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PASSED ORDINANCES.

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

No. 2 of 1905.

An Ordinance to provide for the Registration of Medical Practitioners in Ceylon.

HENRY A. BLAKE.

Preamble.

WHEREAS it is expedient to provide for the registration of persons lawfully qualified to practise medicine and surgery in Ceylon: 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 and commencement.

1 This Ordinance may be cited as "The Medical Registration Ordinance, 1905," and shall come into force at such date not being less than six months after the passing of this Ordinance as the Governor, with the advice of the Executive Council, shall by Proclamation appoint: Provided that immediately after the passing of this Ordinance and before the said date it shall be lawful to register persons as medical practitioners in accordance with the provisions of this Ordinance, and to do all things which are prescribed by this Ordinance for such purpose.

Keeping of register.

2 (1) The Registrar of the Ceylon Medical College shall keep a register of medical practitioners qualified to practise medicine and surgery in Ceylon. The register shall be, as nearly as may be, according to Form A in the schedule to this Ordinance.

Evidence of qualification for registration.

(2) The said Registrar shall not register any person as a medical practitioner unless he produces—

(a) In the case of a person claiming to be qualified under the Acts of the United Kingdom known as the Medical Acts, the proof required by section 12 of this Ordinance.

(b) In the case of a person claiming to be qualified otherwise than under the said Acts, a certificate of the Council of the Ceylon Medical College that such person is entitled to be registered under this Ordinance. Provided that no certificate shall be issued by the Council of the Ceylon Medical College to any person claiming to be registered under a degree, diploma, or other qualification granted or issued by any foreign state or country, unless such foreign state or country allows either by law or Ordinance in that behalf provided any person qualified to be registered and to practise medicine and surgery in Ceylon to practise as a medical practitioner in such foreign state or country without further or other qualification in that behalf.

(3) Every such registration shall be liable to a stamp duty of Rs. 5, which shall be paid by each medical practitioner before his name is entered in such register.

Publication of copy of the register.

3 A copy of the register shall be published by the Registrar of the Ceylon Medical College in the *Government Gazette* as soon after the commencement of this Ordinance as may be convenient; and thereafter a copy of the register, as it stands at such time, shall be published by the said Registrar as soon as may be after the first day of January in each year. Any copy of the *Government Gazette* containing the most recent copy of the register shall be *prima facie* evidence in all legal proceedings that the persons therein specified are registered under this Ordinance; and the absence of the name of any person from such copy shall be *arima facie* evidence that such person is not registered under this Ordinance.

Keeping the register up to date.

4 (1) The Registrar of the Ceylon Medical College shall keep the register correct in accordance with the provisions of this Ordinance, and shall make from time to time the necessary alterations in the addresses or qualifications of the persons registered under this Ordinance, and shall cancel in the register the names of all persons so registered who have died or ceased to be qualified.

(2) Whenever any person registered under this Ordinance changes his residence he shall forthwith notify his new address to the said Registrar.

(3) The said Registrar may write a letter to any registered person addressed to him according to his address in the register to inquire whether he has changed his residence, and if he does not receive an answer to such letter within six months of the sending thereof he may erase from the register the name of such person; provided always that the same may be restored at the request of the Council of the Ceylon Medical College.

Notification of change of qualification.

5 (1) Any person registered under this Ordinance who may obtain any degree or qualification other than the degree or qualification in respect of which he is registered may cause such other degree or qualification to be inserted in the register, in substitution for or in addition to the degree or qualification already registered, on payment of a fee of five rupees.

(2) Such fees shall be paid into the general revenue of the colony.

Fraudulent or incorrect entries.

6 Any entry in the register which is proved to the satisfaction of the Council of the Ceylon Medical College to have been fraudulently or incorrectly made may be erased from the register, provided that a record of the reason for every such erasure is entered in the register and signed by the Registrar.

Right of registered practitioners to practise.

7 Every person registered under this Ordinance shall be entitled to practise medicine and surgery in Ceylon, and to demand and recover reasonable charges for medical or surgical aid rendered by such person, and the costs of medicines and surgical appliances supplied by him.

Right to recover charges for medical practice.

8 No person shall be entitled to recover any charge in any court of law for any medical or surgical advice, attendance, or for the performance of any operation as a medical practitioner, or for any medicine which he shall have prescribed and supplied, unless he shall prove upon the trial that he is registered under this Ordinance.

Provided that nothing herein contained shall affect the common law right of a person practising medicine or surgery according to native methods to sue for his fees.

Meaning of words "legally qualified medical practitioner."

9 The words "legally qualified medical practitioner" or "duly qualified medical practitioner," or any words importing a person recognized at law as a practitioner in medicine or surgery, where used in any Ordinance or regulation, shall be construed to mean a practitioner registered under this Ordinance.

Medical certificates.

10 No certificate signed after the date appointed for the commencement of this Ordinance, which certificate is by any Ordinance required to be signed by a physician, surgeon, or any other medical or surgical practitioner, shall be valid unless the person signing it is registered under this Ordinance.

Naval and military medical officers.

11 All medical officers of His Majesty's Navy and Army serving in Ceylon on full pay shall be deemed to be registered under this Ordinance.

Registration of persons entitled under the Medical Acts.

12 Any person claiming to be entitled under the Acts of the United Kingdom known as "The Medical Acts" to be registered in Ceylon under this Ordinance shall be so registered upon producing to the Registrar of the Ceylon Medical College, in proof of his title thereto, a declaration, according to the Form B in the schedule hereto, made by him before any justice of the peace; provided that the name of such person appears in the medical register then most recently published under the said Acts, or he produces to the said Registrar a duly certified copy of the entry of his name in the original register or any branch register of the General Medical Council or any branch council in the United Kingdom.

Grant of certificates by the Council that holder is entitled to be registered.

13 (1) No person who is not entitled to be registered under the last foregoing section shall be registered as a medical practitioner unless he produces a certificate from the Council of the Ceylon Medical College that he is entitled to be so registered.

(2) The Council of the Ceylon Medical College shall not grant the certificate referred to in the foregoing sub-section to any person, unless they are satisfied that he is of good character, and unless he—

a) Has passed through such a course of study and examination as has been or may be prescribed by the council; or

(b) Has submitted his diploma or other certificate of his being duly qualified to practise as a physician and surgeon to the examination and approval of the council, who may require by sworn declaration before a justice of the peace or other evidence such proof of identity and good character, of the authenticity of such diploma or certificate, and of the right of the holder to practise elsewhere under such diploma or certificate, as they shall deem fit; and any person wilfully making a false declaration shall be liable to the punishment provided by law for the offence of giving false evidence.

(3) The council shall by regulations approved by the Governor, with the advice of the Executive Council, and published in the *Government Gazette*, from time to time prescribe and define what diplomas or certificates will be

entertained by the Council of the Ceylon Medical College in any application by any person to obtain a certificate under this section ; and no diploma or certificate shall be included by the council in such regulations which does not furnish, in the opinion of the council, a sufficient guarantee of the possession by the holder of the requisite knowledge and skill for efficient practice as a medical practitioner.

Reference to
Governor in
Executive
Council.

14 If the council is not satisfied with the diploma or other certificate of an applicant, or with the evidence of qualification, or with the character of the applicant, it shall submit the case with a full report thereon, together with all documents in connection therewith, to the Governor. The Governor, with the advice of the Executive Council, shall decide whether the council shall or shall not give the license as aforesaid. Such decision shall be final and conclusive, and if in the applicant's favour he shall thereupon be entitled to be licensed.

Erasure of names
from register.

15 The Council of the Ceylon Medical College shall cause to be erased from the register the name of any person who either before or after the passing of this Ordinance has been or may be declared disqualified for practice, or whose name has been struck off the roll, register, or record of the hospital, university, college, or other body in Ceylon or elsewhere from which such person received any diploma, degree, certificate, or other instrument upon the faith of which such person was admitted to practise in Ceylon ; and thereupon such person shall no longer be deemed to be a medical practitioner ; provided that such Council, before causing the name of such person to be erased, shall give such person, if possible, an opportunity of showing cause before the council why his name should not be erased from the register.

Removal from
register of names
of persons who
have been
convicted, &c.

16 If any medical practitioner registered under this Ordinance is convicted of any indictable offence or, after due inquiry, is considered by the council to have been guilty of infamous conduct in any professional respect, the council may, if they think fit, inform the Colonial Secretary thereof stating the particulars of the case in full, and the Colonial Secretary may thereupon, if he thinks fit, cause the name of such practitioner to be struck off the register, provided that the name of such person may be restored thereafter to the register at the request of the council.

Decision of
questions with
regard to
registration, &c.

17 All questions respecting the right of any person to be registered, or the mode of registration, or the liability of any person to be struck off the register, or the claim of any such person to be restored thereto, and all questions respecting any alteration of the register shall, in case of dispute, be decided by the council, subject to an appeal to the Governor, with the advice of the Executive Council. If there is no such appeal, the order, direction, or decision of the council shall be final. If there is such an appeal, the decision of the Governor, with the advice aforesaid, shall be final, and he may give all such directions to the Council of the Ceylon Medical College as may be necessary for enforcing such decision.

Punishment for
fraudulently
procuring
persons to be
registered.

18 If any person fraudulently procures or attempts to procure himself or any other person to be registered under this Ordinance by making or producing or causing to be made or produced any false or fraudulent representation or declaration, either orally or in writing, he and every person aiding or assisting him shall be guilty of an offence, and shall on conviction thereof be liable to imprisonment of either description which may extend to two years, or to fine, or to both such punishments.

Penalty.

19 Any person who, not being registered under this Ordinance—

(a) Takes or uses any name, title, or addition implying a qualification to practise medicine or surgery by modern scientific methods ; or

(b) Subject to the exception in the next following section contained, practises for gain, or professes to practise, or publishes his name as practising medicine or surgery—

shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding two hundred rupees.

Saving for
"vedaralas."

20 Nothing in this Ordinance shall be taken to limit the right of any person to practise medicine or surgery according to native methods, provided that he does not take or use any name or title calculated to induce the public to believe that he is qualified to practise medicine and surgery according to modern scientific methods.

SCHEDULE.

A.—Form of Register.

Name.	Residence.	Date of Registration.	Qualifications with Dates.

Form B. (section 12).

I, *A. B.*, residing at _____, do hereby declare that I am a member (or as the case may be) of (here state the college, faculty, or society), and was authorized by such (here state the college, faculty, or society) on the _____ day of _____ to practise medicine and surgery, and that I am by the name of _____ registered in the United Kingdom under the provisions of the Medical Acts as qualified to practise medicine and surgery.

(Signed) *A. B.*

Declared before me this _____ day of _____ 190—.

C. D.

Justice of the Peace.

Passed in Council the Twenty-fourth day of July, One thousand Nine hundred and Five.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Thirty-first day of July, One thousand Nine hundred and Five.

A. M. ASHMORE,
Colonial Secretary.

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

No. 3 of 1905.

An Ordinance to incorporate the Council of the Ceylon Medical College.

HENRY A. BLAKE.

Preamble.

WHEREAS it is expedient that the Council of the Ceylon Medical College should be incorporated: 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 Ceylon Medical College Ordinance, 1905."

Constitution of Council of Ceylon Medical College.

2 The Council of the Ceylon Medical College as now constituted shall cease to exist as from and after the passing of this Ordinance, and there shall be established a body to be styled the Council of the Ceylon Medical College constituted as hereinafter provided.

- Incorporation.** 3 The Council of the Ceylon Medical College (which is hereinafter referred to as "the council") shall be a body corporate by the name and style of the Council of the Ceylon Medical College, having perpetual succession and a common seal, with power to acquire and hold property, movable or immovable, to transfer the same, to contract, and to do all other things necessary for or incidental to the purpose of its constitution.
- Constitution of council.** 4 The following persons shall be members of the council, namely :
- (1) The person for the time being discharging the duties of the Principal Civil Medical Officer.
 - (2) The person for the time being discharging the duties of the Assistant Principal Civil Medical Officer.
 - (3) The Senior Military Medical Officer for the time being stationed in Ceylon.
 - (4) The Registrar for the time being of the Ceylon Medical College.
 - (5) A lecturer on the staff of the said college nominated by the Governor.
 - (6) A licentiate of the said college, not being an officer in Government employ nominated as aforesaid.
 - (7) A registered Medical Practitioner possessing British qualifications, not being an officer in Government employ, selected by the Ceylon Branch of the British Medical Association and nominated by the Governor.
- Term of office.** 5 (1) The persons so nominated under section 4 shall hold office as members of the council for a term of three years from the date of nomination.
- Vacancies in number of nominated members.** 6 The Governor may from time to time nominate persons to fill vacancies, whether occasioned by death, resignation, or otherwise, in the number of members holding office under sub-sections (5), (6), and (7) of section 4, and may appoint persons to act in the place of members temporarily disabled from discharging their duty by sickness or any other cause, and may revoke any nomination or appointment so made, and may make such new nomination or appointment in lieu thereof as to the Governor may seem fit.
- Absence of members from Ceylon.** 7 If any member leaves Ceylon without the intention of returning thereto, or is absent from Ceylon for more than two years, he shall thereupon cease to be a member.
- Duties and powers of Council.** 8 The council shall have the entire management of, and superintendence over, the affairs, concerns, and property of the college, and shall provide for that management and exercise that superintendence in accordance with the rules for the time being in force under this Ordinance.
- Procedure at meetings of Council.** 9 (1) At every meeting of the council the Principal Civil Medical Officer, or in his absence the Assistant Principal Civil Medical Officer, or, in the absence of both, a member chosen by the members present or by a majority of them, shall preside as chairman.
- (2) Every question which comes before the council shall be decided by a majority of the votes of the members present.
 - (3) No question shall be decided at any such meeting unless three members at the least, besides the chairman, are present at the time of the decision.
 - (4) The chairman and, subject to the foregoing provisions of this section respecting the mode of voting, every member shall have one vote, and the chairman, in case of an equality of votes, shall have a second or casting vote.
- Powers of Council.** 10 Subject to the rules for the time being in force under this Ordinance the council may from time to time—
- (1) Appoint or provide for the appointment of the professors, lecturers, examiners, officers, and servants of the council.
 - (2) Suspend or remove, or provide for the suspension or removal of professors, lecturers, examiners, officers, or servants appointed by the council.

(3) In the event of misconduct, inefficiency, or neglect of duty on the part of any professor, lecturer, or examiner appointed by a Secretary of State or by the Governor, make such representation to the Governor as to the council shall seem proper.

Diplomas and certificates.

11 Subject to the rules for the time being in force the council may confer on persons who have passed such examinations and fulfilled such other conditions as may be prescribed under this Ordinance diplomas as licentiates in medicine, surgery, and midwifery, and also certificates of proficiency as apothecaries.

Fees.

12 (1) The council may charge such reasonable fees for entrance into the college and continuance therein, for admission to the examinations of the college, for attendance at any lectures or classes in connection with the college, and for the diplomas and certificates granted by the council as may be prescribed by the rules for the time being in force under this Ordinance.

(2) Such fees shall be paid into the general revenue of the colony.

Cost of maintenance to be paid from general revenue.

13 The cost of the maintenance of the college shall be met by and liquidated from the general revenue of the colony, provided that an estimate of such cost shall be annually prepared and laid before the Legislative Council of Ceylon every year, and a vote shall be annually taken sanctioning such estimated cost for the ensuing year.

Power of council to make rules.

14 (1) The council may from time to time make, and when made revoke, vary, or amend rules consistent with this Ordinance regulating—

- (a) The mode and time of convening the meetings of the council and of transacting business thereat.
- (b) The appointment, suspension, removal, duties, and remuneration of professors, lecturers, examining officers, and servants.
- (c) The previous course of instruction to be followed by candidates for the examinations of the college.
- (d) The maintenance of good order and discipline among students attending the lectures and examinations of the college, and the exclusion from such lectures and examinations of students contravening such rules.
- (e) The examinations to be passed and the other conditions to be fulfilled by candidates for diplomas and certificates.
- (f) The keeping of accounts of the income and expenditure of the college.
- (g) Generally all matters regarding the college.

(2) The rules made by the council under this Ordinance shall be subject to the approval of the Governor and the Executive Council, and shall not be of any force or effect until they have been so approved and have been published in the *Government Gazette*.

Examiners, &c., to be public servants.

15 Every examiner, officer, or servant appointed or remunerated by the council shall, for the purposes of the Ceylon Penal Code, be deemed to be a public servant.

Passed in Council the Twenty-fourth day of July, One thousand Nine hundred and Five.

A. G. CLAYTON,
Clerk to the Council.

Assented to by His Excellency the Governor the Thirty-first day of July, One thousand Nine hundred and Five.

A. M. ASHMORE,
Colonial Secretary.

DRAFT ORDINANCE.

MINUTE.

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

An Ordinance to consolidate and amend the Law relating to Irrigation Works and to the Cultivation of Paddy Lands in this Island.

Preamble.

WHEREAS it is expedient to consolidate and amend the Ordinances relating to Irrigation Works and to the Cultivation of Paddy Lands in this Island : Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows :

Short title.

1 This Ordinance may be cited as "The Irrigation Works and Paddy Cultivation Ordinance, 1905," and shall come into operation at such date as the Governor shall by proclamation in the *Government Gazette* appoint.

Repeal.

2 There shall be repealed, as from the commencement of this Ordinance, the Ordinances specified in schedule I. to this Ordinance to the extent in the third column of that schedule mentioned.

Provided that—

- (a) Any district already constituted an irrigation district or declared an irrigated district, under "The Irrigation and Paddy Cultivation Ordinance, 1889," or under any Ordinance by the said Ordinance repealed, and any district for which rules have already been framed by the Government Agent under section 10 of "The Paddy Cultivation Ordinance, 1867," shall be deemed to have been duly constituted irrigation districts under this Ordinance ; and
- (b) Any rule now in force made under the said "Irrigation and Paddy Cultivation Ordinance, 1889," or under any Ordinance by the said Ordinance repealed, shall continue in force until otherwise provided ; and
- (c) Any headman or other officer, village council or committee elected, appointed, or established under the said "Irrigation and Paddy Cultivation Ordinance, 1889," or under any Ordinance by the said Ordinance repealed, shall continue and be deemed to have been duly elected, appointed, and established under this Ordinance ; and
- (d) All rates, subscriptions, contributions, charges, and assessments established, leviable, or made under the said "Irrigation and Paddy Cultivation Ordinance, 1889," or under any Ordinance by the said Ordinance repealed, shall not be in any wise prejudicially affected by reason of the passing of this Ordinance, but may be enforced, levied, or given effect to as fully and effectually as if they had been established, authorized, or made under this Ordinance ; and
- (e) Any specification, plan, estimate, or report prepared or made in pursuance of any of the provisions of the said "Irrigation and Paddy Cultivation Ordinance, 1889," or under any Ordinance by the said Ordinance repealed, shall be deemed to have been duly prepared or made under, and for the purposes of, this Ordinance ; and
- (f) Any enactment referring to any Ordinance or enactment hereby repealed shall be construed to refer to this Ordinance or to the corresponding enactment in this Ordinance.

Interpretation clause.	3 In this Ordinance, unless the context otherwise requires— “Proprietor” means the owner of lands irrigable by any irrigation work, and includes the cultivator or person in possession of any such land and any person or persons nominated by a government agent to represent the Crown when Crown lands are benefited or are to be benefited by such irrigation work.
“Occupant.”	“Occupant” includes a person having the charge, management, or control of any land or premises.
“District.”	“District” means any korale, pattu, or village, or any other subdivision of a province which may from time to time be defined by the Governor by proclamation in the <i>Government Gazette</i> .
“Majority of proprietors.”	For the purposes of chapters VII. and VIII. “majority of proprietors” means a majority consisting of two-thirds at least of the proprietors present. Provided that such majority shall represent at least one-third of the acreage benefited by such irrigation works, and if they do not represent one-third, then the votes of the proprietors representing two-thirds of the acreage to be benefited shall constitute the majority.

CHAPTER II.

IRRIGATION FUNDS.

Abolition of Central Board of Irrigation.	4 (1) The board created by “The Irrigation and Paddy Cultivation Ordinance, 1889,” and known as “The Central Irrigation Board of Ceylon,” shall cease to exist as from the commencement of this Ordinance. (2) But nothing in this section shall tend to invalidate any sanction or direction given or any act or thing done by the Central Board of Irrigation in exercise of the powers conferred on the board by the said “Irrigation and Paddy Cultivation Ordinance, 1889.”
Close of the irrigation fund.	5 The irrigation fund which was by the above-mentioned Ordinance vested in the said Central Irrigation Board shall be closed as from the thirty-first day of December, 1904, and any sums then standing to the credit of the fund shall pass to and form part of the revenue of the Colony, and the debts and liabilities of the board at such date shall become the debts and liabilities of the Colony.

CHAPTER III.

IRRIGATION DISTRICTS.

Governor in Executive Council may proclaim irrigation districts.	6 (1) It shall be lawful for the Governor, with the advice of the Executive Council, by proclamation for that purpose to be published in the <i>Government Gazette</i> , to declare any district an irrigation district for the encouragement and extension of paddy cultivation therein, and for the better enforcement of the ancient customs of such district in regard to irrigation and the cultivation of paddy lands and the maintenance of the water-rights of such proprietors.
Government agent to call public meeting of proprietors.	(2) The government agent shall, as soon as may be after the publication of such proclamation as aforesaid, call a public meeting of proprietors within such district for the purpose of determining by a majority of votes, as hereinafter provided, whether this Ordinance shall be carried into operation with the aid of headmen or of village councils, or of both. Provided that, in case the extent of the district should render more meetings than one necessary, the government agent may form several divisions of each district and hold a meeting in each division.
Proviso.	Provided further that whenever Crown lands are to be benefited by any irrigation work, the government agent may by writing under his hand nominate any fit person or persons to represent the Crown at any such meetings. The number of votes of such nominated person or persons shall bear the same proportion to the votes possessed by private landowners at any meeting as the area of the Crown land bears to that owned by private individuals.

Public notice of such meeting.

7 The government agent shall, one month at least before the day of holding any such meeting, cause notices to be published throughout such district, in such manner as shall appear to him best adapted for giving the greatest publicity thereto, of the day and place appointed for holding such meeting, and of the object for which the same is to be held; and shall in such notices call upon all proprietors within any such district or division to attend in person, or by proxy in writing, at such meeting.

Proceedings at such meetings. Appointment of committee to draw up rules.

8 (1) Every meeting so convened shall be held at the time and place appointed, in the presence of the government agent; and at every such meeting every proprietor within the district or division for which the meeting has been called, who shall be present thereat either in person or by proxy in writing, shall be entitled to vote.

(2) It shall be the duty of the government agent to explain to the proprietors the results that would, according to this Ordinance, follow from the adoption of the different modes of carrying the Ordinance into operation, and the provisions generally of the Ordinance.

(3) The proprietors at such meeting shall appoint a committee of not more than twelve nor less than three persons to be associated with the government agent or with any person duly authorized by the government agent for the purpose of drawing up rules for the encouragement and extension of paddy cultivation and the enforcement of the said ancient customs, and for consulting with and advising him in matters connected with irrigation in the district.

Provided that where more meetings than one are held for any district it shall be the duty of the government agent to see that each division is allowed to appoint its proportion of the committee to make up the number for the entire district. Provided also that if any members of such committee shall die or leave the district, or shall refuse to act, it shall be lawful for the government agent to appoint others in their stead.

(4) The government agent shall enter or cause to be entered in the minutes of such meeting the questions or resolutions proposed thereat, and the number of votes given for and against the same; and shall, at the close of such meeting, sign the said minutes, and publicly declare the result of the votes given thereat, and shall cause the said minutes to be deposited in the provincial or district kachcheri.

Objections to votes how decided.

9 If at any such meeting any question shall be raised as to the right of any person to vote, it shall be lawful for the government agent then and there to make such inquiry as he may deem requisite, and to declare whether such person has the right of voting or not; and the decision so made shall be final. And an entry shall be made in the minutes of such meeting of any such question and of the decision thereon.

Majority to decide.

10 All questions or resolutions proposed at any meeting held under the provisions of section 8 shall be determined by a majority consisting of two-thirds at least of the persons present and entitled to vote thereat.

Government agent may make rules in districts where proprietors cannot publicly meet.

11 If owing to the sparseness of the population or the circumstances of the inhabitants of any district, or from any other cause, no public meeting of the proprietors within such district can be convened or held in manner hereinbefore provided, it shall be lawful for the government agent, after making due inquiry, to draw up such rules as are referred to in section 8 and generally for carrying out the purposes of this Ordinance. And this Ordinance shall in such districts be carried out with the aid of irrigation headmen appointed by the government agent, and such headmen shall have the powers and protections, and be subject to the duties and responsibilities, which headmen appointed provisionally or permanently under chapter IV. have or are subject to.

Mode of enforcing customs and rules.

12 Whenever an act shall be committed contrary to the said customs or rules, or a complaint be made or a question arise having relation to the matters provided for by this Ordinance, such act, complaint, or question shall be investigated and dealt with in manner provided in chapter IV. or chapter VI., according to the nature of each case.

CHAPTER IV.

IRRIGATION HEADMEN.

Headman to be elected. Their duties.

13 If the result of the meeting referred to in section 8 should render it necessary, there shall be elected in the manner hereinafter provided one or more headmen for the district or division for which the meeting has been called, whose duty it shall be, subject to the direction and control of the government agent, to attend to all matters connected with the irrigation and cultivation of the paddy lands therein, and the maintenance of rights and works connected therewith, and to prevent, so far as in his power lies, any act, whether of commission or omission, contrary to the ancient customs in reference thereto, or whereby damage may accrue to any of the proprietors.

Elections how conducted, &c. Appointment by government agent failing election.

14 (1) The headmen shall be elected by a majority of the proprietors present at any such meeting as aforesaid, either in person or by proxy in writing.

(2) It shall be lawful for the government agent at any time to dismiss any headman elected or appointed under this Ordinance or under any Ordinance hereby repealed, who shall be guilty of any misconduct in the execution of his office; and in every such case, or in the case of any vacancy by death or resignation, the government agent shall, by proper and reasonable notices, summon a meeting of the proprietors of the district or division in respect of which a new headman is required; and at such meeting another headman shall and may be elected by such majority as aforesaid. In case no person shall be elected at any such meeting for the office of headman, the government agent shall himself appoint a person to such office, and it shall be further lawful for the government agent to appoint a headman provisionally until one can be elected.

(3) No person who has been convicted of any infamous crime shall be eligible to be elected or appointed a headman.

Duties of headmen.

15 Whenever any act shall be committed contrary to such ancient customs, or whereby damage may accrue to any of the proprietors within any such district or division as aforesaid, the headman thereof shall forthwith repair to the spot, and, if the act complained of be of a nature to call for prompt action to prevent injury, shall take such steps as shall be necessary to place matters in the state in which they were, and thus to remedy the evil likely to arise; and shall forthwith report the matter to the government agent. Provided that whenever the headman can safely defer taking any steps until he shall have been able to communicate with the government agent, it shall be his duty to desist from action until he shall have received the instructions of the government agent. And provided further, that in cases where the headman shall have taken prompt action to prevent injury, such prompt action shall not be held to prevent the act complained of being investigated by the village council in districts where both systems exist.

Proviso.

Mode of recovering expenditure incurred by headmen.

16 Whenever a headman shall incur any expenditure in the execution of his duty as aforesaid, and the person in consequence of whose act such expenditure was incurred shall deny his liability to pay the same, or fail to satisfy it, the government agent shall, on his being satisfied that such expenditure was properly incurred, and that it is reasonable, sign a certificate thereof setting out the name of the person in consequence of whose act such expenditure was incurred, the amount thereof, the nature of the act complained against, and the name of the headman by whom the expenditure was incurred, and transmit the same to such person. And if such

person shall fail to pay the same within ten days from the service of the certificate, the government agent shall proceed to recover the same as provided in chapter IX. of this Ordinance.

Liability of headmen.

17 If any headman shall fail or neglect to perform the duties devolving upon him, or shall act in excess of the authority hereby conferred upon him, or in bad faith, or without probable cause, or wantonly and maliciously, he shall, besides being answerable in damages to the person injured by his act or omission, be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

Resistance to headmen.

18 Any person unlawfully resisting, molesting, or obstructing any headman in the execution of any duty imposed upon him by this Ordinance shall be guilty of an offence, and be liable to a fine not exceeding fifty rupees.

Payment to irrigation headmen.

19 It shall be at the discretion of the committee appointed under section 8, or for the government agent if no committee shall have been appointed, to award remuneration to irrigation headmen for their services as such, either in kind from the produce of the district or division for which each such headman shall be appointed, or in money, and the proprietors of the irrigable lands within such district or division shall be liable to make such remuneration, and, in case of default, the same shall be recovered from them as is provided in chapter IX. of this Ordinance.

CHAPTER V.

RULES FOR ENFORCING CUSTOMS.

Rules how to be made valid and binding.

20 All rules framed under the provisions of section 8 or 11 shall be transmitted by the government agent to the Governor, for the approval or disallowance thereof by the said Governor, with the advice of the Executive Council; and in case such rules shall be approved, notice of such approval shall be given by Proclamation; and the said rules shall be published in the *Government Gazette*, and in the district in such manner as to the Government Agent shall seem expedient, and shall thereupon become binding upon all proprietors within the said district, and shall be as legal, valid, and effectual as if the same had been inserted herein.

Rules may be added to, amended, or repealed.

21 The government agent may, if to him it shall seem advisable, and shall, upon the requisition of a reasonable number of the proprietors of the district where any rules for the enforcement of ancient customs are in force, call a public meeting of the proprietors for the purpose of adding to, amending, or repealing such rules, or any of them, or he may in any case in which he shall have drawn up rules under the provisions of section 11 himself, add to, amend, or repeal any such rules, or draw up new rules in lieu thereof. Provided that any alteration of any rules so in force, whether by way of addition, amendment, or repeal, made by proprietors under the provisions of this section, shall be determined on at a public meeting duly convened in manner provided by chapter III., and by such a majority as is required by section 10, and under and subject to the provisions with regard to original rules contained in the said chapter, and that all such alterations and all alterations by way of addition, amendment, or repeal, and all new rules made by the government agent under the provisions of this section, shall be transmitted to the Governor for approval or disallowance, and shall, if approved, be published as in section 20 provided.

CHAPTER VI.

VILLAGE COUNCILS.

How village councils are to be convened, and their mode of procedure.

22 Whenever it shall seem to him necessary to convene a village council in any district in which the proprietors have under section 8 determined to adopt the aid of such councils, the government agent shall cause notice to be given in the village where the party complained against resides, or where the act or omission is alleged to have

taken place, in such manner as shall appear to him best calculated for making the same generally known to the parties concerned, of the time and place appointed by him for the investigation of such complaint; and at the appointed time and place the complaint shall be publicly inquired into by the government agent, or some person deputed by him for the purpose as president, assisted by a village council chosen in manner hereinafter provided. Every such inquiry shall take place in the presence of the party complained against, who shall have full liberty to make his defence before such council, unless, in case of his absence, it is proved to the satisfaction of the council that he has had notice of the intended meeting, and has no valid excuse for being absent therefrom. And if such village council shall, at the close of the inquiry, be of opinion that the party complained against has committed a breach of the rules, and such opinion shall be concurred in by such Government agent or person deputed as aforesaid, the village council shall forthwith award and adjudge that the person so offending do pay a penalty not exceeding thirty rupees.

Deputation to convene village councils, and to act as presidents thereof, need not be special.

Provided that village councils to try breaches of rules may be convened by any person deputed by the government agent in any irrigation district, and such deputation, as well as the deputation to be given by the government agent under this section to any person to act as president in inquiring into any complaint of the nature herein referred to, need not be special in each case: a general deputation to any person in the district to convene village councils when necessary, or to act as president thereof, will be sufficient.

Village council how constituted.

23 The village council shall consist of not less than three nor more than seven men, selected by the president of such council from among the proprietors of paddy lands situated in the district. The government agent, or the person deputed by him for the purpose, shall be the president of such council, and shall conduct and keep a record of the proceedings thereof; but he shall not vote upon any question arising for the determination of the council unless the votes of the members shall be equally divided, when he shall have a casting vote.

Government agent or person authorized by him to try breaches of rules.

24 It shall be lawful for the government agent, or any person by him authorized thereto under his hand (hereinafter referred to as the inquirer), to inquire into breaches or alleged breaches of any rules made under section 11, and to hear, try, and determine all questions concerning the same, and to adjudge and award that parties complained against do pay the penalty fixed by section 22 or any penalty prescribed by such rules. Provided that no sentence of imprisonment awarded by an inquirer in default of payment of a penalty shall be enforced unless confirmed by the government agent.

Proceedings to be filed of record in the kachcheri.

25 It shall be the duty of the government agent or the inquirer to record in writing the proceedings at such inquiry, and to transmit such record to the kachcheri to be there filed of record.

And to be summary and free from any formalities.

26 The proceedings before the village council, government agent, or inquirer shall be summary, and not subject to the formalities of judicial proceedings, and it shall be the duty of such council, government agent, or inquirer to do substantial justice on all questions coming before them or him, and no advocate, proctor, or agent shall be permitted to appear on behalf of any person concerned in or affected by such proceedings.

No appeal or injunction allowed, but party aggrieved may petition the Governor after applying for relief in the first instance to the government agent.

27 No appeal shall lie to any court against the decision or award of any such council, government agent, or inquirer on any plea or pretext whatsoever, nor shall any injunction be issued by any court in respect of any matter of which they or he may take cognizance by virtue of this Ordinance; but it shall be competent to the government agent to take action in any case in which any person feeling aggrieved by any such decision may apply to him for relief, and to make, or direct to be made, further inquiry into the matter in question, or to order a new inquiry, or to modify or reverse the decision.

- Proviso.** Provided always that it shall be the right of any person feeling aggrieved as aforesaid to apply to the Governor by petition if he should fail to obtain the desired relief in the first instance from the government agent; and it shall be lawful for the Governor, with the advice of the Executive Council, to direct further inquiry or to confirm, modify, or reverse such decision.
- Proviso.** Provided also that the powers conferred by this section on the government agent to take action in any case in which an aggrieved person may apply to him for relief, shall not be exercised unless application for that purpose shall be made to him by a written petition within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision complained of shall have been given; and no petition to the Governor under this section shall be entertained unless the same is received within fourteen days, exclusive of Sundays and public holidays, from the date on which the decision of the Government Agent shall have been communicated to the petitioner.
- Penalty for breach of rules how enforced.** 28 Whenever any person shall be adjudged by such council, government agent, or inquirer to pay any penalty as aforesaid, the president of such council, the government agent, or inquirer may, unless the same be forthwith paid, sentence the defaulter to simple or rigorous imprisonment for any period not exceeding fourteen days, provided that no sentence of imprisonment shall be carried into execution unless confirmed by the Government Agent. And every fiscal or deputy fiscal shall, within the province or district for which he is respectively empowered to act, execute such sentence, and the provisions of sections 5, 8, and 81 of "The Prisons Ordinance, 1877," shall extend and apply to warrants of commitment issued by such president, government agent, or inquirer in pursuance of such sentence.
- Appropriation of penalties.** 29 In awarding any penalty, it shall be competent for such council, government agent, or inquirer to direct such portion thereof as they or he shall deem fit to be paid when recovered to the person injured or aggrieved by the act or omission in respect of which such penalty has been imposed (on condition that such person, if he shall accept the same, shall not have or maintain any suit for the recovery of damages for the loss or injury sustained by him by reason of such act or omission), and such other portion thereof when recovered, as they or he shall deem fit, to the persons employed to do the work which ought to have been done, or to repair the mischief done, by the defendant. The balance, if any, shall be appropriated in aid of such minor irrigation works as the government agent shall determine.

CHAPTER VII.

CONSTRUCTION, REPAIR, AND IMPROVEMENT OF IRRIGATION WORKS.

- Means to provide for construction, repair, or improvement of irrigation works, &c.** 30 In order to provide means for the construction, repair, or improvement of irrigation works, it shall be lawful for the government agent to call a meeting of the proprietors of the allotments of land likely to be benefited by any proposed work, to determine by a majority of the proprietors present, either in person or by proxy in writing, whether it is expedient that such works be, in whole or in part, constructed, repaired, or improved, or such channels be kept free from obstruction and in proper order; and, if so, whether or not Government aid is necessary for such work. If the majority present shall determine that such aid is not necessary, they shall proceed to determine further the rate of subscription in money or of contribution in labour payable by each proprietor towards the work, and their decision shall be recorded and shall be binding on all the proprietors of allotments of land benefited by such works.
- Where Government aid is not deemed necessary.** 31 If a majority of the proprietors shall determine, or if in the case of any such district as is referred to in section 11 it shall appear to the government agent, that
- Mode of applying for Government aid.**

Government aid is necessary for the construction, repair, or improvement of any irrigation works, the government agent shall make application to Government, with or without conditions, for such aid; such application shall be accompanied by a specification showing the allotments of land likely to be benefited by the proposed work, and the names, so far as he can ascertain the same, of the proprietors of such allotments and the extents as nearly as he can ascertain them of the lots to be benefited; and it shall be lawful for the Governor, if it shall appear expedient to him to do so, to cause a plan and an estimate of the work to be prepared.

Sanction of
Governor to
work.

32 Upon such application and after such further inquiry, if any, as may be deemed expedient, the Governor may, if he thinks fit, sanction the execution of the work subject to such conditions, if any, as may seem just; and such sanction shall be published in each village affected by the work by beat of tom-tom.

33 (1) Whenever any irrigation work is undertaken under the provisions of this chapter the proprietors of the several allotments of land to be benefited by the work (as set out in the specification prepared as hereinbefore provided) shall (except where the Governor has by conditions passed under section 32 exempted any of them) become and be severally bound to repay the cost of such work.

(2) Such specification shall be conclusive on the point that the several allotments of land therein mentioned are liable for the repayment of the said cost, which shall be a first charge upon the said several allotments, and shall take precedence over all mortgages, hypothecations, and encumbrances whatsoever.

Acquisition of
land for
irrigation
purposes.

35 If land be wanted for keeping water-courses and channels free from obstruction, or for the construction, repair, or improvement of any work connected with irrigation, and there is any hindrance to the acquisition thereof, the Governor may declare that the land is needed for public purposes, and may order proceedings for obtaining possession of the same for Government, and for determining the compensation to be paid to the parties interested, and such land shall be deemed to be needed for a public purpose within the purview of Ordinance No. 3 of 1876 and any other Ordinance that may hereafter be in force providing for the acquisition of land for public purposes.

CHAPTER VIII.

COST OF IRRIGATION WORKS, AND OF THEIR MAINTENANCE.

Contribution by
proprietors in
repayment of
sum expended.

36 The sum expended in the execution of any irrigation work, together with interest thereon at 4 per cent. per annum, shall be payable in ten equal yearly instalments. The government agent shall assess the proportion due for each allotment, including such allotments as may belong to the Crown, by dividing the sum expended in executing the work by the total number of acres of the several allotments benefited by the work as appearing in the specification as aforesaid, and thus apportion the amount due upon each allotment, and the government agent shall thereupon transmit to the proprietor of each land a requisition calling upon him to pay to such government agent, on the days in each year specified in the said requisition, the amount of the contribution due for the allotment of which he is proprietor, to make up the amount expended. If the proprietor be absent from the village, or if there be more than one proprietor for any allotment, or if from any cause the requisition cannot be served on the proprietor, the government agent shall cause such requisition to be affixed in some conspicuous part of the allotment, and the government agent shall further cause a notice to be published in the village, by beat of tom-tom, on three different occasions, specifying the allotments which will have to contribute towards the cost, the sum each allotment is assessed at, and the time within which the different instalments due upon each allotment are to be paid to the government agent.

Proprietors may determine either that the sum expended may be repaid in ten annual instalments, or that the lands may be liable to a charge in perpetuity for interest and cost of upkeep.

Such charge to be fixed by the Governor in Executive Council.

Such option may be exercised even as respect works already constructed, commenced, or determined upon.

Annual rate for maintenance.

Government agent to assess rate to be contributed by lands benefited by irrigation works for maintenance of same.

Recovery of rate for maintenance.

37 Provided that it shall be competent to a majority of the proprietors, at a meeting of the proprietors of the allotments of land benefited or to be benefited by any proposed work convened under section 30, or at any other meeting to be held for that purpose (and which said meeting it shall be lawful for the government agent to convene to determine either that the sum to be expended from the irrigation fund in the execution of any work shall be repaid in ten annual instalments, as hereinbefore provided, or that the lands benefited or to be benefited by the said work shall be liable to a charge in perpetuity for interest on the sum so expended and the cost of upkeep. Such charge in perpetuity shall be at a rate to be fixed from time to time by the Governor, with the advice of the Executive Council, and shall not be in excess of two rupees per acre per annum.

Provided further, that whenever Crown lands are benefited by any irrigation work it shall be lawful for the Crown to sell either by public auction or by private contract the whole or any portion or portions of such Crown lands, and to impose such charge in perpetuity on the lands so sold not exceeding two rupees per acre per annum as the Governor, with the advice of the Executive Council, may from time to time fix, notwithstanding that a charge in perpetuity at a different rate per acre has been fixed and agreed to by a majority of the proprietors of the lands benefited by such work, or that the meeting of proprietors has elected to pay by ten annual instalments. Notice that such Crown lands will be sold subject to such higher charge in perpetuity shall be given to intending purchasers by publication in at least three consecutive issues of the *Government Gazette* prior to any such sale. Provided further, that the provisions of chapter IX. of the principal Ordinance shall in all respects apply to such higher charge in perpetuity imposed under the provisions of this Ordinance as well as to the charge fixed and agreed to by a majority of the proprietors under the provisions of the principal Ordinance.

38 In any case in which any irrigation work shall have been already constructed or commenced, or determined upon for construction with Government aid under any Ordinance hereby repealed, it shall be lawful for a majority of the proprietors of the allotments of land benefited or to be benefited by such irrigation work, at a meeting to be convened as provided for in the last preceding section, to convert the repayment by annual instalments into a charge in perpetuity, as hereinbefore provided.

39 Whenever any irrigation work has been or shall hereafter be constructed, and it has not been or shall not be determined in manner provided by section 43 that the lands benefited by such work shall be liable to a charge in perpetuity, such lands and the proprietors thereof shall forthwith become and be severally bound and liable to an annual charge or rate for the maintenance of such irrigation work. The said rate shall be assessed in the manner hereinafter prescribed, and shall be a first charge upon the several lands benefited as aforesaid, and shall take precedence over all mortgages, hypothecations, and encumbrances whatsoever.

40 The government agent of the province in which any such irrigation work has been constructed shall, so soon as the proprietors are benefited by any work, assess the rate which each land (including Crown lands) benefited by such work shall contribute annually for the maintenance of such work, and shall revise such assessment once at least in every five years, and a copy of every such assessment and revised assessment shall be served on each of the proprietors, and every such assessment and revised assessment shall be published in the village in the manner prescribed by section 36 of this Ordinance.

41 The rate so assessed shall be due and payable in respect of each land on the thirty-first day of March in every year; and the recovery of the rate shall be made under, and

be subject to, the provisions contained in chapter IX. of this Ordinance.

Procedure in case of default in making specification.

42 Whenever it appears to the Governor in Executive Council with respect to any irrigation work undertaken or completed under the provision of this Ordinance or of any Ordinance thereby repealed—

- (1) That the specification showing the allotments of land likely to be benefited by the proposed work, which according to such Ordinance ought to have been made, has not in fact been made; or
- (2) That any such specification which has been made is invalid or of doubtful validity by reason of non-compliance with the requirements of such Ordinance—
 - (a) With regard to the calling or holding of a meeting of the proprietors of the allotments of land likely to be benefited by the proposed work, or with regard to the passing of any resolution or determination at such meeting; or
 - (b) With regard to making application for Government aid under section 31—

it shall be lawful for the Governor in Executive Council to direct the government agent to prepare a specification showing the allotments of land which have been or are likely to be benefited by the work, and every specification so made shall have for all purposes the like force and validity as if it had been duly made under the provisions of the Ordinance under which the work was undertaken.

Effect of specification made under foregoing section.

43 Where a specification has been made under the foregoing sub-section, the proprietors of the allotments of land shown in the specification as benefited or likely to be benefited by the work shall be entitled to determine, in accordance with section 36 of this Ordinance, either that the sum expended from the irrigation fund in the execution of the work shall be repaid in ten annual instalments, or that the lands named in the specification shall be liable to a charge in perpetuity for interest on the sum so expended and the cost of upkeep.

CHAPTER IX.

RECOVERY OF MONEY DUE UNDER THIS ORDINANCE.

Seizure and sale of property of defaulters.

44 (1) If default be made in the payment of any instalment, charge, or rate due under this Ordinance in repayment of any amount expended on the construction, repair, improvement, or maintenance of any irrigation work, it shall be lawful for the government agent or any person authorized by writing under his hand to seize the land herein declared specially bound and liable for such repayment or any crop or produce thereof, or any movables thereon, to whomsoever such land, crop, or movables may belong; and if the amount of such instalment, charge, or rate, together with any costs payable under section 46, shall not be sooner paid or tendered, to sell the property so seized by public auction at any time not less than twenty-one days from the date of such seizure.

(2) If default be made in the payment of any other sum payable under this Ordinance, it shall also be lawful for the government agent or any person authorized by writing under his hand to proceed to seize any property whatsoever belonging to the defaulter, wheresoever the same may be found, and to sell the same by public auction at any time not less than twenty-one days from the date of seizure, if such sum together with any costs payable under section 46, shall not be sooner paid or tendered.

Proviso.

Provided that no seizure of any land shall be made under this section if the defaulter surrenders sufficient free and unclaimed movable property to satisfy the total amount due by him.

- Proviso. Provided also that no land seized under sub-section (1) shall be sold until and unless the crop or produce thereof, and the movables thereon, if any, shall have been first sold, and shall have failed to realise sufficient to cover the total amount due.
- (3) In all cases, the sale of immovable property shall be conducted on the spot, unless the government agent shall otherwise direct or unless the defaulter shall consent to the sale being conducted elsewhere.
- Keeping a person in charge of property seized. 45 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 if authorized thereto by general or special instructions issued by the government agent.
- Costs of seizure and sale. 46 It shall be lawful for the government agent, or any person authorized by him as aforesaid, to demand, take, and receive from such defaulter, or from the owner or any joint owner of any property lawfully seized, the several sums of money mentioned as follows :
- (a) For cost of proceeding to seize property,—a charge not exceeding fifty cents for every ten rupees due.
- (b) For keeping a person in possession,—a charge not exceeding fifty cents per day.
- (c) For the expenses of sale,—a charge not exceeding twenty-five cents for every ten rupees of the nett proceeds of the sale.
- Return of overplus to owner or person making default. 47 In the event of a sale of property seized, the government agent at whose instance such seizure was made shall, after deducting the amount due as aforesaid, and also the costs payable under section 46 (which said costs such agent is hereby authorized to retain), restore the overplus, if any, arising from such sale to the owner or joint owners of the property sold.
- Certificate of sale. 48 (1) If land be sold, a certificate substantially in the form given in Schedule II. hereto, signed by the government agent, shall be sufficient to vest the land sold in the purchaser, and in the case of land sold under sub-section (1) of section 44 or section 54, the same shall so vest free from all incumbrances whatsoever, any law or custom to the contrary notwithstanding. Such certificate shall be liable to the stamp duty fixed on conveyances of immovable property, and to any registration or other charges authorized by law, such duty and charges being payable by the purchaser.
- (2) If the land so sold be purchased on behalf of the Crown by the government agent, who is hereby authorized to bid for and purchase the same, the certificate, which shall not be liable to any stamp duty, shall be substantially in the form given in Schedule III. hereto.

CHAPTER X. MISCELLANEOUS.

- Plan or survey of channels, water-courses, tanks, and ponds to be conclusive. 49 Whereas it is necessary to keep irrigation channels, water-courses, ponds, and tanks free from obstruction and to prevent encroachment thereon: It is hereby enacted that if by any plan or survey, purporting to have been made under the authority of the Surveyor-General, it shall appear that any channel, water-course, pond, or tank has been encroached upon by any person, such plan or survey shall be deemed and taken to be conclusive proof of the facts exhibited therein, unless satisfactory proof to the contrary shall be established.
- Removal of obstruction or encroachment. 50 It shall be lawful for the government agent to give order verbally, or by notice in writing, to any person obstructing or encroaching upon any channel, water-course, pond, or tank situate within his province, forthwith to remove such obstruction or encroachment or abate the same. And if any such person to whom such order

shall have been given shall refuse or neglect to comply with the same within a reasonable time, or if there be any doubt as to who is the proper person to whom such order should be given, it shall be lawful for the said government agent to cause any such obstruction or encroachment to be forthwith removed or abated; and for that purpose it shall be lawful for the said government agent, or any person thereto authorized in writing by the government agent, where necessary, to enter into any garden, enclosure, or other premises, and to cause to enter therein such persons with such instruments and things as may be necessary, and to proceed to do therein, or cause to be done all such things as may be necessary for such removal or abatement, and for the removal of the earth or substances put into or obstruction made of such channel, water-course, pond, or tank. And the government agent shall proceed to recover the costs which have been incurred in effecting such removal or abatement from the party on account of whose non-compliance with any such order such costs were incurred, in manner provided in chapter IX. of this Ordinance.

Notice by government agent to remove obstruction of water-course or ela used for irrigation purposes, and to provide proper drainage works.

51 (1) If any person by clearing or draining any land or premises, or by doing any act whatsoever in or upon the same shall cause any channel, water-course, or ela used for irrigation purposes to be blocked up or in any way obstructed by silt, earth, or any other substance, it shall be lawful for the government agent of the province within which such land or premises may be situate, to order the owner or occupant thereof, by written notice, within a reasonable time to be specified in such notice to—

- (a) Remove forthwith any such silt, earth, or other substance;
- (b) Make, lay down, and carry out to the satisfaction of the government agent all such drains, pipes, and other works as may be necessary to carry the water from such land or premises either over or under the channel, water-course, or ela, so as not to injure the same, or the fields below the same.

(2) Where the government agent, in order to avoid injuring such fields, requires any drain or channel to be carried through or across any land, the cost of carrying the drain or channel across the land shall be borne by the person required to do such work, and the compensation, if any, due to the owner or occupier of any land in respect of the passage of the drain or channel across such land shall be assessed by the government agent and shall be defrayed by the person required to do the work.

The owner or occupant if aggrieved by such assessment may within ten days from the date when the same is communicated to him by petition appeal to the district judge of the district, who shall summarily determine the amount of compensation payable, and such determination shall be final and conclusive.

Service of notice.

(3) A copy of such notice shall be affixed in some conspicuous place on such land or premises, and another copy shall be sent by registered letter through the post, addressed to such owner or occupant, and if so sent shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post.

(4) In proving such service, it shall be sufficient to prove that the letter was properly addressed and registered at the post office.

Proviso.

Provided, however, that nothing in this section contained shall apply to—

- (a) Any channel, water-course, or ela which has been or may hereafter be cut, opened, or constructed for irrigation purposes within a period of not less than one year after such land or premises or portions thereof shall have been cleared and drained for cultivation, except in so far as such channel, water-course, or ela may be so blocked

up or obstructed by reason of any further and additional clearing carried on, or any further and additional drains opened, on such land or premises or portions thereof after such channel, water-course, or *ela* has been so cut, opened, or constructed as aforesaid; or

- (b) Any channel, water-course, or *ela* which has been or may hereafter be cut, opened, or constructed for irrigation purposes through, and without payment of compensation to the owner of, any land or premises not cleared and drained for cultivation.

Person noticed may apply to district court for injunction.

52 (1) The owner or occupant against whom any order is made under the last preceding section shall—

- (a) Perform within the time specified in the order the act directed thereby; or
 (b) Apply within ten days from the date of the service of the said notice, by petition to the district judge of the district in which such land or premises may be situate, for an injunction to restrain the government agent from enforcing such order, on the ground that the same is contrary to law. And every such petition shall be accompanied by an affidavit containing a statement of the facts on which the application is based.

(2) Upon receiving such application the district judge shall forthwith cause copies of the said petition and affidavit to be served on the government agent, and shall fix an early day for inquiry into the matter and give notice thereof, both to the applicant and the government agent. If the district judge, after taking such evidence as the parties may adduce, or he himself may require, is satisfied that the order is contrary to law, he shall issue such injunction as aforesaid, but if he is not so satisfied he shall make absolute the order of the government agent, and in either case he shall award such costs as he shall deem meet.

In default of person noticed, government agent may cause to be removed obstruction by silt, earth, or other substance, and prevent a recurrence of the same.

53 If such owner or occupant to whom such order shall have been given shall refuse or neglect to comply with the same, the said government agent shall, if no injunction as aforesaid shall have been served upon him within thirty days from the expiration of the time specified in the notice issued under section 51, cause any such silt, earth, or other substance to be forthwith removed, and shall provide such drains, pipes, and other works as may be necessary; and for that purpose the government agent shall have power, and he is hereby authorized, to enter into any land or premises, and to cause to enter therein such persons with such instruments and things as may be required.

Costs to be a first charge, and recoverable under chapter IX.

54 (1) The costs which have been incurred by the government agent under section 53 shall be certified under his hand, and shall be a first charge on such land or premises, and on any crop or produce thereof, and on any movables thereon.

(2) The government agent shall proceed to recover such costs by seizing and selling such land, premises, crop, produce, or movables, in manner provided in section 47, and the provisions of chapter IX. of this Ordinance shall, *mutatis mutandis*, apply to every such seizure and sale.

Offences.

55 (1) Any person who shall wilfully or maliciously block up or obstruct or cause to be in any way blocked up or obstructed, or who shall encroach on any irrigation tank, channel, or water-course, or who shall breach or cut through the banks or sides of the same whether the same runs through or is situated on Crown land or private land, shall be guilty of an offence punishable with rigorous imprisonment which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

(2) Any person who shall wilfully cause waste of water conserved by any irrigation work, or who not being entitled to the use of such water shall wrongfully draw

off or convert to his own use any such water, shall be guilty of an offence punishable with rigorous imprisonment which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

(3) If the proprietor of any land irrigated by any irrigation work shall suffer or permit water obtained from such work or from any water-course or channel connected therewith to run to waste on his land, or shall obtain water for such land from such work, water-course, or channel in a manner not authorized thereto, such proprietor shall, in addition to any other punishment, penalty, or liability which he may incur or be liable to under this Ordinance, be liable to pay double the rate for the time being assessed under section 37 of this Ordinance for every year or portion of any year in which he has so suffered or permitted such water to run to waste or has obtained it in an unauthorized manner, and such double water-rate shall be recovered in manner provided by chapter IX.

Jurisdiction when given to village councils and village tribunals.

56 It shall be lawful for the government agent by an order signed by him to certify that he is content that any offence under the preceding section shall be tried by a village council convened in the same manner as a village council convened to try breaches of rules under this Ordinance, or if he so desires by a village tribunal should such tribunal have been established under the authority of "The Village Communities' Ordinance, 1889," for the subdivision in which such offence shall have been committed.

Powers given to government agent may be executed by any assistant agent.

57 All the powers, duties, and obligations entrusted to, or imposed on, the government agent by this Ordinance, shall and may be executed and performed by any assistant government agent within the limits of his district.

58 (1) Whenever it appears that the inhabitants of any village or group of villages forming a subdivision for the purposes of part IV. of "The Village Communities' Ordinance, 1889," are unable, by reason of poverty, sparseness of population, or other cause, to bring into cultivation any Crown lands served by any irrigation work constructed or repaired under the provisions of this Ordinance or any Ordinance thereby repealed, the Governor in Executive Council may, by order to be published in the *Government Gazette*, set apart such allotment of Crown land for the purpose of being brought into cultivation under this section, and may empower the village committee of the subdivision to proceed to bring the same into cultivation in manner hereinafter appearing.

(2) Subject to the approval of the government agent, any village committee which has been authorized as aforesaid may make advances from the funds applicable to village purposes to persons desirous of cultivating the allotment of Crown land so set apart as aforesaid for the purpose of enabling them to purchase seed paddy and other requisites for cultivation.

(3) The government agent shall not sanction the making of such advances until he is satisfied that the adequate provision has been made, by village rule, for the recovery of such advances.

(4) When the village committee of any subdivision has been empowered as aforesaid, it shall be lawful for the inhabitants in the manner provided by Part III. of "The Village Communities' Ordinance, 1889," and subject to the conditions therein contained, to make rules for all or any of the following purposes:

- (a) For prescribing the conditions under which advances may be made from the village fund and for securing the repayment of the same with or without interest.
- (b) For the clearing and cultivation of the Crown land allotted as aforesaid by means of labour contributed by the inhabitants in pursuance of rule passed under section 6 (17A) of the above-named Ordinance.
- (c) Generally for the cultivation and regulation of the land so allotted.

(5) Breaches of rules made under this section shall be punishable as if such rules were made under section 6 of "The Village Communities' Ordinance, 1889."

(6) The Governor may in his discretion issue Crown grants in respect of any land which has been brought into cultivation under this section in such manner and to such persons as may appear equitable.

SCHEDULE I.

No. and Year.	Title.	Extent of Repeal.
No. 23 of 1889	An Ordinance relating to Irrigation and Cultivation of Paddy Lands...	The whole Ordinance
No. 6 of 1892 ...	An Ordinance to amend "The Irrigation and Paddy Cultivation Ordinance, 1889" ...	do.
No. 10 of 1901 ...	An Ordinance to amend "The Irrigation and Paddy Cultivation Ordinances, 1889 and 1892" ...	do.

SCHEDULE II.

Whereas the sum of _____ rupees was due to our Sovereign Lord the King for _____ in respect of the land _____, hereinafter more fully mentioned and described, and a further sum of _____ rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof; and whereas the said land was seized in conformity with the Ordinance No. _____ of _____, and sold also in conformity therewith, on the _____ day of _____, and the same was purchased by _____, of _____, for the sum of _____ rupees, which has been duly paid by the said _____.

Now known Ye that I, _____ (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*) has been sold to _____ and purchased by the said _____, for the sum of _____ rupees, which he has duly paid, and that the said premises are and shall henceforward be vested in the said _____, his heirs, executors, administrators, and assigns. (*Add free from all incumbrances, in the case of land sold under sub-section 1 of section 44 or under section 54.*)

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

Signed _____,
Government Agent.

SCHEDULE III.

Whereas the sum of _____ rupees was due to our Sovereign Lord the King for _____ in respect of the land _____ hereinafter more fully mentioned and described, and a further sum of _____ rupees was likewise due for costs, which said sums have not been paid by the owner or proprietor thereof; and whereas the said land was seized in conformity with the Ordinance No. _____ of _____, and sold also in conformity therewith, on the _____ day of _____, and the same was purchased for and on behalf of our Sovereign Lord the King by (the Government Agent) for the sum of _____ rupees, which has been duly credited to Our said Lord the King in part satisfaction (or full, *as the case may be*) of the sum due as aforesaid and _____ rupees for costs:

Now know Ye that I, the said (Government Agent), by virtue and in exercise of the power in me vested in this behalf by the said Ordinance, do hereby certify that the following property, to wit (*here describe the property with special accuracy by metes and bounds*) has been sold and purchased by the said _____ for and on behalf of our said Lord the King for the sum of _____ rupees, and that the said premises are and shall henceforward be absolutely vested in our said Lord the King, his heirs, and successors. (*Add free from all incumbrances, in the case of land sold under sub-section 1 of section 44 or under section 46.*)

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

Signed _____,
Government Agent.

By His Excellency's command,

A. M. ASHMORE,
Colonial Secretary,
Colonial Secretary's Office,
Colombo, August 9, 1905.

Statement of Objects and Reasons.

THE principal object of the Draft Ordinance is to consolidate the three Ordinances now in force relating to Irrigation and to introduce an administrative reform of some importance.

2. Under the existing Ordinance the cost of the irrigation works is to a large extent defrayed from the special fund known as "The Irrigation Fund," the administration of which is entrusted to the Central Irrigation Board.

The Central Irrigation Board also performs important duties with regard to sanctioning and recommending to Government the construction of irrigation works and in other respects.

3. The Draft Ordinance abolishes both the Central Irrigation Board and the Irrigation Fund, with the result that irrigation works, as regards the determination of the works to be undertaken and the control of the expenditure, will be on the same footing as other public works.

4. Advantage has been taken of the occasion to introduce some minor amendments and to make good certain defects in the existing Ordinance.

ALFRED G. LASCELLES,
Attorney-General.

Colombo, August 10, 1905.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Madawita Vithana Mudalige Don Hendrick *alias* Elias Appu, deceased, of Nagoda in the Ragam pattu of Alutkuru korale.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 10th day of July, 1905, in the presence of Mr. Wilfred V. Mendis on the part of the petitioner Kerewgodagey Dona Marthina Hamy; and the affidavit of the petitioner, dated the 5th day of March, 1905, having been read: It is ordered that the aforesaid petitioner be declared entitled to have letters of administration to the estate of the late Madawita Vithana Mudalige Don Hendrick *alias* Elias Appu issued to her, unless (1) Madawita Vithana Mudalige Don Simion, (1) Madawita Vithana Mudaligey Dona Margaret Mary, both of Nagoda, and (3) Magalage Geeris Perera of Wattala shall, on or before the 17th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
The 10th day of July, 1905. District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Jayasuria Arachchige Louisa Perera Hamine, deceased, of Wennawatta.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 18th day of July, 1905, in the presence of Mr. D. E. Wanigesooria, Proctor, on the part of the petitioner Kuruppuachchige Charles Gunasekera Appuhami of Wennawatta; and the affidavit of the petitioner, dated the 11th July, 1905, having been read: It is ordered that the aforesaid petitioner be declared entitled to have letters of administration to the estate of the late Jayasuria Arachchige Louisa Perera Hamine issued to him, unless the respondents—(1) Jayasuria Arachchige Leonora Fredricka Perera Hamine and her husband (2) Suraweera Mohandirange Don Charles Appuhami, both of Wennawatta

—shall, on or before the 24th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
The 18th day of July, 1905. District Judge.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament of the late Mary Chellamma Benjamin, deceased, of Kotahena in Colombo.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 21st day of July, 1905, in the presence of Messrs. Perumalpillai and Chelliah, Proctors, on the part of the petitioner Samuel Joseph Benjamin of Kotahena in Colombo; and the affidavit of the petitioner, dated the 17th July, 1905, having been read: It is ordered that the will of Mary Chellamma Benjamin, deceased, dated the 27th December, 1902, be and the same is hereby declared proved, unless any person interested shall, on or before the 17th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Samuel Joseph Benjamin is the executor named in the said will, and that he is entitled to have probate of the same issued to him accordingly, unless any person interested shall, on or before the 17th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
The 21st day of July, 1905. District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate and Effects of the late Malwattage Seman Pieris Weerasinghe Karunaratne Senanayaka Aratchy, deceased, of Kalubowila.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 3rd day of August, 1905, in the presence of Mr. John Leopold Perera on the part of the

petitioner Benjamin de Silva, Muhandiram, of Mirihane, Kotte; and the affidavit of the said petitioner, dated the 11th day of July, 1905, having been read:

It is ordered that Mr. J. B. Misso, Secretary of the District Court of Colombo, be declared entitled to have letters of administration to the estate of the said deceased issued to him, unless the respondents—(1) Lianage Francina Perera, (2) Malwattage Lewis Peris Weerasinghe, (3) Malwattage Charles Peris Weerasinghe, (4) Malwattage Alfred Peris Weerasinghe, (5) Malwattage Fredricka Peris Weerasinghe, (6) Naullage Abraham Perera, (7) Malwattage Luciana Peris, and (8) Malwattage Maria Peris, all of Kalubowila, shall, on or before the 24th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
District Judge.

The 3rd day of August, 1905.

In the District Court of Colombo.

Order Nisi declaring Will proved.

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament of Robert Wilson Ievers of Marine Lodge, Galway, in the County of Galway, Ireland, late of the Ceylon Civil Service, deceased.

THIS matter coming on for disposal before James Richard Weinman, Esq., District Judge of Colombo, on the 8th day of August, 1905, in the presence of Messrs. F. J. & G. de Saram, Proctors, on the part of the petitioner Frederick William Vane of Colombo; and the affidavit of the said petitioner, dated the 1st day of August, 1905, having been read: It is ordered that the will of Robert Wilson Ievers, deceased, a copy of which under the seal of His Majesty's High Court of Justice in Ireland is now deposited in this Court, be and the same is hereby declared proved, unless any person interested shall, on or before the 17th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Frederick William Vane is the attorney for the executor named in the said will, and that he is entitled to have letters of administration, with will annexed, issued to him accordingly, unless any person interested shall, on or before the 17th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

J. R. WEINMAN,
District Judge.

The 8th day of August, 1905.

In the District Court of Kalutara.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Mahawadugey Carlina Perera Wijesooria, deceased, of Kaludewale.

THIS matter coming on for disposal before W. R. B. Sanders, Esq., District Judge of Kalutara, on the 30th day of July, 1905, in the presence of Mr. S. Goonetilleke, Proctor, on the part of the petitioner Muttutantirigey Bastian Fernando of Kaludewale; and the affidavit of the said petitioner, dated the 17th day of July, 1905, having been read: It is ordered that the said Muttutantirigey Bastian Fernando of Kaludewale be declared to have letters of administration to the estate of the deceased Mahawadugey Carlina Perera Wijesooria issued to him, as widower of the said deceased, unless the respondent Muttutantirigey Abraham Fernando of Kaludewale shall, on or before the 25th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

W. R. B. SANDERS,
District Judge.

The 20th day of July, 1905.

In the District Court of Jaffna.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Marippillai, wife of Thomas Pillai of Thumpalai, deceased.

Mariaippillai, widow of Salvathor of Thumpalai.....Petitioner.

Vs.

Mariampillai Thomaspillai of Thumpalai. Respondent.

THIS matter of the petition of Mariaippillai, widow of Salvathor, praying for letters of administration to the estate of the above-named deceased Marippillai, wife of Thomaspillai, coming on for disposal before C. Eardley-Wilmot, Esq., District Judge, on the 14th day of July, 1905, in the presence of Mr. K. Kanakasabhai, Proctor, on the part of the petitioner; and affidavit of the petitioner, dated the 13th day of July, 1905, having been read: It is declared that the petitioner is the mother of the said intestate, and is entitled to have letters of administration to the estate of the said intestate issued to her, unless the respondent or any other person shall, on or before the 24th day of August, 1905, show sufficient cause to the satisfaction of this court to the contrary.

C. EARDLEY-WILMOT,
District Judge.

This 14th day of July, 1905.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 2,146. In the matter of the insolvency of Matara Hapuhennedige Peris Silva of No. 92, Fourth Cross street, Pettah, Colombo.

NOTICE is hereby given that the above-named insolvent has been granted a certificate of the third class, but the issue thereof has been suspended for four months.

By order of court,

J. B. Misso,
Secretary.
Colombo, August 4, 1905.

In the District Court of Colombo.

No. 2,157. In the matter of the insolvency of Wannakuwattewaduge Anthony Fernando of Moratuwa.

NOTICE is hereby given that a meeting of the creditors of the above-named insolvent will take place at the sitting of this court on September 7, 1905, being the second sittings in the above matter.

By order of court,

J. B. Misso,
Secretary.
Colombo, August 4, 1905.

In the District Court of Colombo.
No. 2,175. In the matter of the insolvency of Abdul Omer of No. 4, Canal Row, Fort, Colombo.

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

By order of court,
J. B. Misso,
Secretary.

Colombo, August 3, 1905.

In the District Court of Colombo.
No. 2,198. In the matter of the insolvency of Ana Sena John Rodrigo Candappa of Colombo.

WHEREAS the above-named Ana Sena John Rodrigo Candappa 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 September 7 and September 21, 1905, 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,
J. B. Misso,
Colombo, August 7, 1905. Secretary.

In the District Court of Kandy.
No. 1,477. In the matter of the insolvency of Shona Suna Sunderam Pulle and Shona Suna Kandasamy Pulle, resided and traded as partners under the name and style of Shona Suna at Rozelle near Hatton.

NOTICE is hereby given that the above-named insolvents have been granted a certificate as of the third class.

By order of court,
W. M. DE SILVA,
Kandy, August 4, 1905. Secretary.

In the District Court of Kandy.
No. 1,496. In the matter of the insolvency of Kadirivel Cangany of Kirimettia estate.

NOTICE is hereby given that the above-named insolvent has been granted a certificate as of the third class.

By order of court,
W. M. DE SILVA,
Kandy, August 4, 1905. Secretary.

NOTICES OF FISCALS' SALES.

Western Province.

In the Court of Requests of Colombo.

Rawana Mana Supperamanian Chetty of Dam street.....Plaintiff.
Sawena Valoe Chetty of Silversmith street, Colombo.....Substituted Plaintiff.

No. 5,864. Vs.

(1) W. H. Dassanayeka and his wife (2) Agnes C. Dassanayeka, both of Kothahena, Colombo.....Defendants.

NOTICE is hereby given that on Wednesday, September 6, 1905, at 4 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. 240.75, with interest on Rs. 210 at 9 per cent. per annum from March 23, 1898, till payment in full, subsequent costs Rs. 4, and poundage, viz.:-

All that undivided three-fourths share of the land and of the buildings standing thereon bearing assessment Nos. 13 and 14, situated at Lock-gate lane within the Municipality of Colombo; bounded on the east by St. Sebastian's Church, on the north by Lock-gate lane, on the south by Skinner's road south, and on the west by the property belonging to St. Sebastian's Church; containing in extent 1½ acre more or less.

Fiscal's Office, Colombo, August 9, 1905. E. ONDATJE, Deputy Fiscal.

In the District Court of Colombo.

Thana Arunasalam Chetty of Wolfendhal.....Plaintiff.
Savena Valoe Chetty of Silversmith street..... Substituted Plaintiff.
No. 12,370 C. Vs.

(1) W. H. Dassanaike, and (2) Agnes C. Dassanaike, both of Skinner's road, Colombo.....Defendants.

NOTICE is hereby given that on Wednesday, September 6, 1905, at 4 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 balance sum of Rs. 385.32, with interest thereon at 9 per cent. per annum from March 19, 1901, till payment in full, and costs of suit, viz.:-

All that undivided three-fourths share of the land and of the buildings standing thereon bearing assessment Nos. 13 and 14, situated at Lock-gate lane within the Municipality of Colombo; bounded on the east by St. Sebastian's Church, on the north by Lock-gate lane, on the south by Skinner's road south, and on the west by the property belonging to St. Sebastian's Church; containing in extent 1½ acre more or less.

E. ONDATJE, Deputy Fiscal.
Fiscal's Office, Colombo, August 9, 1905.

In the District Court of Colombo.

Edwin Cornelius Fonseka of Kotahena....Plaintiff.

No. 20,125. Vs.

Vincent Cecil Perera and his wife Mary Gertrude Victoria Perera, both of Dam street.....Defendants.

NOTICE is hereby given that on Tuesday, September 5, 1905, at 1 o'clock in the afternoon, will be sold by public auction at the respective premises in the following property, ordered to be sold by the order of court dated August 5, 1905, for the recovery of the sum of Rs. 2,243-96, with interest on Rs. 2,000 at 8 per cent. per annum from May 31, 1904, till July 1, 1904, and thereafter at the aggregate amount of the decree at 9 per cent. per annum till payment in full, and costs of suit, viz. :—

An undivided one-fifth part or shares of all that estate called Welhelm estate, and comprising the following allotments of land :—

1. The three allotments of land called Wetipillewegodakele, Gamayahena, and Alubogahalanda, situated in the village Dedigamuwa in the Palle pattu of the Hewagam korale, in the District of Colombo; bounded on the north-west and north by land said to be that described in plan No. 39,356, on the north-east by a path, on the east by a path and land described in plan No. 132,469, on the south-east by a land described in plan No. 132,469, on the south by land described in plan No. 58,022, the property of K. Karins and another, land claimed by B. Joris Appu and others, on the south-west by land claimed by H. Thelanis and others, on the west by lands claimed by H. Thelanis and others and Don Carolis and others, and lands said to be that described in plan No. 39,356; containing in extent, exclusive of a certain portion marked A in the plan annexed to the Crown grant No. 22,372, 50 acres 1 rood and 20 perches according to the survey annexed to the said Crown grant.

2. An allotment of land called Gamagehena, adjoining the allotments above described, and situated in the village Dedigamuwa aforesaid; bounded on the north-west and north by the land said to be that described in plan No. 39,356, on the north-east by land said to be that described in plan No. 43,388, on the south by Crown land called Godaporagahalanda, and on the south-west and west by a path; containing in extent 6 acres 1 rood and 8 perches.

Fiscal's Office,
Colombo, August 9, 1905.

E. ONDATJE,
Deputy Fiscal.

In the District Court of Colombo.

Muna Runa Layna Letchemanan Chetty of Colombo.....Plaintiff.

No. 20,813 C. Vs.

I. L. M. H. Mohamado Mohideen of Old Moor street, Colombo.....Defendant.

NOTICE is hereby given that on Friday, September 8, 1905, at 4 o'clock in the afternoon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, for the recovery of the balance sum of Rs. 656-16, with interest thereon at 9 per cent. per annum from May 5, 1905, till payment in full, viz. :—

All that part of a garden with the buildings and plantations thereon, situated at Maligakanda in Maradana within the Municipality of Colombo, bearing assessment Nos. 27 and 28; bounded on the north by the garden of the late Odear Marikar now Maligakanda road, on the east by the other part of Cader Marikar Sinne Dorre, on the south by the garden of Ibrahim Lebbe, and on the west by the garden of Meera Lebbe Tandal Packeersah; containing in

extent 1 rood and 38¹/₂ square perches more or less, excluding therefrom 315 square yards sold to Ferdinand Baron de Delmer of Paris.

Fiscal's Office,
Colombo, August 9, 1905.

E. ONDATJE,
Deputy Fiscal.

In the District Court of Galle.

Naikaluge Cornelis de Silva of Talpe.....Plaintiff.

No. 7,398. Vs.

1, Theadore Jansz; 2, Mabel Margaret Perera, wife of 3, Charles William Perera, all of Talpe, now of NawalapitiyaDefendants

NOTICE is hereby given that on Thursday, September 7, 1905, at 4 o'clock in the afternoon, will be sold by public auction at the premises the following property, mortgaged with the plaintiff and decreed to be sold by the decree entered in the above action, for the recovery of the sum of Rs. 818-80, with interest on Rs. 692-80 at 9 per cent. per annum from June 9, 1904, till payment in full, viz. :—

All that undivided two-seventh parts of the tiled house and of all the fruit trees and soil towards the western direction of the land bearing assessment Nos. 87 and 88, situated at Madampitiya within the four gravets of Colombo; bounded on the north and west by the land belonging to Peter Grero, east by a small road, and south by the road leading to Nakalugamuwa; containing in extent 3 roods and 38¹/₂ square perches.

Fiscal's Office,
Colombo, August 9, 1905.

E. ONDATJE,
Deputy Fiscal.

In the District Court of Negombo.

Simon Richard Fonseka Warnasuriya Wijeyatunge Samaranyaka, Mudaliyar, of Colombo.....Plaintiff.

No. 5,572. Vs.

Jayasinha Arachchige Sanchi Appu of Balabowa.....Defendant.

NOTICE is hereby given that on September 23, 1905, commencing at 11 o'clock in the forenoon, will be sold by public auction at the premises the following property specially hypothecated by bond No. 8,461, dated January 27, 1886, viz. :—

An allotment of land situate at Balabowa in Dasiya pattu of Alutkuru korale; bounded on the north and north-east by lands belonging to Government, on the east by land claimed by Samel Appu and Radaliyagodage Loku Appu and by lands described in plans Nos. 51,089, 50,961, and 50,951, on the south by lands described in plans Nos. 51,089, 50,961, 50,951, and 51,088, and by land belonging to Government, and on the west by lands belonging to Government and by land described in plan No. 441; containing in extent 23 acres and 6 perches more or less; and declared liable to be sold in satisfaction of the decree entered in the above case.

Amount to be levied, Rs. 1,073.

FRED. G. HEPPONSTALL,
Deputy Fiscal's Office,
Negombo, August 8, 1905.

In the District Court of Colombo.

Carimjee Jafferjee of Colombo.....Plaintiff.

No. 21,838. Vs.

(1) B. Andrew Paivu and (2) B. C. Paivu, both of NegomboDefendants.

NOTICE is hereby given that on August 16, 1905, commencing at 10 o'clock in the forenoon, will be sold by public auction at shops Nos. 59 and 60 at

Main street, Negombo, the following movable property, viz.:—

All the stock-in-trade lying at the defendants' shops Nos. 59 and 60 at Main street, Negombo, consisting chiefly of paddy, gram, raw rice, poonac, sugar, green peas, dhal, kerosine oil, curry stuffs, and shop furniture.

Amount to be levied Rs. 2,743.56, with interest thereon at 9 per cent. per annum from June 5, 1905, till payment in full, and costs of action.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, August 8, 1905.

Central Province.

In the District Court of Kandy.

Vykundam Veloo of Kandy.....Plaintiff.
No. 15,281. Vs.

A Vykundam Asary of Kandy.....Defendant.

NOTICE is hereby given that on September 4, 1905, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, viz.:—

The house and premises bearing assessment No. 185, situate at Colombo street in the town of Kandy; bounded on the east by house No. 186, west by house No. 184, south by Colombo street, and on the north by Casie Lebbe's property.

Amount of writ, Rs. 1,374.12½.

A. V. WOUTERSZ,
Deputy Fiscal.

Fiscal's Office,
Kandy, August 8, 1905.

In the District Court of Kandy.

Sena Thana Kana Runa Nallacarupen Chetty and Karupen Chetty, both of Sammogonadar Pattanam Sewa-ganga, Madura, India, represented in Ceylon by their attorney Kana Nana Adiramalgee Chetty of No. 207, Trincomalee street, Matale.....Plaintiffs.
No. 15,963. Vs.

William Marcelles de Silva, Secretary of the District Court of Kandy, administrator of the estate of the late Peena Yeena Mohamado Ismayel, deceased.....Defendant.

NOTICE is hereby given that on August 31, 1905, commencing at 12 o'clock noon, will be sold by public auction at the premises the following property mortgaged upon bond No. 12,844 dated February 26, 1905, and decreed to be sold by the judgment entered in the above case, viz.:—

1. The land called Elupitiyawatta of 1 rood and 6 perches in extent, situate at Dambugalle in Kohonsiya pattu of Matale; and bounded on the east by the road leading to Rattota, on the south by the fence of the garden now owned by Selema Lebba, on the west by the high road leading to Trincomalee, and on the north by the boundary of Segu Rawther's garden, with the plantations and everything thereon.

2. Out of three-fourths, in extent 30 nellies of kurakkan sowing of Illukgalleyaya, situate at Agalawatta, about 3 nellies of kurakkan sowing; bounded on the east by the road leading to Rattota, south by Ahamad Tamby's garden, west by the

high road leading to Trincomalee, and on the north by the boundary of the portion owned by Pariya Carupen Chetty, with plantations, buildings, and everything thereon.

3. The land called Illukgalleyayahena of 23 $\frac{10}{100}$ perches in extent, situate at the same village; and bounded on the east by road to Rattota, on the west by the road leading to Trincomalee, on the north by the garden belonging to Don Andrew Tillek-ratna, Mudaliyar, and on the south by Ahamad's boutique, with plantations, buildings, and everything thereon; and all the right, title, interest, and claim whatsoever of the said defendant in, to, upon, or out of the said several premises.

Amount of writ, Rs. 1,537 and interest.

F. G. TYRRELL,
Deputy Fiscal.

Fiscal's Office,
Kandy, August 4, 1905.

Southern Province.

In the Court of Requests of Galle.

Walgamage alias Weraduwege Wijeris of HabaraduwaPlaintiff.
No. 3,390 C.R./D.C. Vs.

Bulatge Louis Silva of Koggala.....Defendant.

NOTICE is hereby given that on Saturday, September 9, 1905, commencing at 2 o'clock in the afternoon, will be sold by public auction at the premises the following property, viz.:—

1. An undivided one-fourth part of the remaining fruit trees and soil (inclusive of the planter's share of the new plantation of the northern portion) of the garden called Gammedgededarawatta, together with five cubits thatched house standing thereon of the extent of about 2 acres, situate at Koggala.

2. The right, title, and interest of the defendant in and to the following property, viz.:—

The whole of the land Bogahawatta situate, at Koggala.

Writ amount Rs. 343.30, with legal interest on Rs. 312.60 from February 21, 1905.

C. T. LEEMRUGGEN,
Deputy Fiscal.

Fiscal's Office,
Galle, August 9, 1905.

North-Western Province.

In the District Court of Kurunegala.

Doctor William Dias of Henaratgoda.....Plaintiff.
No. 2,633. Vs.

Tennakoon Mudiyansele Kiri Banda Appuhamy of Kongoda Defendant.

NOTICE is hereby given that on Monday, August 28, 1905, 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.:—

1. Forty-eight acres out of that land Kolatun-agare Henyaye, in extent of about ninety-one acres in the whole; and bounded on the north and east by the menumpara which separate this land from that of Doctor Dias, on the south by the menumpara which separates this land from that of Tennakoon Mudiyansele Singho Appu and others, and on the west by the menumpara which separates this

land from that of Attaputtu Mudienselage Kiri Banda, exclusive of that portion of the said land towards the north thereof, and which is in extent eighteen acres, extending from the talipot tree to the western boundary, situate at Kongoda.

Amount to be levied is Rs. 978·14 and poundage.

C. V. REBEIRA,
Deputy Fiscal.

Fiscal's Office,
Kurunegala, August 5, 1905.

In the District Court of Chilaw.

Santiago Gabriel Fernando of Chilaw.....Plaintiff.
No. 3,213. Vs.

Lalmean Seidili Saibo and wife Mohideen
Saibo Assa Saibo, both of Chilaw.....Defendants.

NOTICE is hereby given that on Saturday, September 9, 1905, 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. :—

Half of southern $\frac{1}{2}$ share of gala land called Paliyamarattady Periyagala, situate near Aulia Saibo Palliwasal in the town of Chilaw; the entire land is bounded on the north by lane leading to Ichampitiya, east by garden called Vedikkaranthottem, south by pond and palmyra trees, west by gala land of Manuel Susey Fernando; containing in extent about 6 acres.

The defendants' residing garden with the plantations and buildings standing thereon, situate at Chilaw; bounded on the north by land of V. N. Sego Thamby and others, east by road, south also by road, west by gala of Anthony Fernando and others; containing in extent about $\frac{1}{2}$ an acre.

The land called Albakkathottem of about 1 acre in extent, with the plantations standing thereon, situate at Chilaw; bounded on the north by fence of land of Mr. N. J. Martin, east by fence of land of Don Theodoris Ketagoda and others, south by fence of land of the heirs of Iburale Lebbe, west by fence of land of the heirs of Wapa Saibo.

Amount to be levied Rs. 1,500, with interest thereon at 9 per cent. per annum from May 31, 1904, and poundage.

Deputy Fiscal's Office, E. LAWSON KOCH,
Chilaw, August 8, 1905. Deputy Fiscal.

In the District Court of Chilaw.

Ravenna Kana Nana Supramanian
Chetty, by his attorney R. K. N. Narayanenpulle of Negombo.....Plaintiff.
No. 3,251. Vs.

Warnakulasuriya Maria Fernando of
Kolonjadiya, representative of the
estate of the late Benedict Fernando...Defendant.

NOTICE is hereby given that on Monday, September 11, 1905, 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 specially mortgaged with plaintiff, viz. :—

The soil, productive trees, and the tiled house standing on the portion of the garden called Kadunberiyagahakele, situate at Vennappuwa in Kammal pattu, Chilaw District, which is of the extent of about 6 acres; bounded on the north by land belonging to the heirs of Siman Fernando Muppu, east by Paranavidipara, south by lands of Anthony Perera and others, west by the high road.

Amount to be levied Rs. 3,823·75, with interest thereon at 9 per cent. per annum from March 2, 1905, and poundage.

E. LAWSON KOCH,
Deputy Fiscal.

Deputy Fiscal's Office,
Chilaw, August 8, 1905.

Province of Sabaragamuwa.

In the District Court of Kegalla.

Nauru Meera Neina Mohammado of No. 55,
Grandpass road, Colombo.....Plaintiff.
No. 1,928. Vs.

Ahamado Lebbe Ele Umma of Wewala....Defendant.

NOTICE is hereby given that on Saturday, September 9, 1905, at 10 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, mortgaged with the plaintiff and decreed to be sold by the decree entered in the above case, for the recovery of Rs. 855·55, with legal interest thereon from April 1, 1905, till payment in full, and costs of suit Rs. 126·75, viz. :—

1. Kuttangalawatta *alias* Kurundugollewatta of about six bushels paddy sowing extent, situate at Gurugalla, together with the cadjan house standing thereon; bounded on the east by field, south the ditch of Palliyawatta, west and north by ditch.

At 11 A.M.

2. An undivided half share of Meeragewatta, situate at Wewala, together with the tiled house standing thereon, and where the defendant is residing; bounded on the east by Attalegewatta, south by Adampulle's garden, west by Golulekemalagewatta; containing in extent 12 nellies of kurakan sowing.

At 12.30 P.M.

3. An undivided $\frac{1}{16}$ share of Pahalawalaliyadda, belonging to Kasturikankanamalage Panguva, situate at Udawila; bounded on the east by Uduwila-oya, south by the liminary dam of Uduwilaliyadda, west by the liminary dam of Narankumbura, north by Eheliyagoda-asweddumewella and Walakanatiyainniara; containing in extent 16 kurunies of paddy sowing.

At 1 P.M.

4. An undivided $\frac{1}{16}$ share of Ihalatantirigeliyadda, situate at Uduwila; and bounded on the east by Malmaduwagewatta, south by the embankment of Tantarigewatta, west by the liminary dam of Galahitiyawa and north by the liminary dam of Pahalatantirigeliyadda; containing in extent one parrah of paddy sowing.

A. RANESINGHE,
Deputy Fiscal.

Deputy Fiscal's Office,
Avisawella, August 7, 1905.

In the District Court of Colombo.

Dewunge William Pedris of Regent street,
Colombo.....Plaintiff.
No. 20,598 C. Vs.

Laddu Piloris de Livera of Wahakula...Defendant.

NOTICE is hereby given that on Saturday, September 2, 1905, at 12 o'clock noon, will be sold by public auction at the premises the right, title, and interest of the said defendant in the following property, mortgaged with the plaintiff and decreed to be sold by the decree entered in the above case, for the recovery of Rs. 1,251, with interest thereon at 12 per cent. per annum from August 26, 1904, till February 17, 1905, and thereafter on the aggregate amount at 9 per

cent. per annum till, payment in full and costs of suit, viz. :—

All that allotment of land called Pahala Ranatunge-watte, with the buildings standing thereon, situate at Wahakula in Deligampal korale of Three Korales, in the District of Kegalla ; bounded on the east by Hal-gahakumbura, on the south by the limits of the garden

belonging to Mituru Hamy, on the west by the ridge of hills, and on the north by the wall of the boutique occupied by the Chetty ; containing in extent about one pela of paddy sowing.

A. RANESINGHE, Deputy Fiscal. Deputy Fiscal's Office, Avisawella, August 3, 1905

BY virtue of a Mandate to me directed by the Hon. the Supreme Court of the Island of Ceylon, I do hereby proclaim that a Criminal Session of the said Court for the District of Batticaloa will be holden at the Court-house at Batticaloa on Monday, August 28, 1905, at 11 o'clock of the morning of the said day, with continuation of days.

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

T. SINNATAMBY, for Fiscal.

Fiscal's Office, Batticaloa, August 2, 1905.

ලංකා විභාග ආයතනයේ අධ්‍යක්ෂ ජනරාල්වරයා විසින් ප්‍රකාශ කර ඇති පරිදි, කැලණිය දිසාවේ ක්‍රි. ව. 1905 අගෝස්තු මස 28 වැනි දින සඳුදා පෙරවරු 11 පැය පවත්වනු ලබන අධිකරණයේ මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි.

අද අධිකරණයේ මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි.

පී. සින්නමභි, පිස්කල්ලා වෙනුවට.

ව. 1905 අගෝස්තු මස 2 වැනි දින මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබයි.

මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි. මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි. මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි.

මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි. මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි.

මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි. මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි.

මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි. මහජන සාමාන්‍ය නඩු සාමාන්‍යව පවත්වනු ලබන බවට දන්වනු ලබයි.

DISTRICT AND MINOR COURTS NOTICES.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Kandy by Kadirawail Kangany and Ramalingam Kangany and their 32 coolies, late of Great Valley estate in Deltota, against the Proprietor of Great Valley estate, under the Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 198'05.

Court of Requests, Kandy, July 27, 1905.

JNO. HARDING, Chief Clerk.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Avisawella by one labourer of Erract estate against the proprietor or proprietors thereof, under the Ordinance No. 13 of 1889, for the recovery of his wages amounting to Rs. 13'22.

This 5th day of August, 1905.

P. E. KALUPAHANE, Chief Clerk.