

# 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.

	PAGE		PAGE
Passed Ordinances ...	—	Lists of Jurors and Assessors...	—
Draft Ordinances ...	273	Notices in Testamentary Actions ...	331
Notices from Supreme Court Registry ...	—	Notices in Insolvency Cases ...	332
Notices from Council of Legal Education ...	—	Notices of Fiscals' Sales ...	33
Notifications of Criminal Sessions of Supreme Court ...	—	Notices from District and Minor Courts...	—

### DRAFT ORDINANCES.

#### MINUTE.

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

An Ordinance to amend "The Municipal Councils' Ordinance, 1887."

Preamble.

**W**HEREAS it is expedient that the stamp duty imposed by Ordinance No. 9 of 1892 on all licenses issued in respect of arrack taverns within the Municipality of Colombo and accruing to the general revenue should be transferred to and vest in the Municipal Council of Colombo for the purposes of the Ordinance No. 7 of 1887, as amended by Ordinance No. 26 of 1890 and Ordinance No. 1 of 1896, and it is necessary in that behalf to amend "The Municipal Councils' Ordinance, 1887," hereinafter called the "principal Ordinance:" Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Tavern license duties vested in Municipal Council of Colombo.

1 After sub-section (c) of section 132 of the principal Ordinance there shall be added the following section:

132 (a) The Municipal Council of Colombo shall be entitled to take and receive for its municipal fund all stamp duties payable for and in respect of the licenses issued to sell by retail arrack and rum at taverns situated within the limits of the Municipality of Colombo, under or by virtue of Ordinance No. 9 of 1892.

By His Excellency's command,  
Colonial Secretary's Office, E. NOEL WALKER,  
Colombo, June 25, 1898. Colonial Secretary.

## MINUTE.

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

An Ordinance relating to Local Boards of Health and Improvement.

Preamble.

WHEREAS it is expedient to consolidate and amend the law relating to local boards of health and improvement in this island : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

I.—Preliminary.

Short title.

1 This Ordinance may be cited for all purposes as "The Local Board of Health and Improvement Ordinance, 1898," and shall come into operation on the day of 1898.

Repeal.

2 There shall be repealed as from the commencement of this Ordinance :

- (a) The Ordinances specified in the Schedule A to this Ordinance ; and
- (b) So much of any other Ordinance as is inconsistent with this Ordinance.

Proviso.

Provided that this repeal shall not affect :

- (a) 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.

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

Interpretation clause :

3 In this Ordinance, unless the context otherwise requires :

"Government agent."

"Government agent" shall mean the government agent of the province within which a town, brought under the operation of this Ordinance, is situated.

"Assistant government agent."

"Assistant government agent" shall mean the assistant government agent of the district within which a town, brought under the operation of this Ordinance, is situated.

"Annual value."

"Annual value" shall mean the gross annual value without any deduction for expenses of repair, maintenance, or upkeep.

"Street."

"Street" shall mean any road, street, square, court, alley, or passage, whether a thoroughfare or not, over which the public have a right of way, and also the roadway over any public bridge or causeway within the town.

"Board."

"Board" used with reference to any town shall mean the local board of health and improvement constituted under any repealed Ordinance.

"Bridge."

"Bridge" shall include all bridges, culverts, sluices, dams, and bunds.

“Person.”

“Person” shall include any association of persons, whether incorporated or not.

## II.—*Creation and Constitution of Local Boards.*

Governor may bring towns under the operation of this Ordinance by Proclamation.

4 It shall be lawful for the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose published in the *Government Gazette*, to bring any town or towns under the operation of this Ordinance, and to define the limits of such town or towns respectively for the purposes of this Ordinance, and such Proclamation to amend, alter, or revoke, as and whenever the Governor shall, with like advice, determine.

Boards how constituted.

Provided that no Proclamation shall be necessary to bring under the operation of this Ordinance any town which has already been brought under the operation of the Ordinance No. 7 of 1876, in which towns this Ordinance shall come into operation on the day in section (1) mentioned.

Boards how constituted.

5 (1) In every town brought under the operation of this Ordinance as aforesaid, there shall be a local board of health and improvement consisting of three official and three unofficial members. The official members shall consist of the government agent and two other persons to be appointed by the Governor. Provided, however, that the resident assistant government agent (if any), or (if none) then some person to be appointed in writing by the government agent in that behalf, may, whenever so directed by the government agent, exercise all the powers conferred and discharge all the duties imposed upon the government agent by this Ordinance. All official members appointed by the Governor shall hold office during the Governor's pleasure. The unofficial members shall be elected or appointed as hereinafter provided.

(2) The official members appointed by the Governor under the provisions of the Ordinance No. 7 of 1876, for any town, shall continue to be the official members of the board of such town during the Governor's pleasure.

(3) The unofficial members elected or appointed for any town under the provisions of the said Ordinance shall continue to be the unofficial members of the board of such town for which they were respectively elected or appointed, and shall cease to hold office when the term of office for which they were respectively elected or appointed shall have expired.

(4) Such official and unofficial members shall be succeeded by the official and unofficial members respectively appointed or elected under this Ordinance.

Qualification of unofficial members.

6 Every male inhabitant of any town under the operation of this Ordinance, of the age of twenty-one years and upwards, who is possessed of immovable property situate therein of the value of not less than one thousand rupees, and who does not hold any office of emolument under Government, and who has not been convicted of any infamous crime, shall be eligible as an unofficial member of the board for such town.

Qualifications of electors.

7 Every occupier of any house within any such town, either as proprietor or tenant, of the annual value or rent of not less than fifty rupees, or who shall be the husband of a wife or the eldest son of a widow, who is the proprietor or tenant of any such house, shall be entitled to vote at any election of unofficial members for the board for such town: Provided that when any such house as aforesaid shall be jointly occupied by more persons than one, as proprietors or tenants, each of such joint occupiers, the annual value of whose share (if a proprietor) amounts to not less than fifty rupees or who (if a tenant) pays fifty rupees or more per annum for his occupation, shall be entitled to vote. If the annual value or rent of the entire house be not worth more than fifty rupees, the joint occupiers will elect among

themselves one to vote for the rest, and if they cannot agree in electing one they shall not be entitled to vote at all. Provided also that no male under the age of twenty-one years shall be entitled to vote, nor any female.

Notice of election to be published.

8 As soon as convenient after the publication of the Proclamation bringing any town under the operation of this Ordinance, the government agent shall give public notice of his intention to hold an election of unofficial members of the board of health and improvement for such town. Such notice shall be published in the English, Sinhalese, and Tamil languages not less than one calendar month before the day for holding the election, and shall be affixed on the walls of the kachcheri and district court (if any), and on such other conspicuous places in the said town as the said government agent may think fit with a view to ensuring publicity. Such notice shall state the time and place of election.

Government agent to inquire into qualification of electors. May administer oath.

9 The government agent shall be authorized to investigate and determine any claim to be entitled to vote at any election held under the provisions of this Ordinance, and shall have power to administer an oath or affirmation to any person whom he shall think fit to examine with reference to such claim. Any person giving false evidence on oath or affirmation at such investigation shall be liable to be prosecuted and punished for perjury. The decision of the government agent on any claim to be entitled to vote shall be final.

Mode of election.

10 The government agent shall preside at the meeting for any election held under this Ordinance, and shall determine the mode of voting. Every candidate shall be proposed at the said meeting by some person duly qualified to vote thereat, and shall be seconded by some other such qualified person. Every vote which at such election shall be given to any person who has not been so proposed and seconded shall not be taken into account in such election, but shall be wholly void and ineffective. Each elector shall have as many votes as there are unofficial members to be elected; and the candidates or candidate (as the case may be) having the highest number of votes shall be elected. Provided that when, by reason of any two or more candidates having obtained an equal number of votes, any voting shall be indecisive as to them, such candidates shall forthwith be voted for a second time, and he who shall obtain the greatest number of votes shall be elected the member; but if such second voting shall also be rendered indecisive by reason of such equality of votes, the chairman of the meeting shall decide the election by his casting vote.

Members of board to be elected biennially.

11 The members elected under the Ordinance No. 7 of 1876, and the first members elected under this Ordinance, shall go out of office on the last day of December of the second year from their election, and in place of such members so going out of office a like number of other members to be elected as hereinafter provided shall come into office and remain in office during the next ensuing two years, and at the expiration of such period of two years shall in like manner go out of office and be succeeded by other members for a like term of two years, and so on during the continuance of this Ordinance. Provided that any outgoing members may be re-elected.

Outgoing members may be re-elected.

Mode of future elections.

12 On any day in December, of which fourteen days' notice has been given by the government agent by publication of such notice in the *Government Gazette* and two or more of the local newspapers, which shall precede the day on which any such term of two years shall expire a meeting shall be holden for the election of members for the two years next succeeding, reckoned from the first day of January next following the day of such election. Every such election shall be held in the manner and shall be subject to the rules and regulations hereinbefore provided in sections 8, 9, and 10.

How membership vacated.

13 Any unofficial member who shall cease to be qualified as required by this Ordinance, or shall be absent from the town or from the meetings of the board, for which he is a member, for more than three months at one time, or shall be declared a bankrupt or insolvent, or shall be convicted of any infamous crime, or shall become incapacitated from fulfilling the duties of his office by mental or bodily infirmity or disease, or who shall accept any office of emolument under the board, or become directly or indirectly interested in any contract with the board, shall *ipso facto* vacate his office; and in case any person elected a member shall die or become disqualified or vacate his office in manner aforesaid, or shall resign or refuse to accept the office of a member, or in case of any casual vacancy happening in any other manner whatever in such office, the chairman shall forthwith call a meeting of election for the purpose of filling up such vacancy, and the person then elected shall serve until the next general election of members.

Mode of filling casual vacancies.

Irregular election to be again holden.

14 If by reason of any failure or neglect, or any other cause whatever, any meeting for the election of members shall not be duly and regularly holden, or if at any such meeting a member shall not be duly elected, then and in every such case the chairman, as soon as convenient after any such event shall have been notified to him, upon being satisfied that the said election was not duly and regularly holden or any member not duly elected, shall, according to the circumstances of each case, either declare the election void altogether or void as to any particular member or members, and shall by a notice of not less than seven nor more than fourteen days call a meeting of electors for the purpose of electing a member, in the same manner as is hereinbefore directed. No objection to any election shall be entertained after the lapse of fourteen days from the holding of the same.

No objection to an election to be entertained after fourteen days.

On failure of people to elect, Governor may appoint the unofficial members.

15 (1) In case the electors shall, after due notice of election has been given as provided by this Ordinance, fail to elect the requisite number of unofficial members, it shall be lawful for the Governor to appoint any person or persons, whether holding any office of emolument under Government or not, to be a member or members in order to make up the number of unofficial members required for the board. Members so appointed shall be deemed to be unofficial members for the purposes of this Ordinance. Provided, however, that in case the electors fail to elect as aforesaid, it shall not be incumbent upon the Governor to appoint any unofficial member or members, but the board shall be complete for all the powers, functions, and purposes of this Ordinance, notwithstanding the non-election or non-appointment of any unofficial members or member.

Proviso : board to be complete without any such appointment.

Duration of office of unofficial members.

(2) The unofficial members appointed by the Governor shall cease to hold office on the thirty-first day of December of the year in which a general election of members is held as provided in section 12, provided that such members or any of them may, if necessary, be re-appointed by the Governor under the provisions of section 14.

No member to receive any salary or reward for his services.

16 No member of any board shall have or receive any salary, or shall exact, take, or accept any fee or reward whatsoever for or on account of anything done or to be done by him by virtue of this Ordinance, or on any account whatsoever relative to this Ordinance, or shall have any direct or indirect interest in any contract with the board.

Government agent to be *ex-officio* chairman and treasurer.

17 The government agent shall be *ex-officio* chairman and treasurer of the board, and shall, when present, preside at every meeting thereof. In his absence the resident assistant government agent (if any), or (if none) then the person appointed by the government agent as provided for by section 5, shall preside at the meeting as *ex-officio* chairman. If the *ex-officio* chairman is absent at any meeting, the members present shall appoint their own chairman to preside at such meeting.

When *ex-officio* chairman absent members to appoint their own chairman.

Actions by or against boards not to abate.

18 Every suit, prosecution, appeal, or other proceeding commenced or carried on either by or against any board prior to the coming into operation of this Ordinance, shall continue and take effect in the same manner in all respects as it would have continued and taken effect in relation to such board if this Ordinance had not been passed.

Decrees, rates, and taxes made prior to coming into operation of this Ordinance to be enforced.

19 All decrees and orders made prior to the coming into operation of this Ordinance, all rates and taxes made, assessed, or imposed under the Ordinance No. 7 of 1876, and all rents, tolls, or other payments due or to become due under the said Ordinance, and all fines and penalties incurred prior to the coming into operation of this Ordinance, shall be enforced, levied, recovered, and proceeded for, and all executive proceedings commenced prior to the coming into operation of this Ordinance shall be continued, proceeded with, and completed, in like manner as if this Ordinance had not been passed.

Meetings of the board how and when convened.

### III.—*Meetings of the Board.*

20 Meetings of the board shall be held for the despatch of business upon such day or days in every month as shall be fixed by any by-law to be made by the board as hereinafter provided. Provided that it shall be lawful for the *ex-officio* chairman to convene a special meeting whenever he shall consider such desirable; and it shall be incumbent upon him to convene a special meeting whenever so requested in writing by any two or more members of the board. Two days' notice of the day appointed for any such special meeting shall be given to or left at the residence of each member of the board.

Powers of board to be vested in the majority.

21 All acts whatsoever authorized or required by virtue of this Ordinance to be done by any board may and shall be decided upon and done by the majority of members present at any duly convened meeting thereof, such members being not less than three in number when the board consists of more than four members, and not less than two in number when the board consists of less than four members, unless when by any of the provisions of this Ordinance one member is expressly empowered to decide upon and do any act, matter, or thing. Provided that when the votes of the members present in regard to any question shall be equally divided, the chairman shall, besides his vote as a member, have a casting vote.

Quorum.

Chairman to have a casting vote.

### IV.—*Actions by and against Boards.*

Board may sue and be sued.

22 In any suit, action, or legal proceeding which may be brought by or against any board, such board may sue and be sued by the style or description of the local board of health and improvement of the town for which it is constituted, and no action or suit shall abate by reason of the death, resignation, retirement, or removal of any member. All costs, charges, and expenses arising from or in respect of any suit, action, or legal proceeding, which any board may become liable to pay or be chargeable with, shall be paid from the funds of such board; and no member shall become personally liable for the payment thereof. The service of all processes in any legal proceeding against any board shall be made upon the secretary thereof.

Costs to be paid out of the funds of the board.

Service of process to be made on the secretary.

### V.—*Books and Accounts.*

Minutes of proceedings of board to be entered in a book.

23 All acts, orders, and proceedings of the board shall be entered in a book to be kept by it for that purpose, and shall be signed by the chairman for the time being and one of the members then present, and all such acts, orders, and proceedings shall then be deemed and taken to be original acts, orders, and proceedings, and any copy thereof or extract therefrom shall be admissible in evidence in any court of justice, provided that it purport to be signed and certified as a true copy or extract by the chairman or secretary of the board.

Books of accounts to be kept by board, which shall be open to inspection.

24 The board shall from time to time order and direct a book or books to be provided and kept at its office (which shall not, under any pretence whatever, be taken from thence, except by process of a competent court), in which shall be entered true and regular accounts of all sums of money received, paid, and expended for or on account of the purposes of this Ordinance, and of the several articles, matters, and things for which sums of money shall have been disbursed and paid; and such book or books shall at all reasonable times be open to the inspection of the board and of every resident householder within the town, without fee or reward; and the board and other persons aforesaid, or any of them, may take copies of or extracts from the said book or books without paying for the same.

Annual accounts to be prepared and deposited with board, and an abstract published in the *Government Gazette*.

25 In the month of January in every year a true account of all moneys received and paid by virtue of this Ordinance during the preceding year ending on the thirty-first day of December, and a statement of the assets and liabilities existing at that date, shall be made in writing, and a copy or duplicate of such account and statement, verified on oath before any justice of the peace by the treasurer of the board and certified by one of the members to be correct shall be deposited with the board, and shall be open to the inspection of any resident householder within the town or any party interested; and an abstract thereof shall be published in the *Government Gazette*, for general information, before the first day of March following.

Annual estimate of revenue and expenditure to be made and deposited with the board, and abstract published in the *Gazette*.

26 The board shall also, in the month of January in every year, draw out an estimate of the probable revenue and expenditure for the year, showing the several taxes or rates to be levied or assessed during the same, which estimate shall be signed by the chairman and one of the members, and an attested copy thereof deposited in its office, and shall there be open to the inspection of any resident householder or any party interested; and an abstract thereof shall be published in the *Government Gazette* for general information before the thirty-first day of the said month.

Accounts of board to be subject to audit by the Auditor-General.

27 The accounts which each board is required to keep as aforesaid shall be subject to audit by the Auditor-General, who shall have power at all times, by himself or any person appointed by him in writing, to inspect all books and documents of account and to call for the production of all documents or vouchers necessary for the verification of such accounts.

#### VI.—*Funds of Boards.*

Moneys levied and fines imposed under this Ordinance to form local fund and be vested in members as trustees for benefit of town.

28 All such moneys as shall have been or shall be levied for the purposes of any board under the authority of any repealed Ordinance, or of this Ordinance, or any Ordinance to be hereafter enacted, or which may be made over at any time from the general revenue to any board for the purposes of this Ordinance, and all fines levied and penalties recovered under authority of any repealed Ordinance or of this Ordinance or "The Nuisances Ordinance, 1862," or in promotion of the duties cast upon any board by this or any repealed Ordinance, shall form a local fund, of which the members of such board shall be trustees, and be applied by them to the conservancy and improvement of the town for which such board is constituted, and to the maintenance of the public health therein, and, with the previous sanction in writing of the Governor in Executive Council, to purposes of public recreation; and the payment of the salaries and wages of, and retiring pensions and gratuities to, the officers and servants employed by the board, the cost of watchmen or other officers, if any, employed by the board in such town in lieu of the police, and all other expenses incurred in and about the carrying out of the provisions of this Ordinance.

Other constituents of local fund.

29 The board of any town shall be entitled to take and receive for the local fund the following duties and sums payable under the Ordinances hereinafter cited, or any other

Ordinance or Ordinances to be hereafter enacted for the purposes or instead of the said cited Ordinances respectively or any of them ; (that is to say,)

- (1) All stamp duties payable for or in respect of the licenses of any boats licensed by the master attendant of the port of such town (if the town is a seaport), under or by virtue of "The Masters Attendant's Ordinance, 1865;" all stamp duties payable for or in respect of the licenses of any carts, boats, or coaches registered in the kachcheri of such town, under or by virtue of "The Carrier's Ordinance, 1865;" and all stamp duties payable for or in respect of the licenses of any carriages kept or used within such town; under or by virtue of "The Carriage Ordinance, 1873."
- (2) All the sums paid for fees and stamp duties for licenses by the inhabitants of such town under section 30 of the Ordinance No. 10 of 1844, intituled "An Ordinance to amend the Law relative to the distillation and sale of Arrack, Rum, and Toddy within these Settlements;" under section 4 of "The Nuisances Ordinance, 1862;" under the Ordinance No. 19 of 1867, intituled "An Ordinance to restrict the use of Opium and Bhang;" under Ordinance No. 19 of 1869, intituled "To make provision relating to the possession and use of Firearms;" under "The Licensing Ordinance, 1891;" and under "The Sale of Poisons Regulation Ordinance, 1876;" under "The Petroleum Ordinance, 1887;" and under "The Explosives Ordinances, 1894 and 1895;" or under any of the above enactments.
- (3) All such sums as shall be paid by the inhabitants of such town as stamp duties for the certificates of advocates and proctors under Ordinance No. 12 of 1848, intituled "For making provision in certain respects touching the admission of Advocates and Proctors ; and for the annual registration of practising Proctors ;" for certificates of notaries under the Ordinance No. 16 of 1852, intituled "To amend the Law relating to Notaries;" and for articles of clerkship or contract to serve as clerk for admission as an advocate, proctor, notary, or apothecary, under "The Stamp Ordinance, 1890," or under any of the above enactments.

Provided that in any town where there is no kachcheri the board of such town shall be entitled to take and receive for the local fund all stamp duties for or in respect of licenses issued by the government agent of the province within which any such town is situate, under or by virtue of "The Carriers' Ordinance, 1865," to owners of any carts, boats, or coaches, resident or exercising their calling within the revenue district within which any such town is situate, and where such town is not within any revenue district within the defined limits of such town, or within a radius of ten miles from such limits.

#### VI.—Rates and Taxes.

30 It shall be lawful for each board, and it is hereby authorized, subject to the provisions hereinafter contained, once a year, if it shall think necessary, to make and assess, with the sanction of the Governor and Executive Council, any rate or rates on the annual value of all houses and buildings of every description and all lands and tenements whatsoever within the town, for which such board is constituted; such rate or rates to endure for any period not exceeding twelve months.

Provided that all buildings appropriated to religious or educational purposes or in charge of military sentries shall be exempted from the payment of such rates. Provided also.

Board may assess rates on property.



that it shall be lawful for the board to exempt from payment on the ground of poverty the owner of any house, land, or building rateable under this Ordinance.

Value of property for police assessment to be adopted for assessment under this Ordinance.

31 (1) In any town in which a police force has been or is hereafter established the valuation of lands, houses, and tenements, which shall have been made or shall hereafter from time to time be made for the purposes of police assessment tax under the Ordinances No. 16 of 1865 and No. 7 of 1866, or any Ordinance or Ordinances hereafter in that behalf to be enacted, shall be taken as the valuation for the purposes of assessment under this Ordinance.

Valuation of property for assessment under this Ordinance in any town in which no police force is established.

(2) In any town in which a police force has not been or is not established, or from which the police force has been under the Ordinance No. 27 of 1890, or shall be under this Ordinance, withdrawn wholly or in part, the valuation of houses, buildings, lands, and tenements in which such assessment rate shall be levied shall be made in manner provided in the Ordinances No. 16 of 1865 and No. 7 of 1866 for the purpose of creating a fund for the maintenance of a police force in any town.

The Governor may exempt any town from the police tax and withdraw the police wholly or in part.

32 The Governor, with the advice of the Executive Council, may by Proclamation in the *Government Gazette* exempt the inhabitants of any town from payment of the police tax and order the withdrawal of the whole or any part of the police force therein, and may with the like advice revoke such exemption and order of withdrawal. After such revocation the liability of the inhabitants to pay the police tax shall be revived.

Cost of special police protection chargeable to local fund.

33 If in any town from which the police shall be withdrawn, wholly or in part, special police protection is in the opinion of the Governor requisite on any particular occasion, the inspector-general of police may by order of the Governor provide such protection, and the board shall pay from the local fund the entire cost thereof, or such portion as the Governor in Executive Council may consider equitable.

Assessment rate under this Ordinance to be paid and recovered in the same manner as police assessment tax.

34 The assessment rate imposed under this Ordinance shall be paid and recovered in the same manner as the police tax is directed to be paid and recovered under the Ordinances No. 16 of 1865, No. 7 of 1866, and No. 6 of 1873, and shall be subject in all respects to the provisions of the said last mentioned Ordinances relating to the payment and recovery of such police tax. The government agent or assistant government agent shall collect and recover the assessment rate payable under this Ordinance, and shall pay such assessment rate over to the board.

Board empowered to enforce poll tax.

35 It shall be lawful for any board to impose and enforce an annual tax payable in six days' labour, or in money not exceeding two rupees and fifty cents in commutation of such labour, upon all persons residing within the limits of the town who would have been liable under the provisions of the Ordinance No. 10 of 1861 to the performance of labour for the maintenance of the roads or other public means of communication by land or by water.

Taxes on carriages not plying for hire.

36 It shall be lawful for any board, and such board is hereby authorized and empowered, to levy an annual tax on all carriages, carts, hackeries, horses, ponies, mules, bullocks, asses, and dogs kept or used within the town for which such board is constituted and which are not (as respects carts, carriages, and coaches) the carts, carriages other than hackeries, and coaches referred to in section 29, at the rates not exceeding those specified in the Schedule C, and such tax shall be payable at such times as the chairman of such board shall direct, and shall be assessed and levied in the manner hereinafter mentioned.

Provided that such tax shall not apply to or include the vehicles and animals kept or used by the Governor and his personal staff, gun-carriages or ordnance carts or wagons, artillery and cavalry horses, or horses of the mounted

orderlies or police, or the respectively authorized number of horses belonging to military officers doing staff, regimental, or other public duty in such town, or vehicles kept for sale by *bonâ fide* dealers in such vehicles.

Tax on vehicles and animals payable half-yearly in advance.

Not payable by person in possession for less than sixty days in half year.

Transferee not liable.

Tax how recoverable.

Chairman may compound with livery stable keepers and others.

List of persons liable to be taxed to be entered in a book.

Returns may be required for the purpose of making a list.

Power to inspect stables, &c., and to summon persons liable to the payment of the tax.

Penalty for disobeying summons or hindering the chairman.

37 (1) The tax leviable under section 36 shall be payable half-yearly in advance for each half of the year; the amount payable for each half year shall be payable by any person in whose possession or custody or control any vehicle or animal liable to the tax may be found so soon as it has been for sixty days kept or used within such town. But no person shall be liable under this section for any vehicle or animal which has been in his possession for less than sixty days in any half year.

(2) No person by reason of the transfer of ownership shall be liable to pay the tax for any vehicle or animal on which tax had already been paid for the half year in which the ownership was transferred.

(3) If any person liable to pay the tax leviable under section 36 fails to pay the same within seven days after demand, the chairman shall report such failure to the police court, which shall proceed to recover such sum as if it were a fine imposed by that court.

38 The chairman may compound, for any period not exceeding one year, with livery stable keepers and other persons keeping or using carriages and horses for hire, for a certain sum to be paid for the horses so kept by such persons in lieu of the tax specified in the Schedule C hereto.

39 The chairman shall from time to time cause to be prepared and entered in distinct columns in a book to be kept at the kachcheri or local board office, and to be open to the inspection of any person interested therein, a list of the persons liable to the payment of the tax under section 36, a description of the vehicles and animals in respect of which they are liable, and the amount of the tax assessed thereon.

40 In order to enable the chairman to make such list, the chairman or any officer authorized by him shall send to all persons supposed to be liable to the payment of such tax a schedule, to be filled up with such information respecting the vehicles and animals kept by them as the chairman may judge necessary for the assessment of the tax. The schedule shall be filled up in writing and signed and dated, and returned to the kachcheri or local board office by every person to whom it has been sent, whether or not liable to the payment of such tax; and whoever refuses to accept, or refuses, neglects, or omits duly to fill up and return such schedule within one week from the receipt thereof, or knowingly gives therein any incorrect or false return, shall be liable to a fine not exceeding fifty rupees.

41 It shall be lawful for the chairman or any person appointed by him for that purpose, at any time between sunrise and sunset, to enter and inspect any stable or coach-house or any place wherein he may have reason to believe that there is any vehicle or animal liable to taxation under section 36. And the chairman may summon any person whom he has reason to believe to be liable to the payment of such tax, or any other person, and may examine any such person as to the number and description of the horses, carriages, and dogs in respect of which such person is liable to be taxed.

42 Whoever, on being summoned under the preceding section, fails, without lawful excuse, to appear in pursuance of the summons, and whoever hinders or obstructs the chairman or any person appointed by him as aforesaid from entering or inspecting or leaving any such stable, coach-house, or place, shall be liable to a fine not exceeding fifty rupees.

VII.—*Waterworks.*

## Waterworks.

43 The board may provide the town with a supply of drinking water, and for that purpose may from time to time, with the approval of the Governor in Executive Council, contract with any person whomsoever, or purchase, take upon lease, hire, or construct and maintain such waterworks, and do and execute all such works, matters, and things as shall be necessary and proper.

## Water-rate.

44 (1) To provide for the cost and maintenance of such waterworks it shall be lawful for the board to levy a water-rate on such annual value of all houses, buildings, lands, and tenements within the limits of the town as shall be determined for the purposes of the assessment rate levied under this Ordinance.

(2) Such water-rate shall be fixed from time to time by the Governor in Executive Council, but shall in no case exceed six per centum on such annual value as aforesaid, and shall be collected, recovered, and paid over to the board by the government agent in the same manner as the assessment rate levied under this Ordinance.

(3) The Governor in Executive Council may, by notification in the *Government Gazette*, exempt either wholly or partially from the water-rate any premises which, in his opinion, are not sufficiently supplied with water from such waterworks, and may from time to time revoke such exemption.

Ratepayer  
entitled to water  
free of charge  
from public  
standpipes.  
For domestic  
purposes.

45 (1) Every person paying such water-rate shall be entitled to have free of further charge in respect thereof a supply of water from the public standpipes for the domestic use of himself and his household.

(2) A supply of water for domestic purposes shall not include a supply of water for horses or cattle or for washing vehicles, where such horses, cattle, or vehicles are kept for sale or hire, or a supply for any trade, manufacture, or business, or for fountains or swimming baths, or for any ornamental or mechanical purpose, or for purposes of irrigation.

Contract for  
private service  
and for supply of  
water for other  
than domestic  
purposes.

(3) The board may supply water for other than domestic purposes, or allow a private service of water to any house for domestic purposes, in such quantities and upon such terms and conditions as may be agreed upon between them and the persons desirous of being so supplied.

## Regulations.

46 (1) It shall be lawful for the board to make, and when made to amend or revoke, regulations for preventing waste, misuse, undue consumption, or contamination of the water supplied, and for every other purpose relating to the due preservation and maintenance of the waterworks.

(2) No regulation, or amendment, or revocation of any regulation shall have effect until the same is sanctioned by the Governor in Executive Council, and notice of such sanction is given by notification in the *Government Gazette*.

No assessment,  
valuation, &c., to  
be impeached  
for want of form.

47 No assessment or valuation, and no charge or demand of any rate or tax under the authority of this or of the preceding chapter, and no seizure or sale, shall be impeached or affected by reason of any mistake in the name of any person liable to pay the rate or tax, or in the description of any property or thing liable to such rate or tax, or any mistake in the amount of assessment or the mode of seizure and sale, provided the directions of this or of the preceding chapter or of any regulation or by-law lawfully made by the board be in substance and effect complied with; and no proceedings under this Ordinance shall be quashed or set aside in any court of justice for want of form.

The board  
may borrow on  
security of rates  
and taxes.

48 It shall be lawful for the board, with the sanction of the Governor in Executive Council, to borrow from the Ceylon Government or from any person or body of persons, whether incorporated or not, such sum or sums of money as may be necessary for carrying out any waterworks or any work of a permanent character undertaken under the provisions of this Ordinance. Every such loan shall be

subject to such rate of interest and to such conditions for the repayment thereof as the Governor in Executive Council may sanction. And for the purpose of securing the repayment of the sum or sums so borrowed, and the interest accruing thereon, the board may mortgage and assign over to the lender or lenders by or on whose behalf such sum or sums or any part thereof may be lent, the rates and taxes imposed and levied under this Ordinance, or any portion thereof. Provided that any loans raised under the authority of this Ordinance shall not at any time exceed in the aggregate ten times the fair average annual income received by the board from all rates and taxes for the preceding five years. And where a local board has not been in existence for five years, it shall be lawful for the board to raise a loan equal to ten times its income for a year as appraised by it and approved by the Governor in Executive Council.

Proviso.

Mortgages to be by deed.

49 Every mortgage of rates or taxes authorized to be made under the provisions of this Ordinance shall be by deed, free from stamp duty, in which the consideration shall be truly stated, and every such deed shall be signed by the chairman and any two members of the board, and shall be in the form in the Schedule B to this Ordinance annexed, or to the like effect.

When and how board may pay off securities.

50 If the board can at any time borrow or take up any sum of money at a lower rate of interest than any securities given by them and then being in force shall bear, they may borrow such sum at such lower rate as aforesaid in order to pay off and discharge the securities bearing such higher rate of interest, and may charge the rates and taxes which they are authorized to mortgage under this Ordinance or any part thereof with payment of such sum and such lower rate of interest, in such manner and subject to such regulations as are hereinbefore contained.

Sinking fund for payment of debts.

51 In order to discharge the principal money borrowed as aforesaid on security of any rates or taxes, the board shall every year appropriate and set apart out of such rates and taxes respectively a sum equal to at least one-fiftieth part of the sums so borrowed respectively as a sinking fund, to be applied in paying off the respective principal moneys so borrowed, and shall from time to time cause such sinking fund to be invested in the purchase of Imperial, Indian, or Colonial Government securities, to be approved by the Governor in Executive Council, and to be increased by accumulation in the way of compound interest or otherwise, and which interest shall, when it amounts to a sufficient sum, in like manner be invested until the principal sum and interest respectively shall be of sufficient amount to pay off the principal debts respectively to which such sinking fund shall be applicable, or some part thereof which the board shall think ought then to be paid off, when the same shall be so applied in paying off the said principal debts or part thereof in manner hereinafter mentioned.

Order of payment of mortgages may in certain cases be decided by lot.

52 Whenever the board shall be enabled to pay off one or more of the mortgages which shall be then payable, and shall not be able to pay off the whole of the same class, they shall decide the order of payment by lot among the class to which such one or more of the mortgages belong, and shall cause a notice signed by the chairman to be given to the persons entitled to the money to be paid off pursuant to such lot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon at a place to be specified, at the expiration of six months from the date of giving such notice.

Certain lands to be vested in the board.

#### VIII.—Property vested in Boards.

53 All waste ground or land situate within the town, and all stone, cabook, or gravel quarries, and all lakes and streams not being private property therein situate, which

have been or may be handed over to the board with the sanction of the Governor (and of which handing over a record in writing shall be made, signed by the persons authorized to hand the same over and by the chairman of the said board), and all right, title, and interest in such ground, land, and quarries, and in such lakes and streams, shall be and the same are hereby vested in the said board, to be administered and the revenue thereof employed and made use of for the benefit of the town and for the purposes of this Ordinance. Provided that nothing in this section contained shall be deemed to affect or prejudice any right or title of the Crown to any such land or quarries, or to any such lakes and streams which Her Majesty may at any time resume or dispose of for public purposes. Provided also that nothing herein contained shall affect or be construed to affect any right or title which Her Majesty's Board of Ordinance has or may have in the property hereinbefore mentioned or in any part thereof.

Proviso.

Further proviso.

Other property vested in board.

54 The property of and in all the lamps, lamp irons, lamp-posts, sluices, dams, pipes, posts, chains, pales, and rails in, about, or belonging to the streets and places within the limits of the town, and of and in all iron, timber, stone, bricks, and other materials and furniture and things belonging thereto (except when the same shall be otherwise regulated by contract with the board), shall be and the same is hereby vested in the board, and may be used, sold, and disposed of by it from time to time as it shall deem necessary; and the money arising from such sale shall be applied towards the purposes of this Ordinance.

Public streets and bridges to be vested in board.

55 All public streets and bridges and public markets, and the lands used as such within each town brought under the operation of this Ordinance (except such streets and bridges as shall be specially exempted by the Governor, with the advice of the Executive Council, by Proclamation to be for that purpose from time to time issued), and the pavements, stones, and other materials thereof, and also all erections, materials, implements, and other things provided for such streets shall be vested in the board of such town for the purposes of this Ordinance.

#### IX.—Powers, Duties, and Functions of Boards.

Powers given to boards of health under Ordinances No. 15 of 1862 and No. 8 of 1866 to be vested in these boards.

56 From and after the time when this Ordinance shall come into operation in any town, all the powers, duties, and authorities vested or expressed to be vested in the board of health by "The Nuisances Ordinance, 1862," and the Ordinance No. 8 of 1866, intituled "An Ordinance to prevent the spread of Contagious Diseases in this Island," or either of them, or by any by-law made in pursuance or by authority of those Ordinances or either of them, shall, so far as respects such town, be transferred to and become vested in and be exercised by the board of such town.

Power to make by-laws.

57 In addition to the power of enacting by-laws expressed to be conferred upon the board of health by the 5th section of "The Nuisances Ordinance, 1862," and now vested in the board, it shall be lawful for every board from time to time to make such by-laws not inconsistent with the provisions of this Ordinance as it may deem expedient for any of the following purposes :

- (1) For regulating the time and place of its own meetings, and the order to be observed thereat ;
- (2) For making, repairing, cleaning, watering, and lighting the streets, roads, canals, and bridges of the town ;
- (3) For regulating weights and measures ;
- (4) For the assize of bread ;
- (5) For the establishment and regulation of its own markets and levy of fees therein, and for supervision and control of markets belonging to private persons ;
- (6) For the establishment and regulation of slaughter-houses, whether its own or of private persons ;

- (7) For the regulation of dangerous or offensive trades ;
- (8) For the seizure and forfeiture of unwholesome flesh, fish, or other provisions introduced into the town or exposed for sale therein ;
- (9) For the suppression of cruelty to animals ;
- (10) For regulating the mode and times of fishing ;
- (11) For taking care of waste or public lands ;
- (12) For the putting up and preservation of boundaries and fences of lands, whether public or private ;
- (13) For the setting apart and regulation of bathing places ;
- (14) For the destruction of dogs ;
- (15) For—
  - (a) Determining the amount to be paid in commutation of the labour due under section 35 of this Ordinance, and for enforcing the recovery of such commutation ;
  - (b) Calling out and compelling the performance of such labour ;
  - (c) Enforcing in case of default the performance of increased or double labour, or the payment of increased or double commutation, and costs ; and
  - (d) Recovering all other taxes payable under this Ordinance.

Provided that such increased or double labour as aforesaid shall not exceed in the aggregate twelve days' labour, and such increased or double commutation in lieu of the same, exclusive of costs, shall not exceed five rupees from any person in one year.

Provided further, that until such by-laws are made by any board under (a), (b), and (c) of this sub-section, the provisions of the Ordinance No. 10 of 1861 and of the Ordinance No. 31 of 1884 shall, so far as the same may be made applicable, be acted upon and deemed of force as if the same were inserted herein, and that all the powers and authorities vested under the said Ordinances in the chairman of any district or provincial road committee shall, so far as respects any town, be vested in and exercised by the chairman of the board of such town, and all powers vested or expressed to be vested in division officers by the said Ordinance shall be vested in such persons as may be appointed by the board in this behalf.

- (16) For fixing and levying charges for the occupation of pounds for stray cattle and the cost of the keep of the animals impounded ;
- (17) For regulating the dimensions and ventilation of huts and houses to be constructed ;
- (18) For levying fees for and regulating the grazing of cattle on waste and other lands not being private property ;
- (19) For protecting fish, game, and wild birds, and for regulating the use of firearms within the town ;
- (20) For every other purpose which may be necessary or expedient for the due conservancy of the town, the preservation of the public health therein, and the promotion of the comfort and convenience of the people thereof.

Power to alter, amend, or cancel by-laws.

58 Every board may from time to time alter, amend, or repeal any by-law or all such by-laws and substitute another or others therefor not inconsistent with the provisions of this Ordinance. No by-law or alteration, amendment, or repeal of or substitution for any by-law shall have effect until the same is confirmed by the Governor, with the advice of the Executive Council. Such by-laws when so confirmed and published in the *Government Gazette* shall be as valid and effectual as if they had been herein enacted.

By-laws in Schedule D to be in force unless suspended.

59 Until by-laws are made by the board of any town under section 57, and so far as such by-laws do not extend to modify or alter the by-laws contained in Schedule D,

the by-laws contained in that schedule shall be deemed to be and be the by-laws enacted by such board for the purpose of this Ordinance, and shall be in force in such town.

Board may appoint secretary and other officers.

60 It shall be lawful for the board, of any town to appoint a secretary and such other officers or servants as may be necessary for carrying out the purposes of this Ordinance, and to pay such secretary, officers, and servants out of the local fund such salary or wages as to such board may seem fit; and all officers and servants appointed under the Ordinance No. 7 of 1876 shall continue to be the officers and servants of such board as though they had been appointed under this Ordinance.

Power of the board to improve streets and levy and sell lands and buildings.

61 It shall be lawful for the board, with the sanction of the Governor and Executive Council, to do any of the things following :

To purchase and sell lands.

(1) To build and construct bridges and tunnels, and to turn, divert, discontinue, stop up, widen, open, enlarge, or otherwise improve any street, making due compensation out of the local fund to the owners or occupiers of any property required for such purposes, or injured by the carrying out thereof;

To tax dogs.

(2) To purchase or take or lease land or buildings for the purposes of this Ordinance and pay for the same out of the local fund, and sell the same or any other property vested in the board;

(3) To levy a tax upon dogs.

If necessary, land may be acquired under the law for the acquisition of land for public purposes.

62 When there is any hindrance to the acquisition by purchase of any land or building required for the purpose of this Ordinance, the Governor, upon the application of the board, and after such inquiry as may be thought proper, may declare that the land or building is needed for a public purpose, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, according to any laws now or hereafter to be in force for the acquisition of private land for public purposes; and the Governor may vest such land or building in the board on its paying the compensation awarded.

Other powers of the board.

63 It shall be lawful for the board, in addition to any other powers vested in it, to do any of the things following :

(1) To water the streets;

(2) To remove encroachments and obstructions in or upon any street;

(3) To paint up the names of streets and the numbers of houses or tenements on any private property;

(4) To shut up and secure deserted houses;

(5) To provide and maintain common latrines;

(6) To construct wells and provide bathing places;

(7) To erect lamps and light the town or any part thereof;

(8) To make and repair main and other drain sewers;

(9) To establish pounds for stray cattle.

Duties of the board to abate nuisances and cleanse and keep in repair streets, &c.

64 It shall be the duty of the board to abate all nuisances in the town, to cleanse and keep and maintain in proper cleanliness, order, and repair all public streets and bridges (except such as shall be exempted by the Governor under section 55) and all public wells and tanks within the limits of the town.

Board may regulate processions and music in the streets.

65 It shall be lawful for the board to grant permission for any religious or public procession or the performance of any music in the streets of the town, and to regulate and restrict such processions and music in such manner as the board shall think fit, regard being had to the comfort and convenience of the inhabitants.

Powers of provincial and district committees vested in board.

66 All powers, duties, and responsibilities vested or expressed to be vested in provincial and district committees respectively, or in the chairman or secretary thereof, under or by virtue of "The Road Ordinance, 1861," or the Ordinance

nance No. 31 of 1884, shall be vested in the board, within and so far as relates to any town brought under the operation of this Ordinance and the inhabitants thereof, except so far as such powers, duties, and responsibilities are inconsistent with any of the provisions of this Ordinance.

Erection of new huts to be under the control of the board.

67 It shall not be lawful for any person to erect any range or block of huts or sheds or buildings, whether to be used as dwellings or stables or for any other purposes, on any plot or parcel of ground not previously built upon, or on which no buildings are standing, or to add any hut, shed, or building to any range or block of huts, sheds, or buildings already existing when this Ordinance comes into operation, without previous notice to the board; and the board may require such huts, sheds, or buildings to be built so that they may stand in regular lines with a free passage or way in front of each line of such width as the board may think proper for salutary ventilation and for facilitating scavenging, and at such a level as will admit of sufficient drainage, and may require such huts, sheds, or buildings to be provided with a latrine or latrines, which must be maintained in proper order. And if any such huts, sheds, or buildings be built without giving such notice to the board or otherwise than as required by the board, the board may give notice to the builder or builders thereof to take down and remove the same within one month, and if such huts or buildings be not taken down or removed according to such notice, the board may cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the said builder or builders and shall be recoverable as hereinafter provided.

Houses or huts not to be built or roofed with cadjan without permission.

68 It shall not be lawful for any person to erect or construct any house, hut, shed, or other building, whether to be used as dwellings or stables or for any other purpose, having its external roof or walls made of grass, leaves, mats, or other such inflammable material, without first obtaining the permission of the chairman; and if any such house, hut, shed, or other building be built without such permission the chairman shall give notice to the owner thereof, or of the ground upon which the same is erected or constructed, or is being erected or constructed, by affixing a notice to some conspicuous part of such house, hut, shed, or other building, to take down and remove the same forthwith or within such time as the chairman may direct. If such house, hut, shed, or other building be not taken down and removed forthwith, or within the time fixed by such notice, the chairman shall cause the same to be taken down and removed, and the expenses incurred in doing so shall be paid by the owner thereof, or of the ground upon which the same is built, and shall be recoverable as hereinafter provided.

Power of the board as to existing huts.

69 Whenever the board is satisfied that any huts, sheds, or buildings, whether used as dwellings or stables or for any other purposes, and whether existing at the time when this Ordinance comes into operation or subsequently erected, are by reason of the occurrence of an epidemic, or of the manner in which they are crowded together, or of the want of drainage and the impracticability of scavenging, attended with risk of disease to the inhabitants or the neighbourhood, it shall cause a notice to be affixed to some conspicuous part of such huts, sheds, or buildings requiring the owners or occupiers thereof, or, at its option, the owner of the land on which such huts, sheds, or buildings are constructed, within such reasonable time as may be fixed by the board for that purpose, to execute such operations, including alteration of such huts, sheds, or buildings, as the board may deem necessary for the avoidance of such risk. And in case such owners or occupiers shall refuse or neglect to execute such operations within the time appointed, any officer appointed by the board in that behalf may cause the said huts, sheds, or buildings to be taken down or such operations to be performed in respect thereof as the board may deem necessary to prevent such



risk. If such huts, sheds, or buildings be pulled down, the said officer shall cause the materials of each hut, shed, or building to be sold separately, if such sale can be effected, and the proceeds shall be paid to the owner of the hut, shed, or building, or if the owner be unknown, or the title disputed, shall be held in deposit by the treasurer, until the person interested therein shall obtain the order of a competent court for the payment of the same. Provided always that in case any huts, sheds, or buildings existing at the time when this Ordinance comes into operation should be pulled down under this section by order of the board, or in pursuance of its notice, compensation shall further be made to the owner thereof, and the amount thereof in case of dispute shall be ascertained and determined as hereinafter provided.

Proviso.

Projecting houses when taken down to be set back.

70 When any house or building, any part of which projects beyond the regular line of a street or beyond the front of the house or building on either side thereof, has either entirely or in greater part been taken down, burned down, or has fallen down, the chairman may require the same, when being rebuilt, to be set back to or towards the line of the street or the line of the adjoining houses or buildings, and the portion of land added to the street by so setting back the house or building shall thenceforth be deemed part of the street. Provided always that the board shall be liable to pay full compensation to the owner of any such house or building for any damage he may thereby sustain.

Houses in a ruinous and dangerous state.

71 If in any street any house, building, or wall or anything affixed thereon be deemed by the board to be in a ruinous state, whether dangerous or not, or likely to fall, it shall immediately, if it appears to be necessary, cause a proper board or fence to be put up for the protection of passengers, and shall cause notice in writing to be given to the owner or occupier forthwith to take down, secure, or repair such house, building, wall, or thing affixed thereon, as the case shall require, and if such owner or occupier do not begin to repair, take down, or secure the same within three days after such notice, and complete such work with due diligence, the board shall cause all or so much of such house, building, wall, or thing as it shall think necessary to be taken down, repaired, or otherwise secured; and all the expenses incurred by the board shall be paid by the owner or occupier of the premises, and shall be recoverable as hereinafter provided.

Sale of materials of ruinous houses.

72 If any such house, building, or wall, or any part of the same, be pulled down by virtue of the powers aforesaid, the board may sell the materials thereof, or so much of the same as shall be taken down, and apply the proceeds of such sale in payment of the expenses incurred, and shall, on demand, restore any overplus arising from such sale to the owner of such houses, building, or wall. Provided always that, in case no demand for such overplus as aforesaid shall within twelve months be made by any person entitled to call for the same, the board shall be at liberty to pay the amount of such overplus to the credit of the local fund, and shall be freed from any liability to pay or answer for or in respect of such unclaimed overplus. The board, although it sells such materials for the purposes aforesaid, shall have the same remedies for compelling the payment of so much of the said expenses as may remain due after the application of the proceeds of such sale, as by this Ordinance are given to it for compelling the payment of the whole of the said expenses.

Proviso.

Overcrowding of houses.

73 Whenever it shall appear to the board that any house is so overcrowded as to be dangerous or prejudicial to the health of the inhabitants thereof, or of the neighbourhood, and the inhabitants shall consist of more than one family, the board shall cause proceedings to be taken before the police court to abate such overcrowding, and the said court

shall thereupon make such order as it may think fit; and each of the persons permitting such overcrowding shall be liable to a penalty not exceeding ten rupees for each day after the date of such order during which such overcrowding shall continue.

Power of board to inspect and limewash houses.

74 It shall be lawful for the board at any time between sunrise and sunset by any of its officers (on giving six hours' notice) to enter into and inspect all houses and buildings, and by an order in writing to direct all or any part thereof to be forthwith internally and externally limewashed or otherwise cleaned for sanitary reasons; and if the owner or occupier of such house or building neglect to comply with such direction within two days from the time when the order shall have been served upon him, the board may cause the same to be done, and the expenses incurred shall be paid by the owner or occupier, and shall be recoverable as hereinafter provided.

Penalty for making unauthorized drains into public sewers.

75 Whoever, without the written consent of the board first obtained, makes or causes to be made any drain into any of the public sewers or drains, shall be liable to a penalty not exceeding fifty rupees, and the board may cause such drain to be demolished, altered, re-made, or otherwise dealt with as it may think fit; and all the expenses incurred thereby shall be paid by the person making such drain and shall be recoverable as hereinafter provided.

Building over sewer, drain, &c., not to be erected without consent of board.

76 No building shall be newly erected over any public sewer, drain, culvert, gutter, or watercourse without the written consent of the board; and if any building be so erected, the board may cause the same to be pulled down or otherwise dealt with as it may think fit; and the expenses thereby incurred shall be paid by the person offending, and be recoverable as hereinafter provided.

Board may order or cause additional latrines to be constructed.

77 In case the board shall be of opinion that any latrine or latrines or additional latrine or latrines shall be necessary to be attached to or provided for any house or building or land, the owner of such house or building or land shall within fourteen days after notice in this behalf by the board cause such latrine or latrines to be constructed in accordance with the requisition of such notice, and in case the requisitions of such notice shall not have been complied with to the satisfaction of the board by such owner within the period aforesaid, the board shall be at liberty to cause such latrine or latrines to be constructed, and the expense incurred in such construction shall be payable by such owner, and shall be recoverable as hereinafter provided.

Board may cause persons employing large numbers of men to provide and maintain latrine or latrines, &c.

78 It shall be lawful for the board to compel any person employing large bodies of workmen or labourers to provide and maintain such latrine or latrines as may to it seem fit, and to cause the same to be kept in proper order and to be daily cleaned. And should such person neglect to provide and maintain such latrine or latrines, or to keep the same clean and in proper order, the board may construct and cause such latrine or latrines to be kept in good order and cleaned, and the expense incurred by the board in respect thereof shall be paid by the person aforesaid, and shall be recoverable as hereinafter provided.

Neglecting to enclose private latrine.

79 The owner or occupier of any house or building or land having a latrine on his premises shall have such latrine shut out by a sufficient roof and wall or fence from the view of persons passing by or residing in the neighbourhood, and it shall not be lawful for any owner or occupier to keep any latrine open with a door or trap-door opening on to any street. Every owner or occupier who shall omit to comply with, or shall commit any breach of any of the provisions of this section, shall be liable to a fine of five rupees a day for each day of default or breach. Provided that the board may, in its discretion, permit the continuance for such time as it may think fit of any such latrine open or with a door or trap-door opening on to any street, where such latrine already exists and does not create a nuisance.

Proviso.

If owners neglect to keep drains, &c., in good order, board may cause the same to be done and charge the owner with the expenses.

80 All drains, latrines, and cesspools within the town shall be under the survey and the control of the board, and shall be altered, repaired, and kept in proper order at the cost and charges of the owners of the land and buildings to which the same belong, or for the use of which they are constructed or continued; and if the owner of any land or buildings to which any such drain, latrine, or cesspool belongs neglect, during eight days after notice in writing for that purpose, to alter, repair, and put the same in good order in the manner required by the board, the board may cause such drain or latrine or cesspool to be altered, repaired, and put in good order in the manner required; and the expense incurred by the board in respect thereof shall be paid by the owner, and shall be recoverable as hereinafter provided.

Penalty for persons making or altering drains, &c., contrary to the orders of the board.

81 If any such drain or latrine or cesspool be constructed after this Ordinance comes into operation, contrary to the direction and regulations of the board, or contrary to the provisions of this Ordinance, or if any person, without the consent of the board, construct any new drain or latrine or cesspool, or construct, rebuild, or unstop any drain or latrine or cesspool which has been ordered by the board to be demolished or stopped up, or not to be made, every person so doing shall be liable to a fine not exceeding fifty rupees, and the board may cause such amendment or alteration to be made in any such drain or latrine or cesspool as it may think fit, and the expenses thereof shall be paid by the person by whom such drain or latrine or cesspool was improperly constructed, rebuilt, or unstopped, and shall be recoverable from him as hereinafter provided.

Inspection of drains and latrines.

82 The board or any officer appointed by it for that purpose may, subject to the restrictions of this Ordinance, inspect any such drain or latrine or cesspool, and for that purpose at any time may enter upon any lands and buildings, with such assistants and workmen as are necessary, and cause the ground to be opened, where such board or officer may think fit, doing as little damage as may be; and if upon such inspection it appears that the drain or latrine or cesspool is not in good order and condition, or that it has been constructed after this Ordinance comes into operation contrary to the provisions thereof, the expenses of such inspection shall be paid by the person to whom such drain or latrine or cesspool may belong, and shall be recoverable as hereinafter provided; but if such drain or latrine or cesspool be found to be in proper order and condition, and not to have been constructed in violation of the provisions of this Ordinance, the board or officer as aforesaid shall cause the ground to be closed and made good, as soon as may be, and the expenses of the opening, closing, and making good such drain or latrine or cesspool shall in that case be defrayed by the board.

Power to fill up unwholesome tanks on private premises.

83 When any private tank or low marshy ground or any waste or stagnant water, being in any private land, appears to the board to be injurious to health or to be offensive to the neighbourhood, the board shall, by notice in writing, require the owner of the said premises to cleanse or fill up such tank or marshy ground, or to drain off or remove such stagnant water; and if the said owner shall refuse or neglect to comply with such requisition during seven days from the service thereof, the board or its officers and workmen may enter into the said premises and do all necessary acts for all or any of the purposes aforesaid, and the expense incurred thereby shall be paid by the owner of such premises, and shall be recoverable as hereinafter provided.

Place of deposit for filth.

84 The board from time to time shall provide places convenient for the deposit of the night soil, dung, and other filth, and the dust, dirt, ashes, and rubbish collected and removed under the authority of this Ordinance, and for keeping all cattle, carts, implements, and other things required for the above or any of the purposes of this Ordinance. Provided that no such dust, dirt, ashes, rubbish,

Proviso.

night soil, dung, and other filth collected and removed under the authority of this Ordinance shall be deposited in the neighbourhood of populous localities nor within the limits of the town.

All rubbish, &c., collected to be the property of board.

85 All dirt, dust, ashes, rubbish, sewage, soil, dung, and filth collected from streets, houses, latrines, sewers, and cesspools shall be the property of the board, and the board shall have power to sell or dispose of the same as it may think proper; and the money arising from the sale thereof shall be paid to the credit of the local fund.

Power to cut overhanging trees.

86 It shall be lawful for the board, or any officer appointed by it for that purpose, to cut and remove and place upon any ground adjacent or near thereto, all trees, bushes, or shrubs, and all leaves or branches or roots of trees that shall grow in or overhang any thoroughfare or cause any obstruction therein, and for that purpose to enter upon any land or premises with such persons, animals, and instruments as may be necessary, and to proceed to do therein all such things as may be necessary for the cutting, lopping, or removing of such trees, bushes, shrubs, leaves, branches, or roots.

#### X.—Miscellaneous.

87 The Governor in Executive Council may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed under this Ordinance, or gratuities to the children or widows of such servants.

The local board shall, subject to such rules, pay such pensions and gratuities out of the local fund.

Board may enter into contracts.

88 It shall be lawful for any board from time to time to enter into any contract with any person for any work to be done or materials to be furnished for carrying out any of the purposes of this Ordinance. Such contracts shall be signed by the chairman and one or more of the members and by the other party contracting; but no contract above the value of five hundred rupees shall be entered into unless fourteen days' notice be previously given in one or more of the public newspapers published in this island calling for tenders for the execution of such work or the supply of such materials. Provided always that it shall not be compulsory on the board to accept the lowest or any tender.

Governor may contribute any portion of the cost of any special work estimated at more than 100 rupees.

89 In the event of any special work of local improvement being undertaken by any board, which shall be estimated to cost more than one hundred rupees, the Governor may, with the advice of the Executive Council, contribute from the general revenue such proportion of the cost thereof as he may think fit.

Service of notice on owners and occupiers of buildings and lands.

90 When any notice is required by this Ordinance to be given to the owner or occupier of any house, building, or land, such notice, addressed to the owner or occupier, as the case may require, may be served on the occupier of such house, building, or land, or left with some adult member or servant of his family, or, if the notice cannot be so served, or if there be no occupier, may be put up on some conspicuous part of such house, building, or land, and it shall not be necessary in any such notice to name the occupier or the owner. Provided always that, when the owner and his residence are known to the board, it shall be its duty, if such owner be residing within the town, to cause every such notice to be given to the owner; and if he be not resident within the town, it shall send every such notice by the post addressed to his residence.

Proviso.

Board in default of owner or occupier may execute works and recover expenses.

91 Whenever under the provisions of this Ordinance any work is required to be executed by the owner or occupier of any house, building, or land, and default is made in the execution of such work, the board, whether any penalty is or is not provided for such default, may cause such work to

be executed, and the expenses thereby incurred shall be paid by the person by whom such work ought to have been executed, and shall be recoverable as hereinafter provided.

Power to levy charges on occupier who may deduct the same from his rent.

92 If the defaulter be the owner of the house, building, or land, the board may, by way of additional remedy, whether an action or proceeding has been brought or taken against any such owner or not, require the payment of all or any part of the expenses payable by the owner for the time being, from the person who then or at any time thereafter occupies the house, building, or land under such owner; and in default of payment thereof by such occupier on demand, the same shall be levied by distress of the goods and chattels of such occupier; every such occupier shall be entitled to deduct from the rent payable by him to his landlord so much as is so paid by or recovered from such occupier in respect of any such expenses, and to retain possession until such expenses shall be fully reimbursed to him.

Occupiers not to be liable to more than the amount of rent due.

93 No occupier of any house, building, or land shall be liable to pay more money in respect of any expenses charged by this Ordinance on the owner thereof than the amount of rent due from him from the premises, in respect of which such expenses are payable, at the time of the demand made upon him, or which at any time after such demand and notice not to pay the same to his landlord has accrued and become payable by him, unless he neglect or refuse, upon application made to him for that purpose by the board, truly to disclose the amount of his rent and the address of the person to whom such rent is payable; but the burden of proof that the sum demanded of any such occupier is greater than the rent which was due by him at the time of such demand, or which has since accrued, shall be upon such occupier. Provided further that nothing herein contained shall be taken to affect any special contract made between any owner and occupier respecting the payment of the expense of any such works as aforesaid.

Proviso.

Occupier, in default of owner, may execute works and deduct expenses from his rent.

94 Whenever default is made by the owner of any house building, or land in the execution of any work required to be executed by him, the occupier of such house, building, or land may, with the approval of the board, cause such work to be executed, and the expense thereof shall be paid to him by the owner, or the amount may be deducted out of the rent from time to time becoming due from him to such owner. The owner shall not be entitled to eject the occupier until such expense shall have been fully paid or deducted as aforesaid.

Proceedings if an occupier opposes the execution of the Ordinance.

95 If the occupier of any house, building, or land prevent the owner thereof from carrying into effect, in respect of such house, building, or land, any of the provisions of this Ordinance after notice of his intention so to do has been given by the owner to such occupier, the board, upon proof thereof and upon application of the owner, may make an order in writing requiring such occupier to permit the owner to execute all such works with respect to such building or land as may be necessary for carrying into effect the provisions of this Ordinance, and may also, if it think fit, order the occupier to pay to the owner the costs relating to such application or order, and if, after the expiration of eight days from the date of the order, such occupier continue to refuse to permit such owner to execute such works, such occupier shall, for every day during which he so continues to refuse, be liable to a penalty not exceeding fifty rupees, and every such owner, during the continuance of such refusal, shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works.

Remedy if neither the owner nor occupier be able to pay.

96 If neither the owner nor the occupier be able to pay the expenses incurred by the board, the same shall be a charge upon the house, building, or land in respect of which the expenses were incurred, and payable as a debt due to the board.

Right of entry in houses.

97 Whenever under the provisions of this Ordinance the board or others acting under their orders or authority, or having themselves authority under this Ordinance, shall have occasion to enter into any house for purpose of inspection or for the purpose of performing or executing any duty or power vested in them under this Ordinance, they shall be empowered to do so.

Board may direct prosecution.

98 The board may direct any prosecution for any nuisance whatsoever, and may order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Ordinance, and may order the expenses of such prosecution or other proceedings to be paid out of the local fund.

No action to be instituted against board until after one month's notice or three months after cause of action.

99 No action shall be instituted against the board or members or any of the officers of the board or any person acting under the direction of the board for anything done or intended to be done under the powers of this Ordinance until the expiration of one month next after notice in writing shall have been given to the board or to the defendant, stating with reasonable certainty the cause of such action and the name and the place of abode of the intended plaintiff and of his proctor or agent, if any, in the cause; and upon the trial of any such action the plaintiff shall not be permitted to go into evidence of any cause of action, except such as is stated in the notice so delivered, and unless such notice be proved the court shall find for the defendant; and every such action shall be commenced within three months next after the accrual of the cause of action and not afterwards; and if any person, to whom such notice of action is given, shall before action brought, tender sufficient amends to the plaintiff, such plaintiff shall not recover in any such action, when brought, and the defendant shall be entitled to be paid his costs by the plaintiff; and if no such tender shall have been made, it shall be lawful for the defendant in such action, by leave of the court where such action shall be pending, at any time before issue joined to pay into court such sum of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into court.

Board may make compensation out of local fund.

100 The board may make compensation out of the local fund to all persons sustaining any damage by reason of the exercise of any of the powers vested in the board, its officers, or servants, under and by virtue of this Ordinance.

Compensation, damages, and costs to be determined by court.

101 Except as herein otherwise provided, in all cases when compensation, damages, costs, or expenses are by this Ordinance directed to be paid, the amount and, if necessary, the apportionment of the same in case of dispute, may be summarily ascertained and determined by any court having jurisdiction in the matter.

Recovery of damages.

102 If the amount of compensation, damages, costs, or expenses be not paid by the party liable to pay the same within seven days after demand, such amount may be reported to such court, and recovered in the same way as if it were a fine imposed by such court.

No person liable to fine or penalty unless complaint be made one month after the offence is committed.

103 No person shall be liable to any fine or penalty under this Ordinance, unless the complaint shall have been made before a competent court within one month next after the commission of the offence.

Damage to property of board to be made good in addition to penalty.

104 If through any act, neglect, or default, on account whereof any person shall have incurred any penalty imposed by this Ordinance, any damage to the property of the board shall have been committed by such person, he shall be liable to make good such damage, as well as to pay such penalty, and the amount of such damage shall, in case of dispute, be determined by the court by which the party incurring such penalty shall have been convicted, and the amount of such damage shall be recovered as if it were a fine imposed by the court.

Recovery of expenses on account of improvement to private property.

105 When the board shall have incurred any expense in executing any of the works, which under this Ordinance the owner of any houses, buildings, or lands is required to execute, the board may either recover the amount of such expenses in the manner hereinbefore provided, or, if it think fit, may take engagements from the said owners for the payment by instalments of such sums as will be sufficient to defray the whole amount of the said expenses, with interest thereon at the rate of nine per centum per annum, within a period not exceeding five years, and such sums when due may be recovered by the same process by which rates payable under this Ordinance may be recovered.

Acts and notices may be done and given by secretary or any other officer authorized thereunto.

106 All acts and notices which the board or members are empowered to do or give by this or any other Ordinance may be done and given by the secretary of the board or by any other of its officers, he or they being authorized thereunto by the board.

Punishment for breach of by-laws.

107 The breach of any by-law hereby enacted or of any by-law or regulation hereafter made under the provisions of this Ordinance shall be an offence, and shall be punishable by a fine not exceeding twenty rupees, and in the case of a continuing offence by a further fine not exceeding five rupees for each subsequent day on which such offence is committed. Such offence shall be cognizable by a police court, and such court shall have power to inflict the full amount of fine to which the offender shall be liable, notwithstanding that such fine may exceed in amount the ordinary jurisdiction of such court.

Provided that no complaint shall be preferred in any court for any breach of any by-law or regulation, except with the previous sanction of the chairman.

Punishment for obstructing officers of board.

108 Whoever shall wilfully obstruct any person in the performance of any duty or the exercise of any authority vested in or conferred upon him under or by virtue of any of the provisions of this Ordinance, shall be guilty of an offence, and shall be liable upon conviction to a fine not exceeding fifty rupees, or to imprisonment with or without hard labour for any term not exceeding three months, or to both.

Penalty for misuse of power by officers.

109 Every person acting under the authority of this Ordinance who shall, under pretence of performing any act under the authority of this Ordinance, use any unnecessary violence, or give any uncalled for and vexatious annoyance, shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding fifty rupees.

#### SCHEDULE A.

Ordinance No. 7 of 1876.	Ordinance No. 9 of 1887.
Ordinance No. 6 of 1882.	Ordinance No. 27 of 1890.

#### SCHEDULE B.

##### Form of Mortgage.

No. —

By virtue of "The Local Board of Health and Improvement Ordinance, 1898," the Local Board of \_\_\_\_\_, in consideration of the sum of Rs. \_\_\_\_\_ paid to the credit of the funds of the said Local Board by A. B., of \_\_\_\_\_, for the purposes of the said Ordinance, grant and assign unto the said A. B., his heirs, executors, administrators, and assigns, such portion of the rates and taxes arising or accruing by virtue of the said Ordinance, from (*here describe the rates or taxes proposed to be mortgaged*) as the said sum of Rs. \_\_\_\_\_ doth or shall bear to the whole sum which is or shall be borrowed upon the credit of the said rates and taxes, to hold to the said A. B., his

heirs, executors, administrators, and assignees from this day until the said sum of Rs. \_\_\_\_\_, with interest at \_\_\_\_\_ per cent. per annum for the same, shall be fully paid and satisfied (the principal sum to be repaid at the end of \_\_\_\_\_ years from the date hereof, and in the meantime interest thereon to be payable half-yearly) (*in case any period be agreed upon for that purpose*).

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, One thousand Eight hundred and Ninety \_\_\_\_\_.

A. B., Chairman.

\_\_\_\_\_ } Members.

#### SCHEDULE C.

	Rs.	c.
For every carriage of whatever description other than a cart, hackery, or jinricksha ...	5	0
For every cart or hackery of whatever description ...	4	0
For every jinricksha ...	2	50
For every horse, pony, or mule ...	2	50
For ever bullock or ass ...	1	0

Children's carriages, the wheels of which do not exceed 24 inches in diameter, are exempted.

#### SCHEDULE D.

##### By-laws.

##### CHAPTER I.

##### *Time and Place of Meetings and order to be observed thereat.*

Time and place of meetings.

1. The ordinary meetings of the board shall be held on such days and at such time and place as the board shall from time to time by resolution determine, provided that it shall be lawful for the board to adjourn any meeting to any other day or hour. The resolution determining the time and place of the ordinary meetings shall be published for general information in the *Government Gazette*, and a copy thereof affixed at the office of the board.

Precedence.

2. For all purposes connected with the board at its meetings the precedence and seniority of the members shall be regulated as follows:—

- (a) The *ex-officio* chairman.
- (b) The members appointed by the Governor in the order in which they have been gazetted.
- (c) The elected members in the order of the priority of their elections.

Chairman to preserve order.

3. The chairman shall preserve order and decide on all disputed points of order.

Procedure at meetings.

4. As soon after the hour appointed for any meeting (whether ordinary or special) as a quorum shall assemble, the member entitled to preside shall take the chair, and the board shall proceed to business. Should a quorum not be present at the expiration of half an hour from the time appointed for the meeting, the meeting shall stand adjourned, if an ordinary meeting to the day appointed for the next ordinary meeting, or if a special meeting *sine die*.

Notice of question or motion.

5. Any member desiring to ask a question or to make a motion shall, unless in the course of discussion, or in case of emergency by special leave of the board, give notice of such question or motion either at some previous meeting of the board or by notice in writing at least six days before the day on which he intends to ask such question or make such motion.

Copy to be delivered to secretary.

6. Every member in giving such notice shall deliver to the secretary a copy of such question or motion.

Questions, &c., to be in order of notice.

7. All questions asked and motions made at a meeting shall be made in the order of the notices thereof, unless the board shall unanimously decide otherwise.

Motion negatived not to be made again within three months.

8. A motion negatived at a meeting shall not be again made until after the expiration of at least three months, and no motion in any way contrary to one passed by the board at a meeting shall be entertained until after the expiration of the same period.

Petition to be respectful.

9. Any member presenting a petition or other communication will be held responsible for its contents being throughout respectful, and no document shall be laid before the board unless the name and address of the drawer be legibly recorded on it.



- Proceeding upon petitions. 10. When a petition or other communication is presented th<sup>e</sup> purport thereof shall be concisely stated, and on the motion of any member, duly seconded, the question shall be put whether or not the document shall be read.
- Order of business. 11. The business of the ordinary meetings of the board shall be conducted in the following order :—  
 (a) The minutes of the former meeting shall be read and confirmed, after being, if necessary, corrected.  
 (b) Memorials, petitions, or other communications addressed to the board shall be laid before the meeting and orders made thereon.  
 (c) The other business shall be considered in the order set down in the order book hereafter mentioned.
- Secretary to keep order book. 12. The secretary shall keep an order book in which shall be entered and numbered in succession the subjects to be brought under discussion at each meeting, and he shall serve on each member or leave at his residence two days at least before each meeting a notice containing the order of the day copied from this book.
- Minute book and journal. 13. He shall keep a book, to be called the minute book, in which shall be minuted during each sitting in the order in which they occur the proceedings of the board. And he shall keep another book, to be called the journal, in which he shall cause all minutes of proceedings to be fairly transcribed, and such journal shall form the book required to be kept and to be signed by the chairman and one member then present under the 20th section of the Ordinance No. 7 of 1876.
- Complaint book. 14. The secretary shall also keep and submit to the board at every meeting a complaint book, and he shall provide that this book shall be accessible to the public at his office between the hours of 11 A.M. and 4 P.M. on every week day, excepting Saturdays and holidays, and excepting also on such days as the board may sit. Every inhabitant of the town shall have access to this book on his furnishing the secretary with his correct name and address.
- Reports of inspectors, &c., to be laid on table. 15. The secretary shall at each sitting of the board lay on the table all reports made to the chairman by the inspector of nuisances and other officers of the board, and notes of any action taken thereon by the chairman since the last previous meeting of the board.

## CHAPTER II.

*Establishment and regulation of Public Markets.*

- Opening of public markets. 1. Whenever it shall be determined to establish a public market the local board shall give not less than ten days' notice of the time when the same will be opened, and such notice shall be published by beat of tom-tom.
- Sale of goods prohibited in any other place than the public market without license. 2. After any such public market shall have been established and opened no person shall sell or expose for sale any meat, poultry, fresh fish, fresh fruit, or vegetables, or other perishable articles of food for human consumption, in any place within the limits of the local board other than the public market, without a license granted by the board.
- Form of license to sell elsewhere than in market. 3. All licenses referred to in the last section shall be in the Form A annexed, and shall be in force for the period mentioned therein and no longer, which period shall not be more than twelve months or less than one month.  
Such licenses shall be paid for in advance at a rate not exceeding one rupee for each month. Provided that it shall be lawful for the board at any time to cancel any such license or licenses.
- Rents and fees for use of market. 4. It shall be lawful for the board to demand, receive, and have of and from every person exposing or offering for sale or selling any goods or provisions of any kind in any public market, or who shall rent or use any stall or standing place in such market, such sums of money as and for rents, tolls, and fees as shall from time to time be appointed by order of the board.
- Public markets may be leased out for one year. 5. It shall be lawful for the board to farm or lease out any public market or any part thereof for any period not exceeding one year at a time, on such conditions as to the board may seem fit.
- Recovery of rents. 6. The several rents, tolls, and fees payable in respect of a public market shall be paid in advance from time to time on demand to the board, or their lessee, or other person authorized by the board or their lessee to receive the same.
- Recovery by distress. 7. If any person liable to the payment of any rent, toll, or fee authorized as aforesaid do not pay the same when demanded, the board, or any person authorized by the board to collect the same, may levy the same by seizure and sale of all or any of the articles in the market belonging to or in the possession or custody of the person liable to pay such toll, rent, or fee.

## Table of fees.

Payment of fees for stalls for which no monthly permits are issued.

Occupation of stalls other than those assigned.

Fresh fish only to be sold in the fish market.

Fish, cooked food, &c., not to be sold in the vegetable market.

Occupants not to enclose market or to leave goods in it during the night.

Occupant to keep stall clean.

Persons with cutaneous diseases not to occupy a market.

Occupants to behave in an orderly manner.

Hours during which market shall be open.

Butchers not to keep any meat except in a public market.

Meat unfit for sale.

Market-keeper or lessee to preserve order within limits of the market.

Carts not to remain within market premises for a longer period than is necessary.

Board may prohibit sale of certain fish or fruit.

8. A table of the rents, tolls, and fees leviable at each market shall be printed in English, Sinhalese, and Tamil, and placed in a conspicuous place at each market, and it shall be unlawful for any person to demand or receive higher sums than those authorized by such notice.

9. All payments to be made in respect of any stall for which no monthly permit has been issued shall be paid daily to the officer authorized by the board to collect the same.

10. No person holding a permit to use a stall in the market shall occupy any stall other than the one assigned to him in his permit, and no person shall keep or expose for sale in any stall any article the keeping or sale of which therein shall have been prohibited by the board, notice of which shall have been posted in the market.

11. No person shall sell or expose for sale in any fish market or stall any provisions or things other than fresh fish.

12. No person shall sell or expose for sale in any vegetable or fruit market or stall any meat or flesh or salted fish or cooked food.

13. No occupant of a stall shall enclose in any way any portion of a market, or erect any awning or screen or fixture of any kind, nor shall he leave any goods in any market between the hours of 9 P.M. and 6 A.M. without having first obtained the sanction of the chairman.

14. Every occupant of a stall or seat in any market shall keep such stall or seat clean and free from filth or rubbish.

15. No person affected with or suffering from any cutaneous, contagious, or infectious disease shall occupy any stall, seat, or place in any public market, or expose for sale thereat any provisions whatsoever.

16. All persons using or occupying any public market shall behave in an orderly manner, and shall not commit any nuisance in or about such market.

17. All public markets shall be open daily from 6 A.M. to 9 P.M., and it shall be the duty of the board to make provision for the proper lighting of the market.

18. No licensed butcher shall sell or keep for sale any meat or any portion of a slaughtered animal except in a public market and in the stall rented by him.

19. It shall be competent for an inspector of the board to order the removal from a public market of any meat, fish, vegetable, or fruit certified by a competent medical officer to be unfit for sale, and to order its burial at the expense of the owner.

20. It shall be the duty of the market-keeper or of the lessee of the market to maintain order within the limits of the market, and every person who shall obstruct or resist any person appointed by the board to superintend any public market, or to collect the rents, tolls, or fees, or to enforce order or cleanliness therein, whilst in the execution of his duty, shall be guilty of an offence.

21. No cart or vehicle shall remain within any market premises for a longer period than is necessary for loading or unloading.

22. Whenever it shall appear to the board that the use or consumption by the public of any particular kind of fish is injurious, or that during the prevalence of any epidemic the use or consumption of any particular kind of fruit or vegetable is hurtful, it shall be lawful for the board, by beat of tom-tom or other sufficient notice, to prohibit for such time as to the board shall appear necessary the sale of any such fish, fruit, or vegetable in any market or other place within the limits of the local board, and after such notice to cause the same to be seized and destroyed in such manner as the board or chairman may direct.

## Form A.—Form of License.

\_\_\_\_\_, 18 \_\_\_\_.

\_\_\_\_\_, having paid \_\_\_\_\_, is hereby licensed by resolution of the Local Board of \_\_\_\_\_, passed on \_\_\_\_\_, to sell \_\_\_\_\_ at \_\_\_\_\_ from \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
Chairman, Local Board.

## CHAPTER III.

*For taking care of Waste or Public Lands, levying Fees for Grazing, and putting up Boundaries.*

Animal not to be allowed to graze on public land without permit.

Animal without license may be seized.

And sold if not claimed in ten days.

Board may let out grazing grounds.

Animal seized to be pounded.

Charges for pound.

Owners to surround houses and gardens with wall or fence.

1. No horses, cattle, sheep, goats, or swine shall be tethered or grazed upon any public ground vested in the board without a license from the chairman. Such license may be granted for a year or any shorter period at the discretion of the chairman, and shall be subject to such fee as the board shall from time to time appoint.

2. Any person thereto authorized in writing by the chairman may seize any horse, sheep, goat, or other animal which he may find tethered or grazing without such license as aforesaid on any public ground within the town. No animal so seized shall be released except upon payment of a fee of one rupee and the charges leviable for pounding it in the cattle pound if it has been so impounded.

3. Any animal seized and not claimed within ten days may be sold by public auction.

4. The board may farm or let out the public grazing grounds or any part thereof for any period not exceeding twelve months on such condition as to the board may seem fit.

5. All cattle, sheep, and goats straying on the public roads or paths within the town shall when seized be placed in the pound established by the board for that purpose. And the following charges shall be paid before removal of any animal so impounded :—

For occupation ... 25 cents a head for a day or part of a day.

For keep ... 15 cents a head for a day or part of a day.

6. Every owner or occupier of any house, garden, building, or land within the town shall keep such house, garden, building, or land surrounded with a wall or good fence of not less than four feet in height from the level of the ground.

## CHAPTER IV.

*Public Bathing-places and places for Washing Clothes.*

Places may be set apart for public bathing.

No person to bathe at public place not set apart.

Places for washing clothes, &c.

List of places set apart to be published

No person suffering from cutaneous or contagious disease to bathe or wash clothes at such places or suffer animal to enter.

1. It shall be lawful for the board from time to time to set apart for public bathing such places as it may deem proper, and the hours during which they may be used.

2. No person shall resort to any other public place in the town for the purpose of bathing; and no person shall bathe at the places set apart except during the hours determined by the board.

3. No person shall wash clothes or mats or other articles, or hang or spread them out to dry at any public place within the town except at such places as shall be set apart by the board for the purpose.

4. A list of the places so set apart for public bathing and washing of clothes shall be published in the *Government Gazette*, and copies of the list affixed at the office of the board.

5. No person suffering from any cutaneous or contagious disease shall bathe or wash clothes or any other articles in any place set apart as hereinbefore provided for bathing or washing clothes, and no person shall allow any animal belonging to him or under his control to enter or remain in or upon or drink at any such place.

## CHAPTER V.

*Tax on Dogs.*

Tax when payable.

Occupier of house to furnish list of dogs.

Board to provide collar.

1. A tax of fifty cents shall be leviable upon each dog within the local board limits. The tax shall be due on January 1 in each year, and shall be paid before March 1 in each year. Provided, however, that no tax shall be levied on any dog in respect of which it is proved to the satisfaction of the chairman that tax has already been paid for the then current year to any other local board or to any municipality within the island.

2. To facilitate the recovery of the tax, the occupier of every house within the town shall, on or before February 15 in each year, furnish an officer thereunto authorized by the board with a list in the Form B annexed of the dogs kept in such house, and the names of the owners thereof.

3. On payment of the tax on any dog the board shall furnish the owner with a stamped collar to be worn by such dog, on payment of a fee of 25 cents.

Dogs without collar may be seized.

Notice to be given by person becoming possessed of a dog.

4. Any dog found in any street, thoroughfare or public place without a collar duly stamped supplied by the board, or by any other local board, or by any municipality within the island, may be seized by any officer of the board or other person specially authorized in that behalf, and may, if unclaimed, or if claimed, and a sum of fifty cents, together with a charge of six cents per diem for every day during which such dog has been under seizure be not forthwith paid by the claimant, be destroyed after the expiration of forty-eight hours after such seizure.

5. Every inhabitant within the local board limits becoming possessed of any dog or dogs after the furnishing of the list referred to in by-law 2 of this chapter shall furnish the officer of the board mentioned in the said by-law with a list of such dog or dogs within one month after acquiring the same, and such dog or dogs shall, subject to the provisions of by-law 1 of this chapter, become liable to the tax for the current year within fifteen days after the list required by this by-law becomes due.

Form B.—List of Dogs.

Street : \_\_\_\_\_  
 House No. \_\_\_\_\_  
 Occupier's name : \_\_\_\_\_

No.	Description.			Name of Owner.
	Breed.	Sex.	Colour.	
1				
2				
3				
4				

CHAPTER VI.

*Sanitation and general Conservancy.*

Open space to be left beneath the fence.

1. The owner or occupier of any house or hut in the town used as a dwelling-place shall, if his premises are fenced with cadjans, olas, or other similar materials, keep an open space of at least two feet between the surface of the ground and the bottom of the fence, and no stick fence used as a fence for such premises shall exceed six feet in height.

Occupier to remove rubbish.

2. Every occupier of a house within the town shall remove or cause to be removed daily to such place as the board shall appoint the dust, ashes, sweepings, rubbish, filth, and manure collected or found in or about the said house and premises belonging thereto.

Rubbish to be removed by scavengers to be placed in boxes.

3. All householders or other persons who are desirous that the dust, ashes, sweepings, rubbish, or other refuse from their premises should be removed by the scavengers of the board shall deposit the same in proper covered boxes or other receptacles on the edge of the road outside their respective dwellings or shops daily, between such hours as shall be appointed by the board, and it shall not be lawful for any person to place or cause to be placed such dust, ashes, sweepings, rubbish, or other refuse in or upon any street unless the same shall be contained in proper covered boxes or receptacles as aforesaid, or after the hours notified by the board, and every such person shall remove such boxes or receptacles within the space of one hour after the same shall have been emptied by the scavengers.

By His Excellency's command,

E. NOEL WALKER,  
 Colonial Secretary.

Colonial Secretary's Office,  
 Colombo, June 26, 1898.

## 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 in this Colony.

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

## CHAPTER I.

## INTRODUCTORY.

- Short title. 1 This Ordinance may be cited for all purposes as "The Land Registration Ordinance, 189 ."
- Repeal. 2 (1) There shall be repealed as from the commencement of this Ordinance the Ordinances specified in the first part of the First Schedule hereto to the extent in the third column of that schedule mentioned.
- (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 thereunder.

## CHAPTER II.

## REGISTRATION DEPARTMENT AND OFFICERS.

- Registration office. 3 There shall be established in Colombo a land registry for the island, and branch offices at such other places as to the Governor shall appear necessary.
- 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 in the place of the Registrar-General.
- His duties. 5 (1) In him shall be vested, 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 all persons authorized to act as notaries public in any part of the island, and of all other persons who, under any law in force therein, execute or attest any deeds; and

(e) Of all persons appointed for or engaged in carrying out the provisions of this Ordinance.

(2) All duties and powers hereinafter required to be exercised by a registrar of lands or a land settlement officer shall and may be exercised by the Registrar-General.

Registrar of lands and his duties.

6 It shall be lawful for the Governor to appoint one or more persons who shall be called "Registrars of Lands" for each province or district of the island, or for such part of the province or district as he may deem necessary, to assist the Registrar-General in the execution of the provisions of this Ordinance, and at any time to remove any such registrar and appoint some other in his place or to appoint any person to act in place of a registrar.

Proviso.

Provided that 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 for any period not exceeding fourteen days at any one time.

Provided also that no registrar of lands shall, unless specially appointed by the Governor under the next section, exercise the duties and powers described therein, save and except the registration of deeds affecting lands to which titles have been registered.

Land settlement officer and his duties.

7 (1) It shall be lawful for the Governor to appoint one or more persons, who shall be called "Land Settlement Officers" to each of the divisions hereinafter mentioned in section 18, or one land settlement officer to more than one such division, as the Governor may deem necessary, and at any time to remove any such person and appoint some other person in his place, or to appoint any person to act in his place.

(2) In the land settlement officer shall be vested all the powers, duties, and functions required to be exercised under this Ordinance in regard to the investigation, settlement, and registration of titles to land, and all proceedings connected therewith, and the registration of deeds affecting lands to which titles have been registered.

Interpretation clause.

8 In this Ordinance the word "registrar" shall, in those sections which relate to the powers, duties, and functions mentioned in the second sub-section of the last section, mean, unless inconsistent with the context, the land settlement officer, and shall in all other sections mean the registrar of lands.

Continuance of present offices and officers

9 (1) Any 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 have been duly established under this Ordinance; and the person holding the office of, and the person performing the duties of, the Registrar-General of Lands, and the persons holding the office of, and the persons performing the duties of, the registrars of lands at the commencement of this Ordinance, shall be deemed to have been duly appointed under this Ordinance, and shall exercise all the powers and privileges vested in such officers by this Ordinance.

Validity of acts of past registrars.

(2) Every person who between the 1st day of January, 1864, and the passing of this Ordinance shall have held, or who at the date of the passing of this Ordinance is holding, the office of a registrar of lands in any part of this Island, shall, for the purposes of the Ordinances specified in the second part of the First Schedule hereto, 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, under the said Ordinances, by such registrar shall be valid and effectual for the purposes of the said Ordinances.

Provided that nothing in this section contained shall give validity to any entry or other act of such registrar except so far as regards defects thereof caused by the non-establishment, imperfect establishment, or accidental abolition of any registration province, district, division, or place, or by 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 of lands, and land 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 enrolled in the Supreme Court.

Officers and salaries.

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 land settlement officers in the execution of the duties and powers aforesaid, and may direct to be paid out of the Colonial Treasury to such Registrar-General, registrars, land settlement officers, clerks, and officers as aforesaid such salaries or remuneration as to him shall appear reasonable.

Rules for conduct of business.

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

(2) The rules shall be published in the *Government Gazette* in two issues in the English, Sinhalese, and Tamil languages, and shall thereon be as legal, valid, and effectual as if the same had been inserted herein.

### CHAPTER III.

#### PRELIMINARY SURVEYS.

Preparation of surveys and plans by Surveyor-General.

13 The Surveyor-General shall, with the sanction of the Governor, from time to time survey or cause to be surveyed (in such convenient divisions as shall serve the purposes of this Ordinance) the several villages and districts of the island, and shall prepare or cause to be prepared plans thereof, marking thereon the various allotments belonging to or claimed by the Crown, so far as the same can be ascertained.

One month's previous notice of survey.

14 The Surveyor-General shall, before commencing the survey, give at least one month's notice, by such means as will secure the greatest publicity thereto in the division intended to be surveyed, of his intention to survey the same, and of the day on which he intends to commence the survey.

Surveys and plans already prepared may be acted upon.

15 In case the Surveyor-General has already, at the date of the passing of this Ordinance, surveyed any division and prepared a plan thereof, it shall not be necessary to make a new survey of the same; but every 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 this Ordinance.

Entry of lands and notice to produce deeds.

16 (1) For the purposes of such survey, or for the amendment of any survey already made, it shall be lawful for the Surveyor-General, or any officer authorized by him in writing, to enter upon all lands situated within such villages or districts as aforesaid, and to require all persons having the custody or possession of any deeds or documents relating thereto to produce the same.

Penalty for disobedience or obstruction.

(2) If any such person shall, without reasonable cause, refuse or neglect to produce the same within ten days after the same shall have been demanded, or if any person, when required, shall, 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 be punished with a fine not exceeding fifty rupees.

(3) If any person shall obstruct the Surveyor-General or any officer acting under his authority in entering or surveying a land, he shall be guilty of an offence and be punished with imprisonment of either description for a term which may

extend to one month, or with a fine which may extend to one hundred rupees, or with both.

Plans to be delivered to Registrar-General.

17 As soon as the survey and plan of any division shall have been completed, the Surveyor-General shall report the same to the Governor, and shall at the same time deliver or transmit the said plan to the Registrar-General.

#### CHAPTER IV.

##### REGISTRATION OF TITLES TO LAND AND OF DEEDS.

###### A.—Investigation and Settlement of Claims.

Proclamation of division by the Governor.

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 the division mentioned in such report to have come within the operation of this chapter of the Ordinance.

Registrar may then commence investigations.

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

Issue of notice to claimants.

19 (1) The registrar shall previous to such investigation prepare notices, substantially in the Form A in the Third Schedule hereto, calling upon all persons having or claiming a right, title, or interest in or to any of the lands situate in the said division, or in such portion thereof as shall be specified in the said notice, to appear before him on a day or days to be named in such notice (not being less than ninety days from the date thereof) and to state their claims thereto.

Publication of notice.

(2) Every such notice shall be published in the English, Sinhalese, and Tamil languages twice at least in the *Government Gazette* and in one or more of the local newspapers, and copies of the notice shall also be affixed to the walls of the kachcheri and the several courts of the district wherein such division is situated, and in such other localities as may secure the greatest possible publicity thereto, and the said notice shall likewise be advertised by beat of drum once a week at least during the said period of ninety days throughout the aforesaid division.

Transfer of actions pending in courts to the registrar for decision.

20 (1) Every suit, action, or civil proceeding pending at the time of the Proclamation aforesaid in any district court or court of requests or village tribunal, and in which any right, title, or interest in or to any land in the proclaimed division, which might form the subject of registration under this Ordinance, shall be in dispute, upon which no final judgment shall have been given by such court or tribunal, shall abate and be transferred to the registrar to be heard, determined, or disposed of by him in the manner hereinafter prescribed in the case of disputed claims.

Proviso.

Provided, however, that no pending suit for the foreclosure or realization of mortgage shall abate or be transferred to the registrar under this section.

Partition suits.

(2) Every suit or proceeding which may be pending at the time of the Proclamation in any district court or court of requests for the partition or sale of any land situate in the division shall abate and be transferred to the registrar, who shall be empowered to hear, determine, or dispose thereof in the same manner as the said court could have done if such suit or proceeding had not been so transferred.

Registrar may award costs.

(3) The registrar shall have power to make such order with regard to the payment of the costs of, and any damages or other moneys claimed in, any suit or action or proceeding so transferred as aforesaid, as the justice of the case may require.



- No action (excepting mortgage suit) to be instituted in a court between date of Proclamation and registration of title.
- 21 (1) No suit, action, or civil proceeding—
- (a) In respect of any right, title, or interest in or to a land situate in a proclaimed division, where such right, title, or interest might form the subject of registration (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—
- shall be instituted in any district court, court of requests, or village tribunal between the date of the Proclamation 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.
- Registrar to proceed to the division and receive claims.
- 22 On the day appointed in the notice mentioned in section 19 the registrar shall proceed to the said division, and shall then, or on such other day as he shall from time to time publicly appoint, call for, receive, and record all claims to or in respect of any and every of the lands situate therein.
- What claims may be made.
- 23 (1) Every person having or claiming any right, title, or interest in or to any such land, whether in possession, reversion, remainder, or expectancy, except as monthly tenant, and whether by way of mortgage, hypothec, lien, charge or otherwise, 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, and other than by way of prædial servitude, shall deliver to the registrar, within such time as he shall then appoint, a statement of his claim in writing signed by him and substantially in the Form B in the Third Schedule hereto.
- (2) It shall be competent for any such claimant, instead of delivering such statement in writing, to appear before the registrar, within the appointed time, and to state orally the particulars of his claim; and the registrar shall record the same in writing in such form as aforesaid, and shall cause the claimant to sign the same.
- Oral claims.
- Filing of claims.
- 24 (1) All such statements shall be numbered and filed by the registrar in the order in which they shall have been received or recorded as aforesaid.
- (2) The registrar 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 registrar 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.
- Time and place of investigation.
- Mode of appearance of claimant.
- 25 (1) In all proceedings under this chapter any appearance, application, or act required or authorized to be done by the claimant may be made or done by the claimant in person or by a proctor appointed by him in writing to act on his behalf, or by an advocate instructed by such proctor, or by any person whom the registrar may on sufficient cause authorize to represent the claimant. Provided that such appearance shall be made in person if the registrar so directs.
- Minor or lunatic.
- (2) If the claimant be a minor or lunatic, he may be represented by his guardian duly appointed by a district court, or by a guardian specially appointed by the registrar.
- Bankrupt.
- (3) A bankrupt or insolvent may be represented by his assignee.
- Husband and wife.
- (4) In respect of property held in community by a husband and wife, the wife may, with the registrar's leave, represent her husband.

Investigation of claims. Court of requests rules of procedure and evidence to apply as far as possible.	<p>26 The claims shall, as far as possible, and 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 registrar shall and may, in proceedings under this chapter, exercise all the powers, duties, and functions of a court of requests.</p>
Title of the first class.	<p>27 (1) If such evidence of right or title in the claimant to the land or interest claimed by him is adduced, as according to the laws or customs of this island would in the judgment of the registrar be accepted by a willing purchaser as sufficient evidence of title, the registrar shall record that the claimant has made out a title of the first class to the land or interest claimed, subject or not (as the case may be) to any other right or interest admitted by such claimant.</p>
Title of the second class.	<p>(2) If the evidence adduced by the claimant falls short of such evidence as aforesaid, and the registrar is satisfied that the claimant is in the actual and <i>bonâ fide</i> possession or enjoyment of the land or interest therein claimed by him, or that his claim thereto is otherwise reasonable and <i>bonâ fide</i>, the registrar shall record on the said statement of claim that the claimant has made out a title of the second class to the land or interest therein claimed by him, subject or not (as the case may be) to any other right or interest admitted by such claimant.</p>
Disputed claims.	<p>28 (1) In case two or more persons shall have claimed a right, title, or interest in or to the same land adversely to each other, the registrar shall propose to them the settlement of their disputes by arbitration.</p>
Reference to arbitration.	<p>(2) If they consent thereto, they shall name an arbitrator, and, if they do not mutually agree to the nomination of an arbitrator, each party so claiming adversely to the other or others shall name an arbitrator, with power to the arbitrators, before proceeding with their investigation, to name the registrar himself or any other person as umpire. And the parties shall thereupon sign a submission substantially in the Form C in the Third Schedule hereto.</p>
Provisions of chapter LI. of the Ceylon Civil Procedure Code to apply.	<p>(3) The provisions in chapter LI. of the Ceylon Civil Procedure Code shall, so far as practicable, and unless otherwise herein directed, apply to all proceedings by or before such arbitrator or umpire, and he shall and may in such proceedings exercise all the powers, duties, and functions of an arbitrator or umpire under those provisions.</p>
On receipt of award, registrar to record it on claims.	<p>(4) As soon as the arbitrator, arbitrators, or umpire shall have made his or their award, it shall be his or their duty to return the same without delay, together with all the proceedings or depositions recorded by him or them, to the registrar, who shall (unless he sees cause to remit the award for reconsideration or to set it aside), on the respective statements of claims of the claimants, make a record in accordance with the terms of the award; and in regard to those claims which have in any respect been upheld, he shall record the nature of the right upheld, and whether the title thereto is one of the first or the second class.</p>
Fees to arbitrators.	<p>(5) The registrar shall also determine the amount of the fees to be paid to such arbitrators and umpire, and by whom the same shall be payable. Provided that the registrar shall not be entitled to any fee for acting as such umpire.</p>
Failing arbitration, registrar to investigate and determine claim.	<p>29 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, the registrar shall fix a day for the investigation and hearing of the disputed claims, notice whereof shall be given to the claimants respectively or posted on a conspicuous place in the land in dispute.</p>
List of witnesses.	<p>30 The claimant shall deliver to the registrar on or before a day to be fixed by the registrar a list of his witnesses and of his documentary evidence, and no witness</p>

shall be called nor any document admitted at the investigation other than those appearing in such list, unless the registrar, on cause shown, 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 registrar and to state orally the names of the witnesses, and to specify the documents intended to be relied on, and the registrar shall cause the same to be recorded in writing, which shall be signed by the claimant.

**Procedure on failure of claimant to appear in case of (a) undisputed claim,**

**31** (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 registrar to make an order that the claim do abate, or such other order as he may deem fit.

**(b) disputed claim.**

(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 registrar to proceed with the investigation and to determine and decide upon the respective claims of the parties, or to make such order as he may deem fit.

**Procedure on death of a claimant.**

**32** (1) In case of the death of a claimant it shall be lawful for the registrar on the application of the legal representative of the deceased or his agent, 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 registrar by any person claiming to be the legal representative of a deceased claimant, the registrar 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 registrar 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 registrar shall make an order that the claim do abate.

**Registrar to decide who is the legal representative.**

(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 registrar to decide, as between the persons before him, 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 registrar as an issue preliminary to the investigation of the merits of the claims.

**Registrar's decision of claim.**

**33** At the close of the investigation of the merits of the claims, the registrar 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 the 27th section, and shall record his decision accordingly. The registrar shall also tax the costs of the investigation, and determine by whom the same shall be payable.

**Registrar to determine boundaries ; to partition by consent ;**

**34** (1) It shall be the duty of the registrar—

(a) To determine and record 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

to mark boundaries.	(c) To cause boundaries to be constructed or marked on any land brought within the operation of this Ordinance at the expense of the parties interested therein.
Penalty for tampering with boundaries.	(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 of six months, or with a fine of one hundred rupees, or with both.
Registrar's decision final on whom.	35 The determination and decision of the registrar 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.
Registrar may accept claims before or during investigation.	36 At any time before or during the investigation of a claim to a land the registrar 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 the land. And every such claim so received and recorded shall be dealt with and disposed of in the same manner as claims made under the 23rd section herein.
Acquisition of claimant's title or interest by others to be notified to registrar.	37 Every person who has acquired by purchase or otherwise the right, title, or interest in or to any land from a claimant subsequently to such claimant having preferred his claim to the registrar, and prior to its investigation by the registrar, shall notify to the registrar his acquisition, and shall make his claim in the manner prescribed in section 23 herein, and the registrar shall deal with it in the same manner as if such claim had been originally stated under that section.
Mode of taking evidence.	38 (1) All evidence and examination of parties taken before the registrar or any arbitrator or umpire shall be taken down by him in writing.
Mode of making up record.	(2) The record of all evidence, whether oral or documentary, taken by the registrar at the investigation of the claims to each land shall, subject to the provisions of the next section, be made up in a separate file, and the finding or decision thereon, and his reasons therefor, and all orders of the registrar in relation thereto, shall be duly entered on the said record.
Inspection and copy of 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, or of his agent duly authorized thereto in writing with liberty to demand and receive copies thereof or extracts therefrom upon payment of the prescribed fees and stamp duty.
Consolidation of claims.	39 The registrar 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 registrar at such investigation, shall be filed with any one of the statements of the claims so consolidated as aforesaid, and the finding or decision on each of such claims, and his reasons therefor, and all orders of the registrar in relation thereto, shall be duly entered on the said record.
Translation of documents.	40 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 an interpreter of the Supreme Court, of a district court, or a court of requests, or by a translator appointed by the Colonial Secretary, or by a district judge, or by a commissioner of requests, or by a registrar, and who shall have taken an oath before such officer or a justice of the peace faithfully to perform the duties of his office.
Appeal to the Supreme Court from finding of the registrar.	41 (1) If any claimant be dissatisfied with any finding, decision, or order of the registrar, whether in respect of a disputed or an undisputed claim, he may within ten days (exclusive of Sundays and holidays) after the

pronouncing thereof appeal to the Supreme Court; and the registrar shall without delay forward to the said court the record so made up as aforesaid, and the said court shall make such order, in conformity with the provisions of this Ordinance, as the justice of the case may require, and such order of the Supreme Court the registrar shall duly carry into effect.

When no appeal.

(2) No appeal shall lie against any order or decision made in pursuance of any award returned under the provisions of the 28th section herein.

(3) No appeal shall be entertained unless the appellant shall within ten days of the date of such appeal give security for the probable costs of the appeal, the amount whereof shall be fixed by the registrar.

Registrar may issue writ of possession.

42 (1) When the registrar 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 registrar for a writ of possession and the registrar may at his discretion order such writ to issue as near as material in the Form D in the Third Schedule hereto, upon the applicant giving such security as shall be determined by the registrar, 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.

Proviso.

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 registrar may, after the Supreme Court has made order thereon, issue a writ of possession in conformity with such order.

Procedure in the event of resistance to execution of writ of possession.

(2) If in the execution of a writ of possession issued under the last 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 by the officer in possession 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 complain thereof to the registrar, and the registrar shall appoint a day for the determination of the complaint and intimate to the person obstructing the writ that he will be heard in opposition to the petitioner if he appears before the registrar for that purpose on the day so appointed.

(3) On the hearing of the complaint the registrar, if he is satisfied that the obstruction or resistance complained of was occasioned by one or more of the unsuccessful claimants or by some persons at his or their instigation, may sentence such unsuccessful claimant or claimants, or the person acting on his or their instigation, to imprisonment for a term not exceeding thirty days, and direct the person in whose favour the writ of possession issued to be put in possession of the property.

Costs.

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

Rules of courts of requests to apply to executions from registrar.

43 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 registrar.

#### B.—*Publication of Claims.*

Preparation by registrar of (a) final notice to claimants, and of (b) list of unclaimed lands and notice regarding them.

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

(a) A notice substantially in the Form E in the Third Schedule hereto, calling upon all persons 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 registrar within six months from the date thereof; and

- (b) 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 any persons who may assert a right to such land or to any interest therein and have not preferred their claim, to assert such right within six months from the date of the notice.

Publication of the list and notices to claimants.

45 The registrar shall cause copies of the list and notices to be published in the *Government Gazette* and in one or more of the local newspapers once a month during the said period of six months, and to be affixed to the walls of the kachcheri and courts of the district in which the division is situated, and shall also cause the said notices to be proclaimed by beat of drum at least once a month during the said period throughout the said division.

Disposal of claims received after notice.

46 Every claim made in pursuance of such notice shall be dealt with and disposed of by the registrar in the same manner as the claims made under the 23rd section.

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 the 44th section, the registrar shall proceed to register, subject to the provisions of section 50 herein, all the lands situate within the said division, by entering in a book (bearing the name of such division or of the village wherein it is situate) a map of such division or village, and a map of each allotment of land on a separate page, together with the name of the owner or owners and of all other persons whose rights and interests, whether in possession, reversion, remainder, or expectancy, and whether by way of lease, mortgage, plantation, or otherwise, shall have 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 maps shall be kept in duplicate, and one copy thereof shall on completion of the register be forwarded by the registrar to the land registry of the province or 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.

and to be open to inspection.

(2) Every such book and maps 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 interested in any of the lands therein registered, and to 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.

Registration in name of deceased claimant.

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

When registration should be suspended.

50 (1) If any proceeding at law or before the registrar in respect of any claim shall be pending at the expiration of the period of six months mentioned in the 44th section, 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 registrar 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.

Issue of certificate of title.	51 After registration the registrar 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 registrar and the other issued to the registered person.
Certificate of title <i>primâ facie</i> evidence of its contents; and to be of three kinds.	52 Every certificate of title shall be <i>primâ facie</i> 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.
Certificate of ownership.	(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.
Certificate of incumbrance.	(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.
Certificate of interest.	(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 registrar, and shall contain a correct map, prepared by the Surveyor-General or under his authority, and 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 before issue of certificate of ownership.	54 (1) Every person entitled to a certificate of ownership shall, before the same is issued to him, deposit with the registrar every deed or instrument upon which his title to the land described in the certificate was based.
Endorsement by registrar on the deed.	(2) Upon issuing a certificate of ownership the registrar shall endorse on every deed or instrument so deposited the nature of the certificate issued in respect of the land described in the said deed or instrument.
When deed may be returned.	(3) If any such deed or instrument shall relate to or include any property other than the land mentioned in the certificate, the registrar shall return such deed or instrument to the person who deposited the same, but otherwise he shall retain such deed or instrument in his office.
Inspection of deed.	(4) No person shall be entitled to the inspection of any deed or instrument so retained except the person who deposited the same, or any 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 36, or in compliance with the notice issued under sub-section (b) of section 44, or if a claim or claims being made, none shall be upheld, the registrar 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.

Appraisalment thereof.

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

Value may be paid to the right claimant in thirty years.

(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 title made under section 47 shall be taken for all intents and purposes as made on the date when the claim to such title was upheld, and shall, subject to the next section, have the effect of absolutely barring all claims to the land therein mentioned or to any right or interest thereto or therein which shall have arisen or accrued prior to the date of such registration, and which might have been registered under the provisions of this Ordinance, but which at the date of such registration had not been so registered.

Prosecution of claims against registered owners in court.

57 (1) Persons having or claiming to have any right, title, or interest in or to 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 two years from the date of the registration; and against a person registered as having a title of the second class within four years from the date of the registration.

Absence from the island.

(2) Persons absent from the island, whose claims shall not have been preferred by their agents 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.

Disability.

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

Reversioners.

(4) The terms hereby fixed for prosecuting claims shall begin to run against persons claiming estates in remainder or reversion from the time when such persons acquired a right of possession or enjoyment of the land or interest which formed the subject of their claims.

Notice of action.

58 No action in the 57th section mentioned shall prevent any claims being barred unless and until written notice of such action shall have been given to the registrar, 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.

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

Cancellation of registration and certificate if action succeeds.

60 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 the 27th section, and shall cancel the certificate of title issued to the registered person, and shall direct the registrar to cancel or amend the entry in the register and to issue fresh certificate in terms of the judgment, and the registrar shall give effect to such order.

After the expiration of time for bringing action a second class title may be registered as first class.

61 (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 registrar at any time after the expiration of four 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 registrar 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 registrar 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 taken for all intents and purposes as made on the day on which the title of the second class was registered.

Purchasers and mortgagees for valuable consideration protected.

62 Should a person registered as having a title of the first class have alienated, demised, or incumbered the same for valuable consideration at any time after three years from the date of registration and before notice of action has been given to the registrar under the 58th section, 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 or entitled in remainder or reversion only 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 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.

Registration of deeds affecting registered lands.

63 (1) When the registrar has under the provisions of the 47th section registered the lands situate in any division in a book bearing the name of such division—

- (a) All subsequent alienations or incumbrances affecting any right to or interest in any such land; and
- (b) All alienations or incumbrances affecting any right to or 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.

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

Proviso.

Provided that if the deeds or instruments recording the alienations and incumbrances mentioned in sub-section 1 (b) are presented with the prescribed stamps for registration to the registrar before the expiration of six months from the issuing of the notice mentioned in section 44 (a), such alienations and incumbrances shall be deemed to have been registered on the date when they were presented, and shall be registered in the book as soon as it is opened, and meanwhile shall, after such inquiry as the registrar 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 property is subject to mortgage.

64 No land situated in a proclaimed division shall be partitioned before registration of title to the land, except in terms of sub-section 1 (b) of section 34.

65 If at the time any such partition shall be made, an undivided share only of the land, 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 bond, 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.

Effect of partition when property is subject to lease.

66 If at the time any such partition shall be made, the property shall be held under any lease, the tenant thereof, or of any part thereof, before such partition was made, shall be tenant of such part set out severally to the respective

owners thereof by and under the same conditions, rents, covenants, and reservations as they held by and under before such partition; and the owners of the several parts so divided and allotted as aforesaid shall, without any new deed of lease, warrant and make good to the said tenant or tenants the said several parts severally after such partition as they were bound to do before such partition.

Partition of a registered land to be communicated to the registrar.

67 (1) Every registered person or his successors in title partitioning any land after the title to such land has been registered shall forthwith furnish information of such partition to the registrar 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.

When registrar may refuse to register such partition.

(2) It shall thereupon be lawful for the registrar to make such inquiry as he may deem expedient to verify the right of the applicant 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.

When and how registration may be made.

(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.

Certificate to be recalled and fresh certificates issued.

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

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

68 (1) Whenever a deed or instrument affecting a land, the title to which has been registered, 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.

After inquiry register may be corrected.

(2) If the entry in the register be found to be erroneous or defective, he shall make the necessary correction in terms of section 69.

Registration may be refused.

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

Subject to appeal.

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

Power of registrar to correct errors.

69 (1) It shall be lawful for the registrar, after due notice to the 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 or maps therein.

Proviso.

Provided that in the correction of any such error he shall not erase or make illegible the original words, and shall affix the date on which such correction was made or omission supplied, and his initials.

Effect of such correction.

(2) Every correction made or omission supplied shall have the like validity and effect as if there had been no error or omission, except as regards any deed or instrument which may have been registered previous to the actual time of correcting the error or supplying the omission.

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

70 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 any person 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.

71 (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 the district court having jurisdiction with respect to the land for which the certificate of title issued, to issue a summons for such person to appear before the 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.

Court may order delivery of certificate of title and may commit for disobedience.

(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.

72 In the case of such refusal or neglect as aforesaid, or in case a summons or warrant by the court 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.

73 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.

Certificate to be produced to registrar for endorsement.

74 (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 75 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) The certificate shall be delivered by the vendor of a land 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.

75 On the death of any person registered as owner of any title or interest in a land, his legal representative shall, on a written application in that behalf and after such inquiry as the registrar may deem fit to make, be registered as the owner of the title or interest of the deceased and until such registration is made, no dealing by such representative with the said title or interest shall be of force or avail in law.

Duty of executor or administrator.

76 (1) Every person to whom probate of a will or letters of administration have issued shall—

(a) Within two weeks thereof apply for registration in terms of the last sub-section; and

(b) Shall within such time as the district court may prescribe execute in favour of the persons entitled thereto the necessary conveyances of lands of the estate of the testator or intestate.

Penalty for default.

(2) If the executor or administrator fail to make the application or execute the conveyances as aforesaid, he shall be guilty of an offence and be liable on conviction to such punishment as a district court has power to inflict.

Future tacit hypothecs abolished.

77 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 land, the title to which has been registered, 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.

(2) On the registration of the probate, order or deed, the lien, charge, mortgage, or hypothec thereby created shall take effect from the date of registration.

No acquisition of title to registered land by adverse possession.

78 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 registered owner may at any time make an entry on the land or bring an action to recover possession of the land.

Provided that this section shall not prejudice, as against a person registered as owner of a land with a title of the second class, any adverse claim in respect of length of possession of any other person who was in possession of such land at the time of such registration.

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 if inconsistent, 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, the notary shall refuse to attest the deed;
- (b) To insert at the head of the deed the number of the allotment of such land in the registered plan, and to state in the deed clearly the manner in which the right of the grantor (if other than the registered owner) is derived from such person;
- (c) If the deed affects a sub-division of a registered land, and the sub-division has not been entered in the register under the 67th section, to refuse to attest such deed;
- (d) To register every such deed or instrument attested by him, and if the person at whose instance he prepares the deed fails to pay him the stamp duty payable for such registration, to 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 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 herein, 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 78, to have been registered at the commencement of this Ordinance.
- Proviso 3. (3) No alienation or encumbrance affecting a registered land shall be of force or avail in law unless registered within six months from the commencement of this Ordinance in the book mentioned in section 26 of the Ordinance No. 5 of 1877, 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 sub-section (b) of section 44 herein, and to register such lands in the manner required by sections 47 and 55.

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.

#### CHAPTER V.

##### INTERIM REGISTRATION OF DEEDS.

Preamble.

82 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—

Registrars to prepare books for registration.

(1) Every registrar shall prepare and keep such books as shall be necessary for the registration therein of any deed which may be brought to him for registration as herein-after provided, allotting to each book some defined division of the province or district, so that every deed relating to lands situate therein may be registered in such manner as to facilitate reference to all existing alienations or incumbrances affecting the same lands.

Inspection thereof.

(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 interested therein, or to their proctors or 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.

Books under section 37 of Ordinance 8 of 1863 and section 15 of Ordinance 14 of 1891.

(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 Every deed affecting land or other immovable property may be registered in the branch office of the district in which such land or property is situate, that is to say, in the books mentioned in the preceding section, unless or until books have been opened under section 47 herein and immediately thereafter in such books.

*Explanation.*—“Deed” means any instrument duly executed in this island on or after the 1st day of January, 1864, and includes probate of a will, letters of administration, judgment or order of court, certificate granted under section 7 of Ordinance 12 of 1840, notice of seizure or removal thereof under section 237 of the Civil Procedure Code, and does not include a lease at will or for any period not exceeding one month.

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—

- Proviso 1. (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 ;
- Proviso 2. (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
- Proviso 3. (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.

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 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.

Entry in day book and in the register.

(2) Such registrar shall forthwith, upon delivery to him of 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 M 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.

Registration to take effect from time of entry in day book.

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

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

**86** (1) Every such registrar shall be entitled, if he see fit so to do, to require any person desiring such registration to prove the due execution of such deed, or the identity of the land affected by the deed or of the parties to it. And where he may have reason to apprehend that a fraud has been or is about to be committed on any party, he shall give notice to such party of the intended registration in order to prevent the same being effected to his prejudice.

and if satisfied, register deed.

(2) If the registrar is satisfied upon inquiry that the deed was duly made, 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.

Registration may be refused.

(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.

Registrar may summon witnesses and cite documents.

(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.

**87** (1) No deed shall be registered unless the same has been stamped with the prescribed stamp.

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

**88** (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.

Appeal from Registrar-General's decision to Supreme Court.

(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 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.
- 89 (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.
- Registration ordered unconditionally should take effect from entry of deed in day book.
- (2) If the Registrar-General or the Supreme Court in appeal 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.
- 90 The registrar shall immediately after registration make and sign an endorsement thereof on the deed registered, and deliver the same to the party who delivered it for registration, or his agent or representative, and the endorsement shall be substantially in the Form N in the Third Schedule hereto.
- Deed affecting lands lying in different districts.
- 91 (1) When several lands are affected by the same deed, and lie in more districts than one, the deed may be produced for registration to the Registrar-General of lands in Colombo, or to the registrar of each of the districts in which the lands are situate.
- Registration by Registrar-General
- (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.
- or by registrar of each district.
- (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.
- Registration of probates and letters of administration.
- 92 When a party applies to have a probate or letters of administration registered, 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.
- Mode of description of lands in deeds.
- 93 (1) Every deed or duplicate 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.
- Divided share of land.
- (2) If such property consists of a portion only of one land or allotment, such portion shall be clearly and accurately defined by its particular boundaries and extent.
- Undivided share.
- (3) If such property consists of an undivided share in a land, it shall be so stated, and a particular description given as aforesaid of the entire land in which such share or interest is held, together with the extent of such share or interest.
- 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 (1) No deed which does not state the particulars required by the two preceding sections shall be admitted to registration, provided that it shall be lawful for the Registrar-General, upon the necessary particulars being supplied by affidavit by the party producing the deed for registration, and on such other terms as the Registrar-General may think expedient, to cause the deed to be registered.

- Penalty on notary. (2) A notary public attesting a deed in which the particulars required by the said sections are not duly stated shall be guilty of an offence, and shall be liable to a penalty not exceeding one hundred rupees.
- Registration of Crown grants. 96 Every Crown grant and fiscal's transfer 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 or the fiscal 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 O in the Third Schedule hereto to prevent the registration of any deed affecting any land, and such caveat shall bear the prescribed stamp and shall be registered free of further duty, and shall entitle such party to notice of any application for registration as regards such land or property, unless where the caveat limits the time of its operation, in which case it shall cease to have any force or value upon the lapse of such time.  
(2) No such caveat shall be sufficient to prevent the registration applied for unless it be followed up within thirty days after service of the notice of application 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.
- On partition a fresh registration shall be effected. 98 On the partition of any land registered as one allotment the registrar shall, upon a written application in that behalf, supported by such proof as the registrar may require, register the new allotments on separate and fresh pages of the book, with such references as may be necessary to identify them 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, within seven days of such sequestration or seizure, anything in the 237th section of the Civil Procedure Code to the contrary notwithstanding.
- CHAPTER VI.  
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 or the rights of the Crown.
- 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 five 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. But, except as aforesaid, no vegetable produce growing or to be grown on any land shall be deemed to be an interest in land for the purpose of this Ordinance.
- Stamps and fees chargeable. 102 (1) The stamp duties and fees mentioned in the Fourth Schedule hereto shall be chargeable in respect of the instruments and proceedings therein mentioned.



Governor in Executive Council may revoke or alter them.

(2) The Governor in 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 the registrar to do any act, or permit any act to be done, in respect of which any duty or fee is specified and fixed, except on payment of the duty or fee.

Forms.

103 (1) 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.

May be made or altered by Governor in Executive Council.

(2) It shall be lawful for the Governor in 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 forms. Every form when altered or made in pursuance of this section shall have the same effect as if it had been contained in the schedule to this Ordinance.

Appeals: rules of courts of requests to apply.

104 So far as practicable, and unless otherwise herein directed, every appeal allowed 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.

105 In case any registrar shall refuse or wilfully neglect or delay to perform any duty imposed upon him by this Ordinance, and no provision has been made in this Ordinance for the granting of relief to any person aggrieved by such refusal, neglect, or delay, it shall be competent for the district court of the district wherein the land thereby affected is situate, upon affidavit or other proof of such refusal, neglect, or delay, to issue a rule on such registrar calling on him to show cause why such duty shall not be performed; 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.

106 (a) Every district 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 the 8th section of the Ordinance No. 10 of 1863; and

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

(c) 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 15th 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.

107 (1) Every registrar shall from time to time cause all duplicates transmitted or delivered to him under the Ordinance No. 2 of 1877, to be bound in convenient volumes, justice, government agent, chairman of the municipal council, notary, or other officer 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.

108 (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 appointed executors, administrators, guardians, or curators, showing the numbers of the cases in which such appointments have been made.

List of Government debtors.

(2) The government agent of every province of the island shall, at the end of every month, transmit to the registrar or registrars in his province a list of all persons who shall have become debtors to the Crown, or sureties to such debtors.

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

Decrees affecting land.

109 The secretary of every district court and the chief clerk of every court of requests and the president of every village tribunal shall transmit at the end of every month to the registrar within whose local jurisdiction such court or tribunal is situate a list in the prescribed form of the decrees or orders affecting land and passed by such court or tribunal during the month.

Penalty for fraud.

110 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 imprisonment of either description for a term which may extend to three years.

#### SCHEDULE I.—PART 1.

##### Ordinances repealed.

Number and Year.	(Section 2.)		Extent of Repeal.
	Subject or Title.		
5 of 1877 ...	"An Ordinance to amend the Law, relating to the Registration of Titles to Land in this Colony"		The whole
4 of 1889 ...	"An Ordinance to amend 'The Land Registration Ordinance, 1877'"		The whole
14 of 1891 ...	"An Ordinance relating to the Registration of Titles to Land and of all Deeds affecting Land in this Colony"		The whole

## SCHEDULE I.—PART 2.

Number and Year.	Subject or Title.
8 of 1863 ...	"The Land Registration Ordinance, 1863"
12 of 1864 ...	"An Ordinance to provide for the production in evidence of copies, instead of originals, of Public Documents"
2 of 1865 ...	"An Ordinance to amend 'The Ordinance No. 8 of 1863'"
3 of 1865 ...	"An Ordinance to amend 'The Ordinance No. 8 of 1863'"
6 of 1866 ...	"An Ordinance to compel the registration of Old Deeds and other Instruments of Title"
15 of 1867 ...	"An Ordinance to amend 'The Ordinance No. 6 of 1866'"
8 of 1871 ...	"An Ordinance to amend in certain respects the Law of Mortgage and Hypothec"
21 of 1871 ...	"An Ordinance to amend 'The Ordinance Nos. 8 of 1871'"
2 of 1877 ...	"An Ordinance to amend and consolidate the Law relating to Notaries"
5 of 1877 ...	"The Land Registration Ordinance, 1877"
13 of 1881 ...	"An Ordinance to amend 'The Ordinances No. 8 of 1863, and 3 of 1865'"
4 of 1889 ...	"An Ordinance to amend 'The Land Registration Ordinance, 1877'"
12 of 1889 ...	"An Ordinance to amend the Law relating to the registration of Titles to, and of Deeds affecting, Land in this Colony"
14 of 1891 ...	"The Land Registration Ordinance, 1891"

## SCHEDULE II.

## A.—Oath of Office.

(Section 10.)

I, *A. B.*, do sincerely promise and swear 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 the *Western Province*, or for the District of *Colombo*, or Land Settlement Officer for the Division of \_\_\_\_\_, as the case may be).

So help me God!

*A. B.*

Sworn on the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 189 —.

Before me, *C. D.*,  
Justice of the Peace.

## SCHEDULE III.

## A.—Notice to Claimants.

(Section 19.)

Land Registration.

_____ Pattu	} <i>Weligampitiya</i> {	_____ District.
_____ Korale		_____ Province.

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

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

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

Dated \_\_\_\_\_.

Schedule.

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

B.—Statement of Claims.

(Section 23.)

Registration Plan No. —.

\_\_\_\_\_ Pattu } \_\_\_\_\_ District.  
 \_\_\_\_\_ Korale } \_\_\_\_\_ Province.

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 by the Land Settlement Officer.

C.—Reference to Arbitration.

(Section 28 (2).)

Registration Plan No. 105.

Delgahawatta. \_\_\_\_\_ Pattu } Weligampitiya } \_\_\_\_\_ District.  
 Allotment No. 13. \_\_\_\_\_ Korale } \_\_\_\_\_ Province.

We, the undersigned, claimants of the above-mentioned land, do hereby agree, under the terms of the \_\_\_\_\_ section of "The Land Registration Ordinance, 1897," to refer all disputes touching our several claims to the above-mentioned land, as set forth in the statement of claims No. 12, to the arbitration and award of (*Adambarage Theodoris Alwis*) and (*Disanayakage Joronis Pieris*, as the case may be), 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 15, 1897.

Witness.

A. B., Clerk.

M. Juwanis Perera.

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

We, the above-mentioned arbitrators, do hereby nominate the Land Settlement Officer (*or Sembuge Siman Perera*) as umpire.

Witness.

A. B., Clerk.

A. Theodoris Alwis.  
D. Joronis Pieris.

## D.—Form of Writ of Possession.

(Section 42(1).)

In the matter of the claim of \_\_\_\_\_, of \_\_\_\_\_, and others, under  
"The Land Registration Ordinance, 1897."

Registration Plan No. \_\_\_\_\_

_____ Pattu	} _____	{ _____ District.
_____ Korale		

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 \_\_\_\_\_, 18\_\_\_\_, the  
Land Settlement Officer upheld the claim of A. B., of \_\_\_\_\_,  
claimant under "The Land Registration Ordinance, 1897," 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 \_\_\_\_\_, 18\_\_\_\_, 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.,

Land Settlement Officer.

The \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_.

## E.—Final Notice to Claimants.

(Section 44 (a).)

Registration Plan No. \_\_\_\_\_

_____ Pattu	} Division.	{ _____ District.
_____ Korale		

All persons having or pretending to have any claim to any of the lands  
situated in the aforesaid division, and asserting a right adverse to that  
of any of the claimants whose claims have been upheld, are hereby  
required to prefer their claims before me within six months from the  
date hereof.

The \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_. Land Settlement Officer.

## F.—Notice in regard to Unclaimed Lands.

(Section 44 (b).)

All persons who have or pretend to have any claim to any of the  
lands mentioned in the accompanying list, and have not preferred such  
claims before me, are hereby required to prefer their claims before me  
within six months from the date hereof. In default the lands will be  
vested in, and become the property of, the Crown.

The \_\_\_\_\_ day of \_\_\_\_\_, 18\_\_\_\_. Land Settlement Officer.

G.—Certificate of Ownership.

(Section 53.)

The Land Registration Ordinance, 1897.

No. 89.

\_\_\_\_\_ Pattu } Dehiwala. { \_\_\_\_\_ District.  
 \_\_\_\_\_ Korale } \_\_\_\_\_ Province.

These are to certify that \_\_\_\_\_, of \_\_\_\_\_, was on the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, registered with effect from \_\_\_\_\_, 18 —, 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)*.

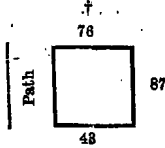
Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

A. B.,  
 Land Settlement Officer.

\* Lease dated the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, in favour of \_\_\_\_\_ for a term of \_\_\_\_\_ years from the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, executed by \_\_\_\_\_ and attested by \_\_\_\_\_, Notary Public.

† Mortgage in favour of \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, of \_\_\_\_\_ for Rs. \_\_\_\_\_ and interest thereon at the rate of \_\_\_\_\_ per cent. per annum from the date of the bond executed by \_\_\_\_\_ and attested by \_\_\_\_\_, Notary Public.

Book vol. I., p. 37.  
 Registered plan No. 4.  
 Allotment No. 78.



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, \_\_\_\_\_.

H.—Certificate of Interest (Reversion).

(Section 53.)

The Land Registration Ordinance, 1897.

No. 74.

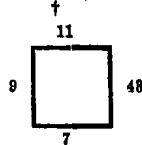
\_\_\_\_\_ Pattu } Kirillapana. { \_\_\_\_\_ District.  
 \_\_\_\_\_ Korale } \_\_\_\_\_ Province.

These are to certify that \_\_\_\_\_, of \_\_\_\_\_, was on the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, registered with effect from the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, 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 \_\_\_\_\_, 18 —, No. \_\_\_\_\_, attested by \_\_\_\_\_ of \_\_\_\_\_, Notary Public.

Given at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

A. B.,  
 Land Settlement Officer.

Book vol. VII., p. 98.  
 Registered plan No. 4.  
 Allotment No. 84.



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. 32p.  
 Surveyed by \_\_\_\_\_,  
 Drawn by \_\_\_\_\_, Exd. by \_\_\_\_\_,  
 Written by \_\_\_\_\_.

A. B.,  
 Surveyor-General,  
 Surveyor-General's Office,  
 Colombo, \_\_\_\_\_.

I.—Certificate of Interest (Lease).

(Section 53.)

The Land Registration Ordinance, 1897.

No. 109.

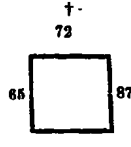
\_\_\_\_\_ Pattu } Nagoda. { \_\_\_\_\_ District.  
 \_\_\_\_\_ Korale } \_\_\_\_\_ Province.

These are to certify that \_\_\_\_\_, of \_\_\_\_\_, was on the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, registered with effect from the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, as lessee with a title of the *first (or second)* class for a term of \_\_\_\_\_ years, commencing from the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, of \_\_\_\_\_ an allotment of land called \_\_\_\_\_ in the district of \_\_\_\_\_, as above described, by virtue of a lease bearing date the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, No. \_\_\_\_\_, executed by \_\_\_\_\_ of \_\_\_\_\_, and attested by \_\_\_\_\_ of \_\_\_\_\_, Notary Public.

Given at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

Land Settlement Officer.

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



Scale of — chain to an inch.  
 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, 0a. 1r. 3p.  
 Surveyed by \_\_\_\_\_,  
 Drawn by \_\_\_\_\_, Exd. by \_\_\_\_\_,  
 Written by \_\_\_\_\_, Regd. by \_\_\_\_\_.

Surveyor-General,  
 Surveyor-General's Office,  
 Colombo, \_\_\_\_\_.



N.  
(Section 90.)

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

Kandy, January 7, 1884.

John Smith,  
Registrar.

° Division of District.  
† Volume of Divisional Register.  
‡ Folio of Volume.

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

(Section 97 (1).)

- 1 Insert description.
- 2 State nature of the estate or interest claimed.
- 3 Name of land.
- 4 Village or station, and division of town.
- 5 Pattu, korale, or district.
- 6 Division.
- 7 Name and address of person supposed to have made, or to be about to make, such transfer, security, or other instrument.

To the Registrar of the \_\_\_\_\_.

Take notice, that I, A. B., of <sup>1</sup> \_\_\_\_\_, claiming <sup>2</sup> \_\_\_\_\_ in that piece of land called <sup>3</sup> \_\_\_\_\_, allotment No. \_\_\_\_\_ situated in the <sup>4</sup> \_\_\_\_\_, in the <sup>5</sup> \_\_\_\_\_, of the <sup>6</sup> \_\_\_\_\_ Province, Register Book Volume \_\_\_\_\_, Folio \_\_\_\_\_, forbid the registration of any transfer, security, or other instrument made, signed, or executed by <sup>7</sup> \_\_\_\_\_, affecting the said land till \_\_\_\_\_.

Colombo, dated the \_\_\_\_\_ day of \_\_\_\_\_ 18 —.

A. B.

SCHEDULE IV.—STAMPS AND FEES.

(Section 102.)

A.—Registration of Deeds.

- 1 Every instrument of sale, purchase, transfer, assignment, or mortgage of any immovable property, or of promise, bargain, contract, or agreement for effecting any such object, or for transferring any security, interest, or incumbrance affecting such property (other than a lease) or of contract or agreement for the future sale or purchase or transfer of any such property—
- (a) Where the consideration of the instrument is wholly in money, or where the sum recoverable upon the instrument is definite, and where such consideration or sum recoverable does not exceed Rs. 100
- |  |     |      |
|--|-----|------|
| 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                                  | 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) Where the consideration of the instrument is not wholly in money, an addition of ... 10 0
- (c) Where the money consideration of the instrument is not stated, but the value of the property is stated—
- |  |     |      |
|--|-----|------|
| Where such value does not exceed Rs. 100               | 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 |
- (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	Rs. c.	25	0
2. Every lease, transfer, or assignment thereof—			
(a) Where the consideration is wholly in money and 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	...	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
Provided that the duty shall not exceed that on a lease for five years.			
(b) Every lease, transfer, or assignment thereof, where the consideration is partly in produce, and the value of such produce is not stated in the instrument, a 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 duty of		1	0
3. Every instrument of release, surrender, or annulment, and every receipt or discharge—			
Where the amount for which such instrument or receipt or discharge is given does not exceed Rs. 5,000	...	1	0
Where it is indefinite, or exceeds Rs. 5,000	...	2	50
4. Every instrument 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 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
5. Notice of sequestration or seizure or removal thereof, where the total value of the lands affected does not exceed Rs. 100	...	0	50
Where the total value exceeds Rs. 100 and does not exceed Rs. 500	...	1	0
Where the total value exceeds Rs. 500, an additional duty of Rs. 2.50 for every Rs. 5,000 or part thereof.			
6. Every judgment or order of court affecting immovable property, and every probate of a will or letters of administration	...	5	0
7. Every instrument of any kind whatsoever not charged in this schedule nor expressly exempted from registration duty	...	10	0
8. Each additional land in every instrument of transfer by sale, gift, or otherwise, or of mortgage or lease affecting more than one land—	...	0	25
Provided that this duty shall not be leviable where different allotments are described as one property and included in one survey.			

## B.—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 application, copy or extract, a stamp duty of Re. 1.

## C.—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.

## D.—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	0 5 0	7 50 10	0 5 0	5 0	
Certificate of Title ...	0 50 2	0 3 0 6	0 10 0	15 0 20	0 10 0	5 0	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 §74	1 0 4	0 6 0	12 0 20	0 30 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.

By His Excellency the Governor's command,

Colonial Secretary's Office,  
Colombo, June 30, 1898.

E. NOEL WALKER,  
Colonial Secretary.

List of Uncertificated Insolvents in the District Court of Trincomalee for the Half-year ended June 30, 1898.

Nil.

District Court,  
Trincomalee, July 1, 1898.

C. M. LUSHINGTON,  
District Judge.

List of all Moneys received and paid on account of Estates under Official Administration in the District Court of Trincomalee during the Half-year ended June 30, 1898.

Nil.

District Court,  
Trincomalee, July 1, 1898.

C. M. LUSHINGTON,  
District Judge.

List of Uncertificated Insolvents in the District Court of Matara for the Half-year ended June 30, 1898.

Nil.

District Court,  
Matara, July 5, 1898.

JOHN J. CASIE CHITTY,  
District Judge.

Return of Moneys received and paid on account of Estates under Official Administration for the Half-year ended June 30, 1898, required by the 4th rule of the rules annexed to the Circular of September 25, 1880.

Nil.

District Court,  
Matara, July 5, 1898.

JOHN J. CASIE CHITTY,  
District Judge.

## NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

*Order Nisi.*

Testamentary } In the Matter of the Estate of Cyril  
Jurisdiction. } Alexander Gauder, late of Wellawatta  
No. C/1,062. } in Colombo, deceased.

**T**HIS matter coming on for disposal before N. E. Cooke, Esq., Acting District Judge of Colombo, on the 23rd day of June, 1898, in the presence of Messrs. Alvis and Prins, Proctors, on the part of the petitioner Edward Martin Gauder, of Wellawatta in Colombo; and the affidavit of the said Edward Martin Gauder, dated 16th June, 1898, having been read: It is ordered that the said Edward Martin Gauder be and he is hereby declared entitled to have letters of administration to the estate of Cyril Alexander Gauder, deceased, issued to him, as one of the heirs of the said deceased, unless the respondents—1, Agnes Margaret Gauder, of Kanatte; 2, George Wilfred Gauder; 3, Christian Charlemont Gauder; 4, Rosaline Constance Fernando; 5, Adelaide Charlotte Gauder; 6, Lillian Beatrice Gauder; 7, Ethel Francis Gauder; and 8, Leonora Florence Gauder, all of Wellawatta in Colombo—shall, on or before the 14th day of July, 1898, show sufficient cause to the satisfaction of this court to the contrary.

N. ERNEST COOKE,  
Acting District Judge.

The 23rd day of June, 1898.

In the District Court of Colombo.

*Order Nisi.*

Testamentary } In the Matter of the Estate of Abdul  
Jurisdiction. } Hamid Bakin Bahar, late of Slave  
No. C/1,026. } Island in Colombo, deceased.

Between

Abdul Bakin Hamid Bahar, of Nos. 27 and 28, Churchyard lane, Slave Island, Colombo ..... Petitioner.

And

1, Muna Kitchill, of Nos. 27 and 28, Churchyard lane, Slave Island, Colombo; 2, Sitti Zulaiha, wife of Dyen Abdul, of Dematagoda, Colombo; 3, Dyen Abdul, of Dematagoda, Colombo, husband of the 2nd respondent; 4, Hassen Hamid Bahar; 5, Ameer Hamid Bahar; 6, Sitti Remina, wife of M. J. Lye, all of Nos. 27 and 28, Churchyard lane, Slave Island; 7, M. J. Lye, Nos. 27 and 28, Churchyard lane, Slave Island, Colombo, husband of the 2nd respondent; 8, Tuan Kitchill Hamid Bahar; 9, Noordeen Hamid Bahar; 10, Sitti Hamim; 11, Sitti Harfa, all of Nos. 27 and 28, Churchyard lane, Slave Island, Colombo..... Respondents.

**T**HIS action coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 31st day of March, 1898, in the presence of Mr. C. M. Brito, Proctor, on the part of the petitioner Abdul Bakin Hamid Bahar, of Nos. 27 and 28, Churchyard lane, Slave Island, Colombo; and the affidavit of the said Abdul Bakin Hamid Bahar, dated 2nd March, 1898, having been read: It is ordered that the said Abdul Bakin Hamid Bahar be and he is hereby declared entitled to have letters of administration to the estate of Abdul Hamid Bahar, deceased, issued to him, as son and heir of the said deceased, unless the respondents 1,—Muna Kitchill; 2, Sitti Zulaiha; 3, Dyen Abdul; 4, Hassen Hamid Bahar; 5, Ameer Hamid Bahar; 6, Sitti Remina; 7, M. J. Lye; 8, Tuan Kitchill Hamid Bahar; 9, Noordeen Hamid Bahar; 10, Sitti Hamim; 11, Sitti Harfa—shall, on or before the 14th day of July, 1898, show sufficient cause to the satisfaction of this court to the contrary.

D. F. BROWNE,  
District Judge.

The 31st day of March, 1898.

In the District Court of Kalutara.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the late  
Jurisdiction. } Mututantrige Harmanis Fernando,  
No. 194. } deceased, of Kehelwatta in the  
Adikari pattu of Rayigam korale,  
in the District of Kalutara.

**T**HIS matter coming on for disposal before G. C. Roo-malecocq, Esq., District Judge of Kalutara, on the 29th day of June, 1898, in the presence of Mr. Charles Perera, Proctor, on the part of the petitioner Don Philip Wijewardene, of Sedawatta; and the affidavits of the said Don Philip Wijewardene and Sellapperumage Daniel Mathias Fernando, of Koralawella, dated 16th and 15 June, 1898, having been read:

It is declared that Mr. John Loos, Secretary of this Court, is entitled to administer the estate of the deceased Mututantrige Harmanis Fernando, deceased, and to have letters of administration to the estate of the said deceased issued to him, unless the respondents—1, Dombegahapatirege Selestina Peiris, widow of the late Mututantrige Harmanis Fernando; 2, Mututantrige Rodelina Fernando; 3, Mututantrige Manuel Fernando; 4, Mututantrige Leonora Fernando; 5, Mututantrige Christina Fernando; 6, Mututantrige George Fernando, all of Kehelwatta; 7, Goniamalimage Doni Aponso; 8, Goniamalimage Podina Aponso; and 9, Goniamalimage Christombu Aponso, all of Angulana in the Palle pattu of Salpiti korale—shall, on or before the 14th day of July, 1898, show sufficient cause to the satisfaction of this court to the contrary.

G. C. ROOSMALECOQC,  
District Judge.

The 29th day of June, 1898.

In the District Court of Kurunegala.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the late  
Jurisdiction. } Wijekoon Herath Mudiyansele  
No. 605. } Appuhamy Lekama, deceased, of  
Baburugama.

Wijekoon Herath Mudiyansele Kiri Banda,  
of Baburugama.....Petitioner.

Vs.

1, Wijekoon Herath Mudiyansele Ukkuhamy; 2, Wijekoon Herath Mudiyansele Punchirala; 3, Wijekoon Herath Mudiyansele Mudalibamy; 4, Wijekoon Herath Mudiyansele Bandirala; 5, Wijekoon Herath Mudiyansele Ranhamy, all of Baburugama in Dambadeni Udukaha korale west..... Respondents.

**T**HIS matter coming on for disposal before Samuel Houghton, Esq., District Judge of Kurunegala, on the 29th day of June, 1898, in the presence of Mr. F. N. Daniels, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 25th June, 1898, having been read: It is ordered that Wijekoon Herath Mudiyansele Kiri Banda, as the son of the late Wijekoon Herath Mudiyansele Appuhamy Lekama, is entitled to have letters of administration of his intestate estate issued to him accordingly, unless the above-named respondents shall, on or before the 2nd day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

SAMUEL HAUGHTON,  
District Judge.

The 29th day of June, 1898.

B 8\*

## In the District Court of Kurunegala.

*Order Nisi.*

Testamentary } In the Matter of the Estate of the late  
Jurisdiction. } Wijekoon Herath Mudiyansele  
No. 606. } Ranhamy, deceased, of Baburugama.

Wijekoon Herath Mudiyansele Appuhamy,  
of Baburugama.....Petitioner.

Vs.

Wijekoon Herath Mudiyansele Punchy  
Etana, of Baburugama in Dambadeni  
Udukaha korale west.....Respondent.

**T**HIS matter coming on for disposal before Samuel Haughton, Esq., District Judge of Kurunegala, on the 29th day of June, 1898, in the presence of Mr. F. N. Daniels, Proctor, on the part of the petitioner; and the affidavit of the petitioner, dated the 25th June, 1898, having been read: It is ordered that Wijekoon Herath Mudiyansele Appuhamy, as the son of the late Wijekoon Herath Mudiyansele Ranhamy, is entitled to have letters of administration of his intestate estate issued to him accordingly, unless the above-named respondent shall, on or before the 2nd day of August, 1898, show sufficient cause to the satisfaction of this court to the contrary.

SAMUEL HAUGHTON,  
District Judge.

The 29th day of June, 1898.

## In the District Court of Kegalla.

*Order Nisi.*

Testamentary } In the Matter of the Intestate Estate  
Jurisdiction. } of Horetalpedige Vidane Duraya, of  
No. 65. } Pallepamunuwa, deceased.

Horetalpedige Kiri Ukkuwa, of Pallepamunuwa.....Petitioner.

1, Horetalpedige Seriya Uda; 2, Horetalpedige Balaya; 3, Horetalpedige Horetala; 4, Horetalpedige Dingiri, all of Pallepamunuwa.....Respondents.

**T**HIS matter coming on for disposal before W. R. B. Sanders, Esq., District Judge of Kegalla, in the presence of Mr. J. R. Molligoda, Proctor, on the part of the petitioner Horetalpedige Kiri Ukkuwa, of Pallepamunuwa; and the affidavit, dated the 14th day of June, 1898, of the said petitioner having been read:

It is ordered that the petitioner aforesaid be declared entitled to have letters of administration to the intestate estate of the deceased Horetalpedige Undia Vidane Duraya, of Pallepamunuwa, issued to him, as eldest son of the said deceased, unless the respondents—1, Horetalpedige Seriya Uda; 2, Horetalpedige Balaya; 3, Horetalpedige Horetala; 4, Horetalpedige Dingiri, all of Pallepamunuwa—shall, on or before the 16th day of July, 1898, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,  
District Judge.

The 22nd day of June, 1898.

## NOTICES OF INSOLVENCY.

## In the District Court of Colombo.

No. 1,942. In the matter of the insolvency of Magalagey Don Henry Abeyratne, of Timbirigasyaya.

**W**HEREAS the above-named Magalagey Don Henry Abeyratne was on June 24, 1898, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned; and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on July 28 and August 11, 1898, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,

J. B. MISSE,  
Secretary.

Colombo, June 28, 1898.

No. 1,858. In the matter of the insolvency of Francis de Kretser, of Colombo.

**N**OTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 4, 1898, to declare a dividend in the above-mentioned matter.

By order of court,

GEO. VAN GUNSTER,  
for Secretary.

Colombo, July 6, 1898.

No. 1,936.

In the matter of the insolvency of Charles Halmund de Silva, of Colombo.

**N**OTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 4, 1898, to grant a certificate of conformity to the said insolvent.

By order of court,

GEO. VAN GUNSTER,  
for Secretary.

Colombo, July 6, 1898.

## In the District Court of Kandy.

No. 1,391.

In the matter of the insolvency of Maharakkalage Joseph Perera, of Watawela.

**N**OTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on August 12, 1898, for the allowance of the certificate of conformity to the above-named insolvent.

By order of court,

A. SANTIAGO,  
Secretary.

Kandy, July 4, 1898.

## NOTICES OF FISCALS' SALES.

## Western Province.

## In the District Court of Colombo.

Ana Mohammado Rawter, of Slave Island  
in Colombo ..... Original Plaintiff.  
Kassim Yusooof, of Slave Island in  
Colombo..... Substituted Plaintiff.  
No. 6,028. Vs.

1, Dorai Majeed, of Slave Island in Colombo ;  
and 2, Noor Mohammado *alias* Noor Saibo,  
of Slave Island in Colombo..... Defendants.

A. R. H. Dorai, of Slave Island in Colombo..... Claimant.

NOTICE is hereby given that on Friday, July 29,  
1898, at 12.30 in the afternoon, will be sold by  
public auction at the premises the right, title, and interest  
of the said claimant in the following property, viz. :—

An undivided one-half part or share of the land bearing  
present assessment No. 61, together with the buildings  
standing thereon, situated at Union place, Slave Island,  
in Colombo ; and bounded on the north by a private  
garden, now belonging to Saba Sultan and others, on the  
east by the high road, on the south by lot No. 20, now a  
by-road, and on the west by lot No. 17, now the property  
of Dr. Vangeyzel ; containing in extent 3 square roods  
and 33 $\frac{1}{2}$  square perches (save and except therefrom a  
portion towards the north-east in extent 12 $\frac{1}{2}$  perches).

Fiscal's Office,  
Colombo, July 6, 1898.

E. ONDATJE,  
Deputy Fiscal.

## In the District Court of Colombo.

Ana Mohammado Rawter, of 44 Malay street,  
Slave Island, Colombo ..... Plaintiff.  
Cassim Yoosuf, of Slave Island,  
Colombo..... Substituted Plaintiff.  
No. 6,028/C. Vs.

1, Dorai Majeed, of Glennie street ; and 2,  
Noor Mohammado *alias* Noor Saibo, of  
Kew road, both of Slave Island, Colombo... Defendants.

NOTICE is hereby given that on Friday, July 29, 1898,  
at 12 noon, will be sold by public auction at the  
premises the right, title, and interest of the said first  
defendant in the following property, viz. :—

An undivided one-half part or share of the land bearing  
present assessment No. 61, together with the buildings  
standing thereon, situated at Union place, Slave Island,  
in Colombo ; and bounded on the north by private garden,  
now belonging to Saibo Sultan and others, on the east by  
the high road, on the south by lot No. 20, now a by-road,  
and on the west by lot No 17, now the property of Dr.  
Vangeyzel ; containing in extent 3 square roods 33 $\frac{1}{2}$  square  
perches (save and except therefrom a portion towards the  
north-east in extent 12 $\frac{1}{2}$  perches).

Fiscal's Office,  
Colombo, July 6, 1898.

E. ONDATJE,  
Deputy Fiscal.

## In the District Court of Colombo.

Mayna Ana Roona Ana Roona Letchemenen  
Chetty, of Sea street, Colombo ..... Plaintiff.  
No. 9,884/C. Vs.

1, Gangodde Village Emelia Perera Hamine ;  
her husband 2, Pagodda Arachchige  
Don Paules Appuhamy ; and 3, Gammadu-  
wattege Don Cornelis, assignee of the  
insolvent estate of Pagodda Arachchige  
Don Paules Appuhamy, all of Colombo ... Defendants.

NOTICE is hereby given that on Saturday, July 30,  
1898, commencing at 11 o'clock in the forenoon,  
will be sold by public auction at the respective premises

the following property mortgaged and decreed to be sold  
by the decree entered in the above case, viz. :—

1. An undivided half of all that lot of land marked  
letter D and the buildings constructed thereon, now  
bearing assessment No. 53, situate at Dam street, within  
the gravets, now within the Municipality of Colombo ;  
bounded on the north by a drain, on the east by lots A  
and B of Wattage Nicholas Perera, now of Wattasinghe  
Appuhamy and others, on the south by Dam street, and  
on the west by lot C of Gohomullege Don Simon Perera ;  
containing in extent 4 $\frac{1}{100}$  square perches.

2. An undivided three-fourths of all that parcel of  
ground, with the buildings standing thereon, bearing  
formerly assessment No. 101 now 106, situated at Hulft-  
dorp, now called Dam street, within the gravets, now  
Municipal limits of Colombo ; bounded on the north-east  
by Dam street, on the south-east by the property formerly  
belonging to Francis Fernando, now of Baboo Bissepūn  
Nauht Kitty, on the south-west formerly by the field  
of Mr. Giffening and Government ground, now the  
property of James Perera, and on the west formerly by  
the remaining part of the ground of Simon Fernando,  
subsequently belonging to the estate of Don Velentyn  
Gunaratna Appuhamy, now belonging to Don Paules  
Ekenayaka, Mudaliyar ; containing in extent 9 $\frac{1}{100}$  square  
perches.

Fiscal's Office,  
Colombo, July 6, 1898.

E. ONDATJE,  
Deputy Fiscal.

## In the District Court of Colombo.

Mayna Ana Roona Ana Roona Letchimen  
Chetty, of Sea street, Colombo..... Plaintiff.  
No. 10,006/C Vs.  
1, Charles H. Pate and 2, C. H. Pate, junior,  
both of Union place, Slave Island,  
Colombo..... Defendants.

NOTICE is hereby given that on Friday, July 29,  
1898, at 2.30 in the afternoon, will be sold  
by public auction at shop No. 13, Main street, Fort,  
Colombo, the following property of the first defendant,  
viz. :—

One glass almirah containing seven ladies' saddles and  
nine gentlemen's saddles ; twenty-five horse blankets ; one  
glass almirah containing blacking, soap for cleaning saddles,  
harness, &c. ; one glass almirah containing riding sticks  
and whips ; one glass almirah containing horse belts, &c. ;  
thirty tins dogs' cake ; one glass almirah containing four  
pairs carriage lamps, bandages, and gentlemen's shoes.

Fiscal's Office,  
Colombo, July 6, 1898.

E. ONDATJE,  
Deputy Fiscal.

## In the District Court of Chilaw.

Ranasinha Arachchige Juan Perera, of  
Talwila ..... Plaintiff.  
No. 1,105. Vs.

1, Peduru Pulle Ponnachi ; 2, Bastian Pulle ;  
3, Julian Pulle ; 4, Saviel Pulle ; 5,  
Manuel Pulle, all of Welihena ; 6, Migel  
Appu ; and 7, Marianu, both of Bolawa-  
lana ..... Defendants.

NOTICE is hereby given that on July 30, 1898,  
commencing at 10 o'clock in the forenoon, will  
be sold by public auction at the respective premises the  
right, title, and interest of the said 1st, 3rd, and 7th  
defendants in the following property, viz. :—

1. An undivided one-fourth of Tekkagahawatta,  
situate at Etgala-in the Dunagaha pattu of the Alutkuru  
korale ; the entire land being bounded on the north  
by the live fence which separates the garden of Francisco  
Fernando Saviel Pulle and others, on the east by a  
dewata road, on the south by the garden of Julia

Rodrigu and others, and on the west by the fields of Toppu; containing in extent  $1\frac{1}{2}$  acre more or less, belonging to the first defendant.

2. An undivided one-sixteenth of Munamalghawatta and one-eighth of the tiled house standing thereon, at do.; the entire land is bounded on the north by the gardens belonging to the heirs of Davith Britto and others, on the east by the garden belonging to the heirs of Anthony Peris and others, on the south by the garden of Saviel Fernando Domingo Pulle, and on the west by the properties of Saviel Peries Philippu Pulle and others; containing in extent 2 acres more or less, belonging to the first defendant.

3. An undivided one-eighth of Munamalghawatta, at do.; the entire land is bounded on the north by the fence of the garden of Saviel Fernando Domingo Pulle, on the east by the garden of Saviel Fernando Anthony Pulle and others, on the south by the gardens of Sembukuttirachchige Anthony Silva and others, and on the west by the properties belonging to the heirs of Gabriel Rodrigu and others; containing in extent 1 acre more or less, belonging to the first defendant.

4. An undivided one-eighth of Kinagahawatta, at do.; the entire land is bounded on the north and east by the garden of Nicholan Peries Peduru Pulle, on the south by the garden of Saviel Fernando Anthony Pulle and others, and on the west by the gardens of Nicholan Peries Peduru Pulle and others; containing in extent 1 acre more or less, belonging to the first defendant.

5. An undivided one-eighth of Bogahawatta *alias* Kahatagahawatta, at do.; the entire land is bounded on the north by the high road, on the east by a dewata road, on the south by the garden belonging to the heirs of Philippu Fernando Pasquel Pulle, and on the west by the garden of Anthony Fernando Saviel Pulle and others; containing in extent 1 acre more or less, belonging to the first defendant.

6. An undivided one-eighth of Kahatagahawatta, situate at Welihena, in do.; the entire land is bounded on the north by the fence of the garden belonging to the heirs of Anthony Fernando, on the east by the garden belonging to the heirs of Gabriel Rodrigu, on the south by the high road, and on the west by the fence of the garden belonging to the heirs of Anthony Fernando; containing in extent 1 rood more or less, belonging to the first defendant.

7. A garden called Wiragahawatta, situate at Etgala, in do.; bounded on the north by the garden of Gabriel Peries Juan Pulle, on the east by the garden of Hettirachchige Peduru Tissera, on the south by the garden of Suse Fernando Nicholan Pulle and others, and on the west by the dewata road; containing in extent 1 rood more or less, belonging to the third defendant.

And on August 1, 1898, commencing at 10 o'clock in the forenoon, will be sold by public auction at the respective premises the following property, viz. :—

8. A garden called Kongahawatta and the cadjan-thatched house standing thereon, situate at the Third Division of Bolawalana within the old gravets of Negombo; bounded on the north by the property of Jacob and others, on the east by the property of Peduru Fernando, on the south by the high road, and on the west by the property of Peduru Fonseka; containing in extent 2 acres more or less, belonging to the seventh defendant.

9. A garden called Kongahawatta, at do.; bounded on the north by the property of Manuel Fernando and Gabriel Fernando, on the east by the property of Gabriel Fernando, on the south by the property of Bastian Fernando and Manuel Fernando, and on the west by the property of Abilinu Fonseka; containing in extent 2 acres and 2 roods more or less, belonging to the seventh defendant.

Amount to be levied, Rs. 1,599.82.

Fiscal's Office,  
Negombo, July 4, 1898.

SWAMPILLE JOSEPH,  
Deputy Fiscal.

In the District Court of Colombo.

Pana Lana Pana Lana Periya Tamby Chetty, of  
No. 48, Sea street, Colombo.....Plaintiff.  
No. C/11,204. Vs.

Don Fredrick Appuhamy, of Walana in  
Panadure.....Defendant.

NOTICE is hereby given that on Saturday, July 30, 1898, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the right, title, and interest of the said defendant in the following property, for the recovery of Rs. 804.37, with interest thereon at the rate of 9 per cent. per annum from June 15, 1898, till payment in full :—

Half part of the soil and of the trees with the buildings standing thereon, excluding one-eighth part of the planter's half share of the first and second plantations of a portion of Gorakagahawatta of the extent of  $1\frac{1}{2}$  acre more or less, situate at Walana; bounded on the north by Gorakagahadeniya *alias* the ditch of Delgabawatta, east and south by the ditches of the portions of Gorakagahawatta belonging to the heirs of Dewage Don Adirian, and by the drain of the high road.

2. Half part of the soil and of the remaining trees excluding the planter's half share of the trees of the land called Ketakelagahawatta, of the extent of 15 acres more or less, at do.; bounded on the north by the cart road and the land belonging to Adambarage people and others, east by the land belonging to Mututantirige people, south by the land belonging to Tantulage people, land belonging to Sirikattuge people, land belonging to a co-heir of the aforesaid land, and the land belonging to Don Brampy Karunaratna, Notary, and others, and west by the old road.

CHAS. D. VIGORS,  
Deputy Fiscal.

Deputy Fiscal's Office,  
Kalutara, July 1, 1898.

### Southern Province.

In the District Court of Galle.

R. M. A. N. Supperamanian Pulle, of Galle.....Plaintiff.  
No. 4,833. Vs.

1. Balapitiyege Bastian de Silva and  
another, of Galupiyadda.....Defendants.

NOTICE is hereby given that on Saturday, July 30, 1898, commencing at 2 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendants in the following property, viz. :—

1. All the soil and fruit trees of an undivided one-third part of the defined one-sixth part of the garden called Ermantotam, situate at Ettiligoda.

2. All that garden called Sekratarisgewatta *alias* Nawasigahawatta, together with the two tiled houses of 15 cubits each and all the other buildings standing thereon, situate at Ettiligoda.

3. All that one-sixth part of the soil and trees of Gorakagahawatta, situate at Ettiligoda.

4. All that half part of the fruit trees and soil of the western portion of the garden called Sekratarisgewatta *alias* Nawasigahawatta, together with the buildings standing thereon, situate at Ettiligoda.

5. All the soil and fruit trees of an undivided half part of a one-third portion of the garden called Sekratarisgewatta *alias* Gorakagahawatta, situate at Galupiyadda.

6. All that garden bearing assessment No. 329 and called Deva abinwacht, together with the house No. 330 standing thereon, situate at Galupiyadda, in extent 1 rood and 11.27 perches.

This writ is issued to levy a sum of Rs. 1,882.15, with interest on Rs. 1,800 at 9 per cent. per annum from October 15, 1897.

Fiscal's Office,  
Galls, July 4, 1898.

C. T. LEMBRUGGEN,  
for Fiscal.

## North-Western Province.

In the District Court of Puttalam.

Alesu Pulle Santiago Pulle, of Mampuri.....Plaintiff.  
No. 937. Vs.

Santiago Juris Chetty, executor of the last will and testament of the late Simon Lingappa.....Defendant.

NOTICE is hereby given that on Thursday, August 4, 1898, and following days, at 10 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendant, deceased, in the following property, viz. :—

2. An undivided three-fourth shares of the garden, situate at Panichchivillu in Kattaikadu ; bounded on the north by garden of Manuel Moopu and others, east by the garden of Vaity and others, south by the dam of the field of Manuel Pulle Moopu, and west by garden belonging to Anthoni and others.

3. An undivided three-fourth shares of the garden called Nallathetotam, situate at Chenakudiruppu in Kattaikadu ; bounded on the north by the garden of Manuel Moopu and others, east by the garden of Saveri and others, south by the garden called Kakanankuly belonging to the defendant and others, and west by the garden of Annavi Saveri.

4. An undivided three-fourth shares of the garden called Kovilkadaiditotam, situate at the above place ; bounded on the north by the garden of Segu Ismail and others, east by the limit of the land of Julian Pullai and others, palmirah tree and alai tree, south by the limit of the land of Seeman Pulle and others, manjadi tree and anthill, and on the west by the garden of Vadavanam, of Kelakarai and others.

5. An undivided three-fourth shares of the garden called Kudarathenenatotam, situate at Kattaikadu ; bounded on the north by the dam of the field of Pallathukulathuvayel, east and south by garden of Segu Ismail and others, on the west by the garden of Franji Santiago and others.

6. An undivided three-fourth shares of the garden called Juliantotam, situate at Kattaikadu ; bounded on the north by the garden belonging to Vaity and others, on the east and south by the garden belonging to Segu Ismail and others, and on the west by the partition dam of the field Manamoolaiavayel.

7. An undivided three-fourth shares of the garden, situate at the above place ; bounded on the north by the garden belonging to Saviel Annavi and others, on the east by the garden of Segu Ismail and others, on the south by wild mango tree and anthill, west by the garden of Manuel Pulle, well, and palmirah tree.

8. An undivided three-fourth shares of the residing garden, situate at the aforesaid place ; and bounded on the north by the vaikkal called Kadayanchenavaykal, on the east by the partition fence of the garden belonging to Sinne Wappu, on the south by the partition fence of the garden of Henry de Rosairo and margosa tree, and west by the tree called navundamaram and tank.

9. An undivided three-fourth shares of the garden, situate at Kottantivu ; bounded on the north and east by the garden belonging to Segu Ismail and others, south and west by the garden of Markar.

10. An undivided three-fourth shares of the paddy land, ten parras paddy sowing extent, called Adriahvayal, situate at Kattaikadu and land lying on the west of it of a row of cocconut trees plantable extent ; bounded on the north by the garden belonging to Philippu Annavi Saveri, on the east by a tree called oovamaram and tank, on the south by the garden belonging to Segu Ismail and others, on the west by the garden of Philippu Annavi Saveri and others.

11. An undivided three-fourth shares of the paddy land called Manamolaivayel, situate at the above place ; bounded on the north by the garden of Franji Sangristan and others, on the east by the garden of the defendant and others, south by the dam of the field of Philippu Moopu, and on the west by the garden belonging to Manuel and others.

12. An undivided three-fourth shares of the paddy field called Kulaththuvayel, situate at Panichchivillu in Kattaikadu ; and bounded on the north by the field Palamadukuda, east by the garden of Vaity and others, on the south by the field Anaimadukuda, and on the west by land of the Crown.

13. A portion of garden called Nalathetotam, situate at Chenakudiruppu in Kattaikadu ; bounded on the north and west by the garden of Manuel Moopu, east and south by Nalathetotam and Kakanamtotam of the defendant and others.

Amount involved, Rs. 6,136'38 and interest.

Deputy Fiscal's Office,  
Puttalam, June 30, 1898.

E. T. NOYES,  
Deputy Fiscal.

In the District Court of Colombo.

N. K. S. T. Sidambaram Chetty .....Plaintiff.  
No. 9,336/C. Vs.

Joseph A. Ratnayaka.....Defendant.

NOTICE is hereby given that on Wednesday, August 10, 1898, at 10 o'clock in the morning, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

One-third part of land called Periapottuvillorvillanykany, situated at Kuruvikulam in Puttalam pattu ; bounded on the north by Moolwembu and a water-course, on the west by Katukulatta-ar or canal, on the south by the high road leading from Palavi to Kurunegala called Natuporevaley and by the swamp of Sinnepottuvillor, and on the west by tank called Kankanekulam tank and a tree called Maduremaram.

Amount involved, Rs. 2,178, with interest thereon at 9 per cent. from February 18, 1897.

Deputy Fiscal's Office,  
Puttalam, July 5, 1898.

E. T. NOYES,  
Deputy Fiscal.

In the District Court of Chilaw.

Kavenna Kana Nana Kana Kanappa  
Chetty and another, of Negombo..... Plaintiffs.  
No. 1,369. Vs.

Jayasuriya Kuranage Martino Perera and  
others, of Nainamadama..... Defendants.

NOTICE is hereby given that on Saturday, August, 6, 1898, commencing at 1 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, viz. :—

1. About 30 acres lying adjoining the northern boundary of the land called Gorakagahakele of the extent of about 149 acres, situate at Paluwelgala in Medapalata, in the District of Chilaw ; which entire land is bounded on the north by the dewata road, east by the Crown jungle, south by the land belonging to Casie Chitty, and on the west by dewata road.

2. The amount due to the second defendant Francisco Perera as planter's share on 1,500 cocconut trees at the rate of one rupee for every tree which he is planting and improving on the land called Millakele, situate at Kotramulla.

Amount recoverable Rs. 1,448'44 and interest on Rs. 2,208'50 at 13 per cent. per annum from December 4, 1895, to December 31, 1897, and on Rs. 1,976, at the same rate from January 1, 1898, and poundage.

Deputy Fiscal's Office,  
Chilaw, July 5, 1898.

C. R. CUMBERLAND,  
Deputy Fiscal.