

Ceylon Government Gazette

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PART I.—General: Minutes, Proclamations, Appointments,
and General Government Notifications.

PART II.—Legal and Judicial.

PART III.—Provincial Administration.

PART IV.—Marine and Mercantile.

PART V.—Municipal and Local.

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

Part II.—Legal and Judicial.

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NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. { In the Matter of the Last Will and Testament of Gilbert Lewis Parker, Captain, First Loyal N. Lancashire Regiment, of 17, Royal Parade, Eastbourne, in the County of Sussex, England, deceased.

THIS matter coming on for disposal before F. R. Dias, Esq., Additional District Judge of Colombo, on the 31st day of January, 1901, in the presence of Messrs. Julius & Creasy, Proctors, on the part of the petitioner Harry Creasy, of Colombo; and the affidavit of the said petitioner, dated 25th January, 1901, having been read: It is ordered that the will of Gilbert Lewis Parker, Captain, of 17, Royal Parade, Eastbourne, Sussex, England,

deceased, dated the 2nd day February, 1900, an exemplification of the probate whereof is now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 28th day of February, 1901, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said petitioner is the attorney of the Rev. Charles Lewis Edward Parker, one of the executors named in the said will, and that he is entitled to, as such attorney, have letters of administration, with copy of the will annexed of the same, issued to him accordingly, unless any person interested shall, on or before the 28th day of February, 1901, show sufficient cause to the satisfaction of this court to the contrary.

F. R. DIAS,
Additional District Judge.

The 31st day of January, 1901.

In the District Court of Negombo.

Testamentary } In the Matter of the Estate and Effects
Jurisdiction. } of Mihidukulasuria Juse Tissera,
No. 501. } of Duwa, deceased.

Mihidukulasuria Manuel Tissera, of Duwa.....Petitioner.
Vs.

1, Mihidukulasuria Rosa Maria Vas, wife of the said deceased; 2, Mihidukulasuria Peter Tissera; 3, Mihidukulasuria Christina Tissera; 4, Mihidukulasuria Elias Tissera; 5, Mihidukulasuria Santiago Tissera; 6, Mihidukulasuria Lucia, Tissera; 7, Mihidukulasuria John Tissera, all of Duwa in Negombo...Respondents.

THIS matter coming on for disposal before E. F. Hopkins, Esq., District Judge of Negombo, on the 29th day of November, 1900, in the presence of Mr. C. J. Edirisinghe, Proctor, on the part of the petitioner Mihidukulasuria Manuel Tissera, of Duwa; and the affidavit of the said petitioner, dated the 6th day of November, 1900, having been read: It is declared that the said Mihidukulasuria Manuel Tissera, as son of the above-named deceased, is entitled to have letters of administration to the estate of the said deceased, issued to him accordingly, unless the respondents above-named or any other person interested shall, on or before the 28th day of February, 1901, show sufficient cause to the satisfaction of this court to the contrary

E. F. HOPKINS,
District Judge.

The 29th day of November, 1900.

In the District Court of Kandy.

Order Nisi.

Testamentary } In the Matter of the Estate of the
Jurisdiction. } late Alfred Muthuranayager Handy,
No. 2,176. } deceased, of Dambulla.

THIS matter coming on for disposal before John Henricus de Saram Esq., District Judge of Kandy, on the 8th day of January, 1901, in the presence of Mr. H. Goonetilake on the part of petitioner Rev. Charles C. Handy, of Nellore, Jaffna; and the affidavit of James Arudpragasam, of Kopay, Jaffna, dated 17th December, 1900, having been read: It is ordered that the petitioner Rev. Charles C. Handy, of Nellore, Jaffna, be and he is hereby declared entitled to letters of administration to the estate of Alfred Muthuranayager Handy, of Dambulla, deceased, as a brother of the said deceased, unless (1) Maria Louisa Handy, of Nellore,

Jaffna; (2) Samuel R. Handy, of Kopay, Jaffna; (3) James M. Handy, of Singapore; (4) Mary L. Handy, widow of George T. Handy, of Nellore, Jaffna; (5) Grace Nasamma Handy; (6) John P. Handy; and (7) Harriet P. Handy, the 5th, 6th, and 7th represented by their duly appointed guardian *ad litem* Mary Louisa Handy aforesaid, shall, on or before the 22nd day of February, 1901, show sufficient cause to the satisfaction of the court to the contrary.

J. H. DE SARAM
District Judge.

The 8th day of January, 1901.

In the District Court of Badulla.

Order Nisi.

Testamentary } In the Matter of the Intestate Estate
Jurisdiction. } of Attanayaka Mudiyansele Loku
No. B 184. } Banda, ex-Korala, of Karagahawela
in Wegam pattu, deceased.

Attanayaka Mudiyansele Hudu Banda, of
Karagahawela in Wegam pattu.....Petitioner.

And

1, Ratnayaka Mudiyansele Kuma; 2, Attanayaka Mudiyansele Heen Menika; 3, Attanayaka Mudiyansele Hudu Kuma, all of Malhewa in Wegam pattu.....Respondents.

THIS matter coming on for disposal before F. Bartlett, Esq., District Judge of Badulla, on the 26th day of November, 1900, in the presence of Mr. F. Taldena, Proctor, on the part of the petitioner Attanayaka Mudiyansele Hudu Banda, of Karagahawela in Wegam pattu; and the affidavit of the said petitioner, dated 26th November, 1900, having been read:

It is ordered that the petitioner aforesaid be declared entitled to have letters of administration to the estate of the deceased, Attanayaka Mudiyansele Loku Banda, ex-Korala, of Karagahawela in Wegam pattu, issued to him, as son of the said deceased, unless the abovementioned respondents shall, on or before the 2nd day February, 1901, show sufficient cause to the satisfaction of this court to the contrary.

F. BARTLETT,
District Judge.

The 26th day of November, 1900.

Order Nisi extended to the 23rd February, 1901.

T. BARTLETT,
District Judge.

NOTICES OF INSOLVENCY.

No. 39. In the matter of the insolvency of Mututantrige Lianoris Cooray, a trader of Rakwana.

WHEREAS Mututantrige Lianoris Cooray, a trader of Rakwana, has filed a declaration of insolvency and a petition for the sequestration of his estate, under the Ordinance No. 7 of 1853: Notice is hereby given that the court has adjudged the said Mututantrige Lianoris Cooray, of Rakwana, a trader, an insolvent accordingly, and that two public sittings, to wit, on February 28 and March 28, 1901, will take place for the said insolvent to surrender and conform agreeably to the provisions of the said Ordinance, of which creditors are hereby required to take notice.

By order of court,

D. S. DAUNDSEKARA,
Secretary.

Ratnapura, January 31, 1901.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Hector A. Jayawardana, of Colombo, Advocate..Plaintiff.
No. C 13,968. Vs.

1, Jessie Alice Wijekoon ; 2, James Alfred Wijekoon (wife and husband), both of Hunupitiya ; 3, Sybil Jane Gunatilaka ; 4, Edward Walter Gunatilaka ; and 5, Fredrick William Gunatilaka, of Nuwara Eliya, presently of Hunupitiya.....Defendants.

NOTICE is hereby given that on Saturday, March 2, 1901, at 11.30 o'clock in the forenoon, will be sold by public auction at the premises the following property mortgaged and decreed to be sold by the decree entered in the above action, for the recovery of the sum of Rs. 2,000, with interest thereon at 10 per cent. per annum from March 2, 1900, till October 5, 1900, and at 9 per cent. per annum from October 5, 1900, till payment in full, viz.:-

All that undivided $\frac{2}{3}$ parts of the first and third defendants of all that undivided $\frac{1}{3}$ part of all that house and ground and premises bearing assessment No. 20, situated at Grandpassroad in Colombo, together with all the buildings, trees, and plantations thereon, and all right, title, interest, claim, and demand whatsoever of all the defendants, and of each of them into or upon the said premises ; which said premises is bounded on the north and north-east by the properties of the late Jeronis Soysa and Mammala Marikkar Srema Lebbe, on the west and north-east by the new road or Layard's Broadway, on the south and south-west by the properties of Don Adrian Perera Jayatilleka Kangany and Mira Lebbe Casi Lebbe, on the east and south-east by the Grandpass road ; containing in extent 2 acres more or less.

Fiscal's Office,
Colombo, February 6, 1901.

E. ONDATJE,
Deputy Fiscal.

In the District Court of Colombo.

Thomas Rudolph, of Colombo.....Plaintiff.
No. C 11,911. Vs.

1, Hettiarachchige Dona Eliza Hamy ; and 2, Nambiga Don Samuel Perera, both of Kelaniya.....Defendants.

And

Makewitage Elias Perera and othersClaimants.

NOTICE is hereby given that on Monday, March 18, 1901, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property without prejudice to any interest the claimants may have, viz. :-

All that land called Beligahawatta, situated at Kelaniya in the Adikari pattu of Siyane korale ; bounded on the north by the land belonging to Peliyagodage Harmanis Perera and the land called Kongahawatta belonging to Hettiarachchige Dona Leisahamy, east by the field belonging to Hettiarachchige Dona Leisahamy, south by the garden and owita belonging to Peliyagodage Harmanis Perera and owita belonging to Angoda Amarasingha Arachchige Don Cornelis Appuhamy, and west by a cart road ; containing in extent 6 acres more or less.

H. W. D. BANDARANAYEKE,
Deputy Fiscal.

Deputy Fiscal's Office,
Henaratgoda, February, 4, 1901.

In the District Court of Colombo.

Julianhettige Martinus Perera Appuhamy, of DalugamaPlaintiff.
No. 13,809. Vs.

Makewitage Ana Perera, of Dalugama, widow of the late David Perera Samarasingha, MuhandiramDefendant.

NOTICE is hereby given that on Monday, March 18, 1901, commencing at 1 o'clock in the afternoon, will be sold by public auction at the respective premises the following property decreed to be sold by the decree entered in the above case, viz. :-

(1) An undivided half part of three in one annexed garden—No. 1 is one-fourth part from the garden called Gorakagahawatta ; No. 2, Madatiyagahawatta ; and No. 3, Beligahawatta—with the buildings and plantations standing thereon, situated and lying at Dalugama in the Adikari pattu of Siyane korale ; bounded on the north by the high road and by the field of Punchihamy, on the east by the garden Kongahawatta, on the south by the field Halgahakumbura and by the other part, and on the west by the field of Hettiarachchige Hendrick and by the garden Beligahawatta and by a small road ; containing in extent 2 acres $3\frac{1}{2}$ square perches more or less.

(2) An undivided half part of a field and two annexed gardens called Halgahakumbura, Gorakagahawatta, and Kongahawatta, situated at Dalugama aforesaid ; bounded on the north by the garden of Simon Perera Arachchi, Samuel Lobus, and of Pelo Appu, on the east by the field of the second Maha Mudaliyar, on the south by the garden of Punchihamy and by the field of Lianage David Perera Arachchi, and on the west by the road to Kelaniya ; containing in extent as follows: Gorakagahawatta, 2 roods ; Kongahawatta, 1 rood and 26 perches ; and Halgahakumbura, 1 acre 1 rood and 9 perches, more or less.

H. W. D. BANDARANAYAKE,
Deputy Fiscal.

Deputy Fiscal's Office,
Henaratgoda, February 4, 1901.

In the District Court of Colombo.

William Henry Davies, of Colombo, trading as W. H. Davies & Co.Plaintiff.
No. C 13,950. Vs.

J. Abeyasinha, of RagamaDefendant.

NOTICE is hereby given that on March 2, 1901, commencing 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. :-

All that cinnamon and coconut estate and plantation called and known as Ekala, situate at Ekala in the Ragam pattu of Alutkuru korale ; bounded on the north by the reservation leading from Dandugama to Henaratgoda, on the east by the properties of the villagers, on the south by the reservation road, on the south-west by a portion of Ekala estate, and on the west by the property described in plan Nq. 40 and possessed by Clara de Abrew Rajepakse Hamine ; containing in extent 134 acres more or less.

Amount to be levied, Rs. 171-24.

SWAMPILLE JOSEPH,
Deputy Fiscal's Office,
Negombo, February 5, 1901.

Central Province.

In the District Court of Kandy.

Muna Muniandy.....Plaintiff.
Muna Nutturamy Pulle, of Templestowe
estate, assigneeSubstituted Plaintiff.
No. 12,947. Vs.

M. Pascoe, of Atherton estate.....Defendant.

NOTICE is hereby given that on March 8, 1901, commencing at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the defendant in the following lands, to wit:—

All that estate called and known as Atherton, situate at Ambagomuwa, in the Central Province of the Island of Ceylon; and bounded on the north by Crown land, on the south by the property of the Hon. P. Anstruther and P. E. Woodhouse, on the east land applied for by K. Don, and on the west by the property of Mr. Maitland; and containing in extent of about 800 acres; and all the right, title, and interest, claim, and demand of M. Pascoe, the defendant, in and to the said estate.

Amount of writ, Rs. 1,518.45 and interest.

R. N. THAINE,
Deputy Fiscal.

Fiscal's Office,
Kandy, February 4, 1901.

In the District Court of Kandy.

Ranasinghe Rajapakse Mudiansela Tikiri
Menika.....Plaintiff.
No. 13,362. Vs.

Siddi Lebhe Marikar Sinne Lebhe Marikar
Alim Saibo.....Defendant.

NOTICE is hereby given that on March 1, 1901, at 12 o'clock noon, will be sold by public auction at the premises the following property mortgaged upon bond dated April 27, 1898, to wit:—

All that piece of land with the upstairs house standing thereon bearing assessment No. 70, situate at Trincomalee street, of Kandy; and bounded on the north by the property of Mr. L. W. Drieberg, on the east by Pavilion ground, on the south by the property of Madana Saibo Cader Mohideen, and on the west by Trincomalee street; containing in extent $4\frac{9}{10}$ square perches.

Amount of writ, Rs. 1,079.93.

R. N. THAINE,
Deputy Fiscal.

Fiscal's Office,
Kandy, February 4, 1901.

In the District Court of Kandy.

Muna Neyana Meappa Chetty.....Plaintiff.
Suna Pana Nawanna Sokalingam
Chetty.....Substituted Plaintiff.
No. 13,675. Vs.

1, Loku Banda Aluvihare; and 2, Medduma
BandaDefendants.

NOTICE is hereby given that on March 5, 1901, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the second defendant in the following land, to wit:—

The garden called and known as Ethannagalayawatta alias Walawwewatt, of 5 lahas of kurakken sowing extent, with the buildings and plantations thereon; situate at Aluvihare in Gampahasiya pattu of Matale; and bounded on the east by the road and tea estate, on the south by the fence of Millagahakotuwa and tea estate, on the west by Ethenkanaterode, and on the north by Mala-ela.

Amount of writ, Rs. 492.10 and interest thereon.

R. N. THAINE,
Deputy Fiscal.
Fiscal's Office,
Kandy, February 5, 1901.

Northern Province.

In the District Court of Jaffna.

Meena Ravenna Mana Ana Sanmukam Chetty,
of Vannarponne.....Plaintiff.
No. 2,227. Vs.

Neyna Maraccayar Meydeen Pitchai and
Meydeen Pitchai Sultan Abdulcader, of
Vannarponne, Jaffna.....Defendants.

NOTICE is hereby given that on Thursday, February 28, 1901, at 10 o'clock in the forenoon, will be sold by public auction on the spot the right, title, and interest of the said defendants in the following property, for the recovery of Rs. 2,000, with interest thereon at the rate of 15 per cent per annum from September 3, 1900, until payment in full, provided that such interest does not exceed the principal, viz:—

- 11 glass almirahs.
- 1 wooden almirah.
- 5 tables.
- 5 glass tables.
- 2 brackets.
- 1 chair.
- 1 stool.
- 3 old chairs.
- 1 easy chair.
- 5 globe lamps.
- 5 hanging kerosine oil lamps.
- 16 store lamps.
- 2 hurricane lamps.
- 1 clock.
- 1 large looking-glass.
- 13 small looking-glasses.
- 36 wall lamps.
- 3 pictures.
- 27 rasakundo.
- 84 round, small, and large looking-glasses.
- 1 writing table with pigeon-holes.
- 21 night lamps.
- 3 table lamp stands.
- 2 table lamp shades.
- 31 studying lamp shades.
- 10 teapots.
- 2 electroplate basins
- 1 jug.
- 4 tin teapots.
- 27 large dishes.
- 4 milk jugs.
- 14 pie dishes.
- 19 small dishes.
- 39 tea sauce.
- 13 teacups.
- 6 curry dishes.
- 1 rice dish.
- 33 water cups.
- 6 brass padlocks.
- 6 ladies' sponge.
- 4 dogs' belts.
- 21 china-paper lamps.
- 4 paper fans.
- 3 small cups.
- 2 butter cups.
- 130 chimneys.
- 12 horse brushes.
- 6 paper filers.
- 4 ink erasures.
- 3 small umbrellas.
- 5 penholder stands.
- 3 empty lozenger bottles.
- 6 bon-bon boxes.
- 3 pairs children's shoes.
- 3 bundles thread.
- 19 ladies' straw hats with feathers.
- 2 ladies' leather bags.
- 2 gentlemen's hats.
- 10 children's straw hats.
- 5 ladies' boating straw hats.
- 13 bundles corn flour.
- 16 cakes soap.
- 1 lady's old shawl.
- 8 pairs children's stockings.

14 yards common cloth, double breadth.
 35 do. do.
 8 do. do.
 42 yards cotton flannel, single breadth.
 43 do. do.
 42 do. do.
 42 do. do.
 42 do. do.
 18 do. do.
 4 yards washing tweed, double.
 10 yards single, common.
 18 yards cotton flannel.
 10 yards single Cannanore.
 24½ yards double Cannanore.
 10 yards do.
 14 small pieces single Cannanore.
 20 yards single Cannanore.
 16 do. do.
 16 banians.
 3 pairs stockings.
 5 yards lining.
 12 yards chintz.
 34 do.
 27 do.
 17 do.
 6 do.
 8 do.
 29 do.
 26 do.
 27 do.
 64 do. (11 pieces).
 9 pieces chintz, 158 yards.
 14 pieces chintz, 131 yards.
 8 yards satin silk (5 pieces).
 38 yards flannel (5 pieces).
 205 yards chintz (6 pieces).
 38 yards durias (13 pieces).
 6 yards small durias.
 48 yards lining (3 pieces).
 32 yards chintz.
 18 yards nainsook.
 Table cloth.
 52 yards double tweed (6 pieces).
 60 yards double tweed (7 pieces).
 60 yards single tweed (6 pieces).
 2 woollen shawls.
 4 yards coloured silk.
 9 straw hats.
 60 yards coloured flannel (10 pieces).
 100 do. (36 pieces).
 45 yards cotton flannel, coloured (4 pieces).
 30 yards net (3 pieces).
 2 woollen shawls.
 290 yards chintz (23 pieces).
 47 yards khaki drill (6 pieces).
 86 yards couch chintz (9 pieces).
 40 yards English drill (2 pieces).
 40 yards Cannanore (3 pieces).
 2 thick canvas.
 5 blankets.
 4 yards rose silk.
 23 vinegar bottles.
 2 bottles Harvey's sauce.
 2 bottles pickles.
 1 tin currants.
 1 tin raisins.
 1 tin cacao.
 2 tins black ink (shoes).
 46 toys, all kinds.
 1 bottle sweets.
 4 tins oatmeal.
 2 tins Richmond smoking mixture.
 5 tins potted meats.
 4 tins extract of meat.
 1 bottle figs.
 2 tins calf feet jelly.
 5 tins cocoatina.
 1 tin baking powder.
 1 tin May Blossom.
 1 tin navy cut.
 4 tins Three Castle tobacco.
 4 tins infants food.
 8 bottles tart fruits.

1 bottle sweet oil.
 3 bottles lime juice.
 10 tins oatmeal.
 6 tins curry powder.
 6 bottles tart fruits.
 8 bottles Elprine sauce.
 8 bottles Carter's sauce.
 8 bottles mustard, small size.
 4 bottles mustard, big.
 3 bottles Durham mustard.
 13 bottles pepper.
 4 bottles Harvy's sauce.
 3 bottles Anchovy sauce.
 6 bottles raisin.
 2 bottles candid peel.
 3 tins icing sugar.
 2 tins potted meats.
 8 bottles Mellin's food.
 12 bottles pickles.
 4 bottles salad oil.
 4 bottles Nestle's food.
 2 bottles oatmeal.
 7 tins marmalade.
 1 tin guava jelly.
 1 tin almonds.
 16 tins fruit sirups.
 50 tea packets.
 1 tin jam.
 2 tins ground coffee.
 7 tins golden sirup.
 16 tins butter (old).
 5 tins dripping.
 48 tins jam.
 4 tins sheep tongue.
 21 tins cacao.
 3 tins soap.
 6 tins roast mutton.
 4 tins salmon.
 7 tins dubbing.
 16 tins green peas.
 30 tins sardines.
 2 tins herrings.
 2 tins cheese.
 8 packets table candles.
 15 packets carriage candles.
 75 bottles Eau-de-Cologne.
 14 lavender bottles, Rimmel's.
 6 bottles kananga water.
 16 small bottles flavouring cart.
 2 bottles hair oil.
 3 sets fiddle strings.
 1 bottle assorted scents.
 4 empty powder boxes.
 25 packets violet powder.
 8 tins violet powder.
 4 tins vinolia powder.
 1 vinolia soap.
 25 flower vases.
 6 salt cellars.
 3 electroplated inkstands.
 34 cakes soap.
 1 electroplated tray.
 22 packets coloured wool thread.
 20 white handkerchiefs.
 7 packets machine thread.
 3 feeding bottles.
 18 broken pipes.
 10 ball thread.
 12 stylish collars.
 17 small padlocks.
 5 pairs boys' socks.
 2 pairs ladies' shoes.
 3 pairs ladies' shoes.
 1 pair boy's boots.
 6 machine real cotton thread.
 8 banians.
 4 pairs ladies' stockings.
 31 large padlocks.
 4 table knives.
 1 pair slipper.
 1 bundle ties and scarves.
 10 babies' bibs.
 1 box containing 51 rolls ribbons.

6 boxes ladies' brooch.
 1 paper hairpins.
 4 pairs ladies' gloves.
 1 box girl's fancy needles.
 7 small combs.
 1 small box silk thread.
 3 boxes ladies' flowers.
 27 gilded watch chains.
 6 large money purses.
 14 small money purses.
 3 rubbers.
 7 tobacco cases.
 19 mouthpieces
 2 pipes.
 5 glass inkstands.
 5 blotting stands.
 6 leather belts.
 3 paper filers.
 2 canvas belts.
 4 strings gilt beads.
 4 strings pearls.
 8 combs.
 1 box silk thread.
 6 measuring wooden plates.
 1 bundle whalebone.
 3 cases strings.
 5 measuring tape.
 1 needle case.
 11 tooth brushes.
 50 knitting needles.
 1 roll elastic ribbon.
 3 spectacles.
 22 pipes.
 9 babies' bonnets.
 10 babies' bonnets.
 1 box containing 93 penholders.
 1 bundle lead pencils.
 1 box mending wool thread.
 1 box containing different buttons.
 7 pocket money purses.
 2 coat brushes.
 1 paper hairpins.
 2 boxes hooks.
 5 spectacles.
 6 penknives.
 1 box lampwick.
 1 box lampwick.
 104 packets match boxes.
 17 tins 1-lb. biscuit box (old).
 13 tins $\frac{1}{2}$ -lb. biscuit box.
 14 bottles table salt.
 7 pints olive oil.
 14 bottles white pepper and sauce.
 6 bottles castor oil.
 3 boxes icing sugar.
 73 assorted kinds damaged tins.
 15 bottles mustard.
 70 blank books, large and small.
 5 coat brushes.
 17 night caps.
 15 Moors' caps.
 17 gentlemen's socks.
 17 packets envelopes:
 61 packets playing cards.
 15 packets mourning envelopes.
 18 packets notepaper.
 1 box coat buttons.
 8 tins teapots.
 7 globe lamps.
 98 tumblers of all kinds.
 7 candle shades.
 4 night lamp shades.
 10 finger glasses.
 98 lead pencils.
 26 bundles braid.
 6 boxes hairpins.
 1 box key rings.
 1 hair brush.
 63 watch glasses.
 58 coloured cotton machine thread.
 10 spectacle cases.
 5 spectacles.
 2 carters' belts.

40 penholders.
 8 snuff boxes.
 6 rotten money purses.
 1 box trouser buttons.
 9 boys' and ladies' belts.
 3 pictures (old).
 1 case screws.
 1 knife (old).
 3 chisels.
 1-carriage screwdriver.
 1 saw.
 2 pairs scales (used).
 3 weights of 1 lb. each.
 3 gentlemen's hats.
 1 empty sugar jar.
 1 linseed oil tin.
 8 painting tins.
 1 bartric case.
 $\frac{1}{2}$ tin turpentine.
 3 empty sugar jars.
 2 empty sugar jars.
 3 buckets, tin.
 90 iron wires for hanging lamps.
 1 rat-trap.
 1 plank on which the name of N. M. Pitchai & Son painted.
 14 towels.
 8 tin teapots.

Fiscal's Office,
 Jaffna, January 29, 1901.

K. C. KADIRGAMER,
 Deputy Fiscal.

Southern Province.

In the District Court of Galle.

Caroline de Soysa Siriwardena Lama Etani,
 of Colombo.....Plaintiff.
 No. 4,972. Vs.

Don Andris de Alwis Goonetilleke, Peace
 Officer of Warahena.....Defendant.

NOTICE is hereby given that on Saturday, March 9, 1901, at 3.30 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz.:

An undivided one-half part of the planter's share of the second plantation of the garden called Uswatta Maha Bandarawatta and the whole of the buildings standing thereon, situate at Warahena.

Amount of writ, Rs. 288-18.

C. T. LEEMBRUGGEN,
 Fiscal's Office, for Fiscal.
 Galle, February 6, 1901.

North-Western Province.

In the District Court of Puttalam.

P. R. L. V. Vengadasalam Chetty.....Plaintiff.
 No. 1,411 Vs.

1, Ahamado Naina Mohamado Ismail; and
 wife 2, Meerasaibo Sego Ibrahim Nachia,
 both of Puttalam.....Defendants.

NOTICE is hereby given that on Friday, March 1, 1901, at 11 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following properties, viz.:

1. The cocoanut garden called Pichchemeerapariary-totam, in extent 37 yards from east to west and 26 yards from north to south, situate at Fishers' quarters in the town of Puttalam; bounded on the north by the partition limit of the garden of Piche Muttu Assena Marakar and others, east by the partition limit of the garden of Sego Tamby Mira Saibo Marakar, south by the partition limit of the garden of Elevai Tambykachi Unma, and west by footpath.

2. An undivided one-third share of the land, cocoanut trees, &c., in the garden called Sinnaik Ilatotam, in extent 27½ yards from east to west and 7½ feet from north to south, situate at Lakeshore street in the town of Puttalam; bounded on the north by the partition fence of the house and compound of Mohiedin Ibrahim, Police Headman, and others, east by lane, south by the partition fence of the land of Ismail Naina Pulle Marakar Seynedin Marakar and others, and west by the partition fence of the garden of Mohiedin Ibrahim Mohamado Siddik Ibrahim.

3. The residing house and compound called Mohamadonainatotam, in extent 21 yards from east to west and 27 yards from north to south, situate at 3rd Cross street in the town of Puttalam; bounded on the north by lane, east by the partition fence of the garden of Ibrahim Naina Pariari Piche Kando, south by the partition fence of the house and compound of Marakar Tamby Magudu Naina Marakar and others, and west by the partition fence of the garden of Pattu Muttu, wife of Ibrahim Naina Mohamado Lebbe.

Amount to be levied, Rs. 1,634-73 and interest.

Fiscal's Office, H. W. BRODHURST,
Puttalam, February 4, 1901. Deputy Fiscal.

In the District Court of Chilaw.

O. R. M. M. Velleappa Cherty, of Madampe.....Plaintiff.
No. 1,974. Vs.

J. H. de Rosairo, of Kattaikado.....Defendant.

NOTICE is hereby given that on Saturday, March 2, 1901, at 2 o'clock in the afternoon, will be sold

by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

1. The garden and field called Kulattuvayelkani, situate at Kattaikado in Akkarai pattu; bounded on the north by the land of Santiago Pariari, east by the land of Segó Ismail, south by the land of Mudiapper and another, and west by Government reservation.

2. The field called Eachohanpuramvayel, 10 bushels sowing extent, situate at the above place; bounded on the north and west by the garden of Segó Ismail and others, south by water-course called Waikkal, and west by bund.

3. The garden called Kadaiadytotam, situate as above; bounded on the north by the garden of Segó Ismail, east by the garden of Muttu Marakar, south by the garden of Peter Manuel David, and west by the garden of Anthony.

4. The garden called Solaikado, situate at Wattavan in Akkarai pattu; bounded on the north by the garden of Rawter Marakar, east by the tree called Salambe maram, south by the land called Valakku chena, and west by the garden of Ambalavi Sammanotty, subject to mortgage.

Amount to be levied, Rs. 1,668-57 and interest.

H. W. BRODHURST,
Deputy Fiscal.

Fiscal's Office,
Puttalam, February 4, 1901.

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Jaffna will be holden at the District Court-house at Jaffna on Monday, February 18, 1901, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Jaffna, January 28, 1901.

JOHN RUDD,
for Fiscal.

இலங்கைத்தீவின் சங்கைபோந்த சுப்பிரீம் கோட்டா
ரது கட்டளையின்படி நாம் பிரசுரித்தப்படுத்துவதாவது:
யாழ்ப்பாணம் டிஸ்திரிக்ட்கோட்டு டியாயஸ்தலத்திலே

மேற்சொல்லிய சுப்பிரீம் கோட்டாரால் யாழ்ப்பாணம்
டிஸ்திரிக்ட்கைச்சேர்ந்த கிறிமினெல் வழக்குவிசாரணை,
1901 ம் வருட மார்ச்சு 18 ந் திகதியாகிய திங்கட்கிழ
மை காலமே 11 மணி தொடங்கி அன்றும் அதற்கு
த்த நாட்களிலும் நடத்தப்படும்.

ஆதலால் அவ்விசாரணையிற் காரியகருமமுள்ளவர்கள்
ளொல்லோரும் சொல்லப்பட்ட நேரத்திலே சொல்லப்
பட்ட இடத்திலே வெளிப்படாது அவ்விடத்தினின்றும்
உத்தரவின்றி நீங்காதிருக்கக்கடவர்கள்.

இங்ஙனம்,
ஜோன் ரட்,
பிஸ்கால்லுக்காக.

யாழ்ப்பாணம் பிஸ்கால் கந்தோர்,
1901 ம் வருட மார்ச்சு 28 ந் உ.

DISTRICT AND MINOR COURTS NOTICES.

Statement of Commission drawn by the Secretary of the District Court of Tangalla as Official Administrator of Intestate Estates during the Year 1900.

Nil.

District Court,
Tangalla, January 30, 1901.

T. B. RUSSELL,
District Judge.

List of all Moneys received and paid on account of Estates under Official Administration in the District Court of Tangalla during the Half-year ended December 31, 1900.

Nil.

District Court,
Tangalla, January 30, 1901.

T. B. RUSSELL,
District Judge.

**List of Uncertificated Insolvents in the District Court of Tangalla for the Half-year ended
December 31, 1900.**

Nil.
District Court,
Tangalla, January 30, 1901. T. B. RUSSELL,
District Judge.

**List of Uncertificated Insolvents in the District Court of Kurunegala for the Half-year ended
December 31, 1900.**

Nil.
District Court,
Kurunegala, January 29, 1901. J. D. MASON,
District Judge.

**Return of Moneys received and paid on account of Estates under Official Administration
for the Half-year ended December 31, 1900.**

Nil.
District Court,
Kurunegala, January 29, 1901. J. D. MASON,
District Judge.

**Return showing Fees drawn by Official Administrators in the District Court of Puttalam
during the Year 1900.**

Nil.
District Court,
Puttalam, January 22, 1901. H. W. BRODHURST,
District Judge.

**Return of all Moneys received and paid out on account of Estate under Official Administration in the
District Court of Puttalam for the Half-year ended December 31, 1900.**

Nil.
District Court,
Puttalam, January 22, 1901. H. W. BRODHURST,
District Judge.

**Return of Testamentary Cases under Official Administration in the District Court of Puttalam
for the Half-year ended December 31, 1900.**

Nil.
District Court,
Puttalam, January 22, 1901. H. W. BRODHURST,
District Judge.

**List of Uncertified Insolvents in the District Court of Puttalam for the Half-year ended
December 31, 1900.**

Nil.
District Court,
Puttalam, January 22, 1901. H. W. BRODHURST,
District Judge.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Kandy by two labourers of Keppettigalla estate against the proprietor thereof, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 28.

Court of Requests,
Kandy, February 4, 1901.

DAN B. WICKRAMASINGHE,
Chief Clerk.

DRAFT ORDINANCES.

MINUTE.

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

An Ordinance relating to the Registration of Titles to Land and of Deeds affecting Land.

WHEREAS it is expedient to consolidate and amend the laws relating to the registration of titles to land and of deeds affecting land : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

PART I.

CHAPTER I.

INTRODUCTORY.

- 1** This Ordinance may be cited for all purposes as "The Land Registration Ordinance, 190 ."
- 2** (1) There shall be repealed as from the commencement of this Ordinance the Ordinances specified in the first schedule hereto.
- (2) This repeal shall not affect—
- (a) The past operation of any enactment hereby repealed, nor anything duly done or suffered under any enactment hereby repealed ; or
- (b) Any right, privilege, obligation, or liability acquired, accrued, or incurred under any enactment hereby repealed ; or
- (c) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed ; or
- (d) Any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture, or punishment as aforesaid, and any such investigation, legal proceeding, and remedy may be carried on as if this Ordinance had not passed.
- (3) Any enactment referring to any Ordinance or enactment hereby repealed, or to any rule made thereunder, shall be deemed to refer to the corresponding provision of this Ordinance or of the rule made hereunder.
- 3** In this Ordinance, unless there is something inconsistent in the context,—
- "Registrar-General" means the Registrar-General of Lands appointed under section 4.
- "Registrar" means a registrar of lands appointed under section 7.
- "Settlement officer" means a land settlement officer appointed under section 8.
- "District" means a district created under chapter III. of "The Courts Ordinance, 1889," or under any law that may be enacted in lieu thereof.
- "Division" in chapter III. hereof means the villages, districts, or portions thereof specified in the Surveyor-General's notice referred to in section 13 ; but when used in chapters IV. and V. means the division constituted by proclamation under section 18.
- "Person" includes a body of persons corporate or unincorporate.

Short title.

Repeal.

Interpretation clause.

“Land” includes land and other immovable property and also an undivided share thereof, and any mines or minerals contained therein, and anything built thereon or affixed thereto. Provided that no vegetable produce growing or to be grown on any land shall be deemed to be “land” except in the case provided for in section 101.

“Interest in land” includes any right, title, interest, hypothec, mortgage, charge, planter’s share, property, claim, and demand in, to, upon, out of, or over any land (other than a prædial servitude, a tenancy at will, or a tenancy for any period not exceeding one month, not acquired by deed).

“Registered person” means a person whose name has been under the provisions of chapter IV. or chapter V. entered in the register prescribed by section 47 as the owner of any land or of any interest in land.

“Registered land” means any land or interest in land to which title has been registered under chapter IV. or chapter V.

“Deed” means any instrument duly executed in accordance with the requirements of the law of this Island, and includes probate of a will, letters of administration, a judgment or order of court, a certificate granted under section 7 of Ordinance No. 12 of 1840, and a notice of seizure or removal thereof under section 237 of the Civil Procedure Code.

PART II.

CHAPTER II.

REGISTRATION DEPARTMENT AND OFFICERS.

Registrar-General.

4 It shall be lawful for the Governor from time to time to appoint a fit and proper person to be the Registrar-General of Lands in this island, and at any time to remove him and appoint some other person in his place, or to appoint any person to act as Registrar-General.

His duties.

5 (1) In him shall be vested for the purposes of this Ordinance, subject to the order of the Governor, the general superintendence and control—

- (a) Of the registration of titles to land in this island;
- (b) Of the registration of deeds affecting land in the island;
- (c) Of the registration of other deeds which are or may hereafter be required by law to be registered in the land registry;
- (d) Of registrars, settlement officers, and all other persons appointed for or engaged in carrying out the provisions of this Ordinance.

(2) Any powers vested in a registrar or settlement officer under the provisions of this Ordinance, and any duties to be exercised by him thereunder, shall also vest in, and may be exercised by, the Registrar-General.

Registration office.

6 There shall be, for the purposes of this Ordinance, a principal land registry office for the island in Colombo and branch offices for a district or districts or part of a district at such places as to the Governor shall appear necessary; and there shall be annexed to each office by order of the Governor, made from time to time, a district or districts or part of a district.

Registrar of lands and his duties.

7 (1) It shall be lawful for the Governor to appoint any person a “Registrar of Lands” for any district, or part of a district, or for more than one district, or to appoint more than one registrar of lands for any district or part thereof as he may deem necessary for the execution of the provisions of this Ordinance, and at any time to remove any such registrar and appoint some other person in his place or to appoint any person to act as a registrar.

(2) The powers granted and duties to be performed or exercised under chapters VI. and VII. shall vest in and be performed and exercised by each registrar within the limits of the district or districts or part of a district for which he has been appointed.

(3) When more than one registrar is appointed for a district or part thereof, such registrars may either jointly or separately exercise the powers and perform the duties of a registrar within the limits of such district or part of a district.

(4) In case of the death, sudden illness, or incapacity of a registrar, or of other emergency, it shall be lawful for the Registrar-General to appoint a person to act as registrar of lands for any period not exceeding fourteen days at any one time.

Land settlement officer and his duties.

8 (1) It shall be lawful for the Governor to appoint any person "Land Settlement Officer" for any division proclaimed under section 18, or for more than one such division, or to appoint more than one land settlement officer for any such division or divisions, and at any time to remove any such officer and appoint some other person in his place, or to appoint any person to act as a land settlement officer.

(2) All powers granted and duties to be exercised under chapter IV. and V. in regard to—

(a) The investigation, settlement, and registration of titles to land in any division, and all proceedings connected therewith; and

(b) The registration of deeds affecting lands to which titles have been registered—

shall vest in and be exercised and performed by the land settlement officer of such division.

(3) When more than one land settlement officer is appointed for a division, such officers may jointly or separately exercise the powers and perform the duties of a land settlement officer within the limits of such division.

(4) It shall be lawful for the Governor, if he deem expedient, to make order for the transfer to any registrar of the powers and duties vested in the settlement officer or officers in regard to the registration of deeds affecting registered lands in such registrar's district, and thereupon such powers and duties shall exclusively vest in and be exercised and performed by such registrar.

Continuance of present offices and officers, and validity of acts of past

registrars.

9 (1) Any existing office or branch office established or purported to be established under section 2 of "The Land Registration Ordinance, 1863," or under section 3 of "The Land Registration Ordinance, 1891," shall be deemed to be an office established under this Ordinance; and the person holding the office of the Registrar-General of Lands and every person holding the office of a registrar of lands at the commencement of this Ordinance shall be deemed to be duly appointed under this Ordinance, and shall respectively exercise the powers and privileges and perform the duties vested in such officer by this Ordinance.

(2) Every person who between the first day of January, 1864, and the passing of this Ordinance shall have held the office or performed the duties of, or who at the date of the passing of this Ordinance is holding the office or performing the duties of a registrar of lands in any part of this Island, shall be deemed to have been duly appointed registrar of lands for such part of the Island, and every entry appearing in the books kept or purported to be kept, and every other act done or purported to be done, by him as such registrar shall be deemed to be valid and effectual.

Provided that nothing in this section contained shall give validity to any entry or other act of such registrar irregular or defective for causes or reasons other than the non-establishment, imperfect establishment, or accidental abolition of

any registration province, district, division, or place, or the irregular appointment or non-appointment of any such registrar, or to any entry or other act of such registrar that may heretofore have been declared invalid by a competent court.

Oath of office.

10 Every Registrar-General, registrar, and settlement officer appointed after the commencement of this Ordinance shall, before proceeding to execute any of the duties and powers aforesaid, take and subscribe before a justice of the peace an oath substantially in the Form A in the Second Schedule hereto, which oath, so taken and subscribed, shall be filed in the registry of the Supreme Court.

Appointment of clerks.

11 The Governor may from time to time appoint such clerks and other ministerial officers as to him may appear necessary to assist the Registrar-General, registrars, and settlement officers in the execution of the powers vested in them by this Ordinance or the duties to be performed by them hereunder.

Rules for conduct of business.

12 (1) The Governor may, for the due working of this Ordinance, from time to time, with the advice of the Executive Council, make rules consistent with the provisions of this Ordinance, and with the like advice rescind, revoke, amend, alter, or add to such rules.

(2) The rules shall be published in two issues of the *Government Gazette* in the English, Sinhalese, and Tamil languages, and once at least in an English, a Sinhalese, and a Tamil newspaper published in the island, in the language in which each such newspaper is published; and shall from the date of the last of such publications be as legal, valid, and effectual as if the same had been enacted in this Ordinance, and shall be judicially noticed. Provided that all such rules shall be laid before the Legislative Council within one month after the commencement of the session next after the making of such rules, and shall cease to have any force or effect if disapproved by the Council within two months of being so laid on the table.

(3) Any person committing any breach of any such rule shall be liable on conviction to a fine not exceeding one hundred rupees. Provided that a prosecution under this sub-section shall not affect any civil liability he may have incurred.

CHAPTER III.

PRELIMINARY SURVEYS.

Surveys and notice thereof.

13 Whenever it is proposed to survey any villages or districts or any portions thereof for the purposes of this Ordinance, notice thereof shall be published by the Surveyor-General in the *Government Gazette*—

- (a) Specifying as nearly as possible the situation and limits of such villages, districts, or portions thereof;
- (b) Declaring that it is proposed to constitute such villages, districts, or portions thereof a division;
- (c) Notifying that the Surveyor-General will survey or cause to be surveyed the lands lying within the limits of such villages, districts, or portions thereof.

Preparation of surveys and plans.

14 (1) When a notice has been published under section 13 the Surveyor-General shall survey or cause to be surveyed the division mentioned in the said notice or such portion thereof as has not been surveyed already or as the Surveyor-General shall consider it necessary to survey again, and shall prepare or cause to be prepared detailed plans thereof with tenement sheets attached thereto, and on such plans shall be defined and in such sheets shall be described the several parcels of land belonging to or claimed by any persons with the names of the respective owners or claimants of each parcel and also the parcels belonging to or claimed by the Crown, as far as the same can be ascertained.

(2) It shall not be necessary for the Surveyor-General to make or cause to be made a new survey and detailed plan of any land situated within such division and which has been surveyed and whereof a detailed plan has been made; but such plan may be accepted and acted upon (with such amendments, if any, as to the said Surveyor-General shall seem necessary) as if the same had been prepared in pursuance of sub-section (1).

Notice of survey.

15 (1) The Surveyor-General shall before commencing the survey in any such division give notice therein, by such means as will best ensure publicity, of his intention to have the same surveyed and of the day on which he intends the survey to commence.

(2) He shall also give a written notice of such intention to the government agent of the province within the limits of which such division lies; and such government agent shall thereupon take steps to ensure the attendance of a headman or other properly qualified person or persons to assist every surveyor making a survey under this chapter in ascertaining the boundaries of the several lands being so surveyed by him and to point out to such surveyor the lands claimed by the Crown.

Entry on land and notice to produce deeds.

16 (1) For the purposes of making any survey, or for the amendment of any survey already made, it shall be lawful for the Surveyor-General, or any surveyor authorized by him in writing, to make surveys under this chapter, to enter upon all lands to be surveyed and to require all persons having the custody or possession of any deeds or documents relating thereto to produce the same.

(2) If any person shall, without reasonable cause, refuse or neglect to produce any such deed or document within ten days after the same shall have been demanded, or shall, when required, without reasonable cause, refuse or neglect to give full information touching the custody or possession thereof, every such person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty rupees.

(3) If any person shall obstruct the Surveyor-General or any surveyor or the servants or workmen of either in entering upon or surveying a land under this Ordinance, he shall be guilty of an offence, and be liable on conviction to simple or rigorous imprisonment for a term not exceeding one month, or to a fine not exceeding one hundred rupees, or to both.

Surveyor-General's report.

17 As soon as the survey and detailed plan of such division or part thereof shall have been completed, the Surveyor-General shall report the fact to the Governor, and shall at the same time deliver or transmit to the Registrar-General a copy of the said plan with the tenement sheet annexed.

PART III.

CHAPTER IV.

REGISTRATION OF TITLES TO LAND BY SETTLEMENT OFFICER.

A.—*Investigation and Settlement of Claims.*

Proclamation of division and commencement of investigations.

18 (1) It shall be lawful for the Governor, with the advice of the Executive Council, on receiving the report of the Surveyor-General mentioned in the last section, by a Proclamation to be published in the *Government Gazette*, to declare that the villages, districts, or portions thereof mentioned in such report constitute a division under this chapter, and thereupon such division shall come within the operation of this chapter.

(2) It shall thereupon be lawful for the settlement officer to enter upon all lands situate within such division and to investigate all claims thereto for the purposes of registration under this chapter.

Notice to claimants.

19 (1) The settlement officer shall previous to such investigation by notice call upon all persons having or claiming any interest in any of the lands situate in such division, or in such portion thereof as shall be specified in the said notice, to appear before him at a place or places and on a day or days to be specified in such notice (not being less than ninety days from the date of the first publication of such notice in the *Government Gazette*) and to state their claims thereto.

(2) Every such notice shall be published in the English, Sinhalese, and Tamil languages in two issues at least of the *Government Gazette*, and once at least in an English, a Sinhalese, and a Tamil newspaper, published in the island, in the language in which each such newspaper is published; and a copy of such notice shall be posted on each land referred to in such notice, and copies thereof shall also be affixed to the walls of any kachcheri and courts situate within such division, including gansabhawa courts, and in such other localities as may secure the greatest possible publicity thereto, and the said notice shall likewise be advertised by beat of tom-tom once a week at least during the said period of ninety days throughout such division.

(3) Every such notice shall be worded substantially in the form A in the third schedule hereto, and the production of a copy of the *Government Gazette* containing such notice shall be received in all courts of law in this island as conclusive proof that such notice has been duly published, posted, affixed, and advertised as hereinbefore required.

(4) If the settlement officer shall have reason to think that any person having any interest in any land situate in such division would not be likely to see or hear of such notice, he shall also post a written notice addressed to such person at his last known place of abode, calling upon him to appear at a time and place to be specified in such written notice and to state his claim, if any.

Transfer of actions to the settlement officer.

20 (1) Every action or civil proceeding (including actions for partition or sale) in respect of any interest in land situate in a division pending at the time of the proclamation of such division in any district court or court of requests or village tribunal, and any claim to damages or to money or any other claim involved in any such action or civil proceeding shall be transferred to the settlement officer of such division.

Provided, however, that no pending actions for the realization of mortgages and no pending claim investigation under section 241 of "The Civil Procedure Code, 1889," shall be transferred to a settlement officer under this section.

(2) Every action or civil proceeding (including actions for partition or sale) in respect of any interest in land situate in a division instituted or commenced in any district court or court of requests or village tribunal before the date of the proclamation aforesaid, but not at the time of such proclamation pending before such court by reason of an appeal or from any other cause, shall when returned to such district court, court of requests, or village tribunal, or restored to the list of pending cases, be transferred to the settlement officer of such division, except when a final judgment or order or decree in such action or civil proceeding has been pronounced or made in appeal, revision, or review.

(3) In case of such transfer, such action or civil proceeding shall be proceeded with by the settlement officer in the same manner as far as possible as claims made under section 23.

Fiscal's claims to be reported to settlement officer.

21 (1) In case of any claim being preferred or objection offered to any fiscal or deputy fiscal against the seizure or sale of any interest in land situate within the division, and the fiscal or deputy fiscal not having reported such claim or

objection to the court at the date of the proclamation aforesaid, the fiscal or deputy fiscal shall forthwith report the claim or objection to the settlement officer of such division instead of reporting the same to the court in manner provided in section 241 of "The Civil Procedure Code, 1889." (2) The settlement officer shall upon receipt of the report of any such claim or objection from any fiscal or deputy fiscal deal with the same in the same manner as claims under sections 41 and 42 of this Ordinance.

No action (excepting mortgage suit) to be instituted in a court between date of proclamation and registration of title.

22 (1) No action or civil proceeding—

- (a) In respect of any interest in land situate in a proclaimed division (save and except an action for the realization of a mortgage); or
- (b) For the partition or sale of such land under the provisions of the Ordinance No. 10 of 1863; or
- (c) Under section 247 of "The Civil Procedure Code, 1889," in respect of such land—

shall be instituted in any district court, court of requests, or village tribunal between the date of the proclamation of such division and the registration of the land under this chapter.

(2) If such action shall during the said period have been entertained by any such court, the action shall abate.

Settlement officer to proceed to the division and receive claims.

23 (1) On the days appointed in the notice mentioned in section 19 the settlement officer shall proceed to the places therein specified and shall then and there, or on such other day and at such other place as he shall from time to time appoint, receive and record the claims preferred.

(2) Every person having or claiming any interest in any land other than such hypothec, lien, or charge as may arise or be created, or have arisen or have been created, under or by virtue of any Ordinance already or hereafter to be enacted, shall deliver to the settlement officer, within such time as he shall then appoint, a statement of his claim in writing signed by him or by his attorney or by a proctor duly appointed by such person or his attorney, and substantially in the form B in the Third Schedule hereto.

(3) It shall be competent for any such claimant, instead of delivering such statement in writing, to appear before the settlement officer within the appointed time, and to state orally the particulars of his claim; and the settlement officer shall record the same in writing in such form as aforesaid, and shall cause the claimant to sign the same.

(4) All such statements shall be numbered and filed by the settlement officer in the order in which they shall have been received or recorded as aforesaid.

(5) The settlement officer shall then appoint a time, as early as conveniently may be, and a place for investigating each claim, giving notice of the time and place to the claimant. The settlement officer may, if he think fit, from time to time, with the like notice, appoint any other place or time for the investigation, or may adjourn the investigation from place to place and from time to time.

Mode of appearance of claimant.

24 In all proceedings under this chapter—

- (a) Any appearance, application, or act required or authorized to be made or done by the claimant may be made or done by the claimant in person or his attorney or a proctor appointed in writing by him or his attorney to act on his behalf, or an advocate instructed by such proctor, or any person whom the settlement officer may on sufficient cause authorize to represent the claimant. Provided that such appearance shall be made in person if the settlement officer so directs.
- (b) The Crown shall be represented by the government agent of the province or the assistant government agent of the district in which the land the subject of the inquiry is situated.
- (c) A minor or lunatic shall be represented by his next friend, curator, or manager duly appointed by a district court, or by a guardian specially appointed by the settlement officer.

- (d) An insolvent shall be represented by his assignee.
- (e) In respect of any interest in land held in community by a husband and wife, the wife may, with the leave of the settlement officer, represent her husband.
- (f) A wife may, with the leave of the settlement officer, be represented by her husband.
- (g) A corporation or a board or a public body or a company may be represented by any secretary, manager, or other principal officer thereof.

Court of requests
rules of
procedure and
evidence to
apply.

25 All actions and civil proceedings transferred to the settlement officer under section 20 and all claims preferred under section 23 shall, as far as possible, unless otherwise herein directed, be investigated, determined, or disposed of in accordance with the rules which regulate the procedure of courts of requests, and in accordance with the law of evidence applicable to such courts; and the settlement officer shall and may, in proceedings under this chapter, have and exercise all the powers, duties, and functions of a commissioner of a court of requests, provided that nothing contained in this section shall in any way restrict or limit the powers or jurisdiction granted to a settlement officer under this Ordinance.

Arbitration.

26 (1) In case two or more persons shall have claimed an interest in the same land adversely to each other the settlement officer shall propose to them the settlement of their rival claims by arbitration: and if they consent to such proposal the claims shall be referred to one or more arbitrators to be nominated by the parties.

(2) If the parties cannot agree to the nomination of an arbitrator, or if the person named by them refuses to accept the arbitration, each party shall name an arbitrator, and the arbitrators shall, before entering on the arbitration, name the settlement officer or some other person as umpire. And the parties and the arbitrator shall thereupon sign a paper writing substantially in the form C in the Third Schedule hereto.

(3) The provisions of chapter LI. of "The Civil Procedure Code, 1889," shall, so far as practicable and unless otherwise herein directed, apply to all proceedings by or before such arbitrators, arbitrator, or umpire, and they or he shall conform to such provisions and exercise all the respective powers, duties, and functions thereby conferred on or vested in an arbitrator or umpire.

(4) In regard to those claims which shall, at such arbitration, be in any respect upheld, the arbitrators, arbitrator, or umpire shall in their or his award record the nature of the right upheld, and whether the title made out is in their or his opinion one of the first or second class according to the principles set out in section 31.

(5) The settlement officer is hereby vested with, and shall or may exercise, all or any of the powers granted to a court by the provisions of chapter LI. of "The Civil Procedure Code, 1889."

(6) If the settlement officer sees no cause to remit the award or any part of the claim referred to arbitration for reconsideration in manner provided in chapter LI. aforesaid, and if no application has been made to set aside the award, or if it has been made and the settlement officer has refused such application, then the settlement officer shall, after the time for making such application has expired, on a day of which notice has been given to the parties, proceed to give judgment according to the award.

(7) The settlement officer shall also determine the amount of the fees to be paid to such arbitrators or arbitrator and umpire, and by whom the same shall be payable. Provided that the settlement officer shall not be entitled to any fee for acting as umpire.

Failing arbitration, settlement officer to investigate and determine claim.

27 (1) In case the claimants shall not consent to an arbitration, or in case no award shall be made and published within the time limited in that behalf or any extension or extensions thereof, the settlement officer shall fix a day for the investigation and hearing of the disputed claims, notice whereof shall be given to the claimants respectively or to the attorney, recognized agent, or duly appointed proctor of the respective claimants, or posted on a conspicuous place in the land in dispute.

List of witnesses.

(2) The claimant shall deliver to the settlement officer on or before a day to be fixed by the settlement officer a list of his witnesses and of his documentary evidence, and no witness shall be called nor any document admitted at the investigation other than those appearing in such list, unless the settlement officer shall see fit to direct otherwise.

Proviso.

Provided that it shall be competent for any such claimant, instead of delivering such list in writing, to appear before the settlement officer and to state orally the names of the witnesses, and to specify the documents intended to be relied on, and the settlement officer shall cause the same to be recorded in writing, which shall be signed by the claimant.

Procedure on default of appearance.

28 (1) If any claimant fails to appear on the day fixed for the investigation of any undisputed claim, and no good and sufficient cause is shown for such absence, it shall be lawful for the settlement officer to make such order or give such judgment as he may deem fit.

(2) If any claimant fails to appear on the day fixed for the investigation of a disputed claim and no good and sufficient cause is shown for such absence, it shall be lawful for the settlement officer to proceed with the investigation and to determine and decide upon the respective claims of the parties, or to make such order or give such judgment as he may deem fit.

(3) If any claimant appears in reasonable time and satisfies the settlement officer that his absence was due to sickness, accident, or some other cause over which he had no control, then the settlement officer shall cancel any order made or open up any judgment given under this section.

Procedure on death of a claimant.

29 (1) In case of the death of a claimant it shall be lawful for the settlement officer on the application of the legal representative of the deceased to make an order that his name be substituted for the name of the deceased claimant in the statement of claim, and thereupon to proceed with the investigation of the claim.

(2) If no application be made to the settlement officer by any person claiming to be the legal representative of a deceased claimant, the settlement officer may examine such person or persons as he deems necessary for the purpose of ascertaining the name of the legal representative of the deceased, and thereupon issue a summons to such representative to appear on a day to be therein mentioned.

(3) If the person so summoned appears and makes application as aforesaid, it shall be lawful for the settlement officer to substitute his name for the name of the deceased claimant in the statement of claim, and to proceed with the investigation of the claim.

(4) If the person so summoned appears, but does not make application as aforesaid, or neglects to appear and does not account for his absence, and the summons is reported to have been duly served on him, the settlement officer shall make an order that the claim do abate.

(5) In the event of any dispute arising as to who is the legal representative of a deceased claimant, it shall be competent to the settlement officer to decide who shall be admitted to be such legal representative for the purpose of being substituted in the place of the deceased, and this question shall in such case be dealt with and disposed of by the settlement officer as an issue preliminary to the investigation of the merits of the claims.

Settlement officer's decision of claim.

30 At the close of the investigation of the merits of the claims the settlement officer shall determine and decide upon the respective claims of the parties, and whether the title made out is one of the first class or of the second class, according to the principles set out in section 31, and shall record his judgment accordingly. The settlement officer shall also tax the costs of the investigation and determine by whom the same shall be payable.

Title to be given according to finding.

31 (1) If such evidence of right in the claimant to the land or interest claimed by him or to a portion thereof is adduced, as according to the laws or customs of this island would in the judgment of the settlement officer be accepted by a willing purchaser as sufficient evidence of title, the settlement officer shall record that the claimant has made out a title of the first class to such land or interest or portion, subject or not (as the case may be) to any other right or interest.

(2) If the evidence adduced by the claimant falls short of such evidence as aforesaid, and the settlement officer is satisfied that the claimant is in the actual and *bonâ fide* possession or enjoyment of the land or interest claimed by him, or a portion thereof, or that his claim thereto is otherwise reasonable and *bonâ fide*, the settlement officer shall record on the said statement of claim that the claimant has made out a title of the second class to such land or interest or portion, subject or not (as the case may be) to any other right or interest.

Settlement officer to determine boundaries; and

to partition by consent.

32 (1) It shall be the duty of the settlement officer—

- (a) To determine and record in his decision with as much exactness as practicable the boundaries of every land in respect of which any claim shall be upheld;
- (b) To partition, with the consent of the persons whose claims have been upheld, any land held in undivided shares by two or more such persons; and
- (c) To cause boundaries to be constructed or marked on any land dealt with under (a) or (b) at the expense of the parties interested therein.

(2) Any person wilfully destroying, removing, injuring, or defacing any boundary so constructed or marked shall be guilty of an offence, and liable on conviction to be punished with imprisonment of either description for a period not exceeding six months, or with a fine not exceeding one hundred rupees, or with both.

Settlement officer's decision final on whom.

33 The determination and judgment of the settlement officer upon each claim shall, subject to the appeal hereinafter allowed, be final and conclusive upon the claimants and upon those claiming under any of them by any title acquired subsequent to the claim being made.

Settlement officer may accept claims before or during investigation.

34 At any time before or during the investigation of a claim to a land the settlement officer may, if he thinks fit, and he shall when the other claimants consent thereto, receive and record any claim made by any person to or in respect of such land. And every such claim so received and recorded shall be dealt with and disposed of in the same manner as claims made under section 23.

Acquisition of claimant's interest by others to be notified to settlement officer.

35 Every person who has acquired by purchase or otherwise an interest in or to any land from a claimant subsequently to such claimant having preferred his claim to the settlement officer, and prior to its investigation by the settlement officer, shall notify to the settlement officer his acquisition, and shall make his claim in the manner prescribed in section 23, and the settlement officer shall deal with it in the same manner as if such claim had been originally stated under that section.

Mode of taking evidence. Consolidation of claims.

36 (1) All evidence taken before the settlement officer or any arbitrator or umpire shall be on oath or affirmation, and shall be recorded by him in writing.

(2) The record of all evidence, whether oral or documentary, taken by the settlement officer at the investigation of the claims to each land shall, subject to the provisions of subsection (4), be made up in a separate file, and the finding or judgment thereon, and reasons therefor, and all orders of the settlement officer in relation thereto, shall be duly entered on the said record.

(3) The record so made up shall, at all reasonable times upon a written application in that behalf, be open to the inspection of any person interested in such claim, with liberty to demand and receive copies thereof or extracts therefrom upon payment of the prescribed fees and stamp duty.

(4) The settlement officer may, when he thinks fit, consolidate the claims of one or more persons, and the same shall then form the subject of one and the same investigation, and the record of all evidence, whether oral or documentary, taken by the settlement officer at such investigation shall be filed with any one of the statements of the claims so consolidated as aforesaid, and the finding or judgment on each of such claims, and reasons therefor, and all orders of the settlement officer in relation thereto, shall be duly entered on the said record.

Translation of documents.

37 No translation of a document tendered in evidence shall be permitted to be read as a translation of such document unless the same shall be signed by—

- (a) An interpreter of the Supreme Court, of a district court, or a court of requests; or
- (b) A translator appointed by the Colonial Secretary, or by a district judge, or by a commissioner of requests, or by a settlement officer, and who shall have taken an oath before such settlement officer or before a justice of the peace faithfully to perform the duties of his office as translator.

Appeal to the Supreme Court from finding of the settlement officer.

38 (1) If any claimant be dissatisfied with any final judgment, or order having the effect of a final judgment, of the settlement officer, whether in respect of a disputed or an undisputed claim, he may within ten days (exclusive of Sundays and holidays) after the pronouncing thereof lodge with the settlement officer an appeal in writing to the Supreme Court; and the settlement officer shall without delay forward to the Supreme Court the appeal with the record made up as aforesaid, and the Supreme Court shall make such order, in conformity with the provisions of this Ordinance, as the justice of the case may require, which order the settlement officer shall duly carry into effect.

(2) No appeal shall be entertained unless the appellant shall within ten days after lodging such appeal give security for the probable costs of the appeal, the amount whereof shall be fixed by the settlement officer.

(3) No appeal shall lie against any judgment given under section 26, except in so far as such judgment is in excess of, or not in accordance with, the award.

Settlement officer may issue writ of possession.

39 (1) When the settlement officer shall have recorded in regard to a claim the nature of the right upheld and whether the title thereto is of the first class or of the second class, the claimant may apply to the settlement officer for a writ of possession, and the settlement officer may at his discretion order such writ to issue substantially in the form D or in the form D 1 in the Third Schedule hereto, and such writ shall be enforced according to the terms thereof by the fiscal, in the same manner as if such writ was issued by a court of requests.

Provided that, in any case in which an appeal is allowed to the Supreme Court, no writ of possession shall issue before the expiry of the time allowed for such appeal, and that in the event of an appeal being taken the settlement officer shall not, pending the decision on such appeal, issue such writ.

Procedure in
case of resistance.

40 (1) If in the execution of a writ of possession issued under this section the officer charged with the execution of the writ is resisted or obstructed by any person, or if after the officer has delivered possession the person placed in possession by such officer is hindered by any person in taking complete and effectual possession, the person in whose favour the writ of possession has issued may at any time within one month from the time of such resistance or obstruction or hindrance complain thereof to the settlement officer, and the settlement officer shall appoint a day for the determination of the complaint and intimate to the person resisting or obstructing or hindering the writ that he will be heard in opposition to the complainant if he appears before the settlement officer for that purpose on the day so appointed.

(2) On the hearing of the complaint the settlement officer, if he is satisfied of the obstruction or resistance or hindrance complained of, may sentence the person or persons so obstructing or resisting, or hindering to imprisonment for a term not exceeding three months or to a fine not exceeding one thousand rupees, and direct the person in whose favour the writ of possession issued to be put in possession of the property.

(3) It shall be lawful for the settlement officer to determine by whom the costs of the hearing shall be paid, and to tax the amount of such costs.

Claims to
property seized
to be reported
by fiscal and
investigated by
settlement
officer.

41 (1) If in the execution of a writ issued by the settlement officer any claim is preferred to, or objection offered against the seizure, or sale of, any immovable or movable property which may have been seized thereunder as not liable to be sold, the fiscal or deputy fiscal shall, as soon as the same is preferred or offered, as the case may be, report the same to the settlement officer.

(2) The settlement officer shall thereupon proceed in a summary manner to investigate such claim or objection, and shall record the evidence, whether oral or documentary, taken at such investigation; and his finding or judgment thereon, and his reasons therefor, and his orders in relation thereto shall be duly entered on the said record.

(3) The record shall at all reasonable times, upon a written application in that behalf, to open to the inspection of any party interested in such investigation, with liberty to demand and receive copies thereof, or extracts therefrom, upon payment of the prescribed fees and stamp duties.

Further
proceedings
connected
with the
investigation.

42 (1) If the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears to the settlement officer necessary) be postponed for the purpose of making the investigation mentioned in the preceding section. Provided that no such investigation shall be made if it appears to the settlement officer that the making of the claim or objection was designedly and unnecessarily delayed with a view to obstruct the ends of justice.

(2) The claimant or objector must at such investigation adduce evidence to show that at the date of the seizure he had some interest in, or was possessed of, the property seized.

(3) If upon the said investigation the settlement officer is satisfied that for the reason stated in the claim or objection such property was not, when seized, in the possession of the person against whose property the writ was issued, or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the person against whose property the writ issued, at such time it was so in his possession, not on his own account or as his own property, but on account of or in trust for some other person, or partly on his own account and partly on account of some other person, the settlement

officer shall pass an order releasing the property wholly, or to such extent as he thinks fit, from seizure.

(4) If the settlement officer is satisfied that the property was at the time it was seized in possession of the person against whom the writ issued as his own property, and not on account of any other person, or was in possession of some other person in trust for him or in the occupancy of a tenant or other person paying rent to him, the settlement officer shall disallow the claim.

Appeal to the
Supreme Court.

43 (1) If any party to any proceedings under sections 40, 41, or 42 be dissatisfied with any order or judgment of the settlement officer made in such proceedings, he may, within ten days after the pronouncing thereof, appeal to the Supreme Court; and the settlement officer shall without delay forward to the said court the appeal and the record made up as aforesaid, and the said court shall make such order as the justice of the case may require; which order the settlement officer shall duly carry into effect.

(2) No appeal shall be so forwarded as aforesaid unless the appellant shall, within ten days from the date of such appeal, give security for the costs of the hearing or investigation and of the appeal, the amount whereof shall be fixed by the settlement officer.

(3) No appeal from any judgment of the settlement officer shall have the effect of staying the execution of such judgment, unless the appellant shall enter into recognizance with or without sureties, as the settlement officer shall consider necessary, to appear and abide by the order of the Supreme Court upon the appeal.

B.—Publication.

Preparation by
settlement officer
of (1) final notice
to claimants, and
of (2) list of
unclaimed lands
and notice
regarding them.

44 So soon as the settlement officer shall have completed his inquiries respecting the lands in any division he shall prepare—

(1) A notice substantially in the Form E in the Third Schedule hereto, calling upon all persons who have not preferred claims under section 23, and who may assert a right adverse to that of any person whose claim has been wholly or partly upheld, to assert such right before the settlement officer within six months from the date specified in such notice; and

(2) A list of the lands in regard to each of which, wholly or in part, no claim has been made or upheld, together with a notice substantially in the form F in the Third Schedule hereto, calling upon all persons who may assert a right to any of the said lands or to any interest therein and have not already preferred their claim, to assert such right within six months from the date specified in such notice.

(3) In the case of any such notice the date specified therein shall not be earlier than the date of the first publication of such notice in the *Government Gazette*.

Form and proof
of notice.

45 (1) The settlement officer shall cause copies of the list and notices to be published in the English, Sinhalese, and Tamil languages in the *Government Gazette* once a month during the said period and in two issues of an English, a Sinhalese, and a Tamil newspaper during such period, and a copy of each such notice shall be posted on each land referred to in such notice, and copies thereof shall also be affixed to the walls of any kachcheri and courts situate within such division, including gansabhawa courts, and in such other localities as may secure the greatest possible publicity thereto, and the said notices shall likewise be advertised by beat of tom-tom at least once a month during the said period throughout the said division.

(2) The production of a copy of the *Government Gazette* containing any such notice shall be received in all courts of law in this island as conclusive proof that such notice has been duly published, posted, affixed, and advertised as hereinbefore required.

Disposal of claims.

46 Every person asserting a right in pursuance of such notice shall prefer a claim in manner provided by section 23, and such claim shall thereupon be dealt with and disposed of by the settlement officer in manner therein stated.

C.—*Registration of Titles, Interests, and Incumbrances.*

After expiration of six months from notice, land and titles to be registered.

47 Immediately after the lapse of the period of six months mentioned in section 44 the settlement officer shall proceed to register, subject to the provisions of section 50, all the lands situate within the said division by entering in a book (bearing the name of such division) a map of such division and a separate map of each allotment of land situate therein, and also the name of the owner or owners of such allotment and of all other persons whose right, title or interest therein has been upheld up to date, and stating whether the title is of the first or second class, together with such other particulars and references as may be necessary to identify every allotment on the map or division in which it is situate.

Register to be kept in duplicate.

48 (1) Every such book and map shall be kept in duplicate, and one copy thereof shall be forwarded by the settlement officer to the land registry of the district in which the division is situated, and the other to the office of the Registrar-General, within such time as the Governor may direct.

(2) Every such book and map shall be carefully preserved, and shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all persons, including judgment-creditors, interested, or claiming to be interested, in any of the lands therein registered, or to their proctors or agents duly authorized thereto in writing, or to any notary acting in the discharge of the duties of his office, with liberty to demand and receive copies thereof or extracts therefrom, upon payment of the prescribed fees and stamp duties.

Registration in name of deceased or insolvent claimant.

49 In case a claimant shall die or become insolvent after the upholding of his claim, and before the registration of his title, and no claim adverse to his shall have been upheld, the registration shall be made in the name of the deceased or insolvent claimant, and the land shall devolve in like manner as if the registration had been made prior to the death or insolvency of the claimant.

When registration should be suspended.

50 (1) If any action or proceeding in respect of a land situated within the said division, or of an interest in such land, be pending before a court or before the settlement officer at the expiration of the period of six months mentioned in section 44, the registrar shall suspend the registration of the right, title, or interest thereby put in issue until the final adjudication thereof, and thereafter and after such further inquiry as he shall deem necessary he shall duly register the right, title, or interest which shall have been upheld.

(2) The settlement officer may in any other case, where he deems it necessary, suspend the registration, but any person aggrieved by such suspension may appeal therefrom to the Supreme Court, who shall make such order thereon as to the said court shall seem proper.

Issue of certificate of title.

51 After registration the settlement officer shall, on the application of the registered person or his legal representative, and on delivery of the prescribed stamp, prepare from the register, subject to the provisions of section 54, a certificate of title in duplicate, of which one shall be filed in the office of the settlement officer and the other issued to the registered person.

Certificate of title *prima facie* evidence of its contents; and to be of three kinds.

52 Every certificate of title shall be *prima facie* evidence of the several matters therein contained, and shall be of three kinds :

- (a) A certificate of ownership.
- (b) A certificate of incumbrance.
- (c) A certificate of interest.

(a) Certificates of ownership shall be granted to those persons whose rights, as owners in possession (but not necessarily in occupation), to the land or any undivided share thereof (whether subject or not to any lease, mortgage, or other interest) shall have been upheld.

(b) Certificates of incumbrance shall be granted to mortgagees of the land or of any undivided share thereof or interest therein under any instrument valid in law.

(c) Certificates of interest shall be granted to persons whose rights by way of lease, tacit hypothec, charge, lien, planter's interest, contract, or otherwise (except such rights as would be included in a certificate of ownership or incumbrance), or whose rights in remainder, reversion, or expectancy in or to the land or any undivided share thereof have been upheld.

Forms of certificate.

53 Certificates of ownership shall be substantially in the form G, certificates of interest in one of the forms H, I, and J, and certificates of incumbrance in the form K in the Third Schedule hereto, and shall be signed by the settlement officer, and shall contain a correct map prepared by the Surveyor-General or under his authority, and a description of the land therein referred to, with the figures and references necessary to identify it on the map or division in which it is situate, and a correct statement of the right, title, or interest of the party to whom it is issued, and of all parties having a prior, preferent, or concurrent right or interest therein, together with the dates or particulars thereof.

Surrender of title deed and issue of certificate.

54 (1) Every person entitled to a certificate of ownership shall, before the same is issued to him, deposit with the registrar every deed upon which his title to the land described in the certificate was based.

(2) Upon issuing a certificate of ownership the registrar shall endorse on every deed so deposited the nature of the certificate issued in respect of the land described in the said deed or instrument.

(3) If any such deed shall relate to or include any property in respect of which no certificate has been issued, the registrar shall return such deed to the person who deposited the same, but otherwise he shall retain such deed in his office.

(4) No person shall be entitled to the inspection of any deed so retained except the person who deposited the same, or some person or persons claiming through or under him, or authorized by him, or by the order of some competent court.

Registration of unclaimed lands as Crown lands.

55 (1) If no claim shall be made to a land or part thereof under section 23 or 34, or in compliance with the notice issued under section 44 (2), or if a claim or claims being made none shall be upheld, the settlement officer shall (subject to an appeal to the Supreme Court by any aggrieved party) register such land or part thereof as the property of the Crown, and the same shall be thereupon vested in and become the property of the Crown free from all incumbrances.

(2) Every such land shall be appraised by the settlement officer and the appraised value shall be recorded in the register.

(3) If within thirty years from the date of registration any person shall establish to the satisfaction of the Governor in Executive Council that he is entitled to be paid such appraised value or any part thereof, the same shall be paid to such person by the Colonial Treasurer.

Effect of registration as bar to claims.

56 Every registration of right, title, or interest made under section 47 shall be deemed to have been made on the date when the claim to such right, title, or interest was upheld, and shall (subject to the provisions of the next section) have the effect of absolutely barring all claims thereto or therein which shall have arisen or accrued prior to the actual date of such registration, and which might have been registered under the provisions of this Ordinance, but which at such date had not been so registered.

No acquisition of title to registered land by adverse possession.

57 A title to a registered land adverse to or in derogation of the title of the registered owner shall not be acquired by any length of possession, and the benefit of the provisions of section 3 of Ordinance No. 22 of 1871 shall not be available in respect of any claim or defence made in respect of any registered land.

Provided that this section shall not apply to actions allowed under section 58 of this Ordinance.

CHAPTER V.

SUBSEQUENT REGISTRATION OF TITLES AND REGISTRATION OF DEEDS.

Prosecution of claims against registered owners in court.

58 (1) Persons having or claiming to have any interest in any land against a person registered as having a title of the first class shall be entitled to prosecute their claim by action in some court having jurisdiction in the matter within one year from the date of the registration; and against a person registered as having a title of the second class within two years from the date of the registration.

(2) Persons absent from the island, whose claims shall not have been preferred and disposed of under the provisions of this Ordinance, shall be entitled to prosecute their claims within four years from the date of the registration, whether of the first or the second class.

(3) Persons under legal disability shall be entitled to prosecute their claims within two years from their disability ceasing.

Notice of action.

59 No action mentioned in section 58 shall prevent any claims being barred unless and until written notice of such action shall have been given to the settlement officer, who shall immediately upon the receipt of such notice record the same in the register with the date of receiving the notice.

Dismissal of action.

60 If the said action be dismissed, the court shall forthwith report the same to the settlement officer, who shall immediately record it in the register.

Cancellation of registration and certificate if action succeeds.

61 If the action shall have been decided against the registered person, the court shall in its judgment declare whether the title upheld is of the first or second class, regard being had to the principles laid down in section 31, and shall cancel the certificate of title issued to the registered person, and shall direct the settlement officer to cancel or amend the entry in the register and to issue fresh certificate in terms of the judgment, and the settlement officer shall duly carry into effect such order. But in any case in which such registered person is the Crown, if the Crown has sold the land in question the court shall not cancel the certificate of title issued to the Crown nor direct any amendment of the register, but shall order that the price for which the land was so sold shall be paid by the Crown to the claimant by way of compensation, and the amount so awarded shall be in full satisfaction of the claim of the claimant and shall bar any future claim on his part in respect of the land claimed.

After two years a second class title may be registered as first class.

62 (1) It shall be lawful for a person registered as having a title of the second class to a land or interest therein to apply to the settlement officer at any time after the expiration of two years from the date of the registration, to be registered as having a title of the first class instead of the title of the second class.

(2) If the settlement officer shall have received no notice of any action having been commenced with reference to such land or interest within the prescribed time, or if any such action shall have been brought and decided in favour of the registered person, the settlement officer shall register such person as having a title of the first class in place of the title of the second class, and such registration of a title of the first class shall be deemed to have been made on the day on which the title of the second class was registered.

Purchasers and mortgagees for valuable consideration protected.

63 Should a person registered as having a title of the first class to a land or interest in land have alienated, demised, or incumbered the same for valuable consideration at any time after two years from the date of registration and before notice of action has been given to the settlement officer under section 59, and should the alienee, lessee, or mortgagee have duly registered such alienation, demise, or incumbrance, all rights and claims in or to such land or interest which shall not have been registered at the time of such alienation, demise, or incumbrance shall, notwithstanding that any claimant may have been under disability at the date of such alienation or incumbrance, be deemed to be extinguished and null and void as against the alienee, lessee, or mortgagee for valuable consideration.

Saving, however, to every claimant the right to proceed against the person originally registered or his estate to recover the value of such land or interest at the time when the same was so alienated or incumbered, or such greater sum as may, in the opinion of the court before which the claim is prosecuted, be equivalent to the injury which he has sustained by the loss of the land or interest.

Power of registrar to correct errors.

64 (1) It shall be lawful for the registrar, after due notice to all parties interested and upon such evidence as shall appear to him sufficient in that behalf, to correct errors and supply omissions in any certificate of title or in the register book or entries therein: and if in so correcting errors, or supplying omissions, it becomes necessary to in any respect alter any plan entered in the register book, he shall cause such alterations to be made by the Surveyor-General.

(2) In the correction of any such error or in the supplying of such omission the original entry shall not be erased or made illegible, and the officer making such corrections or alterations shall affix the date on which such correction was made or omission supplied, and his initials.

Registrar may call for production of certificate of title for cancellation or correction.

65 In case it shall appear to the satisfaction of the registrar that any certificate of title has been issued in error, or contains any misdescription of land or of boundaries, or that any entry in any certificate of title has been made in error, or that any certificate of title or entry has been fraudulently or wrongfully obtained, or that any certificate of title is fraudulently or wrongfully retained, he may summon the person to whom such certificate of title has been so issued or by whom it has been so obtained, or so retained, and in whose possession such certificate may be, to deliver up the same for the purpose of being cancelled or corrected, or for the substitution and issue of such certificate of title as the circumstances of the case may require.

Registrar may apply to court to compel delivery of certificate of title.

66 (1) In case such person cannot be served with such summons, or shall refuse or neglect to comply with such summons, the registrar may apply to a district court having jurisdiction over the district within which is situate the land for which the certificate of title issued, to summon such person to appear before such court and show cause why such certificate of title should not be delivered up to be cancelled or corrected; and if such person when served with such summons shall neglect or refuse to attend before such court at the time therein appointed, it shall be lawful for such

court to issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the court for examination.

(2) Upon the appearance before the court of any person summoned or brought up by virtue of a warrant as aforesaid, it shall be lawful for the court to examine such person upon oath and to order him to deliver up such certificate of title; and upon refusal or neglect of such person to comply with the order, to commit him to jail for any period not exceeding six months, unless such certificate of title shall be sooner delivered up.

Court may direct registrar to cancel or correct certificate of title.

67 In the case of such refusal or neglect, or in case the court is satisfied after due inquiry that a summons or warrant cannot be served, the court may direct the registrar to cancel or correct any entry in the register book relating to such land, and to substitute and issue such certificate of title and make such entries as the circumstances of the case may require, and the registrar shall give effect to such order.

Loss of certificate.

68 If a certificate is lost or destroyed, the registrar may, on application supported by affidavit stating the fact and circumstances of the loss or destruction, and after such inquiry and advertisement as he may deem necessary, and on being satisfied of the fact of such loss or destruction, and on the applicant paying the prescribed fees and stamps, and giving such indemnity (if any) as the registrar shall think fit, issue a new certificate, and shall state thereon that it is issued in substitution of the former certificate.

Registration of deeds affecting registered lands.

69 When the settlement officer has under the provisions of section 47 registered the lands situate in any division in a book bearing the name of such division—

- (a) All subsequent alienations or incumbrances or discharges of incumbrances affecting any interest in any such land; and
- (b) All alienations or incumbrances or discharges of incumbrances affecting any interest in any such land and executed by a claimant after the upholding of his claim and before the registration of his title—

shall be registered in such book.

No deed valid unless registered.
Proviso.

70 No such alienation or incumbrance shall be of force or avail in law unless so registered.

Provided that if the deeds recording the alienations and incumbrances mentioned in clause (b) of the preceding section are presented with the prescribed stamps for registration to the settlement officer before the expiration of six months from the issuing of the notice mentioned in section 44 (1), such alienations and incumbrances shall be deemed to have been registered on the date when they were presented, and shall be registered in the said book as soon as it is opened, and meanwhile shall, after such inquiry as the settlement officer may deem fit to make for the purpose of identifying the land on the map or division in which it is situate, be provisionally registered in a book to be specially kept for the purpose.

Partition of land pending registration of title.
Effect of partition when land is subject to mortgage.

71 No land situated in a proclaimed division shall be partitioned before registration of title to the land, except in terms of clause 1 (b) of section 32.

72 If at the time any such partition shall be made an undivided share only of the land partitioned, and not the whole thereof, shall be subject to mortgage, the right of the mortgagee shall be limited to the share in severalty allotted to his mortgagor by and under the same conditions, covenants, and reservations as shall be stipulated in the mortgage, so far as the same shall apply to a share in severalty; and the owner of the share in severalty so subject to mortgage shall, without a new deed of mortgage, warrant and make good to the mortgagee the said several part after such partition as he was bound to do before such partition.

Registration of
partition of a
registered land.

73 (1) Every registered person or persons or his or their successors in title partitioning any land after the title to such land has been registered shall forthwith furnish information of such partition to the settlement officer substantially in the form L in the third schedule hereto, with a map prepared by a licensed surveyor and distinctly exhibiting every allotment into which the land has been so divided, marked with distinct numbers or symbols and showing the areas, and shall apply for the registration of the new allotments.

(2) It shall thereupon be lawful for the settlement officer to make such inquiry as he may deem expedient to verify the right of the applicant or applicants and the correctness of the map, and if they are not established to his satisfaction he shall, subject to an appeal to the Supreme Court, refuse to register the new allotments.

(3) But if he is satisfied, he shall register the new allotments in separate and fresh pages of the register, with separate maps of the allotments which he shall cause to be prepared by the Surveyor-General, and with such references as may be necessary to identify the registration of the new allotments with the original registration.

(4) The settlement officer shall recall the original certificate, and on payment of the prescribed stamp duty issue fresh certificates to the owners of the allotments.

Notices to be
given to
Registrar-
General where
no settlement
officer.

74 All notices required to be given to a settlement officer under the provisions of this chapter shall, when the Governor has made order under sub-section 8 (4), be given to the Registrar-General instead of the settlement officer, and the Registrar-General shall thereupon perform the duties required to be exercised by the settlement officer under this chapter.

Deeds affecting
registered lands
and inconsistent
with the entries
in the register.

75 (1) Whenever a deed or instrument affecting a registered land is tendered for registration, and any statement, plan, or other matter in such deed is inconsistent with the entry made in the register, it shall be lawful for the registrar, after due notice to the parties interested, to hold inquiry regarding such inconsistency or discrepancy.

(2) If the entry in the register be found to be erroneous or defective, he shall make the necessary correction in terms of section 64.

(3) If the entry is found to be correct and irreconcilable with the deed tendered for registration, he shall refuse to register the deed.

(4) The registrar's order under this section shall be subject to an appeal to the Supreme Court.

Certificate to be
produced to
registrar for
endorsement.

76 (1) On every entry in the register of an alienation or encumbrance of a land or interest therein by a registered owner, and on every registered transmission under section 77 and on every rectification of the register, the certificate of title relating to such land or interest shall be produced to the registrar, who shall endorse on the certificate a note of every such entry, transmission, or rectification.

Certificate to be
delivered to
purchaser.

(2) In case of the sale of a registered land the certificate of title to the land shall be delivered by the vendor to the purchaser on the completion of the purchase; or if only a part of the land comprised in the certificate is sold, a certificate for such part shall be prepared by the registrar in duplicate, of which one shall be issued to the purchaser and the other filed in the office of the registrar, and an entry of the sale shall be made in the vendor's certificate.

Registration of
legal
representative
of deceased
owner.

77 (1) On the death of any person registered as owner of any interest in a land, his legal representative shall, on a written application in that behalf to the registrar and after such inquiry as the registrar may deem fit to make, be registered as the owner of the interest of the deceased, and

until such registration is made no dealing by such representative with the said interest shall be of force or avail in law.

(2) Every person to whom probate of a will or letters of administration have been granted shall—

(a) Forthwith apply for registration in terms of the last section ; and

(b) Execute in favour of the persons entitled thereto the necessary conveyances of lands of the estate of the testator or intestate.

Future tacit hypothecs abolished.

78 No lien, charge, mortgage, or hypothec (other than such as may arise or be created under or by virtue of statutory enactment) shall be created or effected so as to be of any legal validity upon or in respect of a registered land, unless the same be created or effected by a last will, of which probate is registered under this Ordinance, or by the order of a competent court, or by a duly executed deed, such order or deed being duly registered under this Ordinance.

Duties of notaries in regard to deeds affecting registered lands.

79 It shall be the duty of every notary, from and after the expiration of the period of six months mentioned in section 44, before attesting any deed or instrument affecting any registered land—

(a) To inspect the register in which such land has been registered, or a certified copy of such register, and to satisfy himself that the deed about to be attested is consistent with the registered title ; and to refuse to attest the deed if inconsistent with the registered title, or if the person at whose instance he prepares such deed fails to pay him the prescribed charges for the inspection of the register or to produce a certified copy thereof ;

(b) To insert at the head of the deed the number of the allotment of such land in the registered plan.

(c) To register every such deed or instrument attested by him: Provided that if the person at whose instance he prepares the deed fails to pay him the stamp duty payable for such registration, he may refuse to attest such deed or instrument.

Penalty for non-compliance.

If any notary shall neglect or fail to perform the duty imposed on him by this section, he shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred rupees.

Provisions of this chapter to apply to lands in divisions brought under the Ordinance 5 of 1877.

80 The provisions of chapter IV. and this chapter shall, so far as practicable, apply to lands situated in the divisions already brought under the operation of the Ordinance No. 5 of 1877 and to deeds affecting such lands, provided that—

Proviso 1.

(1) Every registration of title in regard to which a certificate has not been issued up to the commencement of this Ordinance shall, for the purposes of section 56, be taken as made on the commencement of this Ordinance.

Proviso 2.

(2) Lands in regard to which certificates of title have issued before the commencement of this Ordinance shall be deemed, for the purposes of section 57, to have been registered at the commencement of this Ordinance.

Proviso 3.

(3) No alienation or encumbrance affecting any land shall be of force or avail in law unless registered in the book mentioned in section 26 of the Ordinance No. 5 of 1877 within twelve months from a date to be notified by the Registrar-General in the *Government Gazette* and by beat of tom-tom once a month during such period of twelve months in the division, town, or village in which such land is situated, and on being registered such alienation or encumbrance shall have priority according to the order in time of registration.

Proviso 4.

(4) In regard to lands to which no claim has been made or upheld it shall be lawful for the Registrar-General, on the commencement of this Ordinance, to prepare and issue the list and notice mentioned in section 44 (2), and to deal with and dispose of every claim made in pursuance of such notice in the same manner as the claims made under section 23, and to register such lands in the manner required by section 47; and if no claim shall have been made to any land referred to in such notice, or if a claim or claims being made none shall be upheld, it shall be lawful for the Registrar-General to register such land in manner provided by section 55, whereupon the same shall become vested in and become the property of the Crown free from all incumbrances.

Registration of deeds under this chapter to be governed by provisions of next chapter.

81 As far as practicable, and unless inconsistent with the provisions of this chapter, the provisions of the next chapter shall apply to deeds tendered for registration under this chapter.

PART IV.

CHAPTER VI.

INTERIM REGISTRATION OF DEEDS.

Preamble

Whereas the preparation of surveys and the investigation and registration of titles hereinbefore provided for are likely to be attended with delay, and it is expedient to provide for the registration in the meantime of deeds affecting land independently of the registration of titles, it is therefore enacted that—

Books for registration and inspection thereof.

82 (1) At each registry there shall be kept a set of books for the registration therein of any deed which may be brought to such registry for registration as hereinafter provided, to each book being allotted some defined portion of the district or districts or part thereof annexed to such registry in manner provided by section 6, so that every deed relating to lands situate therein may be registered so as to facilitate reference to all existing alienations or incumbrances affecting the same lands, and such registration shall be substantially in the Form M in the Third Schedule hereto, or in such other form as may be prescribed by the Governor.

(2) The said books shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all parties, including judgment creditors, interested, or claiming to be interested therein, or to their proctors or agents duly authorized thereto in writing, or to any notary acting in the discharge of the duties of his office, with liberty to demand and receive copies thereof or extracts therefrom upon payment of the prescribed fees and stamp duties.

(3) The volumes and books kept under section 37 of the Ordinance No. 8 of 1863 and section 15 of the Ordinance No. 14 of 1891 shall be deemed to be parts of the volumes and books kept under this Ordinance.

All deeds affecting land to be registered.

83 (1) Every deed and every discharge of an incumbrance affecting land or any interest in land may be registered in the land registry of the district in which such land or property is situate, in the books mentioned in the preceding section unless or until books have been opened under section 47, and immediately thereafter in such books.

(2) "Deed," for the purposes of this section, means any instrument duly executed in this island on or after the first day of January, 1864.

(3) Deeds and instruments already registered under the provisions of Ordinances No. 8 of 1863 and No. 14 of 1891 shall not require re-registration under this Ordinance; and such rights, benefits, or privileges as have arisen in respect of such deeds and instruments under the said Ordinances No. 8 of 1863 and No. 14 of 1891 shall be unaffected by the provisions of this Ordinance.

Effect of
non-registration.

84 Every such deed, unless so registered, shall be deemed void as against all parties claiming an adverse interest thereto on valuable consideration by virtue of any subsequent deed which shall have been duly registered as aforesaid.

Provided that—

- (1) Fraud or collusion in obtaining such last-mentioned deed, or in securing such prior registration, shall defeat the priority of the person claiming thereunder;
- (2) Priority shall not be lost merely in consequence of the person claiming under the registration having been affected with actual or constructive notice, except in cases of actual fraud; and
- (3) Nothing herein contained shall be deemed to give any greater effect or different construction to any deed registered in pursuance hereof, save the priority hereby conferred on it.
- (4) Such priority shall not be affected by the subsequent registration of any deed executed before the deed first registered.

Production of
deed for
registration.

85 (1) It shall be lawful for the party gaining an interest or benefit under any deed registrable under section 83, personally or by his agent to produce or send the same, or a duplicate, or authenticated copy thereof to the registrar of the district in which the land or property thereby affected is situate.

(2) Such registrar shall forthwith, upon receipt of the deed with the proper stamp for registration, enter the deed consecutively according to the order of its receipt in a book to be kept substantially in the form N in the Third Schedule hereto, and which shall be called "the day book;" and he shall thereafter register the deed on the appointed page of the book assigned for the division or village wherein the land or property is situated.

(3) Upon such registration the deed shall be deemed to have been registered at the time of its entry in the day book.

Registration of
probates and
letters of
administration.

86 When a party applies to have a probate or letters of administration registered in respect of any land, he shall produce to the registrar an authenticated copy of the inventory or list of appraisement filed in the case in which application for probate or administration was made, and shall further give such description of the land as the registrar shall require for the purposes of registration.

Registrar may
call for proof, and
give notice to
third parties.

87 (1) Every such registrar shall be entitled, if he see fit so to do, to require any person applying for the registration of a deed to prove its due execution, the identity of the land affected by the deed or of the parties to it, and in the case of an authenticated copy the loss or destruction of the original. And where he may have reason to apprehend that a fraud has been or is about to be committed on any person, he shall give notice to such person of the intended registration in order to prevent the same being effected to his prejudice.

(2) If the registrar is satisfied upon inquiry that the deed was duly made, and in the case of an authenticated copy of the loss or destruction of the original, and as to the identity of the land or the parties, and that there is no reason to believe that a fraud has been or is about to be committed, he shall register the deed, and the registration shall take effect from the time of the entry in the day book.

(3) If he is not satisfied, he shall refuse to register the deed, and shall return the same unregistered, and shall record the fact in the day book.

(4) For the purposes of the inquiry under this section the registrar shall have power to cite and examine witnesses upon oath or affirmation, and to call for the production of any document material to the inquiry from the person who has the custody of such document.

Deed to be stamped before registration.

88 No deed shall be registered unless the same has been stamped with the prescribed registration stamp.

Registrar in case of doubt may apply to the Registrar-General.

89 (1) If a registrar is in doubt as to whether an instrument should be registered, or as to whether it is liable to stamp duty for its registration, and if liable to what amount of duty it is liable, he shall, after entering the deed in the day book, apply in writing to the Registrar-General for his decision thereon. The Registrar-General shall thereupon declare his decision.

(2) Any person dissatisfied with such decision may appeal against the same to the Supreme Court within ten days from the decision being communicated to him. The registrar shall, in terms of the decision of the Registrar-General or in case of an appeal being taken of the Supreme Court in appeal, register or refuse to register the said instrument.

Registration ordered conditionally should take effect from time of compliance with condition.

90 (1) If the registration of the deed be ordered by the Registrar-General or the Supreme Court to be made on condition of payment of stamp duty or on other terms, then upon the compliance of the person seeking registration with such condition or terms the registrar shall register such deed in the manner hereinbefore prescribed, and the same shall be deemed to have been registered on the date of such compliance.

(2) If the Registrar-General or the Supreme Court in appeal shall decide that the deed should have been registered when originally tendered to the registrar, the deed shall upon registration be deemed to have been registered at the time of its entry in the day book.

Registration to be endorsed on document.

91 The registrar shall immediately after registration make and sign an endorsement thereof on the deed registered, and deliver the same to the person who delivered it for registration, or his agent or representative, and the endorsement shall be substantially in the Form O in the Third Schedule hereto.

Deed affecting lands lying in different districts.

92 (1) When several lands are affected by the same deed and lie in more districts than one, the deed may be produced or sent for registration to the Registrar-General in Colombo, or to the registrar of each of the districts in which the lands are situate.

(2) If produced to the Registrar-General, he shall, on payment of a stamp duty of ten rupees in addition to the prescribed duty, cause the deed to be registered in the land registry of each district and sign the endorsement of registration.

(3) If produced to the registrar of each district, the first registrar to whom the deed is produced shall levy the prescribed duty, and the deed shall be registered free in the other land registries.

Mode of description of lands in deeds.

93 (1) Every deed or authenticated copy thereof produced for registration shall contain embodied therein, or in a schedule annexed thereto, an accurate and clear description of the property affected thereby, its boundaries, extent, and situation with respect to the village, pattu, korale, or other division of the district; and in case such property is situated in any town, the name of the street in which it is situated and its assessment number and name, if any.

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

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

Volume and folio of previous registration to be quoted.

94 When any property which shall have been once registered shall be subsequently sold, encumbered, or otherwise affected or dealt with, the deed purporting to transfer, or otherwise deal with or affect such property shall state the volume and folio of the register in which such property has been previously registered.

Treatment of deeds executed in violation of sections 92 and 93.

95 No deed which does not state the particulars required by the two preceding sections shall be admitted to registration, except with the sanction of the Registrar-General, upon the necessary particulars being supplied by affidavit by the person producing the deed for registration, and on such other terms as the Registrar-General may think expedient.

Registration of Crown grants.

96 Every Crown grant shall, before delivery to the grantee, be registered in the land registry of the division in which the land affected by the grant is situated, and for the purpose of such registration it shall be lawful for the Crown to recover from the grantee at the time of the sale of the land, or before delivery of the deed, the stamp duty payable for the registration.

Caveat against registration of deeds.

97 (1) It shall be competent to any party to lodge with the registrar a caveat substantially in the form P in the Third Schedule hereto to prevent the registration of any deed affecting any land, and such caveat shall state a postal address in the island of the party lodging the same, and shall bear the prescribed stamp and shall be registered free of further duty.

(2) On such caveat being registered the party lodging the same shall be entitled to notice of any application for registration as regards such land, which notice shall be deemed to have been duly given if posted to the address stated in the caveat.

(3) Where the caveat limits the time of its operation it shall cease to have any force upon the lapse of such time.

(4) No caveat shall be sufficient to prevent a registration applied for unless it be followed up within thirty days after the posting of the notice of application for such registration by an action before some competent court and notice thereof to the registrar, in which case the registrar shall suspend the registration until the final adjudication of such action, and shall then give effect to such adjudication.

On partition a fresh registration shall be effected.

98 When a deed affecting a divided share of any land which has been registered as one allotment is tendered for registration, the registrar shall, after such inquiry as he may deem fit to make, register such share on separate and fresh pages of the book, with such references as may be necessary to connect the same with the original registration.

No sequestration or seizure operative unless notice thereof registered.

99 No sequestration by order of court or seizure in execution of any immovable property shall render null and void or invalidate any subsequent alienation or incumbrance of such property, unless a notice of such sequestration or seizure shall have been registered in the land registry of the district in which such property is situate, in accordance with the provisions of the 237th section of the Civil Procedure Code.

PART V.

CHAPTER VII.

MISCELLANEOUS.

Rights of public and Crown reserved.

100 Nothing in this Ordinance shall be held to affect any rights which the public may possess or be entitled to in respect of any immovable property.

When growing crops are deemed an interest in land.

101 Every transfer, assignment, or mortgage effected by any instrument executed after the passing of this Ordinance of any vegetable produce of any land to be grown, gathered, or cut after the expiration of one year from the date of such

instrument, shall, if the value of the produce thereby expressed to be transferred, assigned, or mortgaged exceed one thousand rupees, be deemed, for the purposes of this Ordinance, to create an interest in land, notwithstanding that by the terms of such instrument an interest in land would not otherwise be created.

Form of discharge of mortgage.

102 No discharge of a mortgage shall be registered under the provisions of this Ordinance unless effected by an instrument duly executed in manner provided by section 2 of Ordinance No. 7 of 1840 or by Ordinance No. 17 of 1852, or by a receipt or acknowledgment written across the face of the original instrument creating such mortgage, and signed by the person entitled to recover the money due on or secured by such mortgage in the presence of a solicitor, proctor, notary public, or justice of the peace, who shall attest such signature in the form Q in the third schedule hereto.

Stamps and fees chargeable.

103 (1) The stamp duties and fees mentioned in the Fourth Schedule hereto shall be chargeable in respect of the deeds, instruments, and proceedings therein mentioned. Provided that the Crown shall not be liable to any such duties or fees.

(2) The Governor, with the advice of the Executive Council, may from time to time revoke or alter the said duties and fees, or prescribe fresh duties and fees, and thereupon the stamp duties and other fees so altered or prescribed shall be payable as if they had been contained in the schedule to this Ordinance.

(3) Nothing in this Ordinance contained shall make it obligatory on any settlement officer or registrar to do any act, or permit any act to be done, in respect of which such duty or fee is specified and fixed, except on payment of the duty or fee.

Forms and alteration of same.

104 (1) Subject to the provisions of sub-section (2) the forms in the schedule to this Ordinance, or forms as nearly resembling the same as circumstances admit shall, be used in all cases to which they are applicable.

(2) It shall be lawful for the Governor, with the advice of the Executive Council, by order published in the *Government Gazette*, to alter from time to time all or any of the forms contained in the schedule to this Ordinance, or in any rule or order made thereunder, in such manner as may appear to him best for carrying into effect this Ordinance, or to prescribe new or additional forms. Every form when altered, made, or prescribed in pursuance of this section shall have the same effect as if it had been contained in the schedule to this Ordinance.

Stamp duties, fees, and forms to be laid before the Legislative Council.

105 All stamp duties, fees, or forms so altered, made, or prescribed shall be laid before the Legislative Council if then in session and if not then in session then so soon as possible after the commencement of the next ensuing session; and if within forty days after their being so laid before the Legislative Council any of such stamp duties, fees, or forms be objected to by the Legislative Council, the said Council may by resolution annul any such stamp duties, fees, or forms. Such stamp duties, fees, or forms as shall not be so annulled within the said forty days shall be proclaimed in the *Government Gazette*, and shall come into force on the proclamation thereof or on such other day as may be specified in such Proclamation.

Execution. Rules of courts of requests to apply.

106 The rules which regulate the execution of orders and decrees made by courts of requests shall, so far as they are practicable and not inconsistent with the provisions of this Ordinance, apply to the execution of orders and decrees made by a settlement officer or by the Supreme Court on appeal from such order.

Appeals.
Rules of courts
of requests to
apply.

107 So far as practicable, and unless otherwise herein directed, every appeal under this Ordinance to the Supreme Court shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from courts of requests are dealt with and disposed of.

On refusal or
neglect of
registrar
district court
may make an
order.

108 In any case where a registrar shall refuse or willfully neglect or delay to perform any duty imposed upon him by this Ordinance, or in any case where a person is aggrieved by any order of a registrar purporting to be made under this Ordinance, and no special provision has been made in this Ordinance for such case, it shall be competent for the district court of the district wherein the land thereby affected is situate, upon the application of the person aggrieved supported by an affidavit and such further proof as the court may consider necessary, to issue a rule on such registrar to show cause why such duty shall not be performed or why such order shall not be set aside, modified, or amended; and after cause shown, or upon default thereof, to make such order as the court may deem right, which order shall have the effect of, and be put in execution in the same manner as, a judgment pronounced by such court.

Duplicates of
deeds to be
transmitted to
the registrar.

109 (1) Every judge, commissioner of requests, or justice of the peace before whom any deed or other instrument shall be executed under the provisions of the Ordinance No. 17 of 1852, or who shall issue a certificate of sale under section 8 of Ordinance No. 10 of 1863; and

(2) Every government agent executing a certificate of sale under section 48 of Ordinance No. 16 of 1865, or a certificate of acquisition under section 12 of Ordinance No. 3 of 1876, or a certificate under section 7 of Ordinance No. 12 of 1840; and

(3) Every chairman of a municipal council executing a deed of sale or lease under section 164 of the Ordinance No. 7 of 1887—

shall deliver or transmit a duplicate of the said deed, instrument, or certificate on or before the fifteenth day of the month following that in which it was attested or executed to the registrar within whose local jurisdiction such judge, commissioner, justice, government agent, or chairman resides; and in case the land is situate in the local jurisdiction of another registrar, he shall likewise transmit or deliver a copy of such deed, instrument, or certificate to the registrar last-mentioned.

Registrar to
bind and index
all duplicates.

110 (1) Every registrar shall from time to time cause all duplicates transmitted or delivered to him under the preceding section, or by any notary under the provisions of the Ordinance No. 2 of 1877, to be bound in convenient volumes, distinguished by the designation of the judge, commissioner, government agent, chairman of the municipal council, or other officer, or by the name of the justice or notary before or by whom the same shall have been executed or attested, and shall keep and preserve the same in his office with indexes which shall be prepared by him to facilitate reference.

Copies and
inspection.

(2) All such duplicates and indexes shall at all reasonable hours upon a written application in that behalf be open to the inspection and perusal of all parties interested therein and of their agents duly authorized thereto in writing, with liberty to demand and receive copies thereof or extracts therefrom upon payment of the prescribed fees and stamp duties.

List of
executors, &c.

111 (1) The secretary of every district court throughout the island shall at the end of every month transmit to the registrar within whose local jurisdiction such court is situate a list of all persons to whom such court shall during the month have issued probate, letters of administration, or guardianship, or certificates of curatorship, or who have

during the month been appointed assignees in insolvency, showing the numbers and captions of the cases in which the same have been issued or such appointments have been made.

(2) The Colonial Secretary shall, at the end of every month, transmit to every registrar a list of all persons who shall have become debtors to the Crown, or sureties for such debtors.

(3) The registrar shall from time to time prepare alphabetical lists of such executors, administrators, guardians, curators, assignees, debtors, and sureties, and keep and preserve the same in his office, and also transmit a copy thereof to the land registry office in Colombo.

(4) All such lists shall, upon a written application in that behalf, and on payment of the prescribed fees, be open to the inspection and perusal of all persons.

Penalty for fraud.

112 Any person who—

(1) Fraudulently registers any land or interest not belonging to him; or

(2) In the course of any proceedings under this Ordinance with intent to conceal the title or claim of any person, or to substantiate a false claim, suppresses, attempts to suppress, or abets the suppression of any document or fact; or

(3) Fraudulently makes, or abets the making of, any entry, erasure, or alteration in any register or document made under this Ordinance—

shall be guilty of an offence, and be liable on conviction to simple or rigorous imprisonment for a term not exceeding three years.

SCHEDULE I.

Ordinances repealed.

(Section 2.)

Number and Year.	Subject or Title.
5 of 1877 ...	"An Ordinance to amend the Law relating to the Registration of Titles to Land in this Colony"
4 of 1889 ...	"An Ordinance to amend 'The Land Registration Ordinance, 1877'"
14 of 1891 ...	"An Ordinance relating to the Registration of Titles to Land and of all Deeds affecting Land in this Colony"

SCHEDULE II.

A.—Oath or Affirmation.

(Section 10.)

I, *A. B.*, do sincerely promise and swear (*or declare and affirm as the case may be*) that I will faithfully and diligently execute, to the utmost of my abilities, the duties of Registrar-General of Lands (*or Registrar of Lands for _____ or Land Settlement Officer for the Division of _____, as the case may be*).

So help me God (*if sworn to*).

A. B.

Sworn (*or affirmed*) on the _____ day of _____, *A.D.* —

Before me, _____,
Justice of the Peace.

SCHEDULE III.

A.—Notice to Claimants.

(Section 19.)

Land Registration Division (*here specify the division as defined in the Proclamation*).

Notice is hereby given that I, *A. B.*, Registrar-General of Lands (*or Land Settlement Officer*), will receive all claims to the several lands situate in the above division at the respective places and on the respective days and hours specified in the subjoined schedule.

And I do hereby require all persons having or claiming a right title, interest, or charge in, to, or over any of the lands within the said division, or the duly authorized representatives of such persons, to appear before me at the place and time specified and to state their claims to the said several lands.

Date _____

A. B.,
Registrar-General or Land Settlement
Officer (as the case may be).

Schedule.

Place where Claims will be received.	Date and Hour when Claims will be received.	Registration Plan No. of Allotments to which Claims will be received.

B.—Statement of Claims.

(Section 23 (2).)

Registration Plan No. _____

Land Registration Division (here specify the division as defined in the Proclamation).

No. of Allotment.	Name of Land.	Extent.	Name of Claimant.	Nature of Claim.	Value of Claim.	Nature of Title.	Remarks by Land Settlement Officer.	Referred to Arbitration.	Title made out.
		A. R. P.							

Date _____ (Signature of Claimant or Claimants.)

N.B.—The last three columns to be filled in by the Settlement Officer, and then signed by him.

C.—Reference to Arbitration.

(Section 26 (2).)

Registration Plan No. 105.

Land Registration Division (here specify the division as defined in the Proclamation).

We, the undersigned, claimants of the above-mentioned land, do hereby agree, under the terms of the _____ section of "The Land Registration Ordinance, 190 _____," to refer all disputes touching our several claims to the above-mentioned land as set forth in the statement of claims No. _____, to the arbitration and award of (*Adambarage Theodoris Alwis*) and (*Disanayakage Joronis Pieris*) (if more than one be named), with power to them to nominate an umpire.

The award to be made within _____ days from the date hereof unless the time be enlarged.

October —, 19 —.

Witness.

Settlement Officer.

M. Juwanis Perera.
Mark of (+) *M. Isaac Perera.*
Diyonis.

We, the above-named arbitrators, do hereby accept this reference and nominate the Settlement Officer (or *Sembuge Siman Perera*) as umpire.

Witness.

Settlement Officer.

A. Theodoris Alwis.
D. Joronis Pieris.

D.—Form of Writ of Possession.

(Section 39.)

In the Matter of the Claim of _____, of _____, and others, under
"The Land Registration Ordinance, 190 _____."

Registration Plan No. _____

Land Registration Division (*here specify the division as defined in
the Proclamation*).

A. B.—Statement of claim No. _____.

C. D.—Statement of claim No. _____.

E. F.—Statement of claim No. _____.

To the Fiscal of the _____ Province.

Whereas by an order dated the _____ day of _____, 19 —, the
Settlement Officer upheld the claim of A. B., of _____, claimant
under "The Land Registration Ordinance, 190 _____," as against C. D., of
_____, and E. F., of _____, to the land _____ No. _____ in
registration plan No. _____, bounded _____:

These are to command you that without delay you enter the said
land and cause the said A. B. to have possession of the said land and
premises, or such person as he shall authorize to receive possession of
the same, and if need be remove the said C. D. and E. F. and any
person claiming under both or either of them.

You are further commanded to return this writ on or before the
_____ day of _____, 19 —, with an endorsement showing the day
on, and the manner in, which it has been executed, or the reason why
it has not been executed.

A. B.,
Settlement Officer.

The _____ day of _____, 19 —.

D 1.—Form of Writ of Possession in favour of the Crown.

(Section 39.)

In the Matter of the Claim of the Crown and _____ and others,
under "The Land Registration Ordinance, 190 _____"

Registration Plan No. _____

Land Registration Division (*here specify the division as defined in the
Proclamation*).

Statement of claim of the Crown No. _____.

A. B.—Statement of claim No. _____.

C. D.—Statement of claim No. _____.

E. F.—Statement of claim No. _____.

To the Fiscal of the _____ Province.

Whereas by an order dated the _____ day of _____, 19 —, the
Settlement Officer upheld the claim of the Crown claimant under
"The Land Registration Ordinance, 1901," as against A. B., of
_____, and C. D., of _____, and E. F., of _____, to the land
_____ No. _____ in registration plan No. _____, bounded _____:

These are to command you without delay to enter upon the said
land and cause the Government Agent of the _____ Province, or
such person as shall be thereunto authorized by him in writing under
his hand, to have possession on behalf of the Crown of the said land
and premises, and if need be to remove the said A. B. and C. D. and
E. F. and any person claiming by, through, or under them or any of
them.

You are further commanded to return this writ on or before the
_____ day of _____, 19 —, with an endorsement showing the
day on and the manner in which it has been executed or the reason
why it has not been executed.

A. B.,
Settlement Officer.

The _____ day of _____, 19 —.

E.—Final Notice to Claimants.

In the Matter of "The Land Registration Ordinance, 190 _____"

(Section 44 (1).)

Registration Plan No. _____

Land Registration Division (*here specify the division as defined in
the Proclamation*).

All persons who have or pretend to have any claim which has not
been already preferred to any of the lands situated in the aforesaid
division, and who assert a right adverse to that of any of the persons
whose claims have been upheld, are hereby required to prefer their
claims before me within six months from the _____ day of _____,
19 —.

Dated _____, 19 —.

Settlement Officer.

F.—Notice in regard to Unclaimed Lands.

In the Matter of "The Land Registration Ordinance, 190" (Section 44 (2).)

All persons who have or profess to have any claim to any of the lands hereinafter mentioned, and who have not preferred such claims before me, are hereby required to prefer their claims before me within six months from the _____ day of _____. In default the lands claimed will, under the provisions of section 55 of the above-mentioned Ordinance, be registered as the property of the Crown.

List of Lands.

Dated _____, 19 _____ Settlement Officer.

G.—Certificate of Ownership.

(Section 53.)

The Land Registration Ordinance, 190

No. 89.

_____ Pattu } Land Registration { _____ District.
 _____ Korale } Division, _____ { _____ Province.

These are to certify that _____, of _____, was on the _____ day of _____, 19____, registered with effect from _____, 19____, as owner, with a title of the *first (or second)* class of (*one undivided half share*) of an allotment of land called _____ in _____ in the district of _____, as delineated and described in the foregoing plan (*subject to a certain lease* and to a certain incumbrance,† as hereunder mentioned*).

Given at _____ this _____ day of _____, 19____.

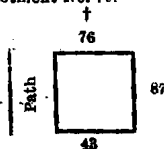
A. B.,
 Land Settlement Officer.

* Lease dated the _____ day of _____, 19____, in favour of _____ for a term of _____ years from the _____ day of _____, 19____, executed by _____ and attested by _____, Notary Public.

† Mortgage in favour of _____ dated the _____ day of _____, 19____, of _____ for Rs. _____ and interest thereon at the rate of _____ per cent. per annum from the _____ of _____ 19____, executed by _____ and attested by _____, Notary Public.

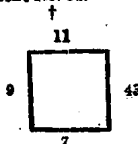
A. B.,
 Land Settlement Officer.

Book vol. I., p. 27.
 Registered plan No. 4.
 Allotment No. 79.



Scale of — chain to an inch.
 An allotment of land situate in the village (*Dehiwala*) in the _____ korale.
 Bounded N. by No. 76 of _____,
 E. by No. 87 of _____,
 S. by No. 43 of _____,
 W. by a path.
 Extent, 1a. 3r. 23p.
 Surveyed by _____
 Drawn by _____ Exd. by _____
 Written by _____
 A. B.,
 Surveyor-General,
 Surveyor-General's Office,
 Colombo, _____.

Book vol. VII., p. 38.
 Registered plan No. 4.
 Allotment No. 34.



Scale of — chain to an inch.
 An allotment of land situate in the village (*Kirillapana*) in the _____ korale.
 Bounded N. by No. 11 of _____,
 S. by No. 7 of _____,
 E. by No. 43 of _____,
 W. by No. 9 of _____.
 Extent, 2a. 1r. 33p.
 Surveyed by _____
 Drawn by _____ Exd. by _____
 Written by _____
 A. B.,
 Surveyor-General,
 Surveyor-General's Office,
 Colombo, _____.

H.—Certificate of Interest (Reversion).

(Section 53.)

The Land Registration Ordinance, 190

No. 74.

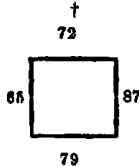
_____ Pattu } Land Registration { _____ District.
 _____ Korale } Division, _____ { _____ Province.

These are to certify that _____, of _____, was on the _____ day of _____, 19____, registered with effect from the _____ day of _____, 19____, as owner in reversion with a title of the *first (or second)* class, of _____ an allotment of land called _____ in _____ in the district of _____, as above described, expectant upon the decease of _____, of _____, who has a life-interest therein by virtue of _____ bearing date the _____ day of _____, 19____, No. _____, attested by _____, of _____, Notary Public.

Given at _____ this _____ day of _____, 19____.

A. B.,
 Land Settlement Officer.

Book vol. VII, p. 83.
Registered plan No. 4.
Allotment No. 79.



Scale of — chain to an in.
An allotment of land situate
in the village (*Nagoda*) in
the — korale.

Bounded N. by No. 72 of —
E. by No. 87 of —
S. by No. 79 of —
W. by No. 65 of —

Extent, Ga. 1r. 3p.
Surveyed by —
Drawn by —. Exd. by —
Written by —, Regd. by —

Surveyor-General,
Surveyor-General's Office,
Colombo, —.

I.—Certificate of Interest (Lease).
(Section 53.)

The Land Registration Ordinance, 190
No. 109.

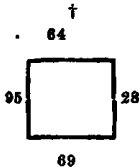
— Pattu } *Land Registration* { — District.
— Korale } *Division,* — } — Province.

These are to certify that —, of —, was on the — day of —, 19 —, registered with effect from the — day of —, 19 —, as lessee with a title of the *first (or) second* class for a term of — years, commencing from the — day of —, 19 —, of — an allotment of land called — in the district of —, as above described, by virtue of a lease bearing date the — day of —, 19 —, No. —, executed by —, of —, and attested by —, of —, Notary Public.

Given at —, this — day of —, 19 —.

A. B.,
Land Settlement Officer.

Book vol. X., p. 162.
Registered plan No. 456.
Allotment No. 36.



Scale of — chain to an in.
An allotment of land situate
in the village (*Welligampitiya*)
in the — korale.

Bounded N. by No. 64 of —
S. by No. 69 of —
E. by No. 28 of —
W. by No. 95 of —

Extent, 2a. 3r. 26p.
Surveyed by —
Drawn by —. Exd. by —
Written by —

Surveyor-General,
Surveyor-General's Office,
Colombo, —.

J.—Certificate of Contract.
(Section 53.)

The Land Registration Ordinance, 190
No. 152.

— Pattu } *Land Registration* { — District.
— Korale } *Division,* — } — Province

These are to certify that — has contracted to purchase from — the owner thereof, and — has contracted to sell to —, an allotment, &c., for the sum of — rupees, whereof the sum of — rupees has been already paid to —, and the balance is payable on, &c., under a contract dated, &c., and attested by —, Notary Public. The title of the said — is a title of the *first (or) second* class to the benefits of the said contract, and takes effect from the — day of —, 19 —.

Given at — this — day of —, 19 —.

A. B.,
Land Settlement Officer.

K.—Certificate of Incumbrance.
(Section 53.)

The Land Registration Ordinance, 190
No. 75.

— Pattu } *Land Registration* { — District.
— Korale } *Division,* — } — Province.

These are to certify that —, of —, was on the — day of —, 19 —, registered with effect from the — day of —, 19 —, as mortgagee of *three* undivided *fourth* shares of an allotment of land in — in the district of —, as above described, by virtue of a mortgage bond bearing date the — day of —, 19 —, No. —, attested by —, of —, Notary Public, for rupees — and interest at the rate of — per cent. per annum from the — of —, 19 —.

Given at — this — day of —, 19 —.

A. B.,
Land Settlement Officer.

Book vol. III, p. 72.
Registered plan No. 9.
Allotment No. 103.

An allotment of land called
Kiriwatta, situate in the
village (*Wellawatta*) in the
— korale.

Bounded N. by No. 3 of —
E. by No. 13 of —
S. by No. 18 of —
W. by No. 37 of —

Extent, 3a. 2r. 12p.

O.—Form of Registrar's Endorsement.

(Section 91.)

Registered A* $\frac{5\ddagger}{130\ddagger}$

Kandy, January 7, 1884.

John Smith,
Registrar.* Subdivision of District.
† Volume of Register.
‡ Folio of Volume.

P.—Form of Caveat forbidding the Registration of any Deed affecting any Land.

(Section 97 (1).)

- 1 Insert postal address.
2 State nature of the estate or interest claimed.
3 Name or description of land.
4 Village or division of town.
5 Patta, korale, or district.
6 Adding if the caveator wish.

To the Registrar of _____.

Take notice, that I, A. B., of ¹ _____, claiming ² _____ in ³ _____ allotment No. _____, situated in the ⁴ _____, in the ⁵ _____, of the _____ Province, and registered in Volume _____, Folio _____, forbid the registration of any deed or other instrument affecting the said land ⁶ _____ (executed or about to be executed by _____, of _____, until _____).

Colombo, dated the _____ day of _____ 19 —.

A. B.

Q.—Form of Attestation, to be written after words acknowledging receipt or discharge.

(Section 102.)

Signed by A. B. at _____,
this _____ day of _____,
19—.

A.B.



Before me,

Solicitor (or as the case may be).
(Address) _____

SCHEDULE IV.—STAMPS AND FEES.

(Section 103.)

A.—Stamp Duty on the Registration of Deeds.

1. Every Crown Grant, a stamp duty of ... Re. 1.
2. Every transfer of property by an executor, administrator, or trustee without consideration to the person beneficially entitled to such property, or when made by order of court in cases of divorce *a vinculo matrimonii*, a stamp duty of Rs. 10.
3. Every transfer of property without consideration by a trustee or trustees, or the executors or administrators of a deceased trustee or trustees to a surviving trustee or trustees, or to a new trustee or trustees, or to a surviving trustee or trustees and a new trustee or trustees, a stamp duty of .. Rs. 10.
4. Every other deed of sale, purchase, transfer, assignment, or mortgage of any immovable property, or of promise, bargain, contract, or agreement for effecting any such object, or for transferring any security, interest, or incumbrance affecting such property (other than a lease) or of contract or agreement for the future sale or purchase or transfer of any such property—

(a) Where the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed Rs. 100 a stamp duty of ...	Rs. c.	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250		2	0
Rs. 250 and does not exceed Rs. 500		3	0
Rs. 500 do. Rs. 1,000		4	0
Rs. 1,000 do. Rs. 2,500		5	0
Rs. 2,500 do. Rs. 5,000		7	50
Rs. 5,000 do. Rs. 10,000		10	0
And for every further Rs. 10,000 or part of Rs. 10,000 ...		10	0

B 6

(b) Where the consideration of the instrument is <i>not wholly</i> in money, an addition of ...	Rs. c.	10	0
(c) Where the money consideration of the instrument is <i>not stated</i> , but the <i>value</i> of the property is stated—			
Where such value does not exceed Rs. 100	...	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250	...	2	0
Rs. 250 and does not exceed	Rs. 500	...	3 0
Rs. 500	do.	Rs. 1,000	...
Rs. 1,000	do.	Rs. 2,500	...
Rs. 2,500	do.	Rs. 5,000	...
Rs. 5,000	do.	Rs. 10,000	...
And for every further Rs. 10,000 or part of Rs. 10,000	...	...	10 0
(d) Where neither the money consideration of the instrument nor the value of the property is stated	...	...	20 0
(e) Where the total amount of money ultimately recoverable upon the instrument is indefinite, a duty of	...	...	25 0
(f) Where the consideration of the instrument, or where the sum recoverable upon the instrument, is a definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, together with an indefinite sum to be thereafter lent, advanced, or paid, or which may become due upon an account current, the same duty and conditions as to calculation of duty on the definite and certain sum of money already lent, advanced, or due, or to be lent and advanced on the execution of the instrument, as where the sum recoverable on the instrument is definite, together with an additional duty of	...	...	25 0
5. Every deed of lease, or of transfer or assignment thereof—			
(a) Where the consideration is wholly in money and does not exceed Rs. 100, a stamp duty of	...	1	0
Where it exceeds Rs. 100 and does not exceed Rs. 250	...	2	0
Rs. 250 and does not exceed	Rs. 500	...	3 0
Rs. 500	do.	Rs. 1,000	...
Rs. 1,000	do.	Rs. 2,500	...
Rs. 2,500	do.	Rs. 5,000	...
Rs. 5,000	do.	Rs. 10,000	...
And for every further Rs. 10,000 or part of Rs. 10,000	...	...	10 0
<i>Provided that the duty shall not exceed that on a lease for five years.</i>			
(b) Every lease, transfer, or assignment thereof, where the consideration is partly in produce, and the value of such produce is not stated in the instrument, a stamp duty of Rs. 2.50 in addition to the duty upon the stated pecuniary consideration.			
(c) Every lease, transfer, or assignment thereof, where the consideration consists wholly of produce, a stamp duty of	...	1	0
6. Every deed of partnership, a stamp duty of	...	10	0
7. Every deed of release, surrender, or annulment, and every receipt or discharge—			
Where the amount for which such instrument or receipt or discharge is given does not exceed Rs. 5,000, a stamp duty of	...	1	0
Where it is indefinite, or exceeds Rs. 5,000	...	2	50
8. Every deed of partition, and every judgment or decree of court decreeing such partition, where the value of every land partitioned and divided does not appear on the face of the instrument or judgment or decree: for each land so partitioned and divided, a stamp duty of...		5	0
Where the value of every land appears on the face of the instrument or judgment or decree, and the total value does not exceed Rs. 100	...	1	0
Where it exceeds Rs. 100 and does not exceed	Rs. 250	2	0
Rs. 250	do.	Rs. 500	3 0
Rs. 500	do.	Rs. 1,000	4 0
Rs. 1,000	do.	Rs. 2,500	5 0
Rs. 2,500	do.	Rs. 5,000	7 50
Rs. 5,000	do.	Rs. 10,000	10 0
And for every further Rs. 10,000 or part of Rs. 10,000	...	10	0

9. Every judgment or order of court affecting immovable property, and every probate of a will or letters of administration, a stamp duty of ...	Rs. c.	5 0
10. Every sequestration by order of court, or seizure in execution registered under section 237 of the Civil Procedure Code, a stamp duty of ...		0 50
11. Every deed of <i>any kind whatsoever</i> not charged in this schedule nor expressly exempted from registration a stamp duty of ...		10 0
12. Each additional land in every deed of transfer by sale, gift, or otherwise, or of mortgage or lease affecting more than one land—		
Where the aggregate value of all the lands or the sum recoverable upon the instrument does not exceed Rs. 100, a stamp duty of ...		0 25
Where it exceeds Rs. 100 and does not exceed Rs. 250 ...		0 50
Where it exceeds Rs. 250 ...		1 0

Provided that where different allotments are treated and described as one property, and from their situation as regards one another can be included in one survey, the stamp duty shall be leviable as on one land only.

N.B.—The same stamp duties shall be recoverable for the registration of instruments under Ordinances Nos. 8 and 21 of 1871.

B.—Stamp Duty connected with the Registration of Titles to Land.

	Claims of the Value of							
	Rs. 10 and under.	Rs. 100 and under.	Rs. 300 and under.	Rs. 500 and under.	Rs. 1,000 and under.	Rs. 5,000 and under.	Rs. 10,000 and under.	Every additional Rs. 10,000 or part.
	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.	Rs. c.
Claim ...	0 25	1 0	1 50	3 0	5 0	7 50	10 0	5 0
Certificate of Title ...	0 50	2 0	3 0	6 0	10 0	15 0	20 0	10 0
Proxy ...	0 12	0 50	0 75	1 50	2 50	3 75	5 0	2 50
Writ of Possession ...	0 12	0 50	0 75	1 50	2 50	3 75	5 0	2 50
Writ of Execution ...	0 12	0 50	0 75	1 50	2 50	3 75	5 0	2 50
Application for registration of Partition*	0 25	1 0	1 50	3 0	5 0	7 50	10 0	5 0
Petition of Appeal ...	0 25	1 0	1 50	3 0	5 0	7 50	10 0	5 0
Summons :—								
(a) To resident in village where land is situated ...	Ten cents, irrespective of value of claim.							
(b) To resident out of the village† ...	Fifty cents, irrespective of value of claim.							
Application for new certificate of title under §	1 0	4 0	6 0	12 0	20 0	30 0	40 0	1 0

* The applicant should in addition deposit such sum as the Commissioner shall consider sufficient to defray the expenses of the partition.

† In addition to such batta as the registrar may order to be deposited.

C.—Miscellaneous.

Caveat under section 97 for every land affected thereby a stamp duty of Rs. 10 with an additional rupee for every additional land.

Every affidavit required under any section of this Ordinance, and every application, copy or extract, a stamp duty of Re. 1.

D.—Copying Fees.

1. 37½ cents for every folio or fractional part of a folio of 120 words.
2. One rupee for each copy of a title deed plan on tracing cloth.
3. Three rupees for each copy of a title deed plan on drawing paper.

MINUTE.

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

An Ordinance to amend Ordinance No. 17 of 1869, intituled
“An Ordinance for the General Regulation of
Customs in the Island of Ceylon.”

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 17 of 1869, intituled “An Ordinance for the General Regulation of Customs in the Island of Ceylon,” in the manner hereinafter mentioned: 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. 17 of 1869 to be read as one Ordinance

1 This Ordinance and the Ordinance No. 17 of 1869, hereinafter referred to as “the principal Ordinance,” shall be read and construed as one Ordinance.

2 To section 11 of the principal Ordinance shall be added the following further proviso:

Provided further, that it shall be lawful for the Governor, with the like advice, by special order in each case, to exempt from the payment of duty, for the reason to be stated in such order, any goods on which such duties of customs are leviable.

Amendment of section 27.

3 For section 27 of the principal Ordinance shall be substituted the following section:

Collector to grant general sufferance for the landing of goods. Goods landed to be taken to the Queen's warehouse.

Subsequent entry. Goods not removed or warehoused within three days from the date of landing subject to double rent for every twenty-four hours.

Goods landed contrary to or without sufferance forfeited.

No goods shall be unladen from any ship until a sufferance shall have been granted by the collector for the landing of the same, and no goods shall be landed except at the place appointed and expressed in such sufferance, and all goods so landed shall be taken and deposited in the Queen's warehouse, and within three days from the date of landing, exclusive of Sundays and public holidays, but inclusive of the day of landing and of the day of removal, the importer shall make a full and complete entry thereof as hereinafter provided, and shall either pay down all duties which shall be due and payable on such goods, or shall duly warehouse the said goods, or, if the goods be free of duty, shall so enter the same; and in default of such entry being made and the said goods being removed within three days as aforesaid after the same shall have been landed, such goods shall be liable to double rent for every twenty-four hours of such time as they may remain in the warehouse thereafter; and all goods unladen, landed, or removed without such sufferance, or contrary to the directions in such sufferance, shall be forfeited.

By His Excellency's command,

W. T. TAYLOR,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, January 31, 1901.