

No. 2 of 1877.

An Ordinance to amend and consolidate the Law relating to Notaries.

(See No. 3 of 1890 and No. 10 of 1890.)

WHEREAS it is expedient to amend the law relating to notaries and to make further provision for the proper qualification of notaries and for the more efficient and faithful discharge of the duties appertaining to the office of a notary, and to consolidate the law now in force relative thereto : It is enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows :

1 So much of the Ordinance No. 16 of 1852 as is now in force, and the Ordinance No. 16 of 1873 are hereby repealed, save and except so far as relates to any acts which shall have been done, appointments which shall have been made, liabilities which shall have been incurred, and offences which shall have been committed prior to this Ordinance coming into operation. Provided, however, that such repeal shall not affect the right of admission to the office of notary or the qualification for such office of any person who shall before the passing of this Ordinance have been duly articulated as a clerk to an advocate or proctor of the Supreme Court under the 2nd section of the said Ordinance No. 16 of 1873. The right of admission and qualification of such persons aforesaid shall continue to be determined and governed by the said Ordinance No. 16 of 1873.

Preamble.

Repeal of former Ordinances.

Proviso.
Repeal not to affect persons articulated before the passing of this Ordinance.

Notaries.

Mode of application for admission to articles.

2 Every person intending to be an articed clerk with the view of qualifying himself for the office of notary shall give at least three months' notice of such his intention to the government agent of the province in which he resides, and at the expiration of such notice he shall apply to the Governor for permission to enter into articles. Every such application shall be in the form of a petition to the Governor, in the English language, and in the native language, if any, in which the applicant proposes to practise, and in his handwriting, and shall contain the following particulars :

- (1) The place in which the applicant resides.
- (2) His age.
- (3) The name of the advocate or proctor under whom he intends to serve.
- (4) The district and the language or languages in which he proposes to practise.

And such petition shall be accompanied with any such certificate of character and qualification as the applicant can produce.

Examination of applicant and license for admission to articles.

3 It shall be lawful for the Governor, at his discretion, on receipt of such petition, to refer the same to some person or board to be named by the Governor to inquire into and report upon the character and general attainments of the applicant, and if such applicant shall be reported by such person or board as being qualified and of good character, it shall be lawful for the Governor to allow such applicant to become an articed clerk, and such leave or license shall be certified in writing under the hand of the Colonial Secretary. And no person shall be an articed clerk unless he shall have obtained the leave or license of the Governor as herein provided. Provided, however, that the number of articed clerks to be licensed for and in each district shall be limited and determined by Proclamation to be issued from time to time by the Governor, acting with the advice of the Executive Council.

Transfer of articles.

4 In the event of the advocate or proctor to whom any person shall be articed under the provisions of this Ordinance dying or discontinuing to practise in the district in which he practised when such articles were entered into, it shall be lawful for such articed clerk to transfer his articles to some other advocate or proctor, in which case the time during which he shall have served under his original articles shall be reckoned as part of the term of his apprenticeship, notwithstanding such transfer.

Articed clerk forbidden to trade.

5 No articed clerk shall, during his service under articles or during any part thereof, in any way follow or be engaged in any trade or commercial business whatever.

Advocates and proctors of Supreme Court qualified for admission.

6 All advocates and proctors of the Supreme Court shall be qualified for admission as notaries without any further qualifications as hereinafter required in respect of other persons.

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7 No person, other than an advocate or proctor of the Supreme Court, shall be capable of being admitted to practise as a notary unless he possesses the following qualifications :

Qualification for admission as a notary.

- (1) He shall be of good repute.
- (2) He shall be of the full age of twenty-one years.
- (3) He shall have been an articled clerk, licensed in the manner provided by the 3rd section, of an advocate or proctor of the Supreme Court, and shall have duly served as such for three years. Provided that if the applicant intends to practise in any of the native languages, he shall serve for two years as a licensed articled clerk of such advocate or proctor and for one subsequent year as a clerk in the office of a notary practising in the language in which the applicant intends to practise.
- (4) He shall be reported duly qualified by the person or board to whom the application shall have been referred by the Governor, as hereinafter provided, both as to the above qualifications and also as to his competency to perform the duties of notary, and as to his knowledge of the language in which he means to practise as such.

Proviso.

Provided that it shall be lawful for the Governor, with the advice of the Executive Council, to grant a warrant empowering a person of good repute and full age, who shall pass such an examination as the Governor with like advice shall prescribe, to practise as a notary in any district where, from the paucity of duly qualified notaries, it is expedient, with a view to the convenience of the inhabitants thereof, to relax the ordinary rules as to the qualifications of a notary.

Proviso as to districts where there is a paucity of notaries.

8 Every person (other than an advocate or proctor of the Supreme Court) who shall intend to apply for admission as a notary, shall three months at least before he shall so apply give notice of such his intention to the district court of the district and the government agent of the province in which he resides and in which he intends to practise, and shall cause notice of his intended application, in the English, Sinhalese, and Tamil languages respectively, to be affixed in some conspicuous part of such court, and to be published three times in the *Government Gazette* and once at least in some local newspaper, between the dates of notice and of application. Every such application shall be in the form of a petition to the Governor, and shall contain the following particulars :

Mode of application for admission as a notary.

- (1) The place in which the applicant resides, and the district in which he intends to practise ;
- (2) The name of the advocate or proctor and notary (if any) under whom he has served his articles ;
- (3) The language or languages in which he purposes to draw, authenticate, or attest deeds or other instruments ;
- (4) The nature of the security he intends to offer and all particulars connected therewith ;

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- (5) Such application shall be accompanied with the certificate of the Colonial Secretary mentioned in the 3rd section, a copy of the local newspaper in which such notice as aforesaid was published, and also a certificate from the advocate or proctor and notary (if any) to whom he has been apprenticed, that he has duly served his articles and that in the opinion of such advocate or proctor and notary (if any) the applicant is a fit and proper person to be appointed a notary.
- 9** It shall be lawful for the Governor, on receipt of any such petition, to refer the same to some person or board, to be named by the Governor, to inquire into and report upon the fitness and attainments of the applicant to be appointed a notary, and whether he is duly qualified as required by this Ordinance.
- 10** Every articted clerk shall on or before the 30th day of June in each year furnish to the Registrar-General of Lands a statement setting out his name and address, the date of his articles, the advocate or proctor and notary (if any) under whom he serves, and the district and language in which he intends to practise. It shall be the duty of such registrar to forward, on or before the 31st day of July in each year, an abstract of such statements, distinguishing them into provinces and districts, for publication in the *Government Gazette*. Any such articted clerk failing to furnish such statement shall not be allowed, unless he can explain such failure to the satisfaction of the person or board to whom his application to be admitted to practise as notary shall be referred by the Governor, as hereinbefore provided, to count the year or years in which he shall have so failed, but shall be required to serve another year for every fresh year of failure.
- 11** Every appointment for the office of notary shall be by warrant under the hand and seal of the Governor, and shall specify and define the district within which alone the person thereby appointed is to practise, and the language or languages in which he is authorized to draw, authenticate, or attest deeds or other instruments.
- 12** Every notary shall be bound to reside and have his office within the district in which he is allowed to practise, and any notary infringing this rule shall be liable to have his warrant withdrawn by the Governor, acting with the advice of the Executive Council.
- 13** It shall not be lawful for any person admitted to act as a notary to commence practising as such until he shall have made and signed before the district judge of the district where such person resides, a declaration in the words or to the effect following; that is to say,
- I, *A. B.*, do sincerely promise and declare that I will truly and faithfully and to the best of my ability execute the office of a notary in pursuance of and in conformity with the authority given to me by warrant of the Governor bearing date _____ day of _____;

Reference of application.

Articted clerk bound to furnish yearly on or before the 30th June particulars as to his articles to Registrar-General. The registrar shall forward such statement for publication in the *Gazette* on or before 31st July in each year. Consequence of not furnishing statements.

Appointment by warrant.

Notary shall be bound to reside in district for which he is appointed.

Notary to make declaration and give security.

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and until he shall have executed before the said judge a bond to Her Majesty, her heirs and successors, in such amount as the said judge shall consider reasonable, not exceeding the sum of one thousand rupees, conditioned for the due and faithful discharge of his duties as a notary, which amount shall be secured to Her Majesty, her heirs and successors, either by the hypothecation of immovable property or by deposit of movable property, or by the personal undertaking of two or more sufficient sureties in that behalf to the satisfaction of such district judge; and until he shall have filed in the district court of such district an attested copy of his warrant. And if any person shall practise or act as or exercise the office or functions of a notary without having obtained such warrant as aforesaid, or without having made and signed such declaration and given such bond and security as aforesaid, or without having filed an attested copy of his warrant, every such person shall in any such case be guilty of an offence, and liable on conviction thereof to any fine not exceeding one thousand rupees, or to imprisonment, with or without hard labour, at the discretion of the court, for any period not exceeding three years, or to such fine, as well as such imprisonment.

Penalty for practising without warrant. &c.

14 Any person who has or shall hereafter become bound as a surety for the due and faithful discharge by any notary of his duties as such, may upon application in the district court of the district in which such notary resides, be discharged from any further liability as such surety, upon proof to the satisfaction of such court that he has given six weeks' notice to such notary of his intended application. And thereupon the said court shall make an order discharging such surety from any liability in respect of any act of such notary done or committed after the date of such order; and such order shall be endorsed on the bond, by which such surety had become bound, under the hand of the district judge.

Sureties may obtain discharge from future liability.

15 If at any time the security given by any notary shall perish or be lost, or if the sureties who became bound for him shall die or depart from this island, or become insolvent, or be discharged from their obligation as such sureties, the district judge shall call upon such notary forthwith to furnish other sufficient security; and if any notary, after being so required to furnish security, shall, before having complied with such demand, practise or act as a notary, he shall be liable on conviction thereof to the punishment provided in section 13 of this Ordinance.

On loss of security or death, insolvency, discharge, or departure from the island of sureties, notary to furnish other securities.

16 It shall be the duty of every district judge in his own district, on the production to him by any person of any such warrant as aforesaid, authorizing him to act as a notary in such district, and after the person therein named shall have made and signed the declaration and given the security hereinbefore mentioned, without fee or reward to enrol the name of such person and the date of his admission as a notary licensed to act as such in virtue of the said warrant

Names of notaries to be enrolled in the district court.

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in a roll or book to be provided and kept for that purpose in the district court. And the said declaration and bond, together with an attested copy of such warrant, shall be filed of record in the said court; and a list of all notaries heretofore authorized to act as such within any such district, or who may at any time hereafter be enrolled in such court as aforesaid, and who may be authorized to act within any such district, shall be kept at all times appended in some conspicuous place on the wall of the court-house for general information. And the secretary of such court shall from time to time, as occasion may require, correct the said list by striking therefrom the names of any notaries who have died or been struck off the roll of notaries, or have removed from the said district or ceased to practise as notaries therein. And the secretary shall forward to the Registrar-General of Lands on the thirtieth day of June and the thirty-first day of December in each year a copy of such list corrected up to date, and shall also forward on such days as aforesaid to each of the several commissioners of courts of requests within the district a corrected list of notaries entitled to practise within the jurisdiction of such courts of requests respectively. Each commissioner shall cause the list so received by him to be affixed on some conspicuous place on the wall of his court.

Notary when
disqualified for
his office.

17 If any person, who now is or hereafter may be authorized to act as a notary, shall be lawfully convicted of any crime or offence which in the opinion of the Governor, acting with the advice of the Executive Council, renders him unfit to be entrusted with any responsible office in the district, or of any crime or offence punishable under the provisions of the 29th section of this Ordinance, or if any such person, being an advocate or proctor, shall be duly removed from his office as such, every such person shall become disqualified for the said office of notary, and the warrant granted to him shall thereupon be cancelled. Or if any such person, being an advocate or proctor, be suspended from his office as such, he shall during the period of such suspension be disqualified for discharging the duties of a notary.

In cases of gross
misconduct or
incapacity
Governor may
remove a notary
from his office.

18 It shall be the duty of the Registrar-General, and also of the district court or court of requests of the district in which any notary resides, upon proof to the satisfaction of such registrar or such court of gross misconduct in the discharge of the duties of his office by such notary, or that such notary has proved himself to be incapable of discharging them with advantage to the public, or that he has so conducted himself by repeated breaches of any of the rules set out in the 26th section of this Ordinance, or otherwise, that he ought not to be any longer entrusted with the performance of the said duties, to report the same in writing, with the evidence taken by such registrar or court, to the Governor; and thereupon it shall be lawful for the Governor, with the advice of the Executive Council, to cancel the warrant granted to such notary.

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19 Whenever any such warrant has been cancelled or notary suspended, notice thereof shall be given in the *Government Gazette*, and a certificate that such warrant has been cancelled or notary suspended shall be transmitted by the Colonial Secretary to the district court and court of requests of the district within which such notary shall have been authorized to act, and to the Registrar-General. And it shall be the duty of the judge of the court, in which the name of such notary is enrolled, to cause his name to be immediately struck off the roll of notaries. And a copy of such certificate, with a translation in the Sinhalese and Tamil languages subjoined thereto, shall be kept appended in some conspicuous place on the wall of every such district court and court of requests for such period as the court may direct.

Certificate of cancelling of warrant to be transmitted to the local courts.

20 It shall be lawful for the Governor, on the application of the Queen's Advocate, in any case in which any notary shall have been duly committed to take his trial for any crime or offence in the 17th or 29th sections of this Ordinance mentioned, to suspend such person from his office of notary pending his trial for such crime or offence; and in any such case of the suspension of any notary a certificate thereof shall be forthwith transmitted by the Colonial Secretary to the district court and court of requests of the district within which such notary shall have been authorized to act, and to the Registrar-General, and a copy of such certificate, with a translation in the Sinhalese and Tamil languages subjoined thereto, shall, so long as such suspension shall be in force, be kept appended in some conspicuous place on the wall of such district court and court of requests. Provided that if such notary shall not be brought to trial within six months after such suspension, the same shall cease to be any longer in force and shall be deemed to be removed.

Notary may be suspended from his office by the Governor in certain cases.

21 If any person shall act as or exercise the office or functions of a notary after having received notice of any such suspension as aforesaid, and before the same shall have been removed, or after he shall have been convicted of any crime or offence disqualifying him for the said office, or after he shall have been removed from the office of advocate or proctor, as hereinbefore mentioned, or after he shall have received notice that the warrant granted to him has been cancelled as aforesaid, he shall be guilty of an offence, and be liable on conviction thereof to any fine not exceeding one thousand rupees, or to imprisonment, with or without hard labour, at the discretion of the court, for any period not exceeding three years, or to such fine as well as such imprisonment.

Penalty on notary practising after notice of suspension, &c.

22 It shall be the duty of every secretary of a district court in his district to grant or issue to every person entitled to practise as a notary in such district, who shall apply for the same, a certificate that such person is a notary and duly authorized to practise as such in such district. And all such certificates shall be applied for and granted on or before the

Certificates to be granted yearly to notaries.

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first day of March in every year, and shall be in force for one year and no longer. Provided, however, that if such certificate shall not be applied for within the time limited, and it shall be shown to the satisfaction of the district judge that such default was not due to any negligence on the part of the notary, the district judge shall direct the secretary to issue the required certificate notwithstanding such delay as aforesaid. And such certificate shall be in the form in the schedule to this Ordinance annexed marked A, and shall bear a stamp duty of *ten* rupees. Provided that it shall be lawful for the Governor, with the advice of the Executive Council, to authorize the issue of any such certificate on unstamped paper in any case in which the circumstances of any district or place appear to him to render such a proceeding necessary or advisable.

[3 of 1890,
schedule]

Notaries
applying for
certificates to
make
declaration.

23 For the purpose of obtaining such certificate as aforesaid a declaration in writing, signed by such notary, containing his name and place of residence and the district in which he is authorized to practise, shall be delivered to the said secretary, who shall, as soon as conveniently may be after the delivery of such declaration (unless he shall see cause and have reason to believe that the party applying for such certificate is not upon the roll of notaries or not authorized to practise as such in such district), deliver to the said notary such certificate as aforesaid. And if any person shall make any false statement in any such declaration, he shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding five hundred rupees.

Penalty on
notaries
practising
without
certificate.

24 If any person shall act as a notary without having obtained such certificate as aforesaid, he shall for or in respect of every deed or instrument executed or acknowledged before him as such notary, whilst he shall have been without such certificate, incur and be liable to a fine not exceeding fifty rupees.

On refusal to
grant any
certificate
application to
be made to the
district court.

25 In case the said secretary shall decline to issue any such certificate to any notary as aforesaid, the party so applying for the same may apply to the district court, which is hereby authorized to make such order in the matter as shall be just. Provided always that any party aggrieved by any such order may appeal against the same to the Supreme Court. Such appeal shall be regarded as an appeal from an interlocutory order of a district court.

Rules to be
observed by
notaries.

26 It is and shall be the duty of every notary strictly to observe and act in conformity with the following rules and regulations; that is to say,

- (1) He shall not divulge the secrets confided to him or of which he becomes possessed in the execution of his office, unless with the express permission of his employer, or when required to do so by law;
- (2) He shall not authenticate or attest any deed or instrument whatever unless the person executing the same be known to him or to at least two of the attesting witnesses to the said deed or instrument;

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- (3) He shall not authenticate or attest any deed or instrument whatever in any case in which both the person executing the same and the attesting witnesses thereto are unknown to him ;
- (4) He shall not authenticate or attest any deed or instrument whatever to which two witnesses at least have not subscribed their signatures in letters ;
- (5) He shall not authenticate or attest any deed or instrument whatever unless the person executing the same and the witnesses shall have signed the same in his presence and in the presence of one another ;
- (6) He shall correctly insert in every deed or instrument whatever executed before him the day, month, and year on which and the place where the same is executed, and the names and residences of the attesting witnesses, on the day on which it is so executed ;
- (7) When any deed or instrument whatever shall be acknowledged before him, he shall correctly insert in the attestation thereto the day, month, and year on which and the place where the same is acknowledged, and the names and residences of the attesting witnesses, on the day on which it is so acknowledged ;
- (8) He shall not attest any deed or instrument whatever in any case in which the person executing or acknowledging the same shall be or profess to be unable to read the same, or in which such person shall require him to read over the same, unless and until he shall have read over and explained the same, or caused the same to be explained in the presence and hearing of such person and of the attesting witnesses thereto ;
- (9) He shall not require, permit, or suffer any party to any deed or instrument executed or to be executed before him, or any witness thereto, to sign his name or make his mark to or acknowledge any such deed or instrument or any duplicate or other part thereof or any draft or minute thereof intended to be preserved in his protocol, or to sign his name or make his mark upon any paper or other material intended to be afterward used for any such purpose, until the whole of such deed or instrument shall have been written or engrossed thereon ;
- (10) He shall duly attest every deed or instrument whatever which shall be executed or acknowledged before him, and in such attestation shall state that the said deed or instrument was signed by the party and the witnesses thereto in his presence and in the presence of one another, and shall also in such attestation state whether the person executing or acknowledging the said deed or instrument, or the

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attesting witnesses thereto (and in the latter case he shall specify which of the said witnesses) were known to him, and whether the same was read over by the person executing the same, or by him, the said notary, to the said person; and he shall sign and seal every such attestation. He shall state in his attestation the amount of the stamp affixed to the duplicate of such deed or instrument, and shall cancel the stamp thereon as directed by law. And such attestation shall be in the following form of words, or in any other form of words to the same effect, as the case shall happen; that is to say,

I, *A. B.*, Notary Public, do hereby certify and attest that the foregoing instrument having been read over (and explained) by me, the said notary, to the said *D. E.* (here insert the name of the person or persons executing such instrument), who is (or are) known to me (if the case be so), in the presence of (insert the names of the witnesses in full, with their residences), the subscribing witnesses hereto, both of whom are known to me (if the case be so), the same was signed (or acknowledged) by the said *D. E.*, and also by the said witnesses, in my presence and in the presence of one another, all being present at the same time, on the _____ day of _____, at _____.

I further certify and attest that Rs. _____, the consideration (or part consideration, as the case may be), was paid in my presence, and that the duplicate of this deed bears a stamp of Rs. _____.

Date of attestation: _____ (Seal.) _____
 Notary Public.

Such attestation shall be legibly signed by him in the language in which the deed or instrument is written, and also with his usual signature, if the language or form of that signature be different from that in which such deed or instrument is written; .

- (11) He shall on or before the fifteenth day of every month deliver or transmit to the registrar of lands of the district in which he resides the duplicate of every deed or other instrument (except wills and codicils) executed or acknowledged before or attested by him during the preceding month, together with a list in duplicate signed by him, of all such deeds or instruments, and shall at the same time forward a copy of such list so signed by him to the Registrar-General of Lands. Provided that where any deed shall be executed or acknowledged by two or more parties residing in different districts and before different notaries, the duplicate of such deed shall be delivered or transmitted by the notary by whom the same was drawn up to the registrar of lands of the district in which he resides; and it shall not be necessary for the other notary or notaries employed in the execution of such deed to deliver or transmit any duplicate thereof to such registrar. And if the land referred to in any deed or instrument, which by the Ordinance No. 7 of 1840, intituled "To provide more

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effectually for the prevention of Frauds and Perjuries," is required to be executed before a licensed notary, be situated in any district other than that in which the notary before whom the same is signed, and by whom the same is attested, shall reside, such notary shall on or before the fifteenth day of the month next following that in which the same was executed (besides transmitting the duplicate in manner aforesaid) deliver or transmit to the registrar of the district in which such land shall be situated an attested copy thereof, together with a list in duplicate signed by him of all such deeds or instruments as relate to lands in such last-mentioned district;

- (12) He shall carefully preserve in his protocol a draft, minute, or copy of every deed or instrument executed or acknowledged before him, to which shall be attached his signature and those of the party and witnesses to the original deed or instrument, and he shall keep a register thereof with a convenient index for the purpose of easy reference;
- (13) He shall not attest any deed or instrument which is insufficiently stamped;
- (14) Before attesting any deed affecting any interest in lands, he shall endeavour to ascertain whether any prior deed affecting any interest in such land has been registered. And if any such prior deed has been to his knowledge registered, he shall insert at the head of the deed attested by him the number of the registration volume and the page of the folio in which the registration of such prior deed has been entered;
- (15) He shall number consecutively all the documents attested by him, except last wills, according to the order in which they are executed before him. If he shall change his district, as provided by the 33rd section of this Ordinance, he shall number consecutively the deeds attested by him in the new district, commencing with number "1";
- (16) He shall not attest any deed, will, or other instrument which is written on more than one entire or undivided sheet or piece of paper, parchment, or other material, unless each of the sheets or pieces used has been previously produced before the registrar of lands for the district in which the notary resides, and has been marked or signed or initialled by such registrar in such manner as such registrar shall determine, in order to prevent the sheets being used for any other purpose than the deed, will, or instrument intended to be executed, or unless the parties executing the same and the notary shall sign every sheet or piece in which any part of the instrument is written;

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- (17) He shall not attest any deed or instrument written on paper which is not of a reasonably durable description and suitable for the purpose of documents of this kind, nor shall he attest any deed or instrument written on ola ;
- (18) Whenever any money shall be paid in his presence as the consideration or part of the consideration for any instrument, he shall make a note of such payment in his attestation ;
- (19) If he attest any deed executed before him by means of an attorney, he shall preserve a true copy of the power of attorney with his protocol, and shall forward a like copy thereof with the duplicate deed to the registrar of lands ;
- (20) He shall not attest any instrument in any district other than that in which he is authorized to act, nor in any language other than that in which he is authorized to practise ;
- (21) He shall give one month's notice to the district judge of the district in which he is authorized to act, and also to the Registrar-General, of his intention to change his residence or to discontinue his practice, and shall affix a written notice to that effect, signed by him, on the outside door or wall of the district court of every such district ;
- (22) He shall give notice to the district judge with as little delay as possible of the death, departure from the island, or insolvency of any person bound as a surety for the due and faithful discharge by such notary of his office ;
- (23) Whenever he shall change his residence, he shall without delay give notice of such change to the registrar of lands of the district and the government agent of the province in which his new residence is situated ;

Penalty for non-observance of rules.

Proviso.

Notary to use diligence in registering deeds.

And if any notary shall act in violation of or shall disregard or neglect to observe any of the foregoing rules and regulations, he shall be guilty of an offence, and shall be liable on conviction thereof to a fine not exceeding two hundred rupees, in addition to any civil liability he may incur thereby. Provided that no instrument shall be deemed to be invalid in consequence of the non-observance by the notary of the foregoing rules and regulations or of any of them, in any matter of form. But nothing in this proviso contained shall give any validity to any instrument which may be invalid by reason of the provisions of any other law not having been complied with.

27 Whenever a notary has received instructions and a sufficient sum to meet the necessary expenses for registering any deed or instrument drawn or attested by him, and shall in such case fail to use due diligence in effecting such

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registration, he shall be guilty of an offence, and liable on conviction to a fine not exceeding one thousand rupees, in addition to any civil liability which he may incur by reason of his default.

28 It shall be the duty of every notary to endeavour to ascertain the true and full consideration for the execution of any deed or instrument, and to insert and set forth the same in such deed or instrument. And any notary who shall knowingly and wilfully insert or set forth, or cause to be inserted or set forth, in or upon any such deed or instrument any other than the full and true consideration or money directly or indirectly paid or secured, or agreed to be paid or secured for the same, or the actual value of the same, or shall in any wise aid or assist in the doing thereof, respectively, shall be guilty of an offence, and liable to a fine not exceeding one thousand rupees for every such offence, in addition to any civil liability which he may incur thereby.

Notary to try
and ascertain
true
consideration.

29 If any notary shall attest any fraudulent deed or instrument whatsoever knowing the same to be fraudulent, or shall knowingly and wilfully insert in any deed or instrument whatsoever any word, letter, figure, matter, or thing which ought not to have been inserted therein, or shall knowingly and wilfully omit to insert therein any word, letter, figure, matter, or thing which ought to have been inserted therein, with intent to prejudice or defraud any person; or shall attest any deed or instrument whatsoever without the person who executed or acknowledged it and the attesting witnesses thereto having appeared personally before him at the time when it was so executed or acknowledged; or shall knowingly and wilfully make any false statement in the attestation to any deed or instrument executed or acknowledged before him; or shall wilfully, maliciously, or fraudulently mis-state or misrepresent to any party thereto the contents or effect of any deed or instrument whatsoever executed or acknowledged before him; or shall by any other wilful act, either of commission or omission, commit or attempt to commit any fraud in the execution of his office; or shall wilfully, maliciously, or fraudulently deface, mutilate, injure, destroy, or make away with any deed or instrument whatever, or any draft, minute, or copy of any deed or instrument which had been left in his charge or custody, or which he was bound to preserve; every such notary shall in any of such cases be guilty of an offence, and shall be liable on conviction thereof to imprisonment, with or without hard labour, at the discretion of the court, for any period not exceeding five years.

Penalty on
notary acting
fraudulently.

30 The several fees specified in the table to this Ordinance annexed marked B shall and may be lawfully demanded and taken by notaries for the performance of the duties of their office as therein expressed. And a correct table in the English, Sighalese, and Tamil languages of the fees chargeable by notaries shall be at all times appended in some conspicuous place on the wall of every district

Fees to be taken
by notaries.

court and court of requests throughout the island. And if any notary shall without just and reasonable cause refuse or neglect at any proper time, and on being tendered his proper fees, to discharge any of the duties or functions of his office, or shall demand or insist upon receiving a higher fee than he is authorized to demand, he shall be guilty of an offence, and be liable on conviction thereof to a fine not exceeding two hundred rupees.

On removal or death of notary documents to be delivered to registrar.

31 If any person being removed from or ceasing to act in the office of notary, or, in case of the death of any such notary, if any of his heirs, executors, or administrators, or any other persons, into whose possession the same shall have come, shall wilfully lose or injure or destroy, or shall without just and lawful cause wilfully neglect or refuse to deliver over, as soon as conveniently may be, to the registrar of lands for the district in which such notary was resident, any drafts, minutes, or copies of any deeds or other instruments executed or acknowledged before such notary, or any register, index, deed, instrument, or document whatever, possessed by such notary in right of his said office; every such person shall be guilty of an offence, and shall on conviction thereof be liable to imprisonment, with or without hard labour, for any period not exceeding twelve calendar months, or to a fine not exceeding two hundred rupees, or to both.

Notary to deliver to the registrar lists of duplicate deeds filed.

32 Whenever the duplicate of any instrument shall be transmitted to the registrar by any notary under the 26th section of this Ordinance, sub-section 11, or whenever any document shall be delivered up to any registrar under the preceding section, such notary or other person transmitting or delivering the same shall tender to the registrar two lists thereof, and the said registrar shall, after ascertaining the correctness thereof, sign the said lists, and return one of them to the said notary or other party, and file the remaining list and securely keep and preserve the same and the documents specified therein with the other records of his office.

Governor may authorize notary to change his district.

33 It shall be lawful for the Governor, upon the application of any notary, by a new warrant, to authorize any notary to change his district and to act as a notary in a district other than that specified in his original warrant, whenever such shall seem expedient to the Governor.

Ordinance when to take effect.

34 This Ordinance shall come into operation on the Thirty-first day of March, in the year of our Lord One thousand Eight hundred and Seventy-seven.

SCHEDULE, No. 2 OF 1877.

A.

I, *A. B.*, Secretary of the District Court of _____, do hereby certify that *C. D.* of _____ hath this day delivered and left with me the declaration in writing signed by him required by the Ordinance No. 2 of the year 1877, and I further certify that the said *C. D.* is duly enrolled as a notary and authorized to practise as such in the district of _____.

In witness whereof I have this _____ day of _____, at _____, set my hand on this stamped certificate.

(Signed) *A. B.*, Secretary.

B.

Table of Notaries' Fees.

For drawing, engrossing, and attesting any deed of transfer		Rs.	a.		
of property, movable or immovable, and any mortgage or bond in common form, wherein the value or consideration is expressed, or any lease in common form without special covenants, wherein the rent value or consideration is expressed : where such value or consideration (or in the case of a lease the rent comprised during the whole term) does not exceed Rs. 25		...	0 50		
Exceeds Rs. 25 and does not exceed Rs. 50		...	0 75		
Do.	50	do.	75	...	1 0
Do.	75	do.	100	...	1 25
Do.	100	do.	200	...	1 50
Do.	200	do.	350	...	2 0
Do.	350	do.	500	...	2 50
Do.	500	do.	750	...	3 0
Do.	750	do.	1,000	...	3 50
Do.	1,000	do.	1,500	...	4 50
Do.	1,500	do.	2,000	...	5 50
Do.	2,000	do.	3,000	...	6 50
Do.	3,000	do.	4,000	...	8 0
Do.	4,000	do.	5,000	...	9 0
Do.	5,000	do.	10,000	...	10 0
Do.	10,000	20 0

Notaries.

Rs. c.

Provided that where the term of lease exceeds five years the fees payable on a lease in common form shall not exceed such as would be payable on a lease for five years.	
For drawing, engrossing, and attesting any deed of transfer, mortgage, or lease, or any bond, which is not in common form but contains various covenants, recitals, or conditions, or which includes the description of several parcels of lands, whether the consideration is therein expressed or not, and all agreements, deeds, powers of attorney, or other instruments, including last wills, and other testamentary dispositions: for every such document, per folio of 120 words	... 2 50
For attesting, in duplicate, any deed or instrument, not drawn by the notary himself	... 1 50
For examining, at the request of any party, the title of any property to be transferred, demised, or mortgaged, if there is only one deed	... 1 0
If there are more deeds than one, then for each additional deed	0 50
For preparing abstract of title at the request of any party, for each deed abstracted	... 1 0
For registering at the request of any party any deed in the office of the registrar of lands, half of the charges allowed for drawing, engrossing, and attesting such deed; provided that the maximum charge shall not exceed...	... 5 0
For noting each bill of exchange or promissory note, including the copying of it in the book of registry or protest book and presentment	... 1 25
Protesting ditto	... 3 75
For every duplicate protest	... 2 50
For every act of honour on acceptance or payment supra protest	1 50
For every duplicate of such protest	... 0 75
For copy of a bill paid in part, and of receipt...	... 1 50
For noting protest of ship or vessel, including the copying of it in the book of registry or protest book	... 5 0
For drawing, engrossing, attesting, and recording protest of ship or vessel, for every folio of 120 words or less	... 2 50
For every notarial copy or extract of deeds where parties require same (excepting the attestation), for every folio of 120 words	... 0 50
Fee for attesting same	... 2 50
For every duplicate deed engrossed, attested, and transmitted to the registrar of lands, half of the charges allowed for drawing, engrossing, and attesting such deed.	
For preparing certificate of the Colonial Secretary or other officer to any document intended to be sent abroad	... 2 50
For attendance, either at the notary's office or elsewhere, in case of unusual difficulty or importance, for the purpose of reading and settling instruments before execution	... 1 75
For attendance at the registrar's office for the purpose of ascertaining the existence of incumbrances, or writing a letter for that purpose	... 1 0
For attendance on counsel for advice, if required	... 1 75
For attendance at any place other than the notary's house or office, a charge of Re. 1 per mile, or for any distance under a mile, shall be allowed as travelling expenses.	

10th January, 1877.