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

PART II.—Legal and Judicial.

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Part II.—Legal and Judicial.

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Nil.

District Court,
Anuradhapura, February 4, 1897.

W. H. B. CARBERY,
Acting District Judge.

List of Uncertificated Insolvents in the District Court of Anuradhapura for the Half-year ended December 31, 1896.

Nil.

District Court,
Anuradhapura, February 4, 1897.

W. H. B. CARBERY,
Acting District Judge.

List of Testamentary Cases under Official Administration for the Half-year ended December 31, 1896.

Nil.

District Court,
Anuradhapura, February 4, 1897.

W. H. B. CARBERY,
Acting District Judge.

Return of all Moneys received and paid out on account of Estates under Official Administration in the District Court of Anuradhapura for the Half-year ended December 31, 1896.

Nil.

District Court,
Anuradhapura, February 4, 1897.

W. H. B. CARBERY,
Acting District Judge.

Statement of Commission drawn by the Secretary of the District Court of Kurunegala as Official Administrator of Intestate Estates during the year 1896.

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No. of Case.	Title of Case.	Amount. Rs. c.
495 ...	In the matter of the intestate estate of the late Alutgama Galladdalage Sellappu Naide, of Siyambelawehera ...	390 37
District Court, Kurunegala, February 8, 1897.		J. S. DRIEBERG, District Judge.

List of Uncertificate Insolvents in the District Court of Kurunegala for the Half-year ended December 31, 1896.

No. of Case.	Title of Case.	Amount. Rs. c.
	Nil.	
District Court, Kurunegala, February 8, 1897.		J. S. DRIEBERG, District Judge.

NOTICE is hereby given that a suit has been instituted in the Court of Requests of Gampola by 14 labourers of Brafferton estate in Kotmale, against the proprietor thereof, under Ordinance No. 13 of 1889, for the recovery of their wages amounting to Rs. 156'75.

Court of Requests,
Gampola, January 28, 1897.

N. PARANAVITANE,
Chief Clerk.

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 Districts of Jaffna, Mannar, Mullaittivu, and Vavuniya, will be holden at the Court-house at Jaffna on Saturday, February 20, 1897, at 11 o'clock of the morning of the said day.

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

Fiscal's Office,
Jaffna, February 1, 1897.

G. A. VAN HOUTEN,
for Fiscal.

இலங்கைத்தீவற் சங்கைபோந்த சுப்பிறிற் கோட்டா ரது கட்டளையின்படி நாம் பிரசுரித்தப்படுத்துவதாவது : யாழ்ப்பாணத்து நியாயத்தலத்திலே மேற்சொல்லிய

சுப்பிறிற் கோட்டாரால் யாழ்ப்பாணம், மன்னார், முல்லைத்தீவு, வவுனியா மீஸ்திறிக்குகளைச்சேர்ந்த கிறிமினெல் வழக்குவிசாரணை கடிக்கல் ஆண்டு மார்ச்சிமாதம் 20 ந்திகதிபாடிய சனிக்குழமை காலமே க்க மணி தொடங்கி அன்றும் அதற்கடுத்த நாட்களிலும் நடத்தப்படும்.

ஆதலால் அவ்விசாரணையிற் காரியகரும்முள்ளவர்க ளெல்லோரும் சொல்லப்பட்ட நேரத்திலே சொல்லப் பட்ட இடத்திலே வெளிப்பட்டு அவ்விடத்தினின்றும் உத் தரவினறி நீங்காதிருக்கக்கடவர்கள்.

இங்ஙனம்,

ஜி. ஏ. வென்டேறாடன்,
பிஸ்காலுக்காக.

யாழ்ப்பாணம் பிஸ்கால் கந்தோர்,
கடிக்கல் ம (ஸ்ர) மார்ச்சி க ந் ௨.

I, AUGUSTINE RAWLINS DAWSON, Fiscal for the Western Province, do hereby appoint Mr. Charles Richard Peiris Jayawardena to be Marshal from February 15, 1897, for the Kosgama Peruwa, in the Udugaha pattu of Hewagama korale, in the District of Avisawalla, under the provisions of the Fiscals' Ordinance, No. 4 of 1867, and authorize him to perform the duties and exercise the authority of Marshal, for which this shall be his warrant.

A. R. DAWSON,
Fiscal.

This 5th day of February, 1897.

NOTICES OF INSOLVENCY.

In the District Court of Colombo.

No. 1,850. In the matter of the insolvency of Charles Abraham Perera, of Hill street, Colombo.

WHEREAS the above-named Charles Abraham Perera was on January 25, 1897, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal: Notice thereof is hereby given to all concerned; and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on February 25 and March 11, 1897, for the said insolvent to surrender and conform; and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,

J. B. MISSO,
Secretary.

Colombo, February 1, 1897.

No. 1,849.

In the matter of the insolvency of Rajapaksepattirennelagage Don Charles of Bankshall street, Pettah.

WHEREAS the above-named Rajapaksepattirennelagage Don Charles was on February 2, 1897, adjudged insolvent by the District Court of Colombo, and an order has been made by the said court placing the estate of the said insolvent under sequestration in the hands of the Fiscal:—Notice thereof is hereby given to all concerned, and notice is also hereby given that the said court has appointed that two public sittings of the court will be held, to wit, on March 11 and March 25, 1897, for the said insolvent to surrender and conform, and for such other proceedings in the said matter as may then be competent under the Ordinance No. 7 of 1853, intituled "An Ordinance for the due collection, administration, and distribution of Insolvent Estates."

By order of court,

J. B. MISSO,
Secretary.

Colombo, February 8, 1897.

NOTICES IN TESTAMENTARY ACTIONS.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Welikadage Dorthina Botejoe Hamine, of Dehiwala, in the Palle pattu of the Salpiti korale, deceased.
No. C/824. }

THIS matter coming on for disposal before D. F. Browne, Esq., District Judge of Colombo, on the 3rd day of December, 1896, in the presence of J. H. Senanayake, Proctor, on the part of the petitioner, Kirikankanage John Alosius Perera Wijeyeratne, of Dehiwala; and the affidavit of the said Kirikankanage John Alosius Perera Wijeyeratne, dated 16th September, 1896, having been read: It is ordered that the said Kirikankanage John Alosius Perera Wijeyeratne be and he is hereby declared entitled to have letters of administration to the estate of Welikadage Dorthina Botejoe Hamine, deceased, issued to him as creditor of the said deceased, unless the respondents—1, Nissangalage Cornelis Almeda, of Dehiwala; 2, Nissangalage Christina Almeda, of Karagampitiya; 3, her husband Latpandurage Francis Perera Appuhami, of Karagampitiya; 4, Nissangalage Francina Almeda, of Borella in Colombo; 5, her husband Walakulage Don Paules Jayewardane, of Borella in Colombo; and 6, Nissangalage Adiriyana Almeda Hamine, of Dehiwala—shall, on or before the 18th day of February, 1897, show sufficient cause to the satisfaction of this court to the contrary.

D. F. BROWNE,
District Judge.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Hewadewage Samuel Fernando and Ranemukadewage Menchi Fernando, husband and wife, both of Galkissa, in the Palle pattu of Salpiti korale, deceased.
No. C/833. }

THIS matter coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 14th day of January, 1897, in the presence of

D.C. Pedris, Proctor, on the part of the petitioner Hewadewage Theodoris Fernando, of Regent street in Maradana, Colombo; and the affidavits of the said Hewadewage Theodoris Fernando and J. M. P. Wijeyewickreme Senaviratne, dated 21st December, 1896, having been read: It is ordered that the said Hewadewage Theodoris Fernando be and he is hereby declared entitled to have letters of administration to the estate of Hewadewage Samuel Fernando and Ranemukadewage Menchi Fernando, husband and wife, deceased, issued to him as eldest son of the said deceased, unless the respondents—1, Mananadewage Magris Fernando, of Prince street, Pettah, Colombo; 2, Hewadewage Welo Fernando; and 3, Ranepuradewage Johanis Fernando, wife and husband, both of Pelleagodde; 4, Hewadewage Denis Fernando, of St. John's road, Pettah, Colombo; and 5, Hewadewage Manuel Fernando, of Galkissa—shall, on or before the 25th day of February, 1897, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 14th day of January, 1897.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Nagamuttoo Tambu, of Colombo, deceased.
No. C/834. }

THIS matter coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 14th day of January, 1897, in the presence of Mr. G. S. Johnpulle, Proctor, on the part of the petitioner, Nagamuttoo Vinasitamby, of Captain's Garden in Colombo; and the affidavit of the said Nagamuttoo Vinasitamby, dated 6th January, 1897, having been read: It is ordered that the said Nagamuttoo Vinasitamby be and he is hereby declared entitled to have letters of administration to the estate of Nagamuttoo Tambu, deceased, issued to him, as one of the heirs of the said deceased, unless the respondent Nagamuttoo Wyrmuttoo, of Jampettah street,

B 1*

in Colombo, shall, on or before the 18th day of February, 1897, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 14th day of January, 1897.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Kekulawalagey Don Anthony Appuhami, of St. Joseph's street in Colombo, deceased.
No. C/838.

THIS matter coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 14th day of January, 1897, in the presence of J. E. R. Pereira, Proctor, on the part of the petitioner Wanniaratchegey Johanna Rodrigo Hamine, of St. Joseph's street in Colombo; and the affidavit of the said Wanniaratchegey Johanna Rodrigo Hamine having been read: It is ordered that the said Wanniaratchegey Johanna Rodrigo Hamine be and she is hereby declared entitled to have letters of administration to the estate of Kekulawalagey Don Anthony Appuhamy, deceased, issued to her as widow of the said deceased, unless the respondents—1, Kekulawalagey Don Lucas; 2, Kekulawalagey Don Paul; 3, Kekulawalagey Dona Mary; 4, Kekulawalagey Dona Ellen; and 5, Kekulawalagey Dona Jane, all of St. Joseph's street in Colombo—shall, on or before the 18th day of February, 1897, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 14th day of January, 1897.

In the District Court of Colombo.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament of Richard Mant, of Patharagalla Estate, Kurunegala, and of Colombo, deceased.
No. C/843.

THIS matter coming on for disposal before J. H. Templer, Esq., Acting District Judge of Colombo, on the 28th day of January, 1897, in the presence of George de Saram, Proctor, on the part of the petitioner, Richard Francis de Saram, of Colombo; and the affidavit of the said Richard Francis de Saram, dated 26th January, 1897, having been read:

It is ordered that the will of Richard Mant, deceased, dated 21st November, 1895, and now deposited in this court, be and the same is hereby declared proved, unless any person shall, on or before the 18th day of February, 1897, show sufficient cause to the satisfaction of this court to the contrary.

It is further declared that the said Richard Francis de Saram is the attorney of Gerald Mant, the sole accepting executor named in the said will, and that he is entitled to have letters of administration with the said will annexed issued to him accordingly, unless any person shall, on or before the 18th day of February, 1897, show sufficient cause to the satisfaction of this court to the contrary.

J. H. TEMPLER,
Acting District Judge.

The 28th day of January, 1897.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Estate of the late Arambegedera Dingiri Banda, deceased, of Uda Rawana in Lower Dumbara.
No. 1,983.

THIS matter coming on for disposal before John Henricus de Saram, Esq., District Judge of Kandy, on the 29th day of January, 1897, in the presence of Mr. R. W. Jonklaas, Proctor, on the part of the petitioner

Arambegedera Bam Banda, of Uda Rawana; and the affidavit of the said petitioner, dated the 25th January, 1897, having been read:

It is ordered that letters of administration to the estate of Arambegedera Dingiri Banda, deceased, be issued to the petitioner as son of the said deceased, unless Arambegedera Dingiri Amma, Kumarihamy, and Kirimahatmeyo, of Uda Rawana aforesaid, shall, on or before the 5th day of March, 1897, show sufficient cause to the satisfaction of this court to the contrary.

J. H. DE SARAM,
District Judge.

The 29th day of January, 1897.

In the District Court of Kandy.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Last Will and Testament of Esther de Caen, widow, deceased, of Weston Super Mare, in the County of Somerset, England.
No. 1,984.

THIS matter coming on for disposal before John Henricus de Saram, Esq., District Judge of Kandy, on the 4th day of February, 1897, in the presence of Messrs. Fisher and Borrett, Proctors, on the part of the petitioner Ernest Reid Williams, of Colombo; and the affidavit of the said petitioner, dated the 2nd February, 1897, having been read:

It is ordered that the will of Esther de Caen, deceased, dated 28th August, 1888, an exemplification whereof is deposited in this court, be and the same is hereby declared proved.

It is further declared that the said Ernest Reid Williams is one of the attorneys of Blanche MacLeod, the executrix named in the said will, and that he is entitled to have letters of administration, with copy of the will annexed, issued to him, unless any person shall, on or before the 26th day of February, 1897, show sufficient cause to the satisfaction of this court to the contrary, the said grant of administration being limited for the use and benefit of the principal until the executrix comes in and obtains probate for herself.

J. H. DE SARAM,
District Judge.

The 4th day of February, 1897.

In the District Court of Kurunegala.

Order Nisi.

Testamentary Jurisdiction. } In the Matter of the Intestate Estate of the late Tennekon Mudianselage Appuhami, of Bohingomuwa.
No. 572.

1, Tennekon Mudianselage Hettu Etana; 2, Tennekon Mudianselage Kiri Menika of Bohingomuwa.....Petitioner.

And

1, Tennekon Mudianselage Dingiri Banda;
2, Tennekon Mudianselage Ran Menika;
3, Tennekon Mudianselage Karnis Appu;
4, Tennekon Mudianselage Menikrala, all of Bohingomuwa.....Respondents.

THIS matter coming on for disposal before James Stewart Driberg, Esq., District Judge, on the 28th day of January, 1897, in the presence of Mr. Markus, Proctor, on the part of the petitioner, and the affidavit of the above-named petitioner, dated the 22nd day of January, 1897, having been read:

It is ordered that Tennekon Mudianselage Hettu Etana and Kiri Menika, the petitioner, as widow and daughter of the late Tennekon Mudianselage Appuhami, are entitled to have letters of administration to his intestate estate issued to them, unless the above-named respondents shall, on or before the 1st day of March, 1897, show sufficient cause to the satisfaction of this court to the contrary.

J. S. DRIEBERG,
District Judge.

28th January, 1897.

NOTICES OF FISCALS' SALES.

Western Province.

In the District Court of Negombo.

Mihidukulasuria Juan Pinto Plaintiff.
No. 2,725. Vs.
Kuruppu Appuhamilage Don Francisco Appu-
hami and another..... Defendants.

NOTICE is hereby given that on March 5, 1897, commencing at 2 o'clock in the afternoon, will be sold by public auction at the respective premises the following property, specially hypothecated by bond No. 6,643, dated May 30, 1888, viz. :—

1. The land called Kosgahawattupanguwa, situate at Dunagaha pattu of the Alutkuru korale; and bounded on the north by Crown land, on the east by a drain separating a portion of this land, on the south by the high road to Mugurugampola, and on the west by the other half of this land of Sudasinmanchanayeke Appuhamilage Heronis Perera Appuhami, containing in extent 3 acres more or less.

2. The southern three-fourths of the field called Kotuwekumbura, at do.; the entire field is bounded on the north by the old road, on the east by a water-course (ela), on the south by the oya, and on the west also by the ela, containing in extent 8 parras of paddy sowing more or less.

3. The field called Keenagahaottukumbura, at do.; bounded on the north by the high road to Mugurugampola, on the east by the owita belonging to Don Abraham Alwis Appuhami, on the south by Dawatagahaottukumbura bearing No. 10, and on the west by the field of Mutugalage Juse Fernando and others, in extent 10 parras of paddy sowing more or less.

4. An undivided 1-18th of a portion of land called Gorakagahalanda and of the tiled and cadjan thatched house standing thereon, at Katuwellegama, in do.; the entire land is bounded on the north by a drain separating a portion of this land of Siman Perera Appuhami and John Peter Perera Seneviratne Dassanaiké, Notary, on the east and south by a portion of this land of Siman Perera Appuhami and by the land of Gabriel de Croos, and on the west by the field of Gabriel de Croos, containing in extent 9 acres more or less.

5. An undivided 1-18th of a portion of land called Kongahawatta, at do.; the entire land is bounded on the north by a portion of this land of Ratnayeke Appuhamilage Panchappuhami and others, on the east by field belonging to the heirs of the late Bastian Perera Appuhami and by the land of Siman Perera Appuhami, on the south by a portion of this land of Poloris Appu and others, and on the west also by land belonging to the heirs of the late Bastian Perera Appuhami, containing in extent 6 acres more or less.

6. An undivided 1-18th of a portion of the field called Mendoragaha *alias* Midigahakumbura, at do.; the entire field is bounded on the north by a portion of this field of Sudasinmanchanayeke Appuhamilage Saya Nona Perera Hamine, on the east by the land of Hettiarachchige Matchohami, on the south by a portion of this field of Don Peter Wijesundera Appuhami and others, on the west by the oya, containing in extent 8 parras of paddy sowing more or less, and declared liable to be sold in satisfaction of the decree entered in the above case.

Amount to be levied Rs. 2,271-12½.

FRED. G. HEPPONSTALL,
Deputy Fiscal's Office, Deputy Fiscal.
Negombo, February 8, 1897.

In the Court of Requests of Negombo.

Sina Ana Runa Laina Suppramanian Chetty,
by his attorney Palaniappa Chetty..... Plaintiff.
No. 3,743. Vs.

Pedro Fernando Philippu Pulle..... Defendant.

NOTICE is hereby given that on March 13, 1897, commencing at 10 o'clock in the forenoon, will be

sold by public auction at the respective premises the following property, specially mortgaged, viz. :—

1. An undivided one-seventh share of the portion of garden called Nugegahawatta, situate at Heinmulla, in the Dunagaha pattu of the Alutkuru korale; the entire portion being bounded on the north by a portion of this land allotted to the heirs of Philippu Paria Tamby, on the east by the land of Anthoni Fernando Saviel Pulle, Police Headman, and on the south and west by the dewata road called Ethmanath, containing in extent 3 acres and 2 roods more or less.

2. The garden called Dombagahawatta *alias* Pallankulia, at do.; bounded on the north by the high road, on the east by the land belonging to the defendant and others, on the south by the land belonging to the heirs of Christogu Peria Tambi and to the defendant, and on the west by the land of Nicholan Fernando Christogu Pulle and others, containing in extent 3 acres more or less; and declared bound and executable in satisfaction of the decree entered in the above case on the footing of the said mortgage.

Amount to be levied Rs. 164-25, and interest on Rs. 100 at 24 per cent. per annum from September 21, 1896.

FRED. G. HEPPONSTALL,
Deputy Fiscal.

Deputy Fiscal's Office,
Negombo, February 8, 1897.

In the Court of Requests of Negombo.

Very Rev. Toussaint Felix Termanude..... Plaintiff.
No. 3,773. Vs.
Manuel Croos..... Defendant.

NOTICE is hereby given that on March 8, 1897, commencing at 11 o'clock in the forenoon, will be sold by public auction at the respective premises the following property, specially mortgaged, viz. :—

1. The land called Suriyagahawattupanguwa and the buildings standing thereon, bearing No. 2, situate at Kampu, within the gravets of Negombo; bounded on the north by the premises used for the sale of fish belonging to the Sea street church, on the east by the high road leading to the Sea street, on the south by land belonging to the Grand street church and the boutique thereon No. 1, and on the west by land and boutique belonging to Sokino Croos, containing in extent 1½ perch more or less.

2. An undivided one-fourth share of the land called Suriyagahawattupanguwa and of the boutiques bearing Nos. 41, 42, and 43 standing thereon at do.; the entire premises being bounded on the north by land belonging to the church of Sea street, on the east by the land and boutique belonging to the church of Grand street, on the south by the high road called Main street, and on the west by the land and boutique belonging to Sokino Croos, containing in extent 3 perches more or less; and declared bound and executable in satisfaction of the decree entered in the above case on the footing of the said mortgage.

Amount to be levied Rs. 132-25, with interest on Rs. 110 at 9 per cent. per annum from July 2, 1891.

FRED. G. HEPPONSTALL,
Deputy Fiscal's Office, Deputy Fiscal.
Negombo, February 8, 1897.

Central Province.

In the District Court of Kandy.

P. L. R. M. Ramen Chetty, of Nawalapitiya..... Plaintiff.
No. 10,940. Vs.
Henry C. Wallace, of Theydon Bois estate,
Nawalapitiya..... Defendant.

NOTICE is hereby given that on March 6, 1897, at 12 o'clock noon, will be sold by public auction at the premises the following property of the defendant :—
The land called Pitadeniya, of about 36 acres in extent; bounded on the east by the estate called Harrisland, on the south by the lands belonging to the villagers, on the

west by the land belonging to Mr. Atapattu, and on the north by the land belonging to the Crown, situate at Rambukpitiya in Pasbage korale of Uda Bulatgama. Amount of writ Rs. 1,121-12½.

Fiscal's Office,
Kandy, February 8, 1897.

C. S. VAUGHAN,
Fiscal.

In the District Court of Kandy.

K. P. R. M. A. Annamalay Chetty, of No. 537,
Trincomalee street, Matale.....Plaintiff.

No. 11,016. Vs.

1, W. A. Theobald, of Shannon estate,
Hatton; 2, F. C. Theobald, of Aluta estate,
Rambukkana.....Defendants.

NOTICE is hereby given that on March 17, 1897, at 12 o'clock noon, will be sold by public auction at the premises the following property of the defendants, viz. :—

All that estate called and known as Aluta, comprising all those four allotments of land called Ellotuwa, situated in the village Polwatta, in the Pallepata of Tumpane, Central Province; bounded on the east by land described in plan 102,240, Dembulamadakanda (trigonometrical station), and land claimed by villagers, on the south by land also claimed by villagers, on the west by land described in plan 62,846, by land claimed by natives, and by Hinduragalla (trigonometrical station), and on the north by land claimed by villagers, containing in extent 503 acres and 32 square perches as per plan of survey made by Mr. J. E. Rudrigues, dated May 14, 1878, exclusive of about 103 acres, consisting of paddy fields, gardens, arambas, and chenas around the paddy fields, and water-courses, and which said land comprises the following allotments :—

1. All that piece of land called Ellotuwa, situate in the village Polwatta aforesaid; bounded on the north-west and north by a water-course, on the east and south by land described in plan 103,546, and on the west by a water-course and by land claimed by Punchirala and others, containing in extent 3 acres 2 roods and 32 perches according to the figure of survey No. 103,540, dated March 23, 1876, authenticated by Colonel A. B. Fyers, Surveyor-General.

2. A piece of land called Dimbulamadahena, situate at Polwatta aforesaid; bounded on the north-east by land claimed by villagers and land described in plan 102,240, and on the south-east by land claimed by villagers, on the south-west by land described in plan 103,546, land claimed by E. Kalu Etana and others, and water-course, and on the north-west by water-course and land claimed by villagers, containing in extent 155 acres according to the figure of survey No. 103,544, dated March 23, 1876, authenticated by Colonel A. B. Fyers, Surveyor-General.

3. A piece of land situate at Polwatta aforesaid; bounded on the north by land claimed by natives, on the north-east by a water-course and land described in plan 103,544, on the south-east by land claimed by natives and a water-course, on the south by land claimed by P. Appu, water-course, and land claimed by natives, on the west by land claimed by natives, water-course, land described in plans 103,540, 103,460, and 62,846, and land purchased by A. Ranhamy, and on the north-west by land claimed by natives and land described in plan 99,930, containing in extent 299 acres according to the figure of survey No. 103,546, dated March 23, 1876, authenticated by Colonel A. B. Fyers, Surveyor-General.

4. A piece of land called Immogalakele, situate at Polwatta aforesaid; bounded on the north-east by land described in plan 103,546, on the east by land described in plan 103,546 and land claimed by Punchirala and others, on the south-east by land claimed by Punchirala and others and water-course, on the south by land claimed by C. P. Rala and P. Etana and land claimed by natives, and on all other sides by land claimed by natives, containing in extent 45 acres and 2 square roods according to the figure of survey No. 103,460, dated March 16, 1875, authenticated by the said Colonel A. B. Fyers, Surveyor-General, now comprised in and demised by all that indenture of lease No. 1,749, dated August 15, 1894,

attested by E. L. Siebel, of Kandy, Notary Public, and entered into between Ratwatte Wijeywardena Seneviratne Pandita Abeyakoon Bandaranayaka Wasala Mudianselage Paranagama Abeyaratne, Basnayake Nilame, and Ratwatte Wijeywardena Seneviratne Panditta Abeyakoon Bandaranayaka Wasala Mudianselage Paranagama Seneviratne, Ratamahatmaya, as lessors, and William Albert Theobald and Frederick Charles Theobald, the defendants above-named, as lessees, for all the residue now unexpired of the term of thirty years granted in and by the said indenture of lease No. 1,749, dated August 15, 1894, and all the right, title, and interest, claim and demand whatsoever of the defendants in and to the said land indenture of lease and premises.

Amount of writ Rs. 886-68.

Fiscal's Office,
Kandy, February 9, 1897.

C. S. VAUGHAN,
Fiscal.

In the District Court of Kandy.

Mana Dawod Saibo, of Kandy.....Plaintiff.

No. 11,080. Vs.

D. Pin Appu, of Padiapellela Defendant.

NOTICE is hereby given that on March 5, 1897, commencing at 12 o'clock in the noon, will be sold by public auction at the premises the following property of the defendant, viz. :—

Six bags containing 300 cocoanuts, 4 bags salt, 1 bag arecanuts, 25 sarong cloths, 15 Singapore camba cloths, 3 almiraes, 11 Singapore sarong cloths, 3 camba cloths, and sundry other boutique goods at the defendant's residence at Padiapellela in Upper Hewaheta.

Amount of writ Rs. 1,082-75.

Fiscal's Office,
Kandy, February 9, 1897.

C. S. VAUGHAN,
Fiscal.

Southern Province.

In the District Court of Galle.

John Reddie Black and Isabella Swinburn
Black, partners, trading in co-partnership
in Galle under the firm and style of
John Black & Co.....Substituted Plaintiffs.

Kottawagamage Don Thoronis de Silva
Appuhami, of Dikoya, presently residing
at Heenitigalla.....Plaintiff.

No. 1,918. Vs.

1, Abdulla Cassim Ibrahim; 2, Maimun
Nachchiya; 3, Abdulla Cassim Seusa, all
of China Garden.....Defendants.

NOTICE is hereby given that on Wednesday, March 10, 1897, commencing at 2 o'clock in the afternoon, will be sold by public auction at the spot the following property, viz. :—

1. All that part from a part of the garden called Kekiribokkewatta, commonly called China Garden, that is to say, a part from the lot formerly marked No. 33, and presently No. 3, situate at Kumbalwella, within the Four Gravets of Galle, with the buildings standing thereon bearing assessment No. 191 and marked letter B in plan 1,293, dated March 23, 1885, made by B. M. Armstrong, surveyor.

2. All that lot No. 1 of the garden called Kekiribokkewatta *alias* China Garden and the building standing thereon bearing former assessment No. 89, and presently marked No. 122, situate at Kumbalwella.

3. All the soil and fruit trees of the defined portion of the garden called Kekiribokkewatta *alias* China Garden, with all the houses standing thereon, situate at Kumbalwella.

4. An undivided one-sixth of a defined lot No. 192 of the garden called Kekiribokkewatta, with one-sixth of all the buildings thereon, situate at Kumbalwella.

5. An undivided one-sixth part of a defined portion of Kekiribokkewatta, situate at Kumbalwella; property

mortgaged upon the writing obligatory dated June 22, 1892, and declared bound and executable under the judgment entered in the above case.

This writ is issued to levy a sum of Rs. 5,539-84, with interest on Rs. 5,000 at 12 per cent. per annum from May 18, 1893.

C. T. LEEBRUGGEN,
for Fiscal.

Fiscal's Office,
Galle, February 9, 1897.

In the District Court of Galle.

Charles William Karunanayaka Jayawardana
and two others Plaintiffs.
No. 54,274. Vs.

5, Don Harmanis Amarasinha Appuhamy, of
Kumbalwella Defendant.

NOTICE is hereby given that on Saturday, March 6, 1897, commencing at 3 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said fifth defendant in the following property, viz. :—

1. The defined $\frac{1}{8}$ portion of Weerabaddenegewatta alias Udugampalagewatta, together with the buildings standing thereon, situated at Kumbalwella.

2. The undivided $\frac{3}{4}$ of $\frac{1}{4}$ of the soil and trees of Pelawatta, situated at Kumbalwella.

This writ is issued to levy a sum of Rs. 295-25, with damages at the rate of Rs. 5 a month from May 20, 1887, up to July 8, 1890.

C. T. LEEBRUGGEN,
for Fiscal.

Fiscal's Office,
Galle, February 9, 1897.

North-Western Province.

In the District Court of Puttalam.

Aloysius Mt. C. Casie Chetty, of Puttalam.....Plaintiff.
No. 833. Vs.

Longinus Anthony de Rosairo, of Kalpitiya....Defendant.

NOTICE is hereby given that on Monday, March 8, 1897, commencing at 10 o'clock in the forenoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

1. An undivided one-fourth share of the coconut garden called Ottapanaitotam, otherwise known as Ithiadipirivu, Mudumarapirivu, Vangaladipirivu, and Vayaladipirivu, situate at Peria Ottapanai in Akkarai pattu ; and bounded on the north by the partition fence of the garden belonging to Savari Achchi, widow of Swokino Lingappa, on the east by high road, on the south by the partition fence of the garden called Mavaditotam belonging to the heirs of D. Manuel Pulle, Police Headman, and by the limit of land belonging to the plaintiff and others, and on the west by the limit of the land belonging to the defendant and others.

2. An undivided half share of a portion of land of 30 acres in extent, situate at the above place ; and bounded on the north by the partition fence of the garden belonging to the plaintiff and others, east by the partition fence of the garden belonging to Savari Achchi, widow of Swokino Lingappa, south by the fence of the garden belonging to the defendant and others, and west by the and belonging to the Crown.

G. A. BAUMGARTNER,
Deputy Fiscal.

Deputy Fiscal's Office,
Puttalam, February 8, 1897.

In the District Court of Puttalam.

Shroff Uduma Lebbe Markar, of KalpitiyaPlaintiff.
No. 1,165. Vs.

L. A. de Rosairo and J. M. S. de Rosairo, of
KalpitiyaDefendants.

NOTICE is hereby given that on Saturday, March 6, 1897, commencing at 8 o'clock in the forenoon, will be sold by public auction at the premises the right, title, and interest of the said defendants in the following property, viz. :—

1. A house and compound, situate at Vellala street in Kalpitiya, belonging to the first defendant; and bounded on the north by the partition fence of land belonging to K. T. Kasie Mohiedin, south by road, west by partition fence of the house and compound belonging to Sadachy, and east by partition fence of the house and compound belonging to J. M. de Rosairo and others, including cocoanut trees, &c.

2. A young cocoanut plantation, situate at Tottacado in Kalpitiya, belonging to the first defendant; and bounded, as it is for the present, on the north and east by the partition fence of garden belonging to K. T. Tamby Naina Pulle, his heirs, and others, south by the partition fence of a cocoanut garden belonging to T. Sego Noordeen and others, and west by partition fence of garden belonging to the heirs of S. Uduma Lebbe Markar and others, including cocoanut trees, &c., within the said boundary.

3. An undivided one-fourth share of a cocoanut garden called Kangachytotam, situate at Mutwal in Kalpitiya, belonging to the second defendant; and bounded on the east and south by the partition fence of Kangachytotam belonging to S. Kachchi Markar and others, west by partition fence of garden belonging to K. Sinne Markar, and north by partition fence of cocoanut garden belonging to the plaintiff and others and by a marsh, including cocoanut trees, &c.

4. An undivided one-fourth share in all that land and garden called Iyahtotam, situate at the aforesaid place; and bounded on the north by the partition fence of Iyahtotam belonging to A. M. Aloysius Casie Chetty, Proctor, and others, east by lake, west by partition fence of the cocoanut garden belonging to the heirs of S. Uduma Lebbe Markar, and south by partition fence of Iyahtotam belonging to K. Mohamadali Markar and others.

5. An undivided one-fourth share of all that tiled house and compound where Mariann de Rosairo, Mudaliyar, lived, and all the outhouses belonging to it, situate at Vellala street in Kalpitiya, belonging to the second defendant; and bounded on the north, south, and east by roads, and west by the first lot of land belonging to the first defendant and by partition fence of the land belonging to K. T. Kasie Mohiyadin.

6. An undivided one-fourth share of all that tiled house and compound where Nicholas Casmir and wife are living, and all the outhouses, well, &c., belonging to it, situate at Vellala street in Kalpitiya, belonging to the second defendant; and bounded on the north by road, east by the partition fence of the house and compound belonging to Godlieb, Secretary, and others, south and west by lanes.

G. A. BAUMGARTNER,
Deputy Fiscal.

Deputy Fiscal's Office,
Puttalam, February 8, 1897.

In the District Court of Puttalam.

T. P. L. Meyappa Chetty, of PuttalamPlaintiff.
No. 1,171. Vs.

Mirasaiho Seyado Mohamado, of Puttalam ...Defendant.

NOTICE is hereby given that on Saturday, March 6, 1897, at 1 o'clock in the afternoon, will be sold by public auction at the spot the right, title, and interest of the said defendant in the following property, viz. :—

A land called Maduramadowembu, situate on the Kurunegala road between the 3rd and 4th mileposts in Puttalam pattu, containing 33 acres and 2 roods; and bounded on the north-east and north-west by Crown lands

leased, south-west by Kurunegala road, and west by cart track, within these boundaries 12 acres on the western side are belonging to the defendant, with the cocoanut trees, &c., standing thereon.

G. A. BAUMGARTNER,
Deputy Fiscal.

Deputy Fiscal's Office,
Puttalam, February 8, 1897.

Province of Uva.

In the District Court of Badulla.

Balapuwaduge Manukulasuriya Abraham
Mendis..... Plaintiff.

No. 27,786. Vs.

Sinna Tambi Pulle, Assen Meera Lebbe, of
Bandarawela Defendant.

NOTICE is hereby given that on Monday, March 8, 1897, commencing at 12 o'clock noon, will be sold by public auction at the premises the following property, for the recovery of the sum of Rs. 1,358-37½, with further interest on Rs. 750 at Re. 1-50 per Rs. 100 per mensem from October 12, 1885, till payment, viz. :—

1. The garden called Pallegedarawatta, situated at Bandarawela of the Province of Uva, containing in extent one seer of kurakkan sowing ; bounded on the east by the bank of Tumbawelwaguregedara, on the north by the road to Ratnapura, on the west by a stone bank, and on the south by a bank of a field, together with everything thereon.

2. The lower one-third portion of the eastern one seer of kurakkan sowing extent of the garden called Tumbawelwagureparanagedarawatta, situated at Bandarawela aforesaid ; bounded on the east by a ditch, on the north by a bank, on the west by a live fence and waralgaha, and on the south by the high road to Sabaragamuwa, excluding, however, therefrom the eastern one-half of the house and the ground appertaining thereto lying within these boundaries, the western one-half of the land and of the house inclusive, together with the plantations.

3. The adjoining garden called Pusheraligahawatta of one seer of kurakkan sowing extent, situated at Bandarawela aforesaid ; bounded on the east by the bank of the garden belonging to Heenappu, on the west by the bank of the garden belonging to the said defendant, on the south by the bank of the field belonging to Punchirala, and on the north by the high road to Ratnapura, together with everything thereon.

4. The garden called Dachhigedarawatta of one seer of kurakkan sowing extent and the garden called Tumbawelwaguregedarawatta of one seer of kurakkan sowing extent, situated on the upper side of the Ratnapura road in the said village Bandarawela ; bounded on the east by the live fence of the garden belonging to the said defendant, on the west by the limit and bank of the garden belonging to Heenappu, on the south by the road to Ratnapura, and on the north by a ditch and bank, together with everything thereon ; and decreed by the judgment entered in the above case that the aforesaid properties be sold in satisfaction of the said judgment.

FRED. BOWES,
for Fiscal.

Fiscal's Office,
Badulla, February 5, 1897.

PASSED ORDINANCES.

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

No. 1 of 1897.

An Ordinance relating to Claims to Forest, Chena, Waste, and Unoccupied Lands

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to make special provision for the speedy adjudication of claims to forest, chena, wattle, and unoccupied lands: Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council thereof, as follows:

Government agent or assistant government agent to publish notice calling for claims.

1 (1) Whenever it shall appear to the government agent of a province or to the assistant government agent of a district that any land situated within his province or district is forest, chena, waste, or unoccupied land, it shall be lawful for such government agent or assistant government agent to declare by a notice that if no claim to such land is made to him within the period of three months from the date of such notice, every such land shall be deemed the property of the Crown, and may be dealt with on account of the Crown.

(2) Every such notice shall be published in the English, Sinhalese, and Tamil languages six times at least in the *Government Gazette*, and if the land shall be more than ten acres in extent in any two of the newspapers published in the island, and copies of such notice shall be posted on such land and shall also be affixed to the walls of the several kachcheries and the several courts of the province within which such forest, chena, waste, or unoccupied land is situated, and in such other localities as may secure the greatest possible publicity thereto, and the said notice shall likewise be advertised by beat of tom-tom at such places on or near the land and at such times as the government agent or assistant government agent may direct and order. Every such notice shall be, as near as is material, in the form set out in the schedule hereto; and the publication of the notice in the *Government Gazette* shall be proof of the date and proper publication of such notice.

Survey.

(3) If any such land has not been previously surveyed at the instance of the Government, the government agent or assistant government agent shall, either before or after the issue of such notice, cause such land to be surveyed for the purposes of this Ordinance.

When no claim is made government agent or assistant government agent to declare the land the property of the Crown.

2 (1) If no claim shall be made within the period of three months from the date of such notice as aforesaid, the government agent or assistant government agent shall make an order declaring such land to be the property of the Crown.

(2) Every such order shall be published in the *Government Gazette* and shall be final and conclusive, and the *Government Gazette* containing such order shall be received in all courts of law in this colony as conclusive proof that the land mentioned in the order was at the date of such order the property of the Crown.

(3) Provided always that whenever within the said period of three months it shall be brought to the knowledge of the government agent or assistant government agent that

some person is interested in such forest, chena, waste, or unoccupied land, and that such person is then absent from the colony, and was so at the date of the notice aforesaid, then and in every such case the government agent or assistant government agent shall not make his order declaring such land to be the property of the Crown until the expiration of a further period of six months, commencing on the expiry of the said period of three months.

Provisions for inquiry into claims to land.

3 (1) If, in pursuance of the notice issued under the provisions of section 1, any claim shall be made to such land, or to any interest in such land, within the period of three months, or in any case in which such period has been extended under the provisions of sub-section (3) of the preceding section within such extended period, the government agent of the province or assistant government agent of the district in which such land is situated shall forthwith proceed to make inquiry into such claim.

(2) For the purpose of such inquiry the government agent or assistant government agent as aforesaid may exercise the powers conferred on commissioners appointed under the provisions of Ordinance No. 9 of 1872, for compelling the attendance of witnesses and the production of documents and for administering oaths to all persons who shall be examined before them, provided that the requirements of the proviso to section 2 of that Ordinance shall not be necessary for the purposes of this Ordinance.

Procedure in such cases.

4 (1) The government agent or assistant government agent as aforesaid shall call upon the claimant to produce before him any evidence or documents upon which he may rely in proof of his claim; and after considering the same, and making any further inquiry that may appear proper, may either admit the whole or part of such claim or enter into an agreement in writing, which shall be signed by the government agent or the assistant government agent and the claimant, for the admission or rejection of any portion of such claim, or for the purchase of any portion of the land which is the subject of such claim, and shall embody such admission or agreement in an order. Provided that in any case in which such land is more than ten acres in extent no such admission shall be made or agreement entered into without the consent of the Governor.

(2) Every such order shall be published in the *Government Gazette* and shall be final and conclusive, and the *Government Gazette* containing such order shall be received in all courts of law in this colony as conclusive proof of the admission or agreement entered into under sub-section (1).

Disputed claims to be referred to commissioner or district judge.

5 If and whenever the government agent or assistant government agent does not admit such claim either as to the whole or as to part, and fails to enter into any agreement with the claimant in respect thereof, then and in every such case the government agent or assistant government agent shall refer such claim or so much thereof as is in dispute between the government agent or assistant government agent and the claimant to the commissioner to be appointed as hereinafter provided, or in the event of no commissioner being appointed, to the district judge of the district within which such land is situated.

Provided that whenever the government agent or assistant government agent and claimant agree to refer such claim to the commissioner of requests of the division within which such land is situated, the government agent or assistant government agent shall refer such claim to such commissioner, who shall have and exercise in respect of such claim all the powers and duties vested by this Ordinance in the district judge; and any decision or order of such commissioner shall be subject to appeal to the Supreme Court, and the provisions of section 18 shall apply to all such appeals.

- Form of reference to commissioner or district judge.
- 6 In making a reference under section 5 the government agent or assistant government agent shall state, for the information of the commissioner or district judge, in writing under his hand—
- (a) The situation, name (if any), boundaries, and extent of the land in dispute;
 - (b) The names of the claimants or claimant and of any other person whom he has reason to think interested in such land.
- Proceedings of court on reference.
- 7 (1) The commissioner or district judge shall thereupon cause to be served on each of the persons so named as aforesaid a notice requiring him to make a written statement to such commissioner or judge on or before a date to be mentioned in such notice setting out the nature and extent of his claim, and in every such statement of claim the government agent or assistant government agent shall be named as the party defendant on behalf of the Crown.
- (2) Any two or more persons claiming under the same right or title may join and embody their claims in one statement of claim.
- Proceeding when no claim has been made.
- 8 (1) If no statement of claim is made to the commissioner or district judge pursuant to the notice mentioned in section 7, the commissioner or judge shall cause to be affixed on some conspicuous place on or near such land a notice to the effect that if the persons interested in such land do not, on or before a day to be therein mentioned, appear before such commissioner or district judge and state the nature of their respective interests in the land and the particulars of their claims, the commissioner or district judge will proceed to adjudicate such land to be the property of the Crown.
- (2) If on the day named no such person appears in pursuance of such notice, the commissioner or district judge shall adjudicate such land to be the property of the Crown, and from such adjudication there shall be no appeal.
- Special commissioner for trying claims.
- 9 It shall be lawful for the Governor, as occasion may require, from time to time to appoint a proper person for any province or district to be commissioner for the investigation and trial of references under this Ordinance.
- Notice of appointment of commissioners.
- 10 Whenever any commissioner is appointed under this Ordinance for any province or district, notice thereof shall be given by Proclamation in the *Government Gazette*, copies of which shall be affixed in the several courts of the island, and from the date of the issue of such Proclamation no other court shall be competent to entertain any reference for the investigation and trial of which such commissioner is appointed.
- Claims not cognizable in other courts.
- Special courts where to be held.
- 11 (1) Every commissioner appointed under this Ordinance shall hold his court at such place or places within the limits of his jurisdiction as shall be by him considered most convenient, and for the purpose of every investigation and trial under this Ordinance, may administer oaths, and shall have and exercise within his province all and every the powers and jurisdiction of a district judge.
- (2) In case of the death, sickness, resignation, removal from office, absence from the island, or other disability of any such commissioner before whom any inquiry upon a reference made under this Ordinance is pending, such inquiry may be continued by the successor of such commissioner, who shall have power to act on the evidence already recorded by such first named commissioner, or partly recorded by such first named commissioner and partly recorded by himself, or, if he think fit, to re-summon the witnesses and commence afresh.

Plaintiff and defendant in references under section 5.

Parties may appear by pleader.

Proceedings regulated by Civil Procedure Code.

Cases to have precedence.

Procedure before hearing of reference.

Procedure on hearing.

Commissioner or judge may order a survey.

Appeals.

12 (1) In every reference under section 5 of this Ordinance the claimant shall appear as plaintiff and the government agent or assistant government agent aforesaid shall appear as defendant on behalf of the Crown.

(2) Either party to any reference may appear by pleader or by agent.

13 In references instituted under this Ordinance, except as in this Ordinance provided, the proceedings shall be regulated, so far as they can be, by the Code of Civil Procedure.

14 All proceedings in any district court had under this Ordinance shall be taken up before any other business of the said court, unless special circumstances of urgency in any particular case call, in the opinion of the judge, for a relaxation of this rule.

15 The commissioner or district judge, as the case may be, shall, as soon as the written statement is presented under section 7, or the persons interested appear in pursuance of the notice issued under section 8, fix a day for the appearance of the parties and for the hearing of the reference, of which due notice shall be given to the parties, their pleaders, or agents; and on the day so fixed the parties or their agents shall bring their witnesses into court, together with any documents on which they intend to rely. If either party require the assistance of such commissioner or judge to procure the attendance of a witness or the production of any document on such day, he shall apply to such commissioner or judge in sufficient time before the day fixed for the hearing of the reference, and such commissioner or judge shall issue a summons for such purpose. It shall be competent to such commissioner or judge to require the personal attendance of a claimant on the day fixed for the hearing or at any subsequent stage of the proceedings.

16 On the day fixed for the hearing of the reference, or as soon after as may be practicable, the commissioner or district judge, as the case may be, shall proceed to examine the claimant or his agent (when his personal attendance is not required), and the witnesses of the parties, and upon such examination, and after inspecting the documents of the parties and making any further inquiry that may appear necessary, shall proceed to pass such order in the case as he may consider just and proper.

17 Whenever the commissioner or district judge is of opinion that a fresh survey is necessary for the purposes of the investigation and trial of any claim under this Ordinance, he may cause the land, the subject of the claim, to be surveyed, and the costs of such survey shall be costs in the cause.

18 (1) Any party to the reference who is dissatisfied with the decision or order of the commissioner or district judge, as the case may be, may appeal to the Supreme Court against such order or decision, by lodging within thirty days from the date of such order or decision with such commissioner or district judge a petition of appeal addressed to the Supreme Court, together with an affidavit setting out the value of the land with regard to which the order or decision has been given against him.

(2) Such commissioner or judge on receiving such affidavit and petition of appeal shall transmit the same, together with all proceedings taken by him, to the Registrar of the Supreme Court, and the said court shall make such order as the justice of the case may require, and such order shall be duly carried into effect.

(3) Stamp duty shall be charged upon every such petition of appeal and upon every such affidavit at the rates specified in Part II. of the Schedule B to "The Stamp Ordinance, 1890,"

for similar instruments in the district courts, and upon subsequent proceedings at the rates specified in the said schedule for appeals from the district courts; and every such appeal shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from district courts are dealt with and disposed of.

Records of cases where to be deposited. 19 The records of cases disposed of by commissioners appointed under this Ordinance or by district judges shall be deposited amongst the records of the district court of the district in which the land, the subject of the claim, is situated.

Limitation as to claims. 20 No claim to any land or to compensation or damages in respect of any land declared to be the property of the Crown under the provisions of this Ordinance shall be received after the expiration of one year from the date on which such declaration shall have been made. If within such year any claimant shall prefer a claim to such land or to compensation or damages in respect thereof before the commissioner appointed under this Ordinance for the province in which such land is situated, or in the event of no commissioner being appointed, before the district judge of the district in which such land is situated, and shall show good and sufficient reason for not having preferred his claim to the government agent or assistant government agent as aforesaid within the period limited under section 1 of this Ordinance, such commissioner or judge shall file the claim, making the claimant plaintiff and the government agent or assistant government agent as aforesaid defendant on behalf of the Crown in the action, and the foregoing provisions of this Ordinance shall be applicable to the investigation and trial thereof.

Provision for such claim if preferred within time.

If claim established and land sold, possession not to be given, but compensation. 21 (1) In any case in which the land has been sold, if such commissioner or judge shall be of opinion that the claim of the claimant is established, such commissioner or judge shall not award the claimant possession of the land in dispute, but shall order him to receive from the Crown, by way of compensation, a sum equal to the price at which the land was sold by public auction.

If claim established and land not sold, claimant to be placed in possession. (2) In any case in which the land shall not have been sold, but shall have been otherwise dealt with on account of the Crown, and such commissioner or judge shall be of opinion that the claim to such land is established, such commissioner or judge shall order that the claimant be placed in possession of the said land.

Award to be in full satisfaction. (3) The amount awarded under sub-section (1) shall be in full satisfaction of the claim of the claimant, and shall bar any future claim on his part in respect of the land claimed.

Prohibition of building, clearing, &c., pending investigation. 22 Whenever a government agent or assistant government agent has issued the notice prescribed in section 1 with regard to any land, it shall not be lawful for any person thereafter, without the written consent of the government agent or assistant government agent, to acquire any right in or over such land, or to enter therein or thereon, or to build any house or hut, or to form a plantation thereon, or to make clearings for the purpose of cultivating such land, or for any other purpose, or to cut or fell any trees upon such land, until such land has been declared not to be the property of the Crown. Any person acting in contravention of this section shall be guilty of an offence, and liable on conviction to simple or rigorous imprisonment for a term which may extend to three months, or to a fine which may extend to one hundred rupees, or to both. Provided that the prohibition hereby imposed shall cease in any case in which the government agent or assistant government agent shall fail to make a reference under section 5 within six months from the day of a claimant having preferred his claim.

Governor in Executive Council may award damages.

23 Whenever the claim of any person to a land, in respect of which a notice under section 1 of this Ordinance has issued, is upheld by the commissioner or district judge or by the Supreme Court in appeal, and the claimant to such land satisfies the Governor in Executive Council that he has suffered pecuniary loss by reason of the prohibition in the preceding section contained, it shall be lawful for the Governor in Executive Council to ascertain and determine the amount of compensation that should be allowed in respect of such loss, and to cause the amount so determined to be paid to such claimant.

Presumption as to forest and waste land.

24 For the purposes of this Ordinance :

(a) All forest, waste, unoccupied, or uncultivated lands, and all chenas and other lands which can be only cultivated after intervals of several years, shall be presumed to be the property of the Crown until the contrary thereof be proved.

Occupation of a small portion of land not to create presumption of ownership of a large tract of land.

(b) The occupation by any person of one or more portions or parcels of land shall not be taken as creating a presumption of ownership against the Crown in his favour for any greater extent of land than that actually occupied by him.

Definition of unoccupied land.

(c) The term "unoccupied land" includes uncultivated land and all land which at the time of the passing of this Ordinance was not in the actual occupation of any person or persons, and also all lands which shall not have been in the uninterrupted occupation of some person or persons for a period exceeding five years next before notice given by the government agent or assistant government agent under section 1 in respect of the same.

Application for appointment of guardian or curator.

25 In any case in which the claimant is a minor or person of unsound mind, or in which any person shall claim for and on behalf of a minor or a person of unsound mind, the government agent or assistant government agent shall apply to the district judge of the district in which such land is situated to appoint a fit person in manner provided by the Civil Procedure Code to represent such minor or person of unsound mind for the purposes of the claim and the investigation and trial thereof.

Government not barred from awarding compensation for land.

26 Nothing in this Ordinance shall be held to prevent the Governor from awarding to any claimant of land which has been dealt with under this Ordinance, on proof to his satisfaction of the claim of such claimant (notwithstanding that he may not have preferred his claim either to the government agent or assistant government agent as aforesaid within the period prescribed by this Ordinance, or has not made any statement of claim to the commissioner or district judge as required by section 7 of this Ordinance), such amount of compensation as to the Governor may seem proper.

Penalty for obstructing surveyor, &c.

27 Whoever at any time shall obstruct or molest any surveyor, headman, or officer of the Crown, or any person acting under the immediate orders of any such surveyor, headman, or officer of the Crown from carrying out or performing any survey or other act or thing which he may be directed, empowered, or required to do by any government agent, assistant government agent, commissioner, district judge, or special officer acting under the authority of this Ordinance, shall be guilty of an offence, and liable on conviction to rigorous or simple imprisonment for a term which may extend to three months, or to a fine not exceeding fifty rupees.

Governor may appoint one or more special officers to carry out Ordinance.

28 It shall be lawful for the Governor to appoint one or more special officers for the whole island, who may for the purposes of this Ordinance perform, do, and exercise in any province or district all or any of the powers, duties, and functions vested in the government agent or assistant government agent under this Ordinance.

Crown rights
of disposition of
land reserved.

29 Nothing in this Ordinance contained shall preclude or prevent the Crown in any case in which no notice has been issued under section 1 in respect of any land from selling, leasing, reserving, or otherwise dealing with the same, or from instituting in any court an action to recover such land.

SCHEDULE.

Form of Notice.

(Section 1.)

Take notice that unless within three months from the _____ day of _____, being the date of this notice, the persons, if any, who claim any interest in the land commonly called or known as _____, situate in the village of _____ in the _____ koralé, in the _____ Province, containing in extent about _____ acres, and bounded as follows : _____, appear before me at the _____ Kachcheri and make claim to the said land or to some interest therein :

I, _____, Government Agent of _____ (or Assistant Government Agent of _____), in pursuance of the powers in me vested by Ordinance No. _____ of _____, will, on the _____ day of _____, being the date on which this notice expires, declare by writing under my hand that the said land is the property of the Crown.

Government Agent
or Assistant Government Agent.

Passed in Council the Sixth day of February, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Ninth day of February, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.

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

No. 3 of 1897.

An Ordinance to make provision for preventing the introduction and spread of the Plague and other Contagious and Infectious Diseases.

WEST RIDGEWAY.

Preamble.

WHEREAS it is expedient to empower the Governor, with the advice of the Executive Council, to make regulations for preventing the introduction into the island of the plague and all other contagious and infectious diseases, and for preventing the spread of such diseases in the 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 Quarantine and Prevention of Diseases Ordinance, 1897."

Repeal.

2 (1) Sections 10 and 11 of the Ordinance No. 8 of 1866, and the Ordinance No. 3 of 1881, are hereby repealed, but this repeal shall not affect the past operation of those enactments or of any regulations or orders made thereunder, or the validity or invalidity of anything done or suffered under those enactments before the passing hereof, or interfere with the institution or prosecution of any proceeding in respect of any offence committed or any penalty incurred against or under the said enactments or either of them.

(2) Notwithstanding this repeal every regulation or order made or purporting to be made under the repealed enactments shall continue and be as if this Ordinance had not been passed, but so that the same shall be as valid and may be revoked, altered, or otherwise dealt with under this Ordinance as if it had been made under this Ordinance, and any contravention or breach thereof of which after the passing of this Ordinance any person is guilty may be punished in like manner as if it were a contravention or breach of a regulation made under this Ordinance.

Interpretation.

3 In this Ordinance, and any regulations made thereunder, unless the context otherwise requires—

“Goods” shall mean goods, wares and merchandise, furniture, packets, packages, baggage, wearing apparel, books, letters, or any other article whatsoever; and shall include animals.

“Disease” shall mean any disease of a contagious, infectious, or epidemic nature.

“Diseased” shall mean infected or suspected of being infected with “disease.”

Regulations.

4 The Governor, with the advice of the Executive Council, may from time to time make, and when made revoke or vary, such regulations as may seem necessary or expedient for the purpose of preventing the introduction into the island of any disease, and also preventing the spread of any disease.

Matters in respect of which regulations may be made.

5 (1) The regulations made under the last preceding section may provide, amongst other things—

(a) For placing vessels and boats arriving at any port or place in the island in quarantine.

(b) For placing persons or goods coming or brought in such vessels or boats in quarantine.

(c) For prohibiting or regulating the landing of persons or goods from vessels or boats either absolutely or conditionally.

(d) For establishing and maintaining quarantine stations, and for regulating the management of the same, and for the charging, imposing, and recovering of fees for the use and occupation of such stations, and for the cost of maintenance of the persons occupying the same.

(e) For inspecting vessels and boats leaving or arriving at any port or place in the island, and for the detention thereof or of any person intending to sail therein, as may be necessary.

(f) For inspecting persons travelling by railway or otherwise, and for segregating in hospitals or otherwise persons diseased.

(g) For isolating all cases of disease and diseased persons.

(h) For closing wells, pits, cesspits, and cesspools.

(i) For prescribing the mode of burial or cremation of any person dying of disease.

(j) For regulating the number of persons to be allowed to inhabit any dwelling place.

(k) For the removal from infected localities to places of observation or other places of persons found in such localities.

(l) For the removal of diseased persons to hospitals or other places for medical treatment, and for their detention until they can be discharged with safety to the public.

(m) For the cleansing and disinfecting of drains, sewers, cesspits, and of houses, buildings, rooms, and other places which have been occupied by any diseased person, or which are otherwise in an insanitary condition, and, if expedient, for destroying the same, with or without compensation as may be deemed expedient.

- (n) For the disinfecting and, if expedient, destroying, with or without compensation as may be deemed expedient, goods which have been in contact with any diseased person, or which may be deemed capable of spreading disease.
- (o) For prescribing and regulating the seizure, detention, and destruction or disposal of any goods landed or otherwise dealt with in contravention of any regulation made under this Ordinance, and for prescribing and regulating the liability of the owner, or consignor or consignee, or importer of the goods for the expenses connected with the seizure, detention, and destruction or disposal thereof.
- (p) For prescribing the reporting to such officer or officers as may be named in the regulations, by medical practitioners and persons professing to treat diseases, of cases of disease treated by them.
- (q) For prescribing the reporting by the householder or occupier of any house or premises to such officer or officers as may be named in the regulations of any case of serious illness occurring in any such house or premises; and the visiting and inspecting of such case by such officer or officers.
- (r) For the appointment of inspectors and other officers to carry out the provisions of this Ordinance or of any regulations made thereunder, and for regulating their duties and conduct, and for investing them with all powers necessary for the due execution of their duties.
- (s) For prescribing the publication of any regulations made under this Ordinance, and for prescribing and regulating the form and mode of service or delivery of notices and other documents.

(2) Provided always that nothing in this section contained shall in any way restrict or be construed to restrict the generality of the powers conferred on the Governor by the last preceding section, but such powers shall extend to all matters whether similar or not to those in this section mentioned, as to which it may be expedient to make regulations for the better carrying into effect of the objects of this Ordinance.

Offence.

6 (1) If any person, without lawful authority or excuse (proof whereof shall lie on him), contravenes any regulation made under this Ordinance, or does or omits to do anything which under the provisions of this Ordinance or of any regulations made thereunder he ought not to do or omit, or if he obstructs or impedes, or assists in obstructing or impeding any inspector or other officer appointed under this Ordinance, or any police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, he shall be guilty of an offence against this Ordinance.

(2) Every prosecution for an offence against this Ordinance may be instituted in the police court of the division in which the offence was committed, and such court may impose the full penalties herein prescribed, anything in the Criminal Procedure Code or in any other Ordinance to the contrary notwithstanding.

Punishment.

7 (1) If any person is guilty of an offence against this Ordinance, he shall be liable on conviction before a police magistrate to imprisonment of either description for a term not exceeding six months or to a fine not exceeding one thousand rupees, or to both.

(2) Nothing in this section contained shall affect the liability of any person to any punishment or penalty to which he is liable at common law, or under any enactment other than this Ordinance, but so that a person shall not be punished twice for the same offence.

Duties of inspectors and police officers.

8 (1) When a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Ordinance, any inspector or other officer

appointed under this Ordinance, or any police officer may without warrant stop and detain him, and if his name and address are not known may without warrant apprehend him.

(2) If any person obstructs or impedes an inspector or other officer appointed under this Ordinance, or any police officer in the execution of any provision of this Ordinance or of any regulation made thereunder, or assists in any such obstructing or impeding, he may be apprehended by such inspector or other officer or police officer without warrant.

(3) A person apprehended under this section shall be taken with all practicable speed before a police magistrate.

(4) Nothing in this section shall take away or abridge any power or authority that a police officer would have had if this section had not been enacted.

Presumption.

9. Where the person in charge of a diseased person is charged with an offence against this Ordinance relative to such disease, he shall be presumed to have known of the existence of such disease in such person, unless and until he shows to the satisfaction of the police magistrate before whom he is charged that he had not such knowledge, and could not with reasonable diligence have obtained such knowledge.

Officers to be public servants.

10. Inspectors and other officers appointed under this Ordinance shall be deemed public servants within the meaning of the Penal Code.

Master, agent, or consignee of ship landing person in certain cases to give security for expenses.

11. Whenever any person shall have been landed at any port or place in the island for the purpose of performing quarantine, or for medical treatment, or on the ground that such person is alleged to be of unsound mind, the vessel from which such person shall have been landed shall not be entitled to receive a port clearance until sufficient security to the satisfaction of the principal officer of customs shall have been given by the master, agent, or consignee of such vessel to the principal officer of customs for the repayment to the Government of all expenses which may be incurred by the Government in respect of such person, and also the necessary passage money of such person to the place of his original destination should such person not be conveyed thither in the vessel from which he may have landed.

Execution of regulations may be delegated to local authority.

12. The Governor, with the advice of the Executive Council, may delegate the enforcement and execution of any regulation made under this Ordinance to any municipal or local authority, subject to such restrictions as the Governor with the like advice may from time to time think fit to impose.

Regulations to be published.

13. All regulations made under this Ordinance shall be published in the *Government Gazette*, and shall from the date of such publication have the same force as if they had been enacted in this Ordinance.

Passed in Council the Sixth day of February, One thousand Eight hundred and Ninety-seven.

J. J. THORBURN,
Acting Clerk to the Council.

Assented to by His Excellency the Governor the Ninth day of February, One thousand Eight hundred and Ninety-seven.

E. NOEL WALKER,
Colonial Secretary.