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and General Government Notifications.

PART II.—Legal and Judicial.

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PASSED ORDINANCES.

Ordinance enacted by the Lieutenant-Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 10 of 1902.

An Ordinance to further amend the Laws relating to Public Thoroughfares in this Colony.

EVERARD IM THURN.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 10 of 1861, intituled "An Ordinance to consolidate and amend the Laws relating to Public Thoroughfares in this Colony," and the Ordinance No. 31 of 1884, intituled "An Ordinance to amend 'The Road Ordinance, 1861,'" and to repeal the Ordinance No. 10 of 1900, intituled "An Ordinance to amend 'The Road Ordinance, 1861,' and 'The Road Ordinance, 1861, Amendment Ordinance, 1884'": Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Short title.

1 This Ordinance and the Ordinances No. 10 of 1861 and No. 31 of 1884 shall be read and construed as one Ordinance, and may be cited collectively as "The Road Ordinances, 1861, 1884, and 1901."

"Director of Public Works" inserted for "Commissioner of Roads."

Amendment of section 7 of Ordinance No. 10 of 1861.

Powers and duties of Director of Public Works to be exercised by his assistant.

Amendment of section 66 of Ordinance No. 10 of 1861. Management of works on principal thoroughfares to be vested in the Director of Public Works.

Amendment of section 7 of Ordinance No. 31 of 1884. Chairman of district road committee may exempt from labour on ground of disease or bodily infirmity.

Amendment of section 18 of Ordinance No. 31 of 1884.

Amendment of section 26 of Ordinance No. 31 of 1884.

Provincial committee to appoint and remove officers and servants.

2 In Ordinance No. 10 of 1861 the words "Director of Public Works" shall be substituted for the words "Commissioner of Roads" wherever the latter words occur.

3 For section 7 of the Ordinance No. 10 of 1861 the following section shall be substituted :

The powers and duties vested by this Ordinance in and imposed upon the Director of Public Works shall and may be exercised and discharged by his assistant, being a member of the provincial committee within the limits of his authority under the control and direction of the Director of Public Works.

4 For section 66 of the Ordinance No. 10 of 1861 the following section shall be substituted :

(1) The direction and control of any work directed by the Governor and the Legislative Council to be undertaken under this Ordinance upon any principal thoroughfare shall be vested in the Director of Public Works for the time being, or such other officer as the Governor may direct, and the execution of such work left to him ; and the provincial committee shall as hereinafter provided furnish the said Director of Public Works or other officer with the amount of labour voted by the said Council for every such work, or shall from time to time pay for such labour from the moneys received by them in commutation of labour due under the Ordinance.

(2) The provincial committee or Director of Public Works or other officer may from time to time pay the cost of the materials employed upon and the charges incidental to such work from moneys received by them in commutation of labour due under the Ordinance.

5 For section 7 of the Ordinance No. 31 of 1884 the following section shall be substituted :

(1) It shall be lawful for the chairman of the district road committee, upon proof to his satisfaction that any person resident within the district and liable to the performance of labour is either from disease or bodily infirmity incapable of performing labour, to exempt such person from the performance thereof either for life or for such period as the chairman of the district road committee may think fit.

(2) Any person not already exempted for life or other specified period by such chairman, and desiring to be exempted from the performance of labour on any of the grounds in this section already mentioned, or on the ground that he is above the age of fifty-five years, shall, on or before the thirty-first day of March in the year for which exemption is claimed, apply to such chairman for exemption. Such chairman may in his discretion refuse in respect of the current year any application not presented within the time so limited.

6 In section 18 of the Ordinance No. 31 of 1884 between the first and second provisos the following proviso shall be inserted :

Provided that if after the commitment of such person such penalty shall be paid, it shall be lawful for such chairman to discharge such person out of prison.

7 In section 26 of the Ordinance No. 31 of 1884 the words "thirty-first day of March" shall be substituted for the words "twenty-eighth day of February."

8 For the purpose of carrying out the provisions of the Ordinance No. 10 of 1861, the provincial committee may from time to time appoint such officers and servants as shall be necessary and award to them such salary or remuneration as the provincial committee may deem fit, which shall be paid by such committee from the moneys received by them in commutation of labour due under the said Ordinance, and such committee may from time to time remove any such officer or servant and appoint another in his place.

Governor may
make rules for
grants of
pension.

9 The Governor, with the advice of the Executive Council, may, if it shall appear expedient to him, from time to time prescribe rules for the grant of retiring pensions or gratuities to officers and servants appointed for the purpose of the Ordinance No. 10 of 1861, and gratuities to the children or widows of such officers or servants.

The provincial committee shall, subject to such rules, pay such pensions and gratuities from the moneys received by them in commutation of labour due under the said Ordinance.

Repeal.

10 The Ordinance No. 10 of 1900 is hereby repealed.

Passed in Council the Twenty-fifth day of April, One thousand Nine hundred and Two.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Second day of May, One thousand Nine hundred and Two.

R. W. IEVERS,
Acting Colonial Secretary.

Ordinance enacted by the Lieutenant-Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 11 of 1902.

An Ordinance relating to the Wanton Destruction of
Elephants, Buffaloes, and other Game.

EVERARD IM THURN.

Preamble.

WHEREAS it is expedient to amend the Ordinance No. 10 of 1891, hereinafter referred to as "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:

Short title.

1 This Ordinance may be cited as "The Game Preservation Ordinance, 1902," and this Ordinance and the principal Ordinance may be cited collectively as "The Game Preservation Ordinance, 1891 and 1902."

Amendment
of section 4.

2 For sub-section (2) of section 4 of the principal Ordinance there shall be substituted the following sub-section:

(2) To shoot at or kill any elephant, buffalo, or game, or capture, pursue, or attempt to capture, any tusker, elephant, buffalo, or game, without having obtained a license for that purpose as hereinafter provided.

Amendment
of section 5.

3 For sub-sections (2), (4), and (5) of section 5 of the principal Ordinance there shall be substituted the following sub-sections:

License to
capture
elephants.

(2) A license to capture, pursue, or attempt to capture, a tusker or an elephant, shall be subject to stamp duty of fifty rupees, and shall be in the form B in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to
capture
buffaloes.

(4) A license to capture, pursue, or attempt to capture, a buffalo, shall be subject to a stamp duty of two rupees, and shall be in the form D in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same.

License to kill
game.

(5) A license to shoot at, kill, capture, pursue, or attempt to capture, game, shall be subject to an annual stamp duty of three rupees and fifty cents, and shall be in the form E in schedule II. hereto, and subject to the conditions inscribed thereon by the officer granting the same. Every such license shall be in force from the date of issue until the 30th day of June next following, both dates inclusive. Provided that such license shall be void and of no effect in the close season.

Amendment of
section 8.

4 For section 8 of the principal Ordinance there shall be substituted the following section:

Licenses in certain cases free of stamp duty.

(1) The government agent may when it appears to him expedient to do so issue free of stamp duty—

(a) The license referred to in sub-section (5) of section 5; and

(b) A license for the destruction of any troublesome or dangerous tusker, elephant, or buffalo.

(2) The government agent on issuing any license under this section shall forthwith report the same to the Governor, detailing in such report the circumstances under which such license was issued.

Amendment of section 9.

5 For section 9 of the principal Ordinance there shall be substituted the following section :

Destruction of game on cultivated land permitted.

(9) It shall be lawful for any person to kill, shoot at, destroy, pursue, capture, or attempt to capture, without a license, any tusker, elephant, buffalo, or game while trespassing in or upon any cultivated land : Provided that information of the capture or destruction of such animal shall be forthwith given to the nearest headman or police officer, and provided that in the case of a tusker being so captured or destroyed the tusker and its tusks shall be held to be the property of the Crown.

Amendment of section 11.

6 For sub-sections (b), (c), and (d) of section 11 there shall be substituted the following sub-sections :

(b) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at, kill, pursue, capture, or attempt to capture, a tusker or elephant, shall on conviction be liable for each offence to a fine not exceeding two hundred and fifty rupees, or to rigorous imprisonment which may extend to a period of six months, or to both.

(c) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at, kill, capture, pursue, or attempt to capture, a buffalo, shall on conviction be liable for each offence to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

(d) Any person who in contravention of this Ordinance, or contrary to the tenor of any license issued to him, shall shoot at, kill, capture, pursue, or attempt to capture, game, shall on conviction be liable for each offence to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a period not exceeding three months, or to both.

Sub-section (4) added to section 13.

7 To section 13 of the principal Ordinance there shall be added the following sub-section :

(4) The Governor may at any time, by notification in the *Government Gazette*, exempt any province, district, or chief headman's division from any notification issued under sub-section 1 of this section.

Section 14 A added.

8 After section 14 of the principal Ordinance there shall be inserted the following section, which shall be numbered 14 A :

Confiscation of tusker, &c.

14 A Whenever any person has been convicted by a police magistrate of killing, capturing, or destroying any tusker, elephant, buffalo, or game in contravention of this Ordinance, or contrary to the tenor of any license issued to him, it shall be lawful for such magistrate to order the confiscation of such tusker, elephant, buffalo, or game so killed, captured, or destroyed.

Passed in Council the Twenty-fifth day of April, One thousand Nine hundred and Two.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Second day of May, One thousand Nine hundred and Two.

R. W. IEVERS,
Acting Colonial Secretary.

Ordinance enacted by the Lieutenant-Governor of Ceylon, with
the advice and consent of the Legislative Council thereof.

No. 12 of 1902.

An Ordinance relating to the Construction, Upkeep and Repair
of Estate Roads.

EVERARD IM THURN.

Preamble.

WHEREAS it is expedient to provide for the construction, upkeep, and repair of estate roads: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

CHAPTER I.

Preliminary.

Short title.

1 This Ordinance may be cited for all purposes as "The Estate Roads Ordinance, 1902."

Commencement.

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

Interpretation.

3 In the construction and for the purposes of this Ordinance the words "estate road" shall include any road not being a thoroughfare under Ordinance No. 10 of 1861, or a branch road under Ordinance No. 14 of 1896, or a gansabhawa road; the word "proprietor" shall mean the sole or any joint owner or lessee of an estate; the words "provincial committee" shall mean the provincial committee constituted and appointed under the provisions of the Ordinance No. 10 of 1861; the words "cost of constructing" shall include the cost of acquiring the land as well as the cost of making the road; and the word "estate" shall mean a tract of land exceeding twenty acres, cultivated or uncultivated, belonging to or held by one person or several persons and forming a separate or distinct property. Provided that nothing in this Ordinance contained shall be held to apply to proprietors of paddy lands or land cultivated with paddy or other grain.

CHAPTER II.

Construction of Estate Roads.

Application for construction of road.

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

Particulars to be set out in application.

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

All applications shall be accompanied, if considered necessary by the provincial committee, by a plan and section of the proposed road drawn to a reasonable scale, and an estimate in detail showing the estimated cost of each half mile of the road.

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

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

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

or at any adjourned meeting.

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

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

Proviso.

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

If no agent, requisition to be affixed.

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

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

Provided that the proprietor of any estate or part of an estate formed out of land purchased from the Crown after such estate road shall have been constructed shall be liable to pay only such sum as may be assessed for the repair and upkeep of such road.

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

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

8 If it shall appear to the provincial committee, from the replies to such requisition or otherwise, that the proprietors of at least two-thirds of the acreage in any such district are desirous that the provisions of this Ordinance should extend and be applied to the said district for the purpose of constructing therein an estate road, it shall forthwith forward the application to Government, together with its report as to the necessity for the said road, and as to the direction and terminus which it recommends as best adapted for the general convenience of the district, and thereupon it shall be lawful for the Governor to approve of the construction of such road.

Provincial committee to appoint assessors.

9 (1) Upon the receipt of the Governor's approval it shall be lawful for the provincial committee to appoint two assessors by writing under the hand of the chairman. The assessors so appointed shall, upon the receipt of such appointment, forthwith issue a notice to the person in charge of each of the estates through which the proposed estate road will pass, that they will, on a day to be named in such notice, visit such estate and summarily inquire into the value of the land belonging to such estate to be taken over for the construction of the proposed road, and shall fix the amount of compensation to be paid to the proprietor of any such estate therefor.

(2) The assessors so appointed shall, when fixing the amount of compensation to be paid to any proprietor, at the same time fix and determine the equivalent in money of any benefit which will accrue to such estate by the construction of the proposed road. Provided, however, that in no case shall the assessors fix the money equivalent of such benefit at a larger amount than the sum fixed as compensation for land taken over from such estate for the construction of the proposed road.

(3) The decisions of the assessors as to the amount to be paid as compensation for the land acquired from, and as to the amount fixed as the money equivalent of the benefit accruing to, any estate by the construction of the proposed road shall be respectively subject to an appeal to the provincial committee, who may affirm or disallow the same respectively, and the provincial committee may, if it thinks fit, send the same back to the assessors to re-assess the same, or it may appoint an additional assessor or fresh assessors for this purpose, and such re-assessment shall be subject to a like appeal, and every such decision not appealed from within the time hereinafter provided, or when affirmed by the provincial committee on appeal, shall be final, and shall bind the proprietor of the estate in respect of which such decision has been made.

(4) The proprietor of an estate or his agent or representative in the colony taking an appeal under the preceding section shall have thirty days from the date on which the assessors shall have posted a copy of their decision to the person in charge of such estate in which to appeal to the provincial committee from such decision.

(5) Whenever a final decision has been come to as to the amount to be paid as compensation and the amount of the money equivalent of the benefit accruing to any estate by the construction of the proposed road has been finally determined, any sum fixed as the money equivalent of the benefit accruing to an estate shall be deducted from the sum to be paid to such estate as compensation, and the proprietor of such estate shall be entitled to receive any balance.

(6) Nothing in this section contained shall prevent the provincial road committee from agreeing with the proprietors to the amount of compensation to be paid to such proprietors without the appointment of any assessors as hereinbefore provided, if it shall appear expedient to such committee so to do.

Governor may sanction construction of roads: and, if voted.

10 As soon as the amounts to be paid as compensation to the several proprietors of the lands taken over for the construction of the proposed road have been finally determined as prescribed in the preceding section, the provincial

proprietors
become liable
for their
contribution.

committee shall forward to the Colonial Secretary, to be submitted to the Governor, a report setting out the total net amount to be paid for compensation, together with the estimated cost of the construction of such road. And upon receipt thereof it shall be lawful for the Governor, if to him it shall appear expedient, to sanction the construction of such road; and upon the publication of such sanction in the *Government Gazette* the proprietors of all the estates within the limits of such district, so defined as aforesaid, shall become and be severally bound and liable for their contribution, in accordance with the rates to be determined by an assessment as hereinafter provided.

CHAPTER III.

Provincial Road and Local Committees.

Chairman to
convene meeting
for election of
local committees.

11 Upon the publication of the Governor's sanction, and notice thereof being communicated to the provincial committee, the chairman thereof shall, by notice in two consecutive numbers of the *Government Gazette*, and such other means of publication as he may think necessary, convene at some suitable place a general meeting of the proprietors or resident managers of the estates therein to elect a local committee, which shall consist of not less than two nor more than five members, to perform the duties imposed upon such committee by this Ordinance. The general meeting so convened for the election of such committee shall consist of such number of proprietors or resident managers within the district as shall represent not less than one-third of the acreage.

Proceedings at
election.

12 At such general meeting it shall be lawful for the proprietors, or their representatives present thereat, to elect the persons who are to act as members of the local committee. The chairman of the provincial committee, if present, or, if he be absent, such proprietor or resident manager as the meeting shall elect, shall act as chairman at such meeting, and it shall be lawful for the meeting, if need be, to adjourn such meeting to any other time or place. All questions and resolutions shall be determined by a majority of the votes of the proprietors or their representatives as aforesaid. In case of equality of votes the chairman shall have a casting vote in addition to his own vote. And if any question shall arise at such meeting as to the right of any person to vote thereat, or the mode of proceeding for the election of persons to serve as members of the local committee, the chairman shall determine the same, and his decision shall be final and conclusive. The minutes of such meeting shall be transmitted by the chairman to the provincial committee, with the names of the persons elected as members of the local committee, and the provincial committee shall cause such names to be published in the *Government Gazette*.

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

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

Biennial
meeting for
election of
local committee.

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

Appointment
of chairman.

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

Majority of
members to
decide all
questions.

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

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

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

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

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

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

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

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

Proviso.

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

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

19 On receipt of such report the provincial committee shall cause a notice to be published in two consecutive numbers of the *Government Gazette*, and made public by such other means as it may think necessary, appointing time and place for hearing objections, and after hearing such objections, if any, the provincial committee shall adopt, alter, modify, or confirm such report, and shall proceed to assess the proportion due by each estate by dividing by the total number of acres of the estates which, in its opinion, are interested in and will use such section (subject to the exception in section 20 specified) the sum of money equal to the total estimated cost of the construction of the proposed estate road, less any sum that may be voted by the Legislative Council to be paid out of the public revenue in respect of such proposed road, and thus apportioning the amount due upon and for each acre, and the rate so assessed by the provincial committee shall (subject to the appeal hereinafter provided) be binding and conclusive on all proprietors of estates in such district. And the chairman of the provincial committee shall thereupon transmit to the proprietor of each estate (or, in case of his absence from the island, to the resident manager or superintendent, or, if there be no resident manager or superintendent, to the agent, if any, in this island, of the proprietor) a requisition calling upon him to pay to the chairman of the local committee, within such time as shall be therein specified, the amount of the contribution due by him. The requisition under this section shall be in the form B of the schedule to this Ordinance, or as near thereto as may be. If there be no known agent, the chairman of the provincial committee shall cause the requisition to be affixed in some conspicuous part of the estate. Such chairman shall also cause a notice to be published in two consecutive numbers of the *Government Gazette* and made public by such other means as he may think necessary, specifying the estates which will have to contribute towards the construction of the proposed road, the sum at which each estate is assessed, and the time within which, the instalments by which, and the dates upon which, the several contributions are to be paid to the chairman of the local committee.

Exemption from assessment of uncultivated and abandoned lands.

Proviso 1: Such exemption to be promptly claimed.

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

Proviso 3: Estates exempted may subsequently be included.

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

district from which it had been excluded by reason of such claim, and to call upon such proprietor, or any person claiming on his behalf, to pay any amount not exceeding double the sum which he would have been liable to pay had such estate not been exempted from the original assessment, and also any sum not exceeding double the amount of all rates and assessments for the upkeep and repair of such road subsequent to the time when such estate began to use such road, and in default of his paying the same to proceed to recover such sum in the manner herein provided for the recovery of sums assessed.

Application of moneys recovered.

21 Moneys recovered under the preceding section, and moneys recovered from estates added to a district as altered under the provisions of section 6, shall—

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

Moneys to be vested in local committees.

22 All moneys paid to the chairman of the local committee shall be vested in and applied by the local committee for the purposes for which the same were requisitioned, and all contracts and agreements relating to the construction, upkeep, or repair of roads shall be signed by the chairman and one other member of the local committee.

CHAPTER IV.

Completion and Repair of Estate Roads.

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

23 If, after any road shall have been commenced under the provisions of this Ordinance, the estimate originally made shall prove insufficient for properly constructing and surfacing the same, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for the further sum or sums required to complete the road. And the provincial committee shall proceed, once or oftener, if necessary, to assess the proportion due by the estates in each section of the road, to make up such further cost and to take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates assessed by such committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the districts, and shall be recovered as prescribed herein, and applied to the completion of the said road.

Further rates for repairs or improvements.

24 Whenever it shall be found necessary at any time to repair or improve any road constructed under the provisions of this Ordinance, the estates in the district (including any which may have been opened since the original assessment) shall become and be held liable for the sum or sums required for making the necessary repairs and improvements, less such sum or sums as may be voted by the Legislative Council towards the cost of the repair and improvement of such road. And the provincial committee shall proceed to assess the proportion due by the estates in each section of the road, and shall take the further proceedings prescribed for the original assessment of the proportion due by each estate under section 19. And the rate or rates so assessed by the provincial committee shall, subject to the appeal hereinafter provided, be binding and conclusive on all proprietors of estates in the district, and shall be recovered as prescribed herein, and applied for the purpose of repairing the said road.

Proviso.

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

CHAPTER V.

Recovery of Sums assessed.

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

25 If any proprietor or resident manager shall be in default in the payment of any money payable by him under this Ordinance, it shall be lawful for the provincial committee to order proceedings to be taken for the recovery of the same. When the provincial committee shall order proceedings for the recovery of the sum for which any estate shall have been assessed, or any instalment thereof, it shall be lawful for the chairman of such committee, or any person authorized by writing under his hand, to seize and to sell at his discretion, once or oftener, all the crops, live stock, and implements found on such estate, or any other movable property whatsoever belonging to the proprietor, until the full amount due by such estate (including all interest, costs, and charges payable under sections 27, 28, and 29) shall be recovered. If there be no crop, live stock, and implements on such estate, or other movable property belonging to the proprietor of the estate in default as aforesaid, or if there shall not be sufficient to realize the sum due by such estate, it shall be lawful for such chairman, or other person as aforesaid, to cause the timber on the said estate to be cut, or the materials of the buildings erected thereon to be removed, and unless the sum due shall be sooner paid, with the interest, costs, and charges as aforesaid, it shall be lawful for such chairman or any person as aforesaid to sell the property so seized by public auction at any time after thirty days from date of seizure.

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

Proviso.

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

Proviso.

26 If, after seizing and selling property enumerated in the preceding section, the assessment upon the estate shall still remain unsatisfied, it shall be lawful for the chairman of the provincial committee, or the person authorized as aforesaid, to seize the estate or any other immovable property belonging to the proprietor of the estate in default, and sell the same, subject to the existing mortgages and incumbrances thereon, after two months' notice from the date of seizure but he shall not have the power to take in execution or seize the person of the proprietor in default for the assessment due or for any balance thereon. Provided that in the case of a proprietor absent from the island, and not represented by any person therein, the sale shall not take place without notice of such sale being published in the *Government Gazette* for six months previous to the sale, and being affixed in some conspicuous part of the estate. If the estate or other property cannot be sold for want of bidders, or from any other cause, or if the same be sold, but the proceeds are insufficient to satisfy the assessment and all expenses payable under section 29 it shall be lawful for the provincial committee to charge the sum still remaining due proportionately against the other proprietors and estates in the district under assessment for the construction and repair of the road therein, and, if need be, to enforce the payment thereof as if such proprietors and estates were originally liable therefor. Provided that the right and duty of the provincial committee to recover from the original defaulter, should it subsequently become possible to do so, shall in no way be affected by its proceeding against such other proprietors and estates as aforesaid. And in case the provincial committee shall subsequently recover any moneys from such original defaulter, such moneys, in so far as they may have been so recovered in respect of construction assessment, shall be divided among the proprietors (at the date of such recovery) of the other estates, who paid in lieu of such original defaulter, in proportion to the sum so paid; and so far as such moneys may have been so recovered in respect of upkeep or repair assessment, they shall be retained by the provincial committee and applied towards the future upkeep and repair of the road.

Defaulting proprietors made liable in interest.

27 If any proprietor shall neglect or refuse to pay, when the same shall become due, his proportion of the money due by proprietors for the construction, completion, or repair of roads under this Ordinance, he shall be liable to pay

interest at the rate of nine per centum per annum from the time fixed for such payment, and such interest shall, with the principal and other costs and charges due, be recovered from him in manner prescribed for the recovery of sums assessed.

Keeping a person in charge of property seized.

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

Costs and charges of seizure and sale.

29 It shall be lawful for the chairman of the provincial committee, or any person authorized by him as aforesaid, to demand, take, and receive from the person by whom money may be due as assessment, or from the owner or any joint owner of any property which may be lawfully seized for such non-payment as aforesaid, the cost of seizure, removal, custody, and sale of any property sold under sections 25 and 26.

Return of overplus to owner.

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

Certificate of sale.

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

Provincial committees liable in damages.

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

Proviso.

CHAPTER VI.

General Provisions.

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

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

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

Appeal to Governor in Council against decisions or orders under sections 5, 19, 20, 23, 24, or 35.

34 Any person aggrieved by any decision or order of the provincial committee in respect of the definition of districts under section 5, or the assessment of estates under sections 19, 23, or 24, or any decision or order made under sections 20 or 35, may apply to the Governor for relief at any time within twenty-one days after such decision or order shall have been notified to him. It shall be lawful for the

Governor, with the advice of the Executive Council, upon such application to make or direct further inquiry, and to confirm the decision or order of the provincial committee, or to alter or modify the same. Provided always that no such appeal as aforesaid shall lie until the person aggrieved as aforesaid shall have paid (subject to the decision of the appeal) any moneys which he may have been required to pay by the decision or order in question.

Costs.

35 If costs shall be incurred in any suit, other than that provided by section 32, brought by or against the provincial committee for anything done under the provisions of this Ordinance, or if a survey be indispensable to enable the provincial committee to act, such committee shall order one to be made, and such costs and the expenses of such survey shall be payable by the proprietors of the estates in the district in proportion to the acreage of such estates. And if any proprietor refuse or neglect to pay his proportion when required to do so, the chairman shall recover the same in the manner and subject to the provisions herein prescribed, under chapter V. relating to "Recovery of Sums assessed."

The grant may be made subject to conditions.

36 It shall be lawful for the Governor to make the grant of any sums voted by the Legislative Council not exceeding the moiety of the estimated cost of construction, maintenance, or repair of any road constructed under the provisions of this Ordinance subject to such regulations for ensuring the due outlay and appropriation of the contribution, as well from the public funds as by the proprietors, as the Governor shall think fit from time to time to establish, either specially in each case or generally applicable to all cases. Provided that no warrant shall be issued to the Treasurer for the payment of any such sum of money, or of any part thereof, from the Colonial Treasury, nor shall any sum be issued by him from the said Treasury until the amount payable by the proprietors of the estimated cost of constructing or repairing such road, or so much thereof as the Governor may think necessary, shall have been deposited with the chairman of the local committee by or on behalf of the proprietors of such estates as aforesaid.

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

Proprietor may be represented by resident manager or agent.

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

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

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

Bridges and roads other than cart roads may be brought under the provisions of this Ordinance.

39 It shall be lawful for the Governor, by Proclamation in the *Government Gazette*, to declare that such of the provisions of this Ordinance as to him may seem advisable shall apply to the construction, upkeep, and repair of any bridge, or of any road other than a cart road, or the repair, upkeep, and improvement of any such existing bridge or road.

Districts may
be combined and
amalgamated.

40 It shall be lawful for the provincial committee, for sufficient reasons to it appearing, from time to time to amalgamate and combine any two or more districts defined under this Ordinance into one district. Provided, however, that the provincial committee shall, by publication in two consecutive numbers of the *Government Gazette*, and by such other means as it may think necessary, give notice of its intention to amalgamate and combine such districts, and shall in such notice appoint the time and place for hearing objections, if any, in the same manner as is herein provided for in the case of the original definition of a district, and the districts so amalgamated and combined shall thereupon become one district for the purposes of this Ordinance.

Decision of
provincial
committee final as
to the use of a road.

41 If any question arises as to what constitutes the use of a road under this Ordinance, the decision of the provincial committee on such question shall be final.

Saving clause.

42 Nothing contained in this Ordinance shall in any way limit the right of any person to apply for a grant to be voted by the Legislative Council in respect of any estate road which shall hereafter be constructed by the proprietors of any estates.

SCHEDULE.

A (Section 7).

Office of the Provincial Committee,

To _____, _____, 190 —.

Proprietor (or Resident Manager) of _____ Estate.

SIR,—It has been proposed to construct an estate road leading from the main road near the _____ milepost (or at the village of _____) to the district of _____, in which your estate _____ is situated, under the provisions of "The Estate Roads Ordinance, 1902," and I am therefore to request you to fill up the accompanying paper and return the same to me before the _____ day of _____ next ensuing, in failure whereof you will be deemed to have concurred in the said proposal.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

(Paper referred to in the foregoing Letter.)

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

SIR,—I hereby declare that I (do or do not) desire that the provisions of "The Estate Roads Ordinance, 1902," should be extended to the district of _____, in which my estate (or the estate under my management) called _____ is situated, for the purpose of the construction of an estate road in the said district, from _____ to _____.

I am, Sir,
Your obedient Servant,

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

B (Section 19).

Office of the Provincial Committee,

To _____, _____, 190 —.

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

SIR,—The Governor having sanctioned the estimate for the construction (or completion, or repair, as the case may be) of an estate road, leading from _____ to _____ in the District of _____, in which your estate _____ is situated, the Provincial Committee, acting under the provisions of "The Estate Roads Ordinance, 1902," have assessed the portion due by your estate at Rs. _____, which sum you are hereby required to pay to the Chairman, Local Road Committee, on or before the _____ day of _____, 190 —.

I am, Sir,
Your obedient Servant,

Chairman, Provincial Committee.

(Section 30).

Whereas _____, of _____, was in default in the payment of the moneys due by him as contribution for constructing (or completing, or repairing, as the case may be), under "The Estate Roads Ordinance, 1902," _____, and became liable in the sum of Rs. _____, inclusive of costs, and made default in the payment thereof; and whereas his property was seized in conformity with the said Ordinance, and sold also in conformity therewith, on the _____ day of _____, and the same was purchased by _____ for the sum of Rs. _____, which has been duly paid by the said _____:

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

Given under my hand at _____, this _____ day of _____, 190 --.

Chairman, Provincial Committee.

Passed in Council the Twenty-fifth day of April, One thousand Nine hundred and Two.

A. G. CLAYTON.
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Second day of May, One thousand Nine hundred and Two.

R. W. IEVERS,
Acting Colonial Secretary.

Ordinance enacted by the Lieutenant-Governor of Ceylon, with the advice and consent of the Legislative Council thereof.

No. 13 of 1902.

An Ordinance to provide for the increase of the Export Duty on Tea.

EVERARD IM THURN.

Preamble.

WHEREAS it is expedient to provide for an increase of the export duty levied on tea for the purpose of increasing the consumption of Ceylon tea in foreign lands: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Commencement of Ordinance.

1 This Ordinance shall come into operation at such time as the Governor shall, by Proclamation published in the *Government Gazette*, appoint.

Commencement of levy of export duty and rate of duty.

2 From and after the time when this Ordinance shall come into operation there shall be raised, levied, and paid upon all tea of the produce of this island exported beyond seas a duty not exceeding ten cents per one hundred pounds, the rate leviable to be determined by the Governor in Executive Council from time to time, upon consideration of such recommendations as may be made by the joint committee appointed by the Planters' Association of Ceylon on the 17th day of February, 1902, and by the Chamber of Commerce on the 7th day of March, 1902, or the successors in office of such committee, to administer the funds raised under this Ordinance and Ordinance No. 4 of 1894, and such duty shall be independent of, and in addition to, any duty which may be imposed under the provisions of "The Medical Wants Ordinance, 1880, Amendment Ordinance, 1882," and of the Ordinance No. 4 of 1894.

Levy of export duty to be enforced under Ordinance No. 17 of 1869.

3 The duty under this Ordinance shall be levied at the Customs on the entry for exportation of tea, and shall be payable to, and shall be collected and received by, the proper officers of the Customs Department, and the payment thereof shall be enforced under the provisions of the Ordinance No. 17 of 1869, intituled "An Ordinance for the General Regulation of Customs in the Island of Ceylon."

Proceeds of duty
how to be
applied.

4 The proceeds of the levy hereby enacted shall be applied towards increasing the consumption of Ceylon tea in foreign lands in such manner as may from time to time be desired and determined by the joint committee appointed for the purpose by the Planters' Association of Ceylon on the 17th day of February, 1902, and by the Ceylon Chamber of Commerce on the 7th day of March, 1902, or the successors in office of such committee, provided that such manner of application of the proceeds of the said levy be subject to the approval of the Governor in Executive Council.

Duration of the
Ordinance.

5 This Ordinance shall cease to be in force on the 1st June, 1905.

Passed in Council the Twenty-fifth day of April, One thousand Nine hundred and Two.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Lieutenant-Governor the Second day of May, One thousand Nine hundred and Two

R. W. IEVERS,
Acting Colonial Secretary.

DRAFT ORDINANCE.

MINUTE.

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

An Ordinance to impose Stamp Duty on Civil Cases tried by Village Tribunals.

Preamble.

WHEREAS it is expedient to impose stamp duty on the institution of civil cases tried by, or referred for trial to, village tribunals: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Duty when
imposed.

1 From and after the passing of this Ordinance, the party plaintiff in every civil case instituted before, or referred by consent of parties for trial before, a village tribunal, shall on every such institution or reference forthwith supply the president of such tribunal with stamp duty to the amounts respectively set forth in the schedule hereto.

President to affix
and cancel stamp.

2 It shall be the duty of the president of such tribunal to affix the stamp so supplied to the first page of the record of the case so instituted or referred for trial, and to cancel such stamp by writing his name across such stamp, together with the true date of his so writing.

No right to sue in
forma pauperis.

3 No suitors before a village tribunal shall have or claim any right to institute or refer any civil case in *forma pauperis*, nor shall any civil case be tried by a village tribunal until the stamp duty imposed by this Ordinance has been paid.

Costs.

4 The president shall have the power of awarding to a successful plaintiff as costs to be paid by the party defendant the amount of stamp duty paid by such plaintiff.

Special stamp
may be provided.

5 It shall be lawful for the Governor, with the advice of the Executive Council, by notification to be published in the *Government Gazette*, to require special stamps for the use of village tribunal cases, and from time to time in like manner any such notification to alter or repeal, and it shall not be lawful for any person to use stamps other than the special stamps for village tribunal cases.

Stamps to be
supplied by
licensed dealers.

6 The stamps required by this Ordinance shall be procured from dealers in stamps duly licensed under Ordinance No. 3 of 1890 and not otherwise, and the provisions of the last-mentioned Ordinance relating to the vending and dealing in stamps and the penalties in connection therewith shall apply to all stamps sold, purchased, or procured for the purposes of this Ordinance.

SCHEDULE.

	Rs. c.
Duty on institution of case of Rs. 20 and under ...	0 10
Duty on reference of case by consent above Rs. 20 and under Rs. 100 ...	0 50

By His Excellency's command,

R. W. IEVERS,
Acting Colonial Secretary.

Colonial Secretary's Office,
Colombo, May 6, 1902.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi declaring Will proved, &c.

Testamentary } In the Matter of the Estate of the late
Jurisdiction. } Kanangerege Don Bastian, deceased,
No. 1,643. } of Attidiya.

THIS matter coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 7th day of April, 1902, in the presence of Mr. T. Bandaranaike on the part of the petitioner Panagodelianege Dona Bastiana Seneviratne Hamine on the part of the respondent; and the affidavit of the petitioner, dated 23rd January, 1902, having been read: It is ordered that the petitioner be declared entitled to have letters of administration to the estate of the deceased Kanangerege Don Bastian issued to her, as the wife of the deceased, unless the respondents shall, on or before the 15th day of May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

D. F. BROWNE,
District Judge.

The 7th day of April, 1902.

The date for showing cause against the above *Order Nisi* is extended to the 12th June, 1902.

D. F. BROWNE,
District Judge.

May 16, 1902.

In the District Court of Colombo.

Order Nisi.

Testamentary } In the Matter of the Estate of the
Jurisdiction. } late Mohideen Kamsa Meera Pillai
No. 1,659 C. } Rawter, deceased, of Slave Island.

THIS matter coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 3rd day of May, 1902, in the presence of Mr. Charles Perera on the part of the petitioner Mohideen Kamsa Cader Mohideen Rawter; and the affidavit of the petitioner, dated 29th April, 1902, having been read:

It is ordered that the aforesaid petitioner be declared entitled to have letters of administration to the estate of Mohideen Kamsa Meera Pillai Rawter issued to him, as the brother of the deceased, unless (1) Assanatchi Ammal, widow of Mohideen Kamsa Meera Pillai Rawter, deceased, (2) Mohideen Kamisha Ummah, wife of Ahamad Meera Rawter, (3) Paththumal, wife of Meera Sahib, and (4) Katchi Pethummal, all of Aeral in Sreevaikundam Taluka in Tinnevely District, in the Madras Presidency of Southern India, shall, on or before the 5th day of June, 1902, show sufficient cause to the satisfaction of this court to the contrary.

D. F. BROWNE,
District Judge.

The 3rd day of May, 1902.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary } In the Matter of the Last Will and Tes-
Jurisdiction. } tament of John Loos, deceased, of
No. 1,663. } Maradana.

THIS matter coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 12th day of May, 1902, in the presence of Mr. W. LaBrooy on the part of the petitioner Mary Millicent Loos; and the affidavit of the petitioner, dated 2nd May, 1902, having been read: It is ordered that the will of John Loos, deceased, dated 30th November, 1899, now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 5th day of June, 1902, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Mary Millicent Loos is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless any person interested shall, on or before the 5th day of June, 1902, show sufficient cause to the satisfaction of this court to be contrary.

D. F. BROWNE,
District Judge.

The 12th May, 1902.

In the District Court of Colombo.

Order Nisi.

Testamentary } In the Matter of the Estate of the
Jurisdiction. } late Gamage Alexander Rodrigoe of
No. 1,664 C. } Kotahena in Colombo, deceased.

THIS matter coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 15th day of May, 1902, in the presence of Mr. E. W. Perera on the part of the petitioner Bamunuge Cecilia Perera; and the affidavit of the petitioner, dated 9th May, 1902, having been read: It is ordered that the petitioner aforesaid be declared entitled to have letters of administration to the estate of Gamage Alexander Rodrigoe issued to her, as his widow, unless the respondents (1) Gamage Ann Mary Rodrigoe, (2) Gamage Sophia Margaret Rodrigoe, and (3) Gamage Joseph Philip Victor Rodrigoe, by their guardian *ad litem* Bamunuge Simon Perera of No. 8, Cemetery street, Kotahena, Colombo, shall, on or before the 12th day of June, 1902, show sufficient cause to the satisfaction of this court to the contrary.

D. F. BROWNE,
District Judge.

The 15th day of May, 1902.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary } In the Matter of the Estate of the late
Jurisdiction. } Vitanegey Siadoris Perera, Police
No. 279. } Headman, deceased, of Millenia.

THIS matter coming on for disposal before C. Eardley-Wilmot, Esq., District Judge of Kalutara, on the 12th day of May, 1902, in the presence of Mr. J. A. Dharmaratne, Proctor, on the part of the petitioner Yakdehikandegey Francina Costa, widow of the late Vitanegey Siadoris Perera, Police Headman, aforesaid: and the affidavit of the said petitioner, dated 24th February, 1902, having been read:

It is ordered that the said petitioner Yakdehikandegey Francina Costa be, and she is hereby declared entitled to have letters of administration to the estate of the said deceased Vitanegey Siadoris Perera, Police Headman, issued to her, unless Yakdehikandegey Lianoris Costa, guardian *ad litem* over the minors (1) Vitanegeyimalis Perera, (2) Vitanegey Aron Perera, and (3) Vitanegey Ado Perera, shall, on or before the 29th day of May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

C. EARDLEY-WILMOT,
District Judge.

The 12th day of May, 1902.

In the District Court of Kalutara.

Order Nisi declaring Will proved.

Testamentary } In the Matter of the Last Will and
Jurisdiction. } Testament of the late Mahamarak-
No. 284. } kala Kurukulesooriapatabendige
Bonafacio Perera, deceased, of
Horetuduwa, and Laksapatividane-
lage Maria de Mel of Horetuduwa.

THIS matter coming on for disposal before C. Eardley-Wilmot, Esq., District Judge of Kalutara, on the 2nd day of May, 1902, in the presence of Mr. C. A. L. Orr, Proctor, on the part of the petitioner Laksapatividanelage Maria de Mel of Horetuduwa; and the affidavit of the said petitioner, dated 30th April, 1902, having been read: It is ordered that the will of Mahamarakkala Kurukulesooriapatabendige Bonafacio Perera, deceased, and Laksapatividanelage Maria de Mel, dated 13th March, 1902, and now deposited in this court, be and the same is hereby declared proved, unless any person interested shall, on or before the 30th day of May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Laksapatividanelage Maria de Mel is the executrix named in the said will, and that she is entitled to have probate of the same issued to her accordingly, unless any person interested shall, on or before the 30th May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

C. EARDLEY-WILMOT,
District Judge.

The 2nd day of May, 1902.

In the District Court of Jaffna.

Order Nisi.

Testamentary } In the Matter of the Estate of the
Jurisdiction. } late Philippupillai Francis of Jaffna
No. 1,263. } town, deceased.

Mariyamuttu, widow of Philippupillai
Francis of Jaffna town.....Petitioner.

1, Francis Joseph of Registrar's Office,
Batticaloa; 2, Francis Philippiah of
Jaffna town; 3, Francis Paul of Straits
Settlements; 4, Francis Saverimuttu of
Jaffna town; 5, Anne, daughter of
Francis of do.; 6, Elizabeth, daughter of
Francis of do.Respondents.

THIS matter of the petition of Mariyamuttu, widow of Philippupillai Francis, praying for letters of administration to the estate of the above-named deceased Philippupillai Francis coming on for disposal before

W. R. B. Sanders, Esq., District Judge, on the 18th day of April, 1902, in the presence of Mr. Tambiah S. Cooke, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 14th day of April, 1902, having been read: It is declared that the petitioner is the widow of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondents or any other person shall, on or before the 30th day of May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

This 18th day of April, 1902.

In the District Court of Jaffna.

Order Nisi.

Testamentary } In the Matter of the Estate of the
Jurisdiction. } late Sivakamipillai, widow of Visu-
No. 1,264. } natar of Manthuvil, deceased.

Visuvanathar Kanthiah of Manthuvil.....Petitioner.

1, Arunasalam Thathapillai of Manthuvil;
2, Arunasalam Sivapirakasam of Varany
north; 3, Arunasalam Superamaniam of
Manthuvil.....Respondents

THIS matter of the petition of Visuvanathar Kanthiah of Manthuvil praying for letters of administration to the estate of the above-named deceased Sivakamipillai, widow of Visuvanatar of Manthuvil, coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the 18th day of April, 1902, in the presence of Mr. Tambiah S. Cooke, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 7th day of April, 1902, having been read: It is declared that the petitioner is the son and one of the heirs of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 30th day of May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

This 18th day of April, 1902.

In the District Court of Jaffna.

Order Nisi.

Testamentary } In the Matter of the Estate of the late
Jurisdiction. } Saravanamuttu Arumugam of
No. 1,267. } Manipay, deceased.
Class I. }

Suppiramanian Vinasittampi of Manipay.....Petitioner.

Vs.

1, Tiruvilangar Sapapati, No. 52, Cheku
street, Colombo; 2, Katiravelu Gnana-
segarar of Mangalagiri, Cinnamon
Gardens, Colombo, and wife 3, Neeladchi
of Mangalagiri, Cinnamon Gardens,
Colombo; and 4, Viyaladchi, widow of
Saravanamuttu of Colombo.....Respondents.

THIS matter of the petition of Suppiramanian Vinasittampi of Manipay praying for letters of administration to the estate of the above-named deceased Saravanamuttu Arumugam coming on for disposal before W. R. B. Sanders, Esq., District Judge, on the 2nd day of May, 1902, in the presence of Messrs. Casipillai & Cathiravelu, Proctors, on the part of the petitioner; and affidavit of the petitioner, dated the 29th day of April, 1902, having been read: It is declared that the petitioner is a creditor and the husband of one of the next of kin of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to him, unless the respondents or any other person shall, on or before the 6th day of June, 1902, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

This 2nd day of May, 1902.

In the District Court of Galle.

Order Nisi declaring Will proved, &c.

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament and two Codicils of Johanna Catherina Jansz, deceased, of Galle.
No. 2,832.

THIS matter coming on for disposal before F. H. de Vos, Acting District Judge of Galle, on the 2nd day of May, 1902, in the presence of Mr. D. C. F. Obeyesekere, Proctor, on the part of the petitioner Henry William Jansz of Galle; and the affidavit of Henry William Jansz of Galle, dated 1st day of May, 1902, having been read: It is ordered that the will of Johanna Catherina Jansz, deceased, dated 7th December, 1878, codicil dated 3rd March, 1879, and codicil dated 6th December, 1884, all of which are filed in District Court, Galle, Testamentary Case No. 2,832, be and the same are hereby declared proved, unless the respondents—1, C. M. Jansz, widow of Albert Wm. Jansz; 2, Rose B. E. Soerts, wife of 3, H. A. Soerts, all of Galle Fort; 4, Clarence Agnes Mack, wife of 5, A. W. Mack, both of Gampola; 6, Arnold Hilton Poulter Jansz of Colombo; 7, Eliza Catherine Ernst, wife of 8, C. E. Ernst, both of Matara; 9, Emelia Eleanor Bogaars, wife of 10, C. L. Bogaars; 11, C. E. Rannesinghe, wife of 12, W. G. Rannesinghe, all of Galle Fort; 13, Albert William Sela Jansz of Galle Fort; 14, Alberta Esther Jansz of Galle Fort—shall, on or before the 17th day of June, 1902, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Henry William Jansz of Galle is the sole surviving executor named in the said will, and that he is as such entitled to have probate of the same issued to him accordingly, unless the said respondents shall on that day show sufficient cause to the satisfaction of this court to the contrary.

F. H. DE VOS,
The 10th day of May, 1902. Acting District Judge.

In the District Court of Tangalla.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Don Abraham Hatarasinha, deceased, of Dammulla.
No. 353.

THIS matter coming on for disposal before John O'Kane Murty, Esq., District Judge, on the 2nd day of May, 1902; and the affidavit of Hatarasinarachchige Baboris of Dammulla, dated 2nd May, 1902, having been read: It is ordered that letters of administration be issued to Hatarasinarachchige Baboris, unless the respondents—Don Nikulas Hatarasinha and Hatarasinarachchige Endoris, both of Dammulla—shall, on or before the 17th day of June, 1902, show sufficient cause to the satisfaction of this court to the contrary.

J. O'K. MURTY,
The 15th day of May, 1902. District Judge.

In the District Court of Kurunegala.

No. 696.

In the Matter of the Intestate Estate of the late Danansuri Mudiyansele Barony Appuhamy of Pallegama, deceased.

THIS matter coming on for disposal before A. de A. Senewiratne, Esq., Acting District Judge of Kurunegala, on the 25th day of April, 1902, in the presence of the petitioner Danansuri Mudiyansele Carolis Appuhamy of Pallegama; and the affidavit of the said Carolis Appuhamy, dated the 18th day of April, 1902, having been read: It is ordered that the petitioner aforesaid be declared entitled to have letters of administration to the estate of the deceased Danansuri Mudiyansele Barony Appuhamy issued to him, as his eldest son and one of the heirs, unless Danansuri Mudiyansele Herathamy of Pallegama or any other person shall, on or before the 30th day of May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

A. SENEWIRATNE,
Acting District Judge.

April 26, 1902.

In the District Court of Kegalla.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Intestate Estate of the deceased Georgiana Caroline Obeyesekere of Wellawatta, Colombo.
No. 118.

John Alvin Obeyesekere of Wellawatta, Colombo.....Petitioner.
1, Brooke Abraham Senanaiyake; 2, Theodora Mary Senanaiyake, both of Wellawatta, Colombo.....Respondents.

THIS matter coming on for final disposal before Allan Beven, Esq., District Judge of Kegalla, on the 17th day of April, 1902, in the presence of Mr. A. F. Herat on behalf of the petitioner; and the affidavit of the petitioner aforesaid, dated at Colombo on the 2nd day of April, 1902, having been read: It is ordered that the said petitioner be declared entitled to have letters of administration to the intestate estate of the aforesaid Georgiana Caroline Obeyesekere, deceased, he, the petitioner, being the lawful husband of the deceased, whose father and sister respectively are the 1st and 2nd respondents above-named.

He, the petitioner aforesaid, is therefore appointed administrator of the said intestate estate, unless the above-named respondents shall, on or before the 26th day of May, 1902, show sufficient cause to the satisfaction of this court to the contrary.

Given under my hand this 17th day of April, 1902, at Kegalla.

ALLAN BEVEN,
District Judge.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,979.

In the matter of the insolvency of Mahawaduge Abraham Perera of Wekade in Panadura.

WHEREAS a petition was filed in the District Court of Colombo on May 5, 1902, against the insolvent above-named by William Henry Davies of Baillie street, Colombo, carrying on business under the name, style, and firm of W. H. Davies & Company, a proved creditor in the above styled case for the cancellation of the certificate allowed to the said insolvent on October 24, 1900: And whereas an interlocutory order was allowed by Dodwell

Francis Browne, Esq., District Judge of Colombo, to issue on the said petition. This is to give notice to all the creditors of the above-named insolvent, and also to the said insolvent, that May 29, 1902, has been appointed for the determination of the matters in the said petition contained, and that all creditors and the said insolvent will be heard in respect of the same if they appear before the court on the said date.

J. B. MISSE,
Secretary.

Colombo, May 15, 1902.

No. 2,057. In the matter of the insolvency of Isboe Lebbe Colende Marikar of Galkapana-watta, Colombo.

WHEREAS Isboe Lebbe Colende Marikar has filed a declaration of insolvency, and a petition for the sequestration of the estate of Isboe Lebbe Colende Marikar, under the Ordinance No. 7 of 1853: Notice is hereby given that the said court has adjudged the said Isboe Lebbe Colende Marikar insolvent accordingly; and that two public sittings of the court, to wit, on June 12, 1902, and on July 3, 1902, will take place for the said insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,
GEO. VAN GUNSTER,
for Secretary.
Colombo, May 15, 1902.

No. 2,062. In the matter of the insolvency of Easware Acharigey Don David of Moratuwa.

WHEREAS Easware Acharigey Don David has filed a declaration of insolvency, and a petition for the sequestration as insolvent of his own estate, under the Ordinance No. 7 of 1853, and it appears that he has been in actual custody within the walls of a prison for debt for more than 21 days: Notice is hereby given that the said court has adjudged him an insolvent accordingly, and that two public sittings of the court, to wit, on June 12 and on July 3, 1902, will take place for the insolvent to surrender and conform to, agreeably to the provisions of the said Ordinance, and for the taking of the other steps set forth in the said Ordinance, of which creditors are hereby required to take notice.

By order of court,
GEO. VAN GUNSTER,
for Secretary.
Colombo, May 15, 1902.

In the District Court of Kalutara.

No. 105. In the matter of the insolvency of Owen Mendis Obeyesekere of Nagoda.

NOTICE is hereby given that the second sitting of this court in the above matter is adjourned for June 5, 1902.

By order of court,
WM. DE SILVA,
Secretary.
Kalutara, May 16, 1902.

No. 106. In the matter of the insolvency of Dodwell James Boyd de Fonseka of Kalutara.

NOTICE is hereby given that the second sitting of this court in the above matter is adjourned for May 30, 1902.

By order of court,
WM. DE SILVA,
Secretary.
Kalutara, May 16, 1902.

No. 107. In the matter of the insolvency of George Ernest Theodore de Fonseka of Kalutara.

NOTICE is hereby given that the second sitting of this court in the above matter is adjourned for May 30, 1902.

By order of court,
WM. DE SILVA,
Secretary.
Kalutara, May 16, 1902.

In the District Court of Negombo.

No. 60. In the matter of the insolvency of Robert Vincent de Vos of Welihena in Negombo.

NOTICE is hereby given that the second sittings of this court in the above matter have been and journeyed for June 20, 1902, for the examination of the insolvent.

By order of court,
D. GUNAWARDANA,
Secretary.
Negombo, May 20, 1902.

No. 61. In the matter of the insolvency of Benedict de Croos of Kochchikada.

NOTICE is hereby given that the second sittings of this court in the above matter have been adjourned for June 19, 1902, for the examination of the insolvent.

By order of court,
D. GUNAWARDANA,
Secretary.
Negombo, May 20, 1902.

In the District Court of Kandy.

No. 1,443. In the matter of the insolvency of Awana Ahamado Saibu and Ena Kader Assen Saibu, members of the firm of E. K. Ahamado Saibo & Co., of Kandy.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvents will take place at the sitting of this court on June 20, 1902, for proof of claims.

By order of court,
W. M. DE SILVA,
Secretary.
Kandy, May 16, 1902.

In the District Court of Galle.

No. 322. In the matter of the insolvency of B. G. Banjo of Galle.

NOTICE is hereby given that the second sitting in this case is adjourned for June 25 next, for the assignee's report.

By order of court,
D. M. JANSZ,
Secretary.
Galle, May 15, 1902.

I, H. W. BRODHURST, Fiscal for the Southern Province, do hereby appoint Mr. Peter Henry Cooray of Galle to act for a week as Marshal for the District of Balapitiya, under the provisions of "The Fiscals' Ordinance, 1867," and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

This 15th day of May, 1902.

H. W. BRODHURST,
Fiscal.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Colombo.

Don Charles Henry Samarasinghe Navaratne.....Plaintiff.
No. 16,363. Vs.

Induruwe Acharige Don Nicholas.....Defendant.

NOTICE is hereby given that on Tuesday, June 17, 1902, at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the following property mortgaged with the plaintiff, and decreed to be sold by the decree entered in the above case, for the recovery of the sum of Rs. 1,193-29; with further interest on Rs. 850 at 16 per cent. per annum from February 5 to 14, 1902, and thereafter at 9 per cent. per annum till payment in full, and costs of suit, viz.:-

All that allotment of land No. 83A called Bulugahawatta, together with the buildings standing thereon, situated at Kirillapone in the Palle pattu of Salpiti korale; and bounded on the north by lot 83, on the south by lot No. 91, on the east by lot No. 84 and by a reservation, and on the west by lot No. 92; containing in extent 1 acre 2 roods and 21 perches (excluding therefrom the eastern portion bearing lot No. 84 on acquisition plan 800).

On the same day, at 12 noon, at the premises, viz.:-

All those undivided $\frac{1}{2}$ parts or shares of and from all that garden called Kahatagahawatta marked lot No. 173 in the registered plan No. 2, and one undivided half part of the house standing thereon marked A, situated at Wellawatta in the Palle pattu of Salpiti korale; bounded on the north by lot No. 169, on the south by lot No. 174, on the east by a road, and on the west by lot No. 172; containing in extent 1 rood 25 $\frac{1}{100}$ perches; and all the right, title, and interest and claim whatsoever of the defendant in, to, upon, or out of the said several premises mortgaged by the defendant.

Fiscal's Office,
Colombo, May 20, 1902.

E. ONDATJE,
Deputy Fiscal.

In the District Court of Colombo.

P. M. R. M. Ramen Chetty of Sea street in Colombo.....Plaintiff.
No. 14,374. Vs.

1, Bemenihennedige Johannes Peeris; 2, Bemenihennedige Haranis Peeris; and 3, Bemenihennedige Cornelis Peeris, all of No. 61, Fourth Cross street, Pettah, Colombo, carrying on business in partnership under the name, style, and firm of Johannes Peeris and Brothers.....Defendants.

NOTICE is hereby given that on June 16, 1902, at 3 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said second defendant in the following property, for the recovery of the sum of Rs. 747-76, with interest on Rs. 727-50 at 9 per cent. per annum from February 28, 1901, till payment in full, viz.:-

Four-eighth parts of the garden called Madangahawatta, together with the new buildings standing thereon, constructed and occupied by the second defendant, excluding, however, the old building standing thereon, situated at Egoda Uyana in the Palle pattu of Salpiti korale; and which entire land is bounded on the north by the property owned by Tantulage Bastian Fernando, Police Vidane, and the portion of land which was in the name of Juan Peeris, on the east by the property which was in the name of Bemenihennedige Juan Peeris and Panadure river, on the south by the portion of land belonging to the heirs of Sellapperumage Bastian Fernando, and on the west by the high road; containing in extent about 3 acres.

Deputy Fiscal's Office,
Moratuwa, May 16, 1902.

P. PERERA,
Deputy Fiscal.

In the District Court of Colombo.

The National Bank of India, Limited,
Colombo.....Plaintiffs.
No. 16,759 C. Vs.

1, Archibald Conrad Wright; 2, Cicily Elizabeth Wright, his wife, both of Maligakanda in Colombo.....Defendants.

NOTICE is hereby given that on Monday, June 16, 1902, will be sold by public auction the following property, commencing at 2 o'clock in the afternoon, at the spot:-

1. All the life interest and other the right, title, and interest of the said first defendant in and to all that portion or parcel of land situated at Maligakanda within the Municipality of Colombo, with the buildings standing thereon bearing assessment No. 21, Maligakanda; bounded on the north by the Maligakanda road, on the east by lot A being the other part of the same land allotted to Dr. Victor Oswald Wright and Mrs. Florence Mabel Hole and by the garden of Christobos Perera and Carolis Perera, on the south by the garden of Christobos Perera and Carolis Perera and by a small road, and on the west by the part of the same garden marked letter B, the property of Mr. R. A. Fernando; and containing in extent 1 acre and 26-97 square perches according to the figure of survey thereof dated November 10, 1896, made by C. Henry J. Leembruggen, Licensed Surveyor; and the rents and income thereof, and all the estate, right, title, interest, claim, and demand whatsoever of the said first defendant, as on July 14, 1900, in, to, upon, or out of the same; and

On the same day at this office, commencing
at 3.30 o'clock in the afternoon.

2. All that policy of assurance of the London and Lancashire Life Assurance Company, No. 58,288, dated September 5, 1899, on the life of the first defendant, together with the sum of Rs. 5,000 assured thereby, and all other moneys to become payable by virtue thereof, and all the right, title, claim, and demand therein and thereto of the second defendant, as on the said July 14, 1900, which property and policy of assurance were specially and primarily mortgaged by the defendants with the plaintiff by bond No. 435, dated July 14, 1900, and declared specially bound and executable by the decree entered in the above action, for the recovery of the sum of Rs. 2,182-20, together with interest on the sum of Rs. 2,136-31 at 8 per cent. per annum from May 1, 1902, to May 7, 1902, and thereafter on the aggregate sum of the decree till payment in full, and costs of suit.

Fiscal's Office,
Colombo, May 22, 1902.

E. ONDATJE,
Deputy Fiscal.

In the District Court of Negombo.

Savenna Thana Sina Wana Severaman Chetty of Negombo.....Plaintiff.
No. 4,098. Vs.

1, Joseph Santiago Manuel Fernando; 2, Joseph Emmanuel Fernando, both of Negombo.....Defendants.

NOTICE is hereby given that on June 30, 1902, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz.:-

1. An undivided $\frac{1}{2}$ of the land called Madampella-watta marked No. 3, situate at Madampella in the Dunagaha pattu of Alutkuru korale; the entire land is bounded on the north by a portion of this land marked No. 2 and by land claimed by M. Tambia, M. Puncba, M. Pina, M. Delenchia, M. Bastia, and M. Saiya, and by the field claimed by the villagers; on the east by a portion of this land marked No. 4, Gorkagahakumbura, and the field

Nilandarakumbura claimed by D. Lebuna ; on the south by the field of N. Sinna, R. Sinna, and R. Sobena, and the field said to belong to Peduru Vidahn ; and on the west by the field claimed by villagers ; containing in extent 68 acres 3 roods and 34 perches more or less.

On July 1, 1902, commencing at 12 o'clock noon, at the premises.

2. Two-fifths of an undivided $\frac{1}{4}$ of the land called Dawatagahawatta and of the buildings standing thereon, situate at Mahahunupitiya in the Dunagaha pattu of Alutkuru korale ; the entire land is bounded on the north by the high road leading to Dunagaha, on the east by the land of C. Layard and by the land of Francisco Peries, on the south by a footpath and a portion of this land belonging to planters, and on the west by the land of Mr. Christofal and others and by the field ; containing in extent 44 acres 1 rood and 12 perches more or less.

3. An undivided $\frac{1}{2}$ of the land called Padiliyawatta and of the buildings standing thereon, situate at the 4th Division Udayartoppuwa, within the old gravets of Negombo ; the entire land is bounded on the north by a portion of this land of M. Francisco Fernando, on the east by the land of Baronchi Appu and by the land belonging to others, on the south by a portion of this land of M. Domingo Fernando and others, and on the west by the high road ; containing in extent 1 acre more or less.

Amount to be levied, Rs. 3,010.62 and interest on Rs. 2,600 at 15 per cent. per annum from May 18 to April 6, 1901, and thereafter at 9 per cent.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, May 20, 1902.

In the Court of Requests of Negombo.

Mena Chena Vellasamy Palle of Negombo,
attorney of Ana Runa Sina Thana Narayan
Chetty.....Plaintiff.

No. 8,344. Vs.

Rajapakse Korallalage Don Peloris Perera....Defendant.
Wijeweria Lianege Dona Bastiana Perera
Hamine, executrix of the last will and testa-
ment of deceased defendant ... Substituted Defendant.

NOTICE is hereby given that on June 24, 1902, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property mortgaged with the plaintiff, viz. :—

The western one-half of the portion of land called Kongahalanda, situate at Bulugamulla *alias* Kalawana in the Dasiya pattu of Alutkuru korale ; which said portion is bounded on the north by the portion of this land belonging to Don Carolis Perera Arachchi, deceased, on the east by the garden of Baba Appu, on the south by the gardens of Abraham, ex-Police Vidane, deceased, and of Carolis Appu, and on the west by agare ; containing in extent 7 acres more or less.

Amount to be levied, Rs. 212.75 and interest on Rs. 120 at 25 per cent. per annum from May 30, 1901, to February 27, 1902, and thereafter at 9 per cent.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, May 20, 1902.

In the District Court of Colombo.

Frederick William Nelson of Mutwal,
Colombo Plaintiff.

No. C 15,894. Vs.

1. Eliyadura Amaris de Zoysa ; and 2, Jasentukankanamalage Elena de Silva of Mahahunupitiya, Negombo .. Defendants.

NOTICE is hereby given that on June 21, 1902, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property, viz. :—

1. All that portion of the land called Delgahakumburawatta, with all the buildings and plantation thereon situate at Mahahunupitiya in the Dunagaha pattu of Alutkuru korale ; bounded on the north by the garden now of W. Mariam Fernando, formerly of Marku Costa, on the east by the garden of Luchikankanama and Pedro Kankanama and field, on the south by the garden of E. Amaris de Soysa, formerly of Mr. John, and on the west by a portion of this land, now of M. Perera Jayawardena ; and containing in extent 3 roods and 18 perches more or less.

2. All that land called Widibodakumbura, with all the buildings and plantation thereon, at ditto ; and bounded on the north by the high road to Negombo, on the east by a footpath and by the property of S. Appu Sinno, on the south by the garden of Kotalage Paulu Fernando and others, and on the west by the field Sawarukens ; and containing in extent 2 roods and 28 perches more or less.

3. All those two contiguous portions of land now forming one property called Delgahawatta and Kolainkumbura, with all the buildings and plantation thereon, situate at ditto ; bounded on the north by the land of Janchi Fernando, B. Bastian Fernando and others, on the east by the land of W. H. de Silva, W. Francis Livera, and W. Manuel Kunna, on the south by the high road to Giriulla, and on the west by the land of P. V. Don Joronis Appu and M. Hendrick Perera Jayawardana ; and containing in extent 9 acres 3 roods and 10 perches more or less.

4. All that land called Delgahawatta and all the building and plantation thereon, at ditto ; bounded on the north and west by the lands of H. P. Jayawardena, Registrar, on the east by the lands belonging to the defendants, and on the south by the high road ; and containing in extent 3 acres and 2 roods more or less (the last three allotments of land described in paragraphs 2, 3, and 4 being, however, subject to a primary mortgage in favour of K. P. K. N. K. Supparamanian Chetty, K. M. S. R. S. Kannappan Chetty, K. M. S. P. S. Letchiman Chetty, and K. P. P. N. R. Ramen Chetty for Rs. 5,500 and interest credited by bond No. 26,042 dated August 21, 1899.)

5. All the machinery implements, tools, and other articles and effects belonging thereto, or forming part and parcel of the fibre mills belonging to defendants and known as the Potoda Kurunduwatta Fibre Mills, erected on the land belonging to Jasentukankanamalage Charles de Silva and held by the defendants, at ditto.

Amount to be levied Rs. 2,744.12, and interest on Rs. 2,650 at 9 per cent. per annum from October 17, 1901.

FRED. G. HEPPONSTALL,
Deputy Fiscal's Office, Deputy Fiscal.
Negombo, May 20, 1902.

Southern Province.

In the District Court of Matara.

Arnolis de Silva Gooneratne and others.....Plaintiffs.

No. 9,622. Vs.

The Assistant Government Agent, Matara....Defendant.

NOTICE is hereby given that on Thursday and Friday, June 19 and 20, 1902, commencing at 12 o'clock noon, will be sold by public auction at the spot the right, title, and interest of the said plaintiffs in the following property, for the recovery of Rs. 82.37½ :—

Situated at Hittatiya in Four Gravets of Matara.

1. Four kurunies extent of the field called Ettinna mala-addara.

Situate at Hettiwidiya in Weligam korale of Matara District.

2. The garden called Wijjehewagewatta and the tiled house standing thereon.

Situated at Mudugamuwa in Weligam korale of Matara District.

3. One-sixteenth of $\frac{1}{2}$ of the garden called Ihalagedarawatta.

4. One-sixteenth of $\frac{1}{2}$ of the garden called Pelawatta. Situate at Hettiwidiya in Weligam korale of Matara District.
5. The land called Ratnavilla and the tiled house of stone masonry standing thereon.

Deputy Fiscal's Office, H. J. DE LIVERA,
Matara, May 9, 1902. Deputy Fiscal.

North-Western Province.

In the District Court of Chilaw.

Pana Lana Sena Karthan Chetty, Madampe..... Plaintiff.
No. 2,357. Vs.

Weerasinhe Jayawardane Hettiachchi
Mudiyanselage Appu Sinno of Karukkuwa
and another..... Defendants.

NOTICE is hereby given that on June 21, 1902, at 1 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz.:-

The soil and productive trees of the portion of land, in extent 1 acre 1 rood and 25 perches, towards the southern side of the land marked X 21, situate at Karukkuwa, which is of the extent of 4 acres; bounded on the north and west by land said to belong to the Crown, north-east by land said to belong to Sinno Appu, and on all other sides by land said to belong to the villagers.

The soil and productive trees of the garden called Kosgahawatta of 1 acre in extent, situate at Karukkuwa in Munnessaram pattu; bounded on the north by the fence of the garden belonging to Kirimenikhami and others, south by field, east by the aforesaid land marked X 21, and on the west by the land being planted by Punchirala and others.

On Monday, June 23, 1902, at 1 P.M.

The soil and productive trees of the western half share of the land called Talgasagarekele marked letter B 225, situate at Pahala Talgasagare, which is of the extent of 4 acres 1 rood 17 perches; and bounded on the north and north-east and east by path, south by land appearing on plan 135,015, west by land reserved for a road, north-west by path.

Amount recoverable Rs. 1,972-62, with interest on Rs. 1,500 at $1\frac{1}{2}$ per cent. per mensem from May 4, 1901, up to June 21, 1901, and further interest on the aggregate sum at 9 per cent. per annum from June 21, 1901, and poundage.

Deputy Fiscal's Office, J. H. LEAK,
Chilaw, May 20, 1902. Deputy Fiscal.

In the District Court of Chilaw.

Kana Nana Kana Letchemanen Chetty of
Negombo..... Plaintiff.
No. 2,397. Vs.

Udugampolage Juakino Fernando and his wife
both of Katuneriya..... Defendants.

NOTICE is hereby given that on Saturday, June 21, 1902, 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.:-

One-sixth share towards the southern side of the garden called Bogahawatta or Madangahawatta, situate at Katuneriya in Kammal pattu; bounded on the north by garden of Peduru Janse, Police Headman, east by high road, south by garden of Bastian Silva and others, west by garden of Adrian Fernando.

2. The garden called Kosgahawatta, situate at Katuneriya; and bounded on the north by garden of Kamel Fernando Muppu and others, east by garden of Martinu Fernando, south by garden of Lucia Fernando, west by canal.

3. One-sixth share of land, situate at Lunuvila; and bounded on the north by land purchased by K. M. Herathamy, east by lands belonging to K. B. M. Herathamy and others, south by gardens of K. B. M. Herathamy, and west by land said to belong to the Crown.

Amount recoverable Rs. 4,898, and further interest on Rs. 3,500 from June 20, 1901, up to November 8, 1901, and further interest on the aggregate sum at 9 per cent. per annum from November 8, 1901, and poundage.

Deputy Fiscal's Office, J. H. LEAK,
Chilaw, May 20, 1902. Deputy Fiscal.

In the District Court of Negombo.

Mana China Kadiravelan Chetty of Negombo... Plaintiff.
No. 3,664. Vs.

Warnakula Aditta Arasavilaitta Stephen
Lowe of Marawila and another..... Defendants.

NOTICE is hereby given that on Thursday, June 19, 1902, 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.:-

Undivided one-half share of the southern one-fifth share of the land called Paragahayaya, situate at Marawila in Yatakalan pattu, Chilaw District; which said southern one-fifth share is bounded on the north by the boundaries of the land belonging to Marthelis Lowe, Division Officer, and three of his sisters (from this land), east by the boundary of the land or the portion of this land belonging to Alvinu Lowe, Mudaliyar, south by the boundary of the land of the heirs of Alvinu Lowe, Mudaliyar, west by land or the share of this land belonging to the children of Bernard Lowe; containing in extent 13 acres and 10 perches.

Amount recoverable, Rs. 3,206-40 and poundage.

Deputy Fiscal's Office, J. H. LEAK,
Chilaw, May 20, 1902. Deputy Fiscal.

In the District Court of Colombo.

The Hon. William Gabriel Rockwood of
Colombo..... Plaintiff.
No. 15,799. Vs.

Vena Kana Suna Ana Vengadasalam Chetty
of Sea street, Colombo..... Defendant.

NOTICE is hereby given that on Friday, June 20, 1902, at 1 o'clock in the afternoon, will be sold by public auction at the premises the following property, viz.:-

All that southern one-half and all that northern one-half of the five contiguous allotments of land Amaikuliya kele, bearing Nos. 8,523, 8,526, 8,528, 8,529, and 8,530 which said southern one-half and northern one-half of the said premises adjoin each other and now form one property, situate in the village Amaikuliya in Anavilundun pattuwa of Pitigal korale north, in the District of Chilaw; bounded on the north by lands described in plans 142,635 and 148,073, on the east by reservation along the road, and on the south and west by reservation for roads; containing in extent, exclusive of the Mattai Odai and Amaikuliya Odai, 64 acres and 20 perches; and the right, title, interest, claim, and demand of the said defendant in and to the same at the date of the mortgage dated February 11, 1898, and by the decree entered in the said case ordered to be sold in satisfaction of the plaintiff's claim.

Amount recoverable Rs. 4,000, with interest thereon at 10 per cent. per annum from February 11, 1899, to January 31, 1902, and thereafter at 9 per cent. per annum and costs Rs. 239-25 and poundage.

Deputy Fiscal's Office, J. H. LEAK,
Chilaw, May 20, 1902. Deputy Fiscal.

Province of Sabaragamuwa.

In the District Court of Kalutara.

Mutuantirige Cornelis Cooray of Walana.....Plaintiff.
No. 2,247. Vs.Mahallan Omaru Lebbe Mohamadu Ismail
Notary and wife Haku Kattu Nachia, both
of Welapura Kalutara Defendants.

NOTICE is hereby given that on June 14, 1902, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

The two boutique rooms and the soil on which they stand, exclusive of the boutique room lying to the north-west, together with the site thereof out of the three tiled boutique rooms standing on a portion of land, situated at and lying on the street at Ratnapura in Udapattu of Kuruwiti korale, in the District of Sabaragamuwa, which said portion of land of the extent of 10 perches is bounded on the north-east by the road, on the south-east by the land described in plan No. 52,518, on the south-west by Crown land, and on the north-west by the land belonging to Hadji Markar Mohamadu Lebbe Markar.

Amount to be levied, Rs. 1,377-95½ and interest.

Fiscal's Office, C. R. P. JAYAWARDANA,
Ratnapura, May 15, 1902. Deputy Fiscal.

In the District Court of Colombo.

Kuna Lana Mana Weerappa Chetty of
Colombo, now in India; 2, M. M. S. N.
Maiyappa Chetty of Colombo.....Plaintiffs.
No. 15,636. Vs.Madiwala Gamage Don Gabriel Appuhamy
of Andiramada.....Defendant.

NOTICE is hereby given that on Monday, June 16, 1902, at 11 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz. :—

All that land called Tuduwagehena (now a garden), situate at Andiramada in Kegalla District; and bounded on the east by oya, on the west by Paluwatta, on the north by oya, and on the south by Mahalanda; containing in extent about 18 acres.

Writ issued to levy the sum of Rs. 6,506-25, with interest at 24 per cent. per annum from August 13, 1901, to October 3, 1901, and thereafter at 9 per cent. per annum.

TIMOTHY F. ABAYAKOON,
Deputy Fiscal.

Deputy Fiscal's Office,
Kegalla, May 19, 1902.