

*Abandoned Lands.***No. 4 of 1887.****An Ordinance relating to Lands alienated by the Crown
which are abandoned by the Owners thereof.**

Preamble.

WHEREAS certain tracts of land originally alienated by the Crown have since been abandoned, and the owners thereof cannot be ascertained: And whereas it is expedient to provide that in the case of such lands and of all others which may hereafter be so alienated, and subsequently abandoned, the Crown shall have the right of resuming the same if, after due notice given and inquiry made, the owners or any persons lawfully claiming under them cannot be found: 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 to publish notice calling upon owners of abandoned lands to prefer their claims.

1 When any land in the colony which has been or which may hereafter be alienated by or on behalf of the Crown shall appear to the government agent of the province in which such land is situate to have been abandoned by the owner thereof for eight years or upwards, and such owner or any person lawfully claiming under him cannot be ascertained, notwithstanding all reasonably diligent inquiry made by such government agent, it shall be lawful for such government agent, with the sanction of the Governor, to declare by a notice in the English, Sinhalese, and Tamil languages, to be published six times at least in the *Government Gazette* and in any two local newspapers, and to be posted on such land, that if no claim to such land is made to him by or on behalf of any person able to establish a title thereto within the period (not being less than twelve months) specified in such notice, such land shall be resumed by the Crown.

When no claim is made, government agent to report and the Governor in Executive Council to make order of resumption by the Crown.

2 If no claim shall be made in pursuance of such notice as aforesaid, the government agent shall make a report to the Governor of the proceedings taken by him, which report shall contain a description of the land, together with the boundaries thereof, and shall state that no claim has been made thereto; and upon the receipt of such report, it shall be lawful for the Governor in Executive Council to make order that such land shall be resumed by the Crown; and the same shall thereupon be resumed by and become the property of the Crown free from all encumbrances.

Procedure when claim is made.

3 If within the period specified in such notice as aforesaid a claim shall be made, the government agent shall call upon the claimant to establish the same within such time as the government agent shall appoint, and shall inquire into such claim and record all such evidence as may be adduced before him in support thereof. The government agent shall thereafter make a report to the Governor of the proceedings taken by him, which report shall contain a

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description of the land, with the boundaries thereof, and shall set forth the nature of the claim made in respect thereof, the evidence taken in support of such claim, and the finding of the government agent thereon.

4 If the Governor in Executive Council shall, upon such report as aforesaid, or after such further inquiry as he may deem expedient, be satisfied that a *prima facie* right to the said land has been established, all further proceedings under this Ordinance in respect of such land shall cease; but if the Governor in Executive Council shall entertain any doubt as to such right, the Governor shall refer the claim to the district court of the district in which the land is situate; and the judge of such court shall thereupon fix a day for the investigation of the claim with notice thereof to the claimant and to the Attorney-General, and after hearing such evidence as the claimant or Attorney-General shall adduce, or the court may call for, the said judge shall decide whether in his opinion such right has or has not been established, and shall make such order as to costs as he shall deem just. Every such decision, however, shall be subject to an appeal, free from stamp duty, to the Supreme Court by the Attorney-General or by such claimant, and such appeal shall be subject to the same rules which govern interlocutory appeals from district courts.

If Governor in Executive Council be satisfied that the claim has been established, further proceedings shall cease.

If claim be doubtful, reference to district court.

Appeal.

5 If the decision of the district judge, or of the Supreme Court in the event of an appeal, shall be that such right has been established, all further proceedings in respect of such land under this Ordinance shall cease; but if such decision shall be that such right has not been made out by the claimant, it shall be lawful for the Governor in Executive Council to make order that the land shall be resumed by the Crown, and the same shall thereupon be vested in and become the property of the Crown free from all encumbrances.

Procedure on decision by district or Supreme Court.

Proceedings to cease or order of resumption to be made.

6 Whenever the Governor in Executive Council shall make an order of resumption under section 2 or section 5, a notification to that effect shall be published in the *Government Gazette* and posted on such land; and the production of the *Government Gazette* containing such notification shall be evidence of the resumption in all legal proceedings whatsoever.

Resumption to be notified in *Gazette*.

Notification proof of resumption.

7 Upon any government agent producing or causing to be produced such notification of resumption before the district court having jurisdiction within the district in which the resumed land is situate, it shall be lawful for such court, and it is hereby required forthwith to issue a writ of possession, directing the fiscal or deputy fiscal of such district to put and place such government agent or any person whom he may name in writing in possession of such land, for and on behalf of the Crown, and, if need be, remove therefrom any person or persons refusing to vacate the same.

District court to issue writ of possession in favour of the Crown upon production of notification of resumption.

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Resumed land to be appraised.

8 Every land resumed by the Crown under section 2 or section 5 shall be appraised without delay by some person or persons appointed for that purpose by the Governor, and the appraised value shall be recorded in the office of the government agent of the province in which such land is situate.

Appraised value payable to owner within thirty years.

9 If within thirty years from the date of the notification of resumption being published in the *Government Gazette*, any person shall establish to the satisfaction of the Governor, in Executive Council, that he is entitled to be paid such appraised value or any part thereof, the same shall be paid to him by the Colonial Treasurer.

Power of district judge at investigations of claims.

10 The district judge when investigating any claim under this Ordinance shall have the same power of adjournment and of summoning and enforcing the attendance of claimants or witnesses, and of examining them on oath or affirmation, and of enforcing answers, and of calling for and enforcing the production of documents, as he has when dealing with cases in his ordinary civil jurisdiction; and every person wilfully giving false evidence at any investigation held by a district judge under this Ordinance shall be liable to the pains and penalties of perjury.

False evidence.

Power of government agent at inquiries into claims.

11 The government agent while holding an inquiry under section 3 may exercise all or any of the powers vested in a commissioner acting under the provisions of Ordinance No. 9 of 1872; and every person who shall wilfully give false evidence before him shall be liable to the pains and penalties of perjury.

Form of claim under this Ordinance.
Claimant to name place for service of notices.

12 Every claim made under this Ordinance to the government agent shall be in writing, and signed by the person making the same, and shall set forth the name and address of the claimant in full, and the place at which he is willing to accept service of notices; and any notice put in the post addressed to the claimant at such place shall be deemed to have been duly served.

Penalties.
False statement.

13 Any person who shall wilfully and knowingly insert anything that is false in any statement of claim made to the government agent, and any person who, for the purpose of setting up a false claim to any land subject to the provisions of this Ordinance, shall wilfully and knowingly make any false statement (not on oath or affirmation) to the government agent at any inquiry held under the provisions of this Ordinance, shall be guilty of an offence and liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for any period not exceeding six months, or to both.

Resisting or obstructing officers.

14 Any person who shall offer any resistance or obstruction to any fiscal or deputy fiscal, or to any government agent or other person acting under the provisions of section 7, shall be guilty of an offence, and shall be liable to a fine not exceeding one hundred rupees, or to simple or rigorous imprisonment for a term not exceeding six months, or to both.

15 No informality or irregularity occurring in any proceedings taken under this Ordinance shall be held to invalidate or affect the title of the Crown or any purchaser or grantee from the Crown to any land resumed under this Ordinance. Provided, however, that nothing herein contained shall prevent any person from claiming damages against the Crown, if he has been substantially prejudiced by any such informality or irregularity.

Defect in proceedings not to affect title of the Crown.

Proviso.

16 This Ordinance may be cited for all purposes as "The Lands Resumption Ordinance, 1887."

Short title.

24th January, 1887.
