 - (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder ; nor
 - (c) Any penalty or forfeiture incurred in respect of any breach of the provisions of the said Ordinances hereby repealed ; nor
 - (d) Any legal proceeding or remedy in respect of such right, privilege, obligation, liability, penalty, or forfeiture as aforesaid.
- Interpretation of terms : **3** The following words and expressions when used in this Ordinance shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction :
- “Public officer.” “Public officer” shall mean an officer holding a permanent office in the service of this colony separately provided in the estimates, which has been declared to be pensionable by a notification published in the *Government Gazette*, and drawing a salary from the Colonial Treasury of not less than two hundred and fifty rupees annually in respect either of one such office or of two or more such offices held conjointly. Provided that the provisions of this Ordinance shall not apply to any officer who is by law entitled to have more than one wife at any one time, nor to the widow or children of any such officer.
- “Salary.” “Salary” shall mean the remuneration paid to an officer in respect of any permanent office held by him in the service of this colony in respect of which office he may become entitled under any regulations which are now or which may hereafter be in force to a pension, but shall not include any fees accruing to any officer in respect of such office.
- “Pension.” “Pension” shall include superannuation allowance, but not compassionate allowance, retiring allowance, or gratuity.
- “Director.” “Directors” shall mean the directors appointed under section 6 of this Ordinance.
- “Treasurer.” “Treasurer” shall mean the officer holding the office of Treasurer of the Colony.

Fund how constituted.	<p>4 The fund already formed and now in existence and the fund to be created under the provisions of this Ordinance for providing pensions for widows and children of public officers shall be consolidated and called "The Widows' and Orphans' Pension Fund."</p>
Investment of fund.	<p>5 All moneys belonging to the fund, whether arising from past or future contributions, fines, interest, or otherwise, shall be invested with the Government of this colony, and shall bear interest payable by the said Government during the continuance of the fund, or until by Ordinance passed not earlier than the First day of March, One thousand Nine hundred and Two, the rate of interest be altered, at the rate of six per centum per annum free from any deduction, and such interest shall be made up on the thirty-first day of December in each year, and shall be calculated upon the mean monthly balance standing in the hands of the Treasurer of the colony to the credit of such fund during the course of the year.</p>
Appointment of directors.	<p>6 (1) For the due and proper management of the fund the Governor, with the advice of the Executive Council, shall appoint any number of public officers, not exceeding five, as directors thereof.</p>
Cancellation of such appointment.	<p>(2) It shall be lawful for the Governor, with the advice of the Executive Council, to cancel and annul the appointment of any person appointed to be a director, and upon notification thereof in the <i>Government Gazette</i> such person shall cease to be a director, and shall cease to have and exercise the powers of a director.</p>
Substitution of director.	<p>(3) In the event of the death of a director, or in the event of the absence from the island of a director, or in the event of the cancellation and revocation of the appointment of any director, the Governor, with the advice of the Executive Council, shall appoint a public officer to be a director in place of the director who shall have died, or shall be absent from the island, or whose appointment shall have been cancelled or revoked, and such person so appointed shall have and exercise all the powers and duties reposed in a director by this Ordinance.</p>
Management of fund.	<p>(4) The directors shall superintend and direct the management and administration of the fund, and shall see that the laws and regulations relating thereto are duly fulfilled.</p>
Annual report.	<p>(5) It shall be the duty of the directors annually, on or before the thirty-first day of January, to prepare a statement and account of the fund for the year ending the thirty-first December preceding, and such statement and account shall be laid before the Governor and the Legislative Council.</p>
Appointment of agents, &c.	<p>(6) The Governor may from time to time appoint such officer or officers as he may consider fit and necessary for carrying out the provisions of this Ordinance, and all persons so appointed shall hold office during the pleasure of the Governor.</p>
Pension to officers employed under the directors.	<p>(7) The Governor, with the advice of the Executive Council, may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance and to those heretofore appointed, and the directors of "The Widows' and Orphans' Pension Fund" shall, subject to such rules, pay such pensions and gratuities out of the moneys of "The Widows' and Orphans' Pension Fund."</p>
Officers to give security.	<p>(8) The officers receiving salaries of Rs. 250 and upwards from the moneys of "The Widows' and Orphans' Pension Fund," and entitled to pension under any rule made under the preceding section, are hereby declared to be public officers within the meaning of this Ordinance, and may be required, to give security under the provisions of "The Public Officers' Security Ordinance, 1890."</p>
Meetings of directors.	<p>(9) At every meeting of the directors the senior public officer present shall preside. Every question shall be decided by the vote of the majority of those directors present at the meeting, provided that if the votes be equally divided the chairman shall have a casting vote in addition to his vote as director. There shall be no meeting at which there shall not be at the least three directors present and voting.</p>

Cost of management of fund.

7 A sum not exceeding five per centum of the annual contributions to the fund may be paid by the Treasurer to the directors for the purpose of defraying all expenses connected with the management and administration of the fund, provided that no payment shall be made to any director as salary or remuneration for his own services without the consent and approval of the Governor, with the advice of the Executive Council.

Directors may make rules and regulations.

8 The directors shall frame rules and regulations not inconsistent with the provisions of this Ordinance for the proper carrying out of the provisions thereof, and such rules and regulations when approved by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*, shall be valid and binding upon all persons.

Officers required to pay abatement to Treasurer; in default, Treasurer to deduct from salaries.

9 It shall be lawful for the Treasurer to make an abatement of four per centum from the salary of every public officer who is liable to contribute to the fund, and in the event of such abatement not being made, every public officer shall pay to the Treasurer, within fifteen days after the receipt by him of his salary, a sum equal to four per centum upon his monthly salary. Such payment and the arrears of any contribution due and payable under the provisions of the Ordinance No. 20 of 1885 shall be taken to be a debt due to the fund by the public officer, and shall be payable, together with interest thereon at six per centum per annum, forthwith or by such instalments as the directors may determine. The Treasurer shall, upon the written order of the directors or of any two of them, deduct from any moneys which may be, or may become due or payable to the public officer by whom such debt is payable, the whole or any part of such debt. The provisions of the Ordinance No. 22 of 1871 shall not apply to any such debt.

Period for which abatement shall be made.

10 The abatement of four per centum from the salary of a public officer shall continue to be made until such officer attains the age of sixty-five years, should he continue so long in the public service, at which date it shall cease; such abatement shall also cease after an officer has been subject to the abatement for thirty-five successive years.

Officer retiring on pension not to be called upon to contribute more than four per cent. from such pension.

11 A public officer who has attained the age when he shall have acquired the right to retire from the public service, or who may be allowed to retire from the public service on account of ill-health before he attains the age at which he would otherwise be entitled to retire, or who may be deprived of the situation in respect of which he contributed to the fund, but who is entitled to retire on pension, should he retire on a pension, shall not be called upon to make any further contribution to the fund beyond a monthly abatement from his pension of four per centum on such pension, to commence from the date of his retirement, until he attains sixty-five years of age or has been subject to abatement for thirty-five years, when such abatement shall cease.

An officer deprived of his office may continue to contribute.

12 A public officer who may retire from the public service, or who may be deprived of the office in respect of which he contributed to the fund, but who shall not be granted a pension, may continue to contribute from the date of his so retiring or being deprived of his office on the salary which he was receiving at the date of such retirement or deprivation, at the same rate and subject to the same terms and conditions as if he had continued in the public service and continued to receive the salary which he was receiving at the date of such retirement or deprivation. In the event of his ceasing to contribute, or in the event of any contributions due from him not having been paid for six months, his widow or his widow and orphans, as the case may be, shall be entitled upon the death of such public officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his so retiring or being deprived of his situation or of his ceasing to contribute in accordance with the tables hereinafter referred to.

Provisions for case of officers transferred to other employment under the Crown.

13 A public officer who has been transferred prior to the passing of this Ordinance, or who may be hereafter transferred from the service of this Government to any other office under the Crown, may cease to contribute to the fund from the date of his ceasing to hold office in the service of this Government, and in such case his widow, or his widow and orphans as the case may be, shall be entitled upon the death of such officer only to a pension computed on the basis of the interest acquired by such contributor in the fund at the date of his ceasing to hold office in the service of this Government, in accordance with the tables hereinafter referred to. Provided, however, that it shall be lawful for such officer to continue to contribute from the date of his ceasing to hold office in the service of this Government and being transferred to another office under the Crown on the salary which he was receiving while holding office under this Government, at the same rate and subject to the same terms and conditions as if he had continued to hold such office under this Government.

Officer to furnish particulars within three months of his appointment.

14 Every public officer shall, within three months of the date of his becoming liable to contribute to the fund, forward to the directors a declaration setting forth the date of his becoming so liable, his own name in full and the date of his birth, and if he be married the date of his marriage and the maiden name in full and the date of birth of his wife, and if he have any child or children their names in full and the date of each of their births. The public officer making the declaration shall furnish to the directors such proof of the statements made therein as may be required by the directors.

Officer to notify marriage.

15 Every public officer who shall marry after the passing of this Ordinance shall, within three months of his marriage, forward to the directors a declaration setting forth the date of such marriage, and the maiden name of his wife, and the date of her birth, and if there be any children by him born to his wife prior to his marriage he shall make a declaration setting forth the names and date of birth of each of such children.

Officer to notify birth of child.

16 Every public officer shall, within three months, notify to the directors the date of the birth of each child born to him after the passing of this Ordinance.

Officer to notify death of wife, or if she be divorced from him.

17 Every public officer whose wife shall die or be divorced from him, or whose child shall die, or whose female child shall be married, shall, within three months thereof, notify to the directors the date of such death, divorce, or marriage.

Penalty for non-compliance with foregoing.

18 Every public officer who shall in the judgment of the directors have failed, omitted, or refused to perform any duty cast upon him, or to do any act required of him by this Ordinance or by the rules and regulations made as herein provided, or who shall in the judgment of the directors have furnished any false information or made any false declaration, may be adjudged by the directors to pay for each such omission, default, refusal, false information, or declaration a penalty not exceeding fifty rupees. The Treasurer shall, upon the judgment of the directors being notified to him, deduct such penalty from the first moneys payable to the public officer as salary or otherwise, and shall pay such amount to the credit of the fund.

Who shall be entitled to pension.

19 The widows and orphans entitled to pensions from the fund are the widows and orphans of public officers who have contributed to the fund in accordance with the provisions of this Ordinance, save as hereinafter excepted. No pension shall become due, and no pension shall be paid to any widow or orphan of any public officer until every debt due to the directors by such public officer shall have been fully discharged.

Exceptions from benefits of fund.

20 No widow of a public officer who dies within one year from the date of his marriage shall be entitled to a pension under this Ordinance, unless a lawful child is born of such marriage. The child of any public officer born out of wedlock, who has become legitimate by the subsequent marriage of such public officer with the mother of such child, shall be entitled to a pension or allowance from the fund, provided that his father shall not have died within twelve months of such marriage, in which case such child shall lose all interest in the fund.

When pension to orphans shall cease.

21 The allowance or pension to orphans shall cease in the case of males at the age of eighteen years, and in the case of females on marriage or at the age of twenty-one years.

Pension how computed.

22 The pension or allowance to which a widow or child of a deceased public officer is entitled shall be computed according to tables to be approved of by the Governor with the advice of the Executive Council. Such tables shall be adjusted and revised every five years by an actuary or actuaries who shall be from time to time appointed by the Governor with the advice of the Executive Council. All pensions to widows or children, whether in possession or in expectation and reversion, shall be subject to re-adjustment, and shall be computed upon the tables so adjusted and revised, and diminished or increased accordingly.

Pension to orphans.

23 When a public officer being a widower and unmarried dies leaving a child or children entitled to pensions, or when a widow of a public officer dies and there be a child or children of such public officer surviving entitled to pension, the pensions of such child or children shall be the amount which the widow would have received or had been receiving, equally divided between the children.

Provision in case of widow marrying.

24 The widow of a public officer who marries again shall cease to receive a pension from the date of such marriage; and the children of such widow and public officer shall thereupon be entitled to pension as hereinbefore provided in the event of the death of both parents.

Provision in case of a widow and children of a previous marriage.

25 When a public officer dies leaving a widow and children the issue of a previous marriage existing when the public officer became a contributor to the fund, or contracted after he became such contributor, and such children are of ages which entitle them to pensions from the fund, such children shall be entitled each of them to an equal share or portion of the half of the pension to which their mother, if she had survived their father, would have been entitled. The widow of such public officer shall be entitled to one-half of the pension to which she would have been entitled had there been no such children; and if the public officer dies leaving no such children then she shall be entitled to the whole of such pension as she would have received had there been no such children. Should the widow die leaving no issue of her marriage with the public officer, the children of the first marriage shall be entitled to such pensions as if the public officer had not contracted such subsequent marriage. Should the widow die leaving children the issue of her marriage with the public officer, such children shall be entitled each to an equal share or portion of the pension to which their mother was entitled.

Pension to children of a widower.

26 The children of a public officer, being a widower, who contributed to the fund shall be entitled on the death of such public officer to the pension to which they would have been entitled if their mother had been living at the time of his becoming liable to contribute thereto.

Pension to be paid monthly, and proof of death to be produced before payment.

27 The pension payable to any person entitled thereto under this Ordinance shall begin upon the death of the public officer or of his widow, as the case may be, and shall accrue daily and shall be paid monthly. But before any such payment it shall be lawful for the directors to require

proof that any widow or child is alive and entitled to the pension claimed by such widow or child.

Directors to appoint person to receive payment on behalf of minors.

28. In any case in which a minor is entitled to payment of a pension or portion of a pension under this Ordinance, it shall be lawful for the Directors to appoint some fit or proper person to whom such pension shall be paid. Such appointment shall be in writing under the hand of at least three of the directors, and the receipt of such person shall be a legal discharge for the payment of such pension or portion thereof.

Pensions not to be assigned or levied upon.

29. No pension payable from the fund shall be assigned or transferred, and every assignment or transfer shall be absolutely null and void, and of no effect. No such pension shall be attached or levied upon or arrested or taken in execution on account of any debt or payment due by the person to whom such pension is payable.

Questions and disputes to be decided by Governor in Executive Council.

30. Should any question arise as to whether any person is a public officer within the meaning of this Ordinance, or as to whether any person is entitled to any pension as the widow or child of a public officer, or as to the amount of pension to which any widow or child shall be entitled, or as to the meaning or construction to be assigned to any section of this Ordinance, or to any rule or regulation made under the provisions thereof, it shall be lawful for the directors, and such directors are required, upon the application of any such public officer, widow, or child, to submit such question for decision to the Governor; and the decision of the Governor thereon, with the advice of the Executive Council, shall be final. No action or suit at law shall lie at the instance of any widow or child, or other person claiming to have an interest in the fund or to be entitled to any pension therefrom, against the directors or any of them or against the Treasurer for the payment of any sum claimed to be due as pension.

Widow not entitled to pension if marriage contracted after officer had ceased to contribute.

31. No widow of a public officer whose marriage was contracted after he had ceased to contribute, and no child of such marriage shall be entitled to any pension.

Pension not to exceed amount fixed by the actuary.

32. The pension to which any widow, or in the event of the death of the widow to which the child or children of a public officer shall become entitled, shall in no case exceed three thousand rupees, or such sum which shall be fixed by the actuary or actuaries appointed under the 22nd section of this Ordinance.

No increase or decrease of pension if residing in climate less or more healthy than Ceylon.

33. No pension, whether payable to a widow or to a child or children, shall be increased or decreased by reason of the residence of the person entitled to such pension being less or more healthy as to climate than Ceylon.

One-half of bachelor's contribution to be returned on retirement.

34. Fifty per cent. of the contributions made by a bachelor shall be returned, but without interest, upon the retirement, unmarried, of such officer from the Public Service on pension, but not otherwise.

Contributions may continue in full if income reduced.

35. Whenever the salary of a public officer becomes reduced, either by abatement of the ordinary emoluments or by the grant of a permanent superannuation allowance, such public officer may elect to continue to contribute upon the higher salary which he was receiving previous to such reduction, and subject to the same terms and conditions as if he had continued to draw the higher salary or pension. Should such public officer not elect so to continue to contribute upon the higher salary, and contribute on the lower salary, any pension to his widow or children shall be diminished in the same amount as it would have been increased had such public officer's salary been increased and not diminished.

SCHEDULE.

Ordinances Repealed.

(See Section 2.)

No. and Year.	Title.
20 of 1885 ...	"The Widows' and Orphans' Pension Fund Ordinance, 1885."
1 of 1890 ...	An Ordinance to amend "The Widows' and Orphans' Pension Fund Ordinance, 1885."
15 of 1894 ...	An Ordinance to amend the Law providing for the granting of Pensions to Widows and Children of deceased Public Officers of this Colony.

By His Excellency's command,

W. T. TAYLOR,

Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, November 5, 1896.

NOTICES OF INSOLVENCY.

In the District Court of Galle.

No. 278. In the matter of the insolvency of Matarage Babasinno, of Unawatuna.

WHEREAS Matarage Babasinno, of Unawatuna, 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 December 4 and 18, 1896, 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,

JAMES KRAUSE,

Secretary.

Galle, October 30, 1896.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Warnecule-aratchirallagey Don No. 133. } Istewan Appu, deceased, of Paiyagala.

THIS matter coming on for disposal before S. Haughton, Esq., Acting District Judge of Kalutara, on the 28th day of September, 1896, in the presence of Mr. D. de Silva, Proctor, on the part of the petitioner Pinterurallagey Maria Fernando; and the affidavits of the said petitioner, dated 21st September, 1896, having been read: It is ordered that the said Pinterurallagey Maria Fernando be and she is hereby declared entitled to have letters of administration to the estate of the deceased Warnecule-aratchirallagey Don Istewan Appu issued to her, as widow of the said deceased, unless the respondents—1, Warnecule-aratchirallagey Dona Clementina; 2, Warnecule-aratchirallagey Dona Lucia; 3, Warnecule-aratchirallagey Dona Philippa; 4, Warnecule-aratchirallagey Don Marteno, of Paiyagala; 5, Franciscuhettigey Marteno Silva; 6, Franciscuhettigey Mary Lenora Silva; 7, Franciscuhettigey Alice Rosalina Silva; 8, Franciscuhettigey Agnes Catherine Silva—shall, on or before the

2nd day of November, 1896, show sufficient cause to the satisfaction of this court to the contrary.

S. HAUGHTON,
Acting District Judge.

The 28th day of September, 1896.

In the District Court of Chilaw.

Testamentary Jurisdiction. } In the Matter of the Intestate Estate of Rana Mukahaluge Salman Fernando, late of Katuneriya, deceased. No. 523. }

THIS matter coming on for disposal before B. Constantine, Esq., District Judge of Chilaw, on the 11th day of September, 1896, after reading the affidavit of Asurappulihaluge Opistina Fernando, dated the 31st July, 1896, and her petition dated the 7th day of September, 1896: It is ordered that she be declared entitled to administer the estate of the above-named deceased, and that letters of administration of the said estate be issued to her, unless sufficient cause be shown to the contrary on the 10th day of November, 1896.

C. E. COREA,
Proctor.B. CONSTANTINE,
District Judge.

In the District Court of Kandy.

No. 1. In the Matter of the Pine Hill Estates Company Limited, and Reduced.

TAKE notice that all creditors of the above Company are required to appear before the District Court of Kandy on Monday, the 16th November, 1896, at 11 o'clock in the morning, and to show cause why the said court should not on that day, in terms of Ordinance 6 of 1888, section 7, make an order confirming the reduction of the capital of the Company from three hundred and fifty-five thousand rupees (Rs. 355,000), divided into three

thousand five hundred and fifty shares of one hundred rupees each, to two hundred and thirteen thousand rupees (Rs. 213,000), divided into three thousand five hundred and fifty shares of sixty rupees each, as prayed for in a petition to the court by the said Company, dated October 26, 1896, in accordance with a special resolution of the Company adopted at an Extraordinary General Meeting of the Shareholders on October 10, 1896.

By order of court,

A. SANTIAGO,
Secretary.

Kandy, October 27, 1896.

NOTICES OF FISCALS' SALES.

Central Province.

In the District Court of Colombo.

1, Alexander David Martin Black, of 28, Castle street, Edinburgh, Scotland; 2, George Dunlop, merchant, Glasgow, Scotland, trustees under the marriage settlement of Mackay John Scobie and Mrs. Matilda Agnes Hamilton or Scobie.....Plaintiffs.

No. 3,187/C.

Vs.

1, John Abercrombie Spence, of Madulkelle; 2, Hector Cross Buchanan, of Colombo; 3, Frederic William Bois, of Colombo; 4, Robert Lewis Maitland Brown, of Colombo, assignee of the insolvent estate of 1st and 2nd defendants.....Defendants.
5, Matthew Henry Thomas, of Madulkelle, executor of the last will and testament of Eliza Thomas, late of Sunnyside, Forest Hill, Kent, England.....Added Defendant.

NOTICE is hereby given that on Saturday, November 28, 1896, at 12.30 o'clock noon, will be sold by public auction at the Fiscal's office, Kandy, the following property, viz. :—

One undivided fifth part or share of and in all that estate called and known as Madoolkelly, comprising the following allotments of land, to wit :—

(1) All that tract of land called Madulkelle or Bambaragalletenne, situated in Pallis pattu and Pallegan pattu, in the district of Dumbara, Central Province, bounded on the north, east, and west by Government land, and on the south by land purchased by W. Staples, containing in extent 569 acres 1 rood and 25.8 square perches (but exclusive of the portion hereinafter mentioned).

(2) All that tract of land called Madulkelle, situated in the village Kaludaela, in the district of Dumbara aforesaid; bounded on the north, east, and south by patanas, and on the west by the property of W. Boyd, containing in extent 177 acres and 32.76 square perches (excluding, however, from the said two allotments above described a portion in extent 160 acres 3 roods and 12 perches sold and transferred to Alexander Pearson Boyd, William Henrie Thomas, George Ackland, Edward Joseph Darley, Samuel Butler, John Capper, Henry Oswin and Charles Morrison by a deed dated December 23, 1846, and attested by the late J. F. Giffening, of Colombo, Notary Public).

(3) All that tract of land situated in the district of Dumbara aforesaid; bounded on the north by a stream, by land said to belong to the Crown, and by Pangwelle road, on the east and south-east by Gomatottokandura, on the south and south-west by Gomatottokandura and by Kukul-oja, and on the west and north-west by the Kukul-oja, containing in extent 52 acres and 2 roods.

(4) All that allotment of land called Bombuwatta Kadawaka, situated in the village Madulkele aforesaid; bounded on the north by land said to belong to the Crown, on the south-east by land said to belong to the Crown and by land reserved for public purposes, on the south-west by land said to belong to the Crown, by land reserved for public purposes, and by a road, and on the north-west by land claimed by Meeya Pulla, and by a stream, containing in extent 21 acres 1 rood and 35 perches.

(5) All that allotment of land called Gomatalamadda, situated in the village Arattana, in Pallis pattu in the district of Dumbara aforesaid; bounded on the north, north-east, and east by land reserved for public purposes, and on all other sides by water-courses, containing in extent, exclusive of the reservation and Palli-ela thirty links wide, 8 acres 3 roods and 6 perches.

(6) All that allotment of land called Katukitulhena, situated in the village Arattana aforesaid; bounded on the north by land described in plan 77,349, on the north-east by land claimed by natives, on the east by land claimed by Meyappa Chetty and by a path, on the south by a path and by land described in plans 60,196 and 57,898, on the south-west by lands described in plans 45,590 and 77,319, and on the west by land described in plan 51,476, containing in extent, exclusive of the path and the Waraveketiyakandura passing through the land, 25 acres 3 roods and 36 perches.

(7) All that allotment of land called Nelligolapatana, situated in the village Kaludaela, in Pallis pattu aforesaid; bounded on the north, west, and east by land reserved for public purposes along the road, on the south-east by land described in plan 77,315, on the south-west by land described in plan 77,347, and on the west by land described in plan 77,201, containing in extent 2 acres 1 rood and 3 perches.

(8) All that allotment of land called Bombuwatta Kadawaka, situated in Arattana aforesaid; bounded on the east by land reserved for public purposes along the road, on the south by land described in plan 45,990, on the west by a road and by land said to belong to the Crown, and on the north-west by land described in plan 62,520, containing in extent, exclusive of the road passing through the land, 2 acres 2 roods and 25 perches.

(9) All that allotment of land called Wahowgalatenna, situated in Arattana aforesaid; bounded on the north by land described in plan 51,476, on the east by land described in plan 77,316, on the south by land described in plan 45,990, on the west by a road, and on the north-west by land reserved for public purposes, containing in extent 3 acres 1 rood and 24 perches.

(10) All that allotment of land called Kenarodekele, situated in Arattana aforesaid; bounded on the north by land described in plan 57,898, on the east and south by land said to belong to the Crown, and on the west by land described in plan 45,990, containing in extent 21 acres and 20 perches.

(11) All that allotment of land called Nelligolapatana, situated in Kaludaela aforesaid; bounded on the north and east by land reserved for public purposes along the road, on the south-east by land described in plan 62,520, on the south by land said to belong to the Crown, on the south-west by land described in plan 77,347, and on the north-west by land described in plan 77,317, containing in extent 3 acres 1 rood and 3 perches.

(12) All that allotment of land called Nelligolapatana, situated in Kaludaela aforesaid; bounded on the north by lands described in plans 77,200 and 77,201, on the north-east by lands described in plans 77,201, 77,317, and 77,315, on the south-east by land said to belong to the Crown and by a path, and on the south, south-west, and west by land described in plan 44,350, containing in extent, exclusive of the roads, paths, Nelligolakandura, and the water-course passing through the land, 20 acres 3 roods and 23 perches.

(13) All that allotment of land called Kawangalla Katookittoolkelley (formerly called Mount Serrat), situated in Arattana aforesaid; bounded on the north by land said to belong to the Crown and by land reserved for public purposes, on the east and south-east by land reserved for public purposes and by land said to belong to the Crown, and on all other sides by land said to belong to the Crown, containing in extent 38 acres and 3 roods (but excluding therefrom a portion in extent 2 acres and 3 roods sold to E. Crowe), and of and in all the buildings, stores, machinery, fixtures, tools, implements, cattle, and other the dead and live stock in and upon the said estate and premises or thereto belonging, declared by the judgment entered in the above case to be sold by the Fiscal in satisfaction of the claim of the plaintiffs.

C. S. VAUGHAN,
Fiscal.

Fiscal's Office,
Kandy, November 3, 1896.

In the Court of Requests of Kandy.

D. A. C. de Alvis, of Kandy.....Plaintiff.
No. 48.
Vs.
1, M. A. Sambo; and 2, C. Sambo, both of
Matale.....Defendants.

NOTICE is hereby given that on November 30, 1896, at 12 o'clock noon, will be sold by public auction at the spot the following property of the said defendants:—

The house and ground bearing assessment No. 18, situate on the Haloluwa road in Gangawata, Yatinuwara, containing in extent twenty acres more or less; and bounded on the east by Mr. Walker's estate and high road, south by Mrs. Blazé's property and Ponnasami Arachchi's property, west by Suppaiya Shroff's land and Don Julis Wijegunawardane's land, and on the north by Mr. Walker's estate and Kottaldeniakumbura.

Amount of writ Rs. 226-50.

C. S. VAUGHAN,
Fiscal.

Fiscal's Office,
Kandy, November 3, 1896.

Northern Province.

In the District Court of Jaffna.

Pina Kuna Navanna Periyakaruppan Chetty,
of VannarponnaiPlaintiff.
No. 682.
Vs.

1, Paramasamikkurukkal Vayiravanatakkurukkal, of Kopay North; 2, Katirkamar Chitamparappillai, of Kopay South; and 3, Ramalinkam Katiravelu, of Punkudutivu East.....Defendants.

NOTICE is hereby given that on Thursday, November 26, 1896, at 10 o'clock in the forenoon, will be sold by public auction on the lands hereinafter described the right, title, and interest of the said first defendant in

the following property, for the recovery of Rs. 265, with interest thereon at the rate of 15 per cent. per annum from April 17, 1895, until payment in full, costs of suit, and charges, viz. :—

1. In a piece of land situated at Kopay North, called Pandaravattai, containing or reputed to contain in extent 12 lachams varaku culture with its appurtenances; bounded or reputed to be bounded on the east by property of Vayiravanatakkurukkal, north by property of Chinnaiyar and others, west by road and watercourse, and south by channel.

2. In a piece of land situated at Kopay North called Tirukkonivayal, containing or reputed to contain in extent 40 lachams paddy culture; bounded or reputed to be bounded on the east by property of Parupatippillai, north by property of Sayampar and others, west by property of Vinasittampi and others, and south by property of Kanapati and others.

Fiscal's Office,
Jaffna, October 26, 1896.

G. A. VAN HOUTEN,
for Fiscal.

Southern Province.

In the Court of Requests of Galle.

Arnolis de Silva Gunasekera, of Ratgama.....Plaintiff.
No. 3,881.
Vs.
Koralage Emanis; and 2, Yakdehi Adirishamy, of Ratgama Defendants.

NOTICE is hereby given that on Saturday, November 28, 1896, at 2.30 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said first and second defendants in the following property, viz. :—

The defined lot No. 5 of the land called Angurumelebedda, situate at Ratgama.

This writ is issued to levy a sum of Rs. 49-25.

Fiscal's Office,
Galle, November 3, 1896.

C. T. LEMBRUGGEN,
Deputy Fiscal.

In the District Court of Galle.

R. M. A. R. A. R. Narayanan Chetty, of
Kaluwella Plaintiff.
No. 4,324.
Vs.
Saibu Dore Hajjar Mohammado, of Gintota,
and others Defendants.

NOTICE is hereby given that on Monday, November 30, 1896, commencing at 2 o'clock in the afternoon, will be sold by public auction at the spot the following property, viz. :—

1. All that soil and fruit trees of the lot No. 1 of the garden Totawatta and half part of the 11 cubits house standing thereon made by Selema Lebbe Sinna Lebbe, and the house of 13 cubits also standing thereon, situate at Gintota Welipitimodera.

2. One-half of all the soil and fruit trees of the lot No. 2 of the garden Totawatta of the extent of one acre, situate at Gintota Welipitimodera, together with the 11 cubits house standing thereon.

3. All that soil and fruit trees of two-fourth of the lot No. 2 of the garden called Ampitiyawatta, situate at Gintota Welipitimodera.

4. All the soil and fruit trees of an undivided half of one-fourth of the portion No. 2 of the garden Ampitiyawatta, situate at Gintota Welipitimodera.

5. All the soil and fruit trees of an undivided one-fourth part of the portion No. 2 of the garden Ampitiyawatta, situate at Gintota Welipitimodera; mortgaged by writing obligatory dated May 4, 1896, and declared bound and executable under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 6,564-74½, with interest on Rs. 6,404-12 at 9 per cent. per annum from June 16, 1896, till payment in full.

Fiscal's Office,
Galle, November 3, 1896.

C. T. LEMBRUGGEN,
Deputy Fiscal.

North-Western Province

In the District Court of Puttalam.

Tamby Neina Pulla Marcar Mohomadu Cassim,
 executor of R. M. Tamby Neina Pulla Mar-
 kar, of Kalpitiya.....Plaintiff.

No. 139/906. Vs.

1, Kattupullai Sinne Wappu of Kanamulla ;
 and 2, Sinne Tamby Peria Saibo Kaneke-
 pulla, of Suravayel.....Defendants.

NOTICE is hereby given that on Saturday, Novem-
 ber 28, 1896, at 2 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,
 viz. :—

1. A land called Kummadu Thotam, belonging to the
 first defendant, situate at Mudakadu in Akkarai pattu ;
 bounded on the north, east, south, and west by Crown
 reservations for roads.

2. A house and compound occupied by the second defen-
 dant, situate at Suravayel in Akkarai pattu ; and bounded
 on the north by the land of plaintiff and others, east by
 a footpath, south by the land of Wella Umma, and west
 by reservation for a road.

Deputy Fiscal's Office, G. A. BAUMGARTNER,
 Puttalam, October 31, 1896. Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Kegalla.

David Francis Wirakoon ; 2, Maria Luvisa
 Wirakoon, assisted by her husband 3,
 Bartholomew Dias Senanayaka, all of
 Kelani.....Plaintiffs.

No. 533. Vs.

Ayan Pulle Tambaiya, of Ambanpitiya.....Defendant.

NOTICE is hereby given that on Saturday, November
 28, 1896, at 11 o'clock, in the forenoon, will be
 sold by public auction at the premises the right, title, and
 interest of the said defendant in the following property,
 viz. :—

The garden called Hadiramewatta *alias* Hitinawatta,
 and the portion of the land called Pitakotuwewatta,
 together with the tiled house standing thereon, in extent
 15 lahas more or less, situate at Ambanpitiya and
 bounded on the east by the cattle shed, on the south by
 the high road, on the west by the rock, and on the north
 by the ditch and Pitakotuwa.

Amount of the writ is Rs. 1,436-96.

TIMOTHY F. ABAYAKOON,
 Deputy Fiscal's Office, Deputy Fiscal,
 Kegalla, November 3, 1896.