

*Registration of Titles to Land.***No. 5 of 1877.****An Ordinance to amend the Law relating to the Registration of Titles to Land in this Colony.***(As amended by No. 4 of 1889.)*

**W**HEREAS it is expedient to amend in certain respects the law relating to the registration of titles to land in this colony: It is therefore enacted by the Governor of Ceylon, with the advice and consent of the Legislative Council thereof, as follows:

Preamble.

*I.—Preliminary.*

**1** This Ordinance may be cited for all purposes as "The Land Registration Ordinance, 1877."

Short title.

**2** The 8th, 13th, 14th, 15th, 16th, 17th, 18th, 19th, 20th, 21st, 22nd, 23rd, 25th, 26th, 27th, 28th, 29th, 30th, and 31st sections of "The Land Registration Ordinance, 1863," and the 3rd, 4th, 5th, 6th, 7th, 8th, 9th, and 10th sections of the Ordinance No. 3 of 1865, intituled "An Ordinance to amend the Ordinance No. 8 of 1863," are hereby repealed, save and except so far as the said sections or any of them of the said Ordinance No. 3 of 1865 repeal any part of the said Ordinance No. 8 of 1863.

Repeal of certain sections of Ordinances No. 8 of 1863 and No. 3 of 1865.

**3** The word "person" shall include any company or association of persons whether incorporated or not.

Interpretation clause.

The word "registrar" shall mean the Registrar-General of Lands.

**4** All the powers, duties, and functions vested in the registrar under this Ordinance may be exercised by any special commissioner appointed by the Governor in that behalf.

Powers of registrar may be exercised by special commissioner.

*II.—Investigation and Settlement of Claims.*

**5** It shall be lawful for the Governor, with the advice of the Executive Council, on receiving the report of the Surveyor-General mentioned in the 12th section of the said Ordinance No. 8 of 1863, by a Proclamation to be published in the *Government Gazette*, to declare the division mentioned in such report to have come within the operation of this Ordinance; and the registrar shall thereupon have authority to enter upon all lands situate within such division, and to investigate all claims thereto, for the purposes of registration under this Ordinance.

After Proclamation in the *Gazette* registrar authorized to commence investigations.

**6** The registrar shall previous to such investigation prepare notices, as near as material in the form A in the schedule hereunto annexed, calling upon all persons having or claiming a right, title, or interest in or to any of the lands situate in the said division, or in such portion thereof as shall be specified in the said notice, or their agents or representatives, to appear before him on a day or days to be named in

Notice to claimants.

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<p>Mode of publication.</p>	<p>such notice (not being less than ninety days from the date thereof) and to state their claims thereto. And every such notice shall be published in the English, Sinhalese, and Tamil languages twice at least in the <i>Government Gazette</i>, and in two at least of the local newspapers, and copies thereof shall also be affixed on the walls of the kachchéri and the several courts of the district wherein such division 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 once a week at least during the said period of ninety days throughout the aforesaid division. And every suit, action, or civil proceeding pending at the time of the Proclamation aforesaid in any district court or court of requests or village tribunal, upon which no final judgment shall have been given by such court or tribunal, in which the title to or right to the possession or enjoyment of any land or interest therein, situate in such division, which might form the subject of registration under this Ordinance, shall be in dispute, shall abate and be transferred to the registrar to be heard, determined, or disposed of by him in the manner hereinafter provided for in the case of disputed claims. The registrar shall have power to make such order with regard to the payment of the costs of and any damages or other moneys claimed in any suit or action or proceeding so transferred as aforesaid, as the justice of the case may require; and such costs, damages, or moneys shall be recovered by writ of execution against property and person, which the registrar is hereby authorized to issue to the fiscal, who shall duly carry out the same in the same manner as such writs when issued by district courts are carried out. Also every suit of proceeding, which may be pending at the time of the Proclamation aforesaid in any district court or court of requests for the partition or sale of any land situate in such division under the provisions of the Ordinance No. 10 of 1863, intituled "An Ordinance to provide for the partition or sale of Lands held in common," or any other Ordinance to be hereafter in that behalf enacted, shall abate and be transferred to the registrar, who shall be empowered to hear, determine, and dispose thereof in the same manner as the said district court could have done if such suit or proceeding had not been so transferred. Provided, however, that no pending suit for the foreclosure or realization of any mortgage shall abate and be transferred to the registrar under this section.</p>
<p>Transfer of pending actions to the registrar.</p>	
<p>Partition suits to be referred to registrar. [§ 30, 4 of 1880]</p>	
<p>Registrar shall proceed to the spot and receive claims.</p>	<p><b>7</b> On the day appointed in such notice the registrar shall proceed to the said division, and shall then, or on such other early day as he shall then and there from time to time publicly appoint, inquire for, receive, and record on the spot all claims made by all persons to or in respect of any and every of the lands situate therein.</p>
<p>Mode of making claims and procedure thereupon.</p>	<p><b>8</b> Every person having or claiming to have any right, title, or interest, in or to any such lands, whether in possession, reversion, remainder, or expectancy, except as monthly</p>

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tenant, and whether by way of mortgage, hypothec, lien, charge, or otherwise, other than such hypothec, lien, or charge as may arise or be created or have arisen or have been created under or by virtue of any Ordinance already or hereafter to be enacted, and other than by way of prædial servitude, shall personally or by his agent deliver to the registrar, within such time as he shall then appoint, a statement of his claim in writing, signed by such claimant or his agent, and worded as near as may be according to the form B in the schedule hereunto annexed. Provided that it shall be competent for any such claimant or agent as aforesaid, instead of delivering such statement in writing, to appear in person before the registrar, within such time as last aforesaid, and to state verbally the particulars of his claim; and the registrar shall record the same in writing in such form as aforesaid, and the same shall be signed by the claimant or his agent. And all such statements shall be filed and numbered by the registrar in the order in which they shall have been received or recorded as aforesaid.

9 After the statements of claims are filed and numbered in manner provided by the preceding section, the registrar shall appoint a time, as early as conveniently may be, and a place for investigating each claim to which no opposition is made or adverse right asserted, giving notice thereof to the claimant or his agent. The registrar may, if he think fit, from time to time appoint any other place or any other time for the investigation, or may adjourn the investigation from place to place and from time to time.

Registrar must first appoint time and place for investigating undisputed claims.

10 The claimant or his agent shall appear before the registrar at any place and time appointed by him for the investigation of such claims as are mentioned in the preceding section; and the registrar shall then investigate and consider the evidence, whether documentary, oral, or otherwise, adduced by each claimant or his agent in support of the claim to the land or interest therein set out in the claim; and if such evidence of right or title in the claimant to the said land or interest claimed by him is adduced, as according to the laws or customs of this island would in the judgment of the registrar be accepted by a willing purchaser as sufficient evidence of title, the registrar shall record on the statement of claim that the claimant has made out a title of the first class to the land or interest claimed, subject or not (as the case may be) to any other right or interest admitted by such claimant; and if the evidence adduced by the claimant falls short of such evidence as aforesaid, and the registrar is satisfied that the claimant is in the actual and *bonâ fide* possession or enjoyment of the land or interest therein claimed by him, or that his claim thereto is otherwise reasonable and *bonâ fide*, the registrar shall record on the said statement of claim that the claimant has made out a title of the second class to the land or interest therein claimed by him, subject or not (as the case may be) to any other right or interest admitted by such claimant.

Investigation of undisputed claims.

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disputed claims.Reference to  
arbitration.

11 After the completion by the registrar of the investigation of undisputed claims, he shall proceed to consider the statements of claims in which two or more persons shall have claimed a right, title, or interest in or to the same land adversely to each other. In such cases the registrar shall propose to them the settlement of their disputes by means of a reference to arbitration. And in case they consent thereto they shall name an arbitrator, and if they do not mutually agree to the nomination of an arbitrator each party so claiming adversely to the other or others shall name an arbitrator, with power to the arbitrators, before proceeding with their investigation, to name the registrar himself or any other person as an umpire. And the parties shall thereupon sign a submission in the form C in the schedule hereunto annexed. And the award of such arbitrator or arbitrators or of their said umpire shall, if made and published within fourteen days from the date of the submission, or within such other period as the registrar shall at the time of such submission or thereafter upon cause shown at any time or from time to time by writing appoint, be binding upon the said parties and conclusive as regards the said disputes. And no such award shall be re-opened or set aside, except upon proof to the registrar of fraud, misconduct, or corruption; in which case it shall be competent for the registrar to set aside the award, and for the parties to enter into a new submission, subject to the same conditions as hereinbefore provided in respect of the original submission.

Arbitrators to  
return award to  
registrar.Power of  
registrar to  
remit award.Fee to  
arbitrators.

12 As soon as the arbitrator, arbitrators, or umpire shall have made his or their award, it shall be his or their duty to return the same without delay, together with all the proceedings or depositions recorded by him or them, to the registrar, who shall in accordance with the terms of the award record on the respective statements of claims of the claimants, whose claims have in any respect been upheld, the nature and interest of the title to the land or interest claimed, and whether the title thereto is a title of the first class or of the second class. Provided that it shall be lawful for the registrar from time to time to remit the award back to the arbitrators or umpire for amendment in cases where the award has left any material issue undetermined, or is in any respect defective, obscure, or uncertain. The registrar shall also determine the amount of the fees to be paid to such arbitrators and umpire, and by whom the same shall be payable. Such fees shall be recoverable by writ of execution against property and person, which the registrar is hereby authorized to issue to the fiscal, who shall duly carry out the same in the same manner as such writs when issued by district courts are carried out. Provided always that the registrar shall not be entitled to any fee for acting as such umpire.

Failing  
arbitration,  
registrar to

13 In case the persons so claiming as last aforesaid shall not consent to an arbitration, or in case no award shall be made and published within the time limited in that behalf,

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the registrar shall fix a day for the investigation and hearing of the disputed claims, notice whereof shall be given to the claimants respectively or posted on a conspicuous place in the land in dispute.

investigate  
and determine.

14 At any such investigation, as in the preceding section mentioned, the claimants may appear either personally or by counsel. At the close of the investigation the registrar shall determine and decide upon the respective claims of the parties, and whether the title made out is one of the first class or of the second class, according to the principles set out in the 10th section, and shall make his record on the statement of claims accordingly. The registrar shall also tax the costs of the investigation, and determine by whom the same shall be payable; and such costs shall be recoverable by writ of execution against property and person, which the registrar is hereby authorized to issue to the fiscal, who shall duly carry out the same in the same manner as such writs when issued by district courts are carried out.

Procedure at  
investigation.

15 It shall be the duty of the registrar at such investigations as aforesaid to determine and record with as much exactness as practicable the boundaries of every land in respect of which any claim shall be upheld. And if any land shall be held in undivided shares by two or more persons, and the parties whose claims have been upheld shall consent thereto, it shall be lawful for the registrar to make partition of such land between or amongst the parties entitled thereto. And it shall be lawful for him to cause boundaries to be constructed or marked on any such land brought within the operation of this Ordinance, at the expense of the parties interested therein. Any person wilfully destroying, removing, injuring, or defacing any boundary so constructed or marked shall be guilty of an offence, and liable on conviction to any such punishment as a police court has power to inflict.

Registrar to  
determine  
boundaries.

16 The determination and decision of the registrar upon such claim shall, subject to the appeal hereinafter allowed, be final and conclusive upon the claimants and upon those claiming under any of them by any title acquired subsequent to the claim being made.

Registrar's  
decision final.

17 The registrar or any other arbitrator or umpire appointed under the provisions of this Ordinance may from time to time, as he shall see occasion, by a writing under his hand (in the form D in the schedule hereunto annexed) summon any person to appear before him at any time or place in such writing mentioned to testify touching the subject of the investigation before such registrar, arbitrator, arbitrators, or umpire, and, if need be, to produce any documents in the possession or control of such person, and may cause the said writing to be served on such person or left at his usual or (failing such being known) his last known place of abode. And every person so summoned, who shall

The registrar  
and arbitrators  
may summon  
and examine  
witnesses, and  
call for  
documents.

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<p>And inflict penalty for disobedience.</p> <p>Mode of recovering such penalty.</p>	<p>without reasonable or sufficient cause fail to appear, or shall without like cause refuse to be examined on oath or affirmation, or to answer any question which shall be put to him relating to the matter under investigation (which oath or affirmation the registrar, arbitrator, arbitrators, or umpire is and are hereby authorized to administer), or shall (without like cause) refuse or wilfully neglect to produce any such documents as aforesaid, shall for every such refusal or neglect be liable to such fine (not exceeding fifty rupees) as the registrar, arbitrator, arbitrators, or umpire shall think fit by an order under his or their hand or hands to impose. And it shall be lawful for the registrar, arbitrator, arbitrators, or umpire, in every such order, to direct payment of any such fine to be made into the police court of the district in which the said division is situate; and it shall be lawful for the registrar, in the event of any such fine being imposed, to require the offender to enter into such recognizance, with or without sureties, as the registrar shall determine, to appear before such police court, and in default of entering into such recognizance to direct the fiscal to arrest and keep such offender in custody until he can be conveniently brought before such police court; and if payment is not made as therein directed, the said police court shall proceed to enforce the same, as well as payment of all charges relating to the recovery thereof, and to deal with the persons liable in that behalf in such and the same manner as if the fine had been imposed by the said court. Provided always that all evidence taken or tendered before the registrar or any such arbitrator or umpire shall be subject to the same rules of evidence as are applicable to evidence taken in civil proceedings before ordinary courts of justice.</p>
<p>Mode of taking evidence.</p>	<p><b>18</b> All evidence and examination of parties taken before the registrar or any arbitrator or umpire shall be taken down by him in writing, and shall, when complete, be read over and explained to the witness giving the same; and the depositions shall thereupon be signed by him, or in the case of his refusal by the registrar, arbitrator, or umpire. And if any such witness shall in his examination knowingly and wilfully state any matter or thing which shall be false, he shall be liable to the pains and penalties attached to the offence of perjury.</p>
<p>Punishment in case of false evidence.</p>	<p><b>19</b> The record of all evidence, whether oral or documentary, taken by the registrar at the investigation of each claim (whether disputed or undisputed), shall be made up in a separate file, and the finding or decision thereon, and his reasons therefor and all orders of the registrar in relation thereto, shall be duly entered on the said record. And the record so made up shall be open at all reasonable times, upon application in writing being first made to the registrar, to the inspection of any party interested in such claim or his duly authorized counsel or agent, who shall be entitled to copies of such record or any part thereof, to be made at the expense of the party applying for the same.</p>
<p>Record to be made up.</p>	

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**21** If any claimant or his agent be dissatisfied with any finding, decision, or order of the registrar, whether given or made in respect of a disputed or an undisputed claim, he may within ten days after the pronouncing thereof appeal to the Supreme Court; and the registrar shall without delay forward to the said court the record so made up as aforesaid, and the said court shall make such order, in conformity with the provisions of this Ordinance, as the justice of the case may require, and such order, as shall be made by the Supreme Court under this section, the registrar shall duly carry into effect. Provided, however, that no appeal shall lie against any order or decision made in pursuance of any award returned under the provisions of the 11th section, and no appeal shall be entertained unless the appellant shall within ten days of the date of such appeal give security for the probable costs of the investigation and of the appeal, the amount whereof shall be fixed by the registrar. Except as aforesaid, and except so far as relates to stamps, every such appeal shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from interlocutory orders of district courts are dealt with and disposed of.

Appeal to the Supreme Court from finding of the registrar.

*III.—Publication of Claims.*

**22** So soon as the registrar shall have completed his inquiries respecting the lands in any division, he shall prepare a notice calling upon all persons who may assert a right adverse to that of any of the claimants whose claims have been upheld by him, to assert such right within six months from the date thereof; and every such notice shall be as near as may be in the form D in schedule L hereto annexed.

Registrar shall notice claimants. [§ 27, 4 of 1889]

**23** And the registrar shall cause copies of the said notice in the English, Sinhalese, and Tamil languages to be published at least once a month in the *Government Gazette* and in two of the local newspapers, and to be affixed on the walls of the kachchéri and the several courts of the district in which the said division is situated, and in such other localities whereby the greatest possible publicity thereto may be secured; and shall also cause the said notice to be advertised by beat of tom-tom once a month at least during the said period of six months throughout the said division.

Final notice to all claimants.

**24** All the said claims (whether delivered by the claimants to the registrar or by him reduced to writing) shall at all reasonable times within the said period of six months, upon a written application in that behalf, be open to the inspection and perusal of all persons claiming to be interested in the said lands, and of their respective duly authorized agents, with liberty to them to demand and receive copies thereof or extracts therefrom, at their own costs and charges respectively.

Claims to be open to inspection.

**25** And every such claim as shall have been made in pursuance of such notice as aforesaid shall be dealt with and disposed of by the registrar, unless the parties agree to

And to be decided by registrar.

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refer the same to arbitration, in the same manner and subject to the said provisions hereinbefore set forth in respect of claims made under the 8th section.

IV.—*Registration of existing Titles, Interests, and Incumbrances.*

After expiration of six months from notice land and titles to be registered.

[See § 26, 4 of 1880]

**26** Immediately after the lapse of the period of six months mentioned in the 22nd section the registrar shall proceed to register all the lands situate within the said division by entering in a book (bearing the name of such division or of the village or district wherein it is situate) a copy of the plan thereof, and also a copy of each allotment thereof on a separate page, together with the name of the owner or owners, and of all other persons whose rights and interests, whether in possession, reversion, remainder, or expectancy, and whether by way of lease, mortgage, plantation, or otherwise, shall have been upheld up to date, together with such other particulars and references as may be necessary to secure the proper identification of every such allotment with the land to which it refers, with the claims made thereto and with the certificate to be issued in respect thereof. And every such book and plan shall be kept in duplicate, and one copy thereof shall be preserved in the land register office in Colombo, and the other in the branch office of the province or district in which such village, district, or division is situate.

Books and plans open to inspection.

**27** Every such book and plan shall at all reasonable hours, upon a written application in that behalf, be open to the inspection and perusal of all persons claiming to be interested in any of the lands therein registered, and to their duly authorized agents, with liberty to demand and receive copies thereof or extracts therefrom at their own costs and charges.

After the expiration of six months certificates of title to be issued.

[See § 19, 4 of 1880]

**28** At the end of the period of six months mentioned in the 22nd section the registrar shall, upon delivery to him of the proper stamp in that behalf, proceed to issue certificates of title, interest, or incumbrance in terms of their respective claims, and stating whether the title is one of the first or of the second class, to each of the persons whose right, title, or interest has not been disputed, or having been disputed shall have been upheld by an award or by the decision of the registrar, or of the Supreme Court in case of an appeal, as hereinbefore provided. Provided, however, that if any proceeding at law or before the registrar in respect of any claim shall be pending at the expiration of the said period of six months, the registrar shall suspend the issuing of the certificate in respect of the right, title, or interest thereby put in issue until the final adjudication thereof, and thereafter and after such further inquiry, as he shall deem necessary, he shall issue in favour of the person or persons whose right, title, or interest shall have been upheld, a certificate of title to such right, title, or interest of such class as shall have been established. Provided also that the registrar



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may in any other case, where he deems it necessary, suspend the issuing of the certificate; but any person aggrieved by such suspension may appeal therefrom to the Supreme Court; and such appeal shall be entered and dealt with in the same manner and subject to the same rules as appeals under the 21st section. Provided also that the registrar shall in no case issue any certificate of title until he shall have previously registered the land therein referred to in manner provided by the 26th section, as well as the right, title, or interest in respect of which such certificate is about to be issued.

Certificate not to be issued until after registration of land.

**29** Every certificate of title shall be either (1) a certificate of ownership; (2) a certificate of interest; or (3) a certificate of incumbrance. Certificates of ownership shall be granted to those persons whose right, as owners in possession (but not necessarily in occupation), to the land or any undivided share thereof (whether subject or not to any lease, mortgage, or other interest) shall have been upheld. Certificates of interest shall be granted to persons whose rights by way of lease, tacit, hypothec, charge, lien, planter's interest, contract, or otherwise (except rights by way of mortgage under a notarial instrument and such rights as would be included in a certificate of ownership), or whose rights in remainder, reversion, or expectancy in or to the land or any undivided share thereof have been upheld. Certificates of incumbrance shall be granted to mortgagees of the land or any undivided share thereof or interest therein under notarial instruments.

Certificates of title:  
(1) of ownership;  
(2) of interest;  
(3) of incumbrance.

**30** Certificates of ownership shall be as near as is material in the form G, certificates of interest as near as material in one of the forms H, and certificates of incumbrance as near as material in the form I in the schedule hereunto annexed, and shall be signed by the registrar, and shall contain a correct plan and description of the land therein referred to, with figures and references necessary to identify it on the plan or division in which it is situate, and a correct statement of the right, title, or interest of the party to whom it is issued, and of all parties having a prior preferent or concurrent right or interest therein, together with the dates or particulars thereof, and (if created by deed) the name and residence of the notary, judge, commissioner, or justice who may have attested the same.

Form of certificate of title.

[See § 32, 4 of 1889]

*V.—Effect of Registration.*

**31** Every certificate of ownership, interest, or incumbrance shall have the effect of absolutely barring all claims to the land therein mentioned, or to any right or interest thereto or therein which shall have arisen or accrued prior to the date of such certificate, and which might have been registered under the provisions of this Ordinance, but which at the date of such certificate had not been so registered, save and except as is excepted by the following section.

Effect of certificate in barring claims.

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What claims may be made after certificate.

**32** Excepting as is hereinafter excepted, persons having or claiming to have any right, title, or interest in or to any land against the holder of a certificate of the first class shall be entitled to prosecute their claim by action in some court having jurisdiction in the matter within two years from the date of the certificate ; and against the holder of a certificate of the second class within four years from the date of the certificate. Persons absent from the island, whose claims shall not have been preferred by their agents and disposed of under the provisions of this Ordinance, shall be entitled to prosecute their claims within four years from the date of the certificate, whether of the first or the second class. Persons under legal disability shall be entitled to prosecute their claims within three years from their disability ceasing ; and the terms hereby fixed for prosecuting claims shall only begin to run against persons claiming estates in remainder or reversion from the time when such persons acquired a right of possession or enjoyment of the land or interest which formed the subject of their claims.

Persons under disability.

Reversioners.

Holder of a subsequent decree may apply to registrar for certificate.

**33** If any such action as aforesaid shall have been decided in favour of any party and against the holder of a certificate, it shall be competent for such party or any person claiming under him, upon production of a duly certified copy of the decree in his favour, to apply to the registrar for a certificate, and the registrar shall, subject to such investigation as he shall deem expedient, issue to such party or person claiming under him a certificate of title, interest, or incumbrance, as the case may be, of the first or second class, as the case may require, regard being had to the principle laid down in section 10.

Notice of actions to be given to the registrar.

**34** No action in the 32nd section mentioned shall prevent any claims being barred, unless written notice of such action shall have been previously given to the registrar. The registrar shall immediately upon the receipt of such notice record the same and the date of receiving it.

After term for bringing action has expired, certificate of second class may be exchanged for certificate of first class.

**35** It shall be lawful for the holder of a certificate of the second class, at any time after the expiration of four years from the date thereof, to apply to the registrar to have it exchanged for a certificate of the first class ; and if the registrar shall have received no notice of any action having been commenced with reference to the land or interest forming the subject of such certificate, within the time within which such action is required to be brought under the 32nd section, or if any such action shall have been brought and decided in favour of the holder of the certificate, the registrar shall give to such holder a certificate of the first class in exchange for his certificate of the second class, and such certificate of the first class shall be taken for all intents and purposes as dated on the same day as the certificate of the second class for which it shall be given in exchange.

Purchasers and mortgagees for

**36** Should the holder of a certificate of the first class have alienated, demised, or incumbered for valuable consideration

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the land or interest mentioned in such certificate at any time after three years from the date thereof, and before any notice of action has been given to the registrar as hereinbefore provided by the 34th section, and the alienee, lessee, or mortgagee shall have duly registered such alienation, demise, or incumbrance, all rights and claims in or to such land or interest which shall not have been registered at the time of such alienation, demise, or incumbrance, shall, notwithstanding that any claimant may have been under disability or entitled in remainder or reversion only at the date of such alienation or incumbrance, be deemed to be extinguished and null and void as against the alienee, lessee, or mortgagee for valuable consideration, saving, however, to every claimant the right to proceed against the person to whom the certificate was originally granted to recover the value of such land or interest at the time when the same was so alienated or incumbered, or such greater sum as may, in the opinion of the court before which the claim is prosecuted, be equivalent to the injury which he has sustained by the loss of the land or interest.

valuable consideration protected.

VI.—*Miscellaneous.*

**37** When any notice is required to be given under any of the provisions of this Ordinance, it shall be sufficient (unless otherwise expressly required by this Ordinance) if such notice is served either personally or left at the last known place of abode of the persons to be served therewith.

Notices how given.

**38** No lien, charge, mortgage, or hypothec (other than such as may arise or be created under or by virtue of statutory enactment) shall be created or effected so as to be of any legal validity upon or in respect of any immovable property, the title to which shall have been registered under the provisions of this Ordinance, unless the same be created or effected by the order of a competent court, or by a last will, or by a duly executed notarial instrument.

Future tacit hypothecs abolished.

**39** Every transfer, assignment, or mortgage effected by any instrument, executed after the passing of this Ordinance, of any vegetable produce of any land to be grown, gathered, or cut after the expiration of one year from the date of such instrument, shall, if the value of the produce thereby expressed to be transferred, assigned, or mortgaged exceed five thousand rupees, be deemed, for the purposes of this Ordinance, and of the said Ordinances No. 8 of 1863 and No. 3 of 1865, to create an interest in land, notwithstanding that by the terms of such instrument an interest in land would not otherwise be created. But except as aforesaid no vegetable produce growing or to be grown on any land shall be deemed to be an interest in land for the purpose of this Ordinance or of the said Ordinances No. 8 of 1863 and No. 3 of 1865.

Growing crops not an interest in land.

**40** This Ordinance and the Ordinances No. 8 of 1863 and No. 3 of 1865 shall be read as one Ordinance.

Ordinance to be read as one with former Ordinances.

**41** The stamp duties mentioned in the schedule K hereto annexed shall be chargeable in respect of the instruments

Stamps.

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therein mentioned instead of the corresponding duties mentioned in the schedule to the said Ordinance No. 3 of 1865. No stamp duties shall be required for any proceedings taken under this Ordinance save such as are mentioned in the said schedule K or in the schedule to the said Ordinance No. 3 of 1865, and no certificate of incumbrance to be issued by the registrar shall be liable to or chargeable with stamp duty, if the incumbrance has been previously registered under the provisions of the said Ordinances No. 8 of 1863 and No. 3 of 1865, or either of them.

Penalty on obstructing persons acting under this Ordinance.

**42** Any person who shall wilfully resist, obstruct, or hinder, or who shall incite or assist any person to resist, obstruct, or hinder any person acting in pursuance of any duty or power vested in him by this Ordinance, or who shall unlawfully tear, deface, or remove any notice affixed under any of the provisions of this Ordinance, shall be guilty of an offence, and liable to a fine not exceeding fifty rupees.

Penalty on abuse of authority.

**43** Any person who shall, under pretence of performing any act under the authority of this Ordinance, use unnecessary violence or give any vexatious annoyance, shall be liable to a fine not exceeding fifty rupees.

No sequestration or seizure operative unless notice thereof given to registrar.

**44** No sequestration by order of court or seizure in execution of any immovable property shall render null and void or invalid any subsequent alienation or incumbrance of such property, unless a notice of such sequestration or seizure shall be given to the registrar of lands for the district in which such property is situate, within seven days of such sequestration or seizure, anything in the 42nd section of "The Fiscals' Ordinance, 1867," to the contrary notwithstanding. It shall be the duty of such registrar to keep a proper record of such notices, which shall be open to the inspection (upon written application in that behalf) of any person interested therein.

Deeds relating to lands omitted from register to be incapable of registration.

**45** From and after the expiration of twelve months from the publication of the notice mentioned in the 22nd section, no deed or instrument affecting any land or other immovable property situate in any district brought within the operation of this Ordinance shall be admitted to registration under the said Ordinances No. 8 of 1863 and No. 3 of 1865, or either of them, unless the title to such land shall have been registered under the provisions of this Ordinance.

Deeds relating to registered lands not admissible in evidence unless registered.

**46** When the title to any land or interest therein shall have been registered under the provisions of this Ordinance, no deed or instrument, other than a last will, affecting such land or interest shall be admissible as evidence of any right, title, or interest therein in any civil proceeding in any court, unless such deed or instrument shall be duly registered under the provisions of the said Ordinances No. 8 of 1863 and No. 3 of 1865.

Rights of public and Crown reserved.

**48** Nothing in this Ordinance shall be held to affect any rights which the public may possess or be entitled to in respect of any immovable property, or the rights of the Crown.

**49** The 5th section of this Ordinance shall come into operation upon the date of the passing of this Ordinance; the remainder of this Ordinance shall come into operation in each division at such time as its operation shall be proclaimed under the provisions of the 5th section.

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Operation of  
Ordinance.

*Registration of Titles to Land.*No. 4 OF 1889—*contd.*

possession as against the unsuccessful claimant or claimants, and the registrar may at his discretion order such writ to issue as near as material in the form A in schedule I. hereto, upon the applicant giving such security as shall be determined by the registrar, and such writ shall be enforced according to the terms thereof by the fiscal, in the same manner as if such writ was issued by a district court.

**Proviso.**

Provided that in any case in which an appeal is allowed to the Supreme Court under the 21st section of the principal Ordinance, no writ of possession shall issue before the expiry of the time allowed for such appeal, and that in the event of an appeal being taken the registrar may, after the Supreme Court has made order thereon, issue a writ of possession in conformity with such order.

**Procedure in event of resistance to execution of writ of possession.**

7 If in the execution of a writ of possession issued under section 6 the officer charged with the execution of the writ is resisted or obstructed by any person, or if after the officer has delivered possession the person placed by the officer in possession is hindered by any person in taking complete and effectual possession, the person in whose favour the writ of possession has issued or his agent may at any time, within one month from the time of such resistance or obstruction, complain thereof to the registrar, and the registrar shall appoint a day for the determination of the complaint, and intimate to the person obstructing the writ that he will be heard in opposition to the petitioner if he appears before the registrar for that purpose on the day so appointed.

**Punishment of person obstructing execution of writ of possession.**

8 On the hearing of the matter of the petition of complaint so made, the registrar, if he is satisfied that the obstruction or resistance complained of was occasioned by one or more of the unsuccessful claimants, or by some persons at his or their instigation, may sentence such unsuccessful claimant or claimants, or the person acting on the instigation of such unsuccessful claimant or claimants, to imprisonment for a term not exceeding thirty days, and direct the person in whose favour the writ of possession issued to be put in possession of the property.

**Claims to property seized to be reported by fiscal and investigated by registrar.**

9 If in the execution of a writ issued by the registrar any claim is preferred to, or objection offered against, the seizure or sale of any immovable or movable property which may have been seized thereunder as not liable to be sold, the fiscal or deputy fiscal shall, as soon as the same is preferred or offered, as the case may be, report the same to the registrar, and the registrar shall thereupon proceed in a summary manner to investigate such claim or objection, and shall record the evidence, whether oral or documentary, taken at such investigation, in a separate file; and his finding or decision thereon, and his reasons therefor, and his orders in relation thereto, shall be duly entered on the said record. And the record so made up shall be open at all reasonable times, upon application in writing first being made to the registrar, to the inspection of any party interested in such investigation, or his duly authorized counsel or agent, who shall be entitled to copies of such record or any part thereof, to be made at the expense of the party applying for the same.

**Registrar may stay sale.**

10 If the property to which the claim or objection applies shall have been advertised for sale, the sale may (if it appears to the registrar necessary) be postponed for the purpose of making the investigation mentioned in the preceding section. Provided that no such investigation shall be made if it appears to the registrar that the making of the claim or objection was designedly and unnecessarily delayed with a view to obstruct the ends of justice.

*Registration of Titles to Land.*No. 4 OF 1889—*contd.*

- 11 The claimant or objector must on such investigation adduce evidence to show that at the date of the seizure he had some interest in, or was possessed of, the property seized. Claimant to adduce evidence.
- 12 If upon the said investigation the registrar is satisfied that for the reason stated in the claim or objection such property was not, when seized, in the possession of the person against whose property the writ was issued, or of some person in trust for him, or in the occupancy of a tenant or other person paying rent to him, or that, being in the possession of the person against whose property the writ issued, at such time it was so in his possession, not on his own account or as his own property, but on account of, or in trust for, some other person, or partly on his own account and partly on account of some other person, the registrar shall pass an order releasing the property wholly, or to such extent as he thinks fit, from seizure. Discretion of registrar to release the property claimed.
- 13 If the registrar is satisfied that the property was at the time it was seized in possession of the person against whom the writ issued as his own property, and not on account of any other person, or was in possession of some other person in trust for him, or in the occupancy of a tenant or other person paying rent to him, the registrar shall disallow the claim. Registrar may disallow the claim.
- 14 If any party to any petition of complaint or to any investigation into any claim or objection against the execution of a writ be dissatisfied with any finding, decision, order, or sentence of the registrar given in respect of such petition of complaint or such investigation, he may within ten days after the pronouncing thereof appeal to the Supreme Court; and the registrar shall without delay forward to the said court the record so made up as aforesaid, and the said court shall make such order as the justice of the case may require; and such order as shall be made by the Supreme Court under this section the registrar shall duly carry into effect. Every such appeal shall be dealt with and disposed of in the same manner and subject to the same rules as appeals from orders of district courts are dealt with and disposed of. Appeal to the Supreme Court from finding of the registrar.
- Provided, however, that no appeal shall be so forwarded as aforesaid unless the appellant shall, within ten days from the date of such appeal, give security for the costs of the hearing or investigation and of the appeal, the amount whereof shall be fixed by the registrar. Proviso.
- Provided also that no appeal from any sentence of the registrar shall have the effect of staying the execution of such sentence, unless the appellant shall enter into a recognizance with or without sureties, as the registrar shall consider necessary, to appear and abide by the judgment of the Supreme Court upon the appeal. Proviso.
- 15 In case a claimant shall die in the interval between the date of his claim being upheld under the principal Ordinance and the date on which the certificate of title shall be issued, the certificate shall be issued in the name of the claimant, and the land shall devolve in like manner as if the certificate had been issued prior to the death of the claimant. Certificate to issue in name deceased claimant.
- 16 Every person or persons partitioning any land after the investigation of the claims to it by the registrar has terminated, shall forthwith furnish information respecting such partition to the registrar, and shall deposit with that officer a map of such land. The map shall exhibit distinctly every allotment into which the land has been divided, marked with distinct numbers or symbols, and show the areas, and shall be declared to be accurate by a declaration of a licensed surveyor, in the form B in schedule I. hereto. Communication of partition to registrar.

*Registration of Titles to Land.*No. 4 OF 1889—*contd.*

Surveyor.

No person shall be permitted to practise as a surveyor under this Ordinance or the principal Ordinance unless he shall have obtained a license from the Surveyor-General in the form C in schedule I. hereto; and in every case in which it may be necessary in the opinion of the Surveyor-General to test the competency of an applicant for a license by an examination to be conducted by the Surveyor-General or under his directions, the Surveyor-General shall be entitled to demand and receive a fee of twenty rupees for every such examination. All such fees shall be accounted for and appropriated as the Governor may from time to time direct.

Effect of partition when property is subject to mortgage.

17 If at the time any partition shall be made under the provisions of the principal Ordinance an undivided share only of the land, and not the whole thereof, shall be subject to mortgage, the right of the mortgagee shall be limited to the share in severalty allotted to his mortgagor by and under the same conditions, covenants, and reservations as shall be stipulated in the mortgage bond, so far as the same shall apply to a share in severalty, and the owner of the share in severalty so subject to mortgage shall, without a new deed of mortgage, warrant and make good to the mortgagee the said several part after such partition as he was bound to do before such partition.

Effect of partition when property is subject to lease.

18 If at the time any partition shall be made under the provisions of the principal Ordinance the property shall be held under any lease, the tenant thereof, or of any part thereof, before such partition was made, shall be tenant of such part set out severally to the respective owners thereof, by and under the same conditions, rents, covenants, and reservations as they held by and under, before such partition; and the owners of the several parts so divided and allotted as aforesaid shall, without any new deed of lease, warrant and make good to the said tenant or tenants the said several parts, severally, after such partition as they were bound to do before such partition.

Surrender of title deed on issue of certificate of ownership.

19 Every person entitled to a certificate of ownership under section 28 of the principal Ordinance shall, before the same is issued to him, deposit with the registrar every deed or instrument affecting the land referred to in the certificate.

Upon issuing a certificate of ownership the registrar shall endorse on every deed or instrument so deposited as aforesaid the nature of the certificate which has been issued in respect of the land described in the said deed or instrument. If any such deed or instrument shall relate to or include any property other than the land included in the certificate, the registrar shall return such deed or instrument to the person who deposited the same, but otherwise he shall retain such deed or instrument in his office; and no person shall be entitled to the inspection of any deed or instrument so retained, except upon the personal application or written order of the person who deposited the same, or any person or persons claiming through or under him or upon the order of some competent court.

Cancellation of certificate which has been superseded.

20 Upon the recovery of any land or interest therein, by any proceeding at law, from the holder of any certificate of title, the court shall recall and cancel every such certificate of title, and direct the registrar to cancel or correct any entry in the register book relating to such certificate of title; and the registrar shall give effect to such order and issue an amended certificate of title whenever necessary.

Power of registrar to correct errors.

21 The registrar shall, upon such evidence as shall appear to him sufficient in that behalf, correct errors in any certificate of title or in the register book, or entries made therein respectively, and supply omitted entries. Provided that, in the correction of



*Registration of Titles to Land.*No. 4 OF 1889—*contd.*

any such error, he shall not erase or make illegible the original words, and shall affix the date on which such correction was made or entry supplied, and his initials.

Every certificate of title or entry so corrected or supplied shall have the like validity and effect as if such error had not been made or such entry omitted, except as regards any deed or instrument which may have been registered previous to the actual time of correcting the error or supplying the omitted entry.

22 In case it shall appear to the satisfaction of the registrar that any certificate of title has been issued in error, or contains any misdescription of land or of boundaries, or that any entry in any certificate of title has been made in error, or that any certificate of title or entry has been fraudulently or wrongfully obtained, or that any certificate of title is fraudulently or wrongfully retained, he may summon the person to whom such certificate of title has been so issued, or by whom it has been so obtained, or is retained, or any person in whose possession such certificate may be, to deliver up the same for the purpose of being cancelled or corrected, or for the substitution and issue of such certificate of title as the circumstances of the case may require.

23 In case such person cannot be served with such summons, or he shall refuse or neglect to comply with such summons, the registrar may apply to the district court having jurisdiction with respect to the land for which the certificate of title issued, to issue a summons for such person to appear before the court and show cause why such certificate of title should not be delivered up to be cancelled or corrected; and if such person, when served with such summons, shall neglect or refuse to attend before such court at the time therein appointed, it shall be lawful for such court to issue a warrant authorizing and directing the person so summoned to be apprehended and brought before the court for examination.

24 Upon the appearance before the court of any person summoned or brought up by virtue of a warrant as aforesaid, it shall be lawful for the court to examine such person upon oath and to order him to deliver up such certificate of title, and upon refusal or neglect of such person to deliver up the same pursuant to such order, to commit him to jail for any period not exceeding six months, unless such certificate of title shall be sooner delivered up.

In such case, or in case a summons or warrant by the court cannot be served, the court may direct the registrar to cancel or correct any entry in the register book relating to such land, and to substitute and issue such certificate of title and make such entries as the circumstances of the case may require, and the registrar shall give effect to such order.

25 Every person who has acquired by purchase or otherwise the right, title, or interest in or to any land from a claimant subsequently to such claimant having delivered a statement of his claim or stated such claim to the registrar, and prior to the investigation of such claim by the registrar, shall personally or by his agent notify to the registrar his acquisition, and shall make his claim in writing or shall state verbally the particulars of his claim, and the registrar shall record in writing, and the claimant or his agent shall sign, such particulars in manner provided in the principal Ordinance; and the registrar, when satisfied that the person so notifying his acquisition has become legally entitled to the right, title, or interest of the original claimant to the land, shall proceed to investigate and decide the claim in manner provided by the principal Ordinance as if such person had originally stated his claim under the principal Ordinance.

Registrar may issue summons for the purpose of cancelling certificate of title.

Registrar may apply to court to compel delivery of certificate of title.

Court may order delivery of certificate of title.

Court may direct registrar to cancel certificate of title.

Power to registrar to substitute name of person acquiring original claimant's interest in lieu of original claimant.

*Registration of Titles to Land.*No. 4 OF 1889—*contd.*

When lands registered under section 26 of Ordinance No. 5 of 1877, all subsequent alienations and incumbrances to be registered in same book.

Notary to ascertain number of allotments of land and insert same at head of deed.

26 When the registrar has, under the provisions of the 26th section of the principal Ordinance, registered the lands situate in any division in a book bearing the name of such division or of the village or district wherein it is situated, all subsequent alienations or incumbrances affecting any right to or interest in any such lands as, under the said section, shall have been registered in the said book, shall be registered by the registrar or registrars of lands in such book, and not in the books mentioned in the 37th section of the Ordinance No. 8 of 1863.

28 It shall be the duty of every notary, from and after the expiration of the said period of six months, before attesting any deed or instrument affecting any land or any interest in land the title to which has been registered under the provisions of the principal Ordinance—

- (a) To ascertain the number of the allotment of such land in the registered plan, and to insert such number at the head of the deed or instrument attested by him ; and
- (b) To cause to be registered under the provisions of the law in that behalf every such deed or instrument attested by him ; and for that purpose he shall be entitled to demand and receive before attestation from the person at whose instance he prepares such deed or instrument the stamp duty payable for such registration, and to refuse to attest such deed or instrument if such stamp duty shall not have been paid.

If any notary shall neglect or fail to perform the duty imposed on him by this section, he shall be guilty of an offence, and shall be liable to a penalty not exceeding two hundred rupees. Provided that no deed or instrument shall be held to be invalid in consequence of the non-performance by the notary of the foregoing duty.

Costs.

31 It shall be lawful for the registrar at the hearing of the matter of a petition of complaint under section 8, or at any investigation held under section 9 or 22, to determine by whom the costs of the hearing or investigation shall be payable, and to tax the amount of such costs ; and such costs shall be recoverable in manner provided by section 14 of the principal Ordinance.

Plans may be signed by officer authorized thereto by Surveyor-General.

32 The plan and description of the allotment of land referred to in any certificate issued under section 30 of the principal Ordinance may be signed either by the Surveyor-General or by any officer of his department specially authorized thereto in writing by the Surveyor-General.

Rules.

33 The rules appearing in schedule II. hereto annexed shall regulate the practice and procedure of the registrar in the matters therein provided ; and the Governor in Executive Council may from time to time make such other rules not inconsistent with this or the principal Ordinance as may be necessary—

- (a) For the guidance of the registrar in dealing with and disposing of claims, and in all other matters relating to the investigation of claims and registration of titles and recovery of costs, damages, moneys, and expenses, and to appeals from the registrar not otherwise provided for in this or the principal Ordinance ;
- (b) For regulating the practice and procedure to be observed by fiscals in the execution of writs of execution against property and person and by the registrar in matters arising therefrom ; and
- (c) For every other purpose necessary for effectually carrying out the several provisions of this and of the principal Ordinance.

## Registration of Titles to Land.

## SCHEDULE TO ORDINANCE No. 5 OF 1877.

## A (Section 6).

## Notice of Investigation.

## Land Registration.

\_\_\_\_\_ Pattu } Weligampitiya { \_\_\_\_\_ District.  
 \_\_\_\_\_ Kóralé } \_\_\_\_\_ Province.

Notice is hereby given that I, A. B., Registrar-General of Lands (*Special Commissioner for the Registration of Lands*), will on the \_\_\_\_\_ day of \_\_\_\_\_ next proceed to investigate all claims to the lands situate in the village of (*Weligampitiya*), from lot 1 to lot 50 (*as the case may be*), as set forth in the Registration Plan No. 105.

And I do hereby require all persons owning or interested in the lands within the said village, or their agents or representatives, to appear before me at the (*resthouse at Weligampitiya*) at the time of such investigation, and to state their claims and the nature thereof to the said several lands.

Dated \_\_\_\_\_.

A. B., Registrar-General.  
 (*Or as the case may be.*)

## B (Section 8).

## Statement of Claims.

## Registration Plan No. 105.

\_\_\_\_\_ Pattu } Weligampitiya { \_\_\_\_\_ District.  
 \_\_\_\_\_ Kóralé } \_\_\_\_\_ Province.

No. of Allotment.	Name of Land.	Extent. A. R. P.	Claimant.	Extent of Claim.	Nature of Title.	Remarks by the Registrar.	Referred to arbitration.	Title made out.
8	Delgahawatta	1 1 32	Meddumage Juwanis Perera	The whole ...	By inheritance as only child of M. Welon Perera and his wife Juwana Silva			
			Meddumage Issac Perera	An undivided half	By inheritance from M. Francisco Perera, the deceased brother of M. Welon Perera (died 1856)			
			Adikariage Diyonis Silva	Mortgage, Ra. 150	Bond dated 15th October, 1871. J. D., Notary			
			Arachchige Bastian	Lease of whole for five years unexpired	Lease dated 20th November, 1873, from Meddumage Juwanis Perera. T. Silva, Notary			
			Kosgodage Harumanis	The whole ...	Fiscal's sale dated 1st September, 1872			
			Konstantinu Fernando	The whole ...	Judgment of District Court of Colombo in case No. 56,021, dated 7th January, 1869			

Date: \_\_\_\_\_.

(Signature of claimant or claimants.)

*Registration of Titles to Land.*

C (Section 11).

Reference to Arbitration.

*Registration Plan No. 105.*

*Delgahawatta.*                      \_\_\_\_\_ Pattu } *Weligampitiya* { \_\_\_\_\_ District.  
Allotment No. 18.                      \_\_\_\_\_ Kóralé }                      { \_\_\_\_\_ Province.

We, the undersigned, claimants of the above-mentioned land, do hereby agree, under the terms of the 11th section of "The Land Registration Ordinance, 1877," to refer all disputes touching our several claims to the above-mentioned land, as set forth in the statement of claims No. 12, to the arbitration and award of (*Adambarage Theodoris Alwis*) and (*Disaneke Joronis Pieris*, as the case may be), with power to them to nominate an umpire.

The award to be made within \_\_\_\_\_ days from the date hereof, unless the time be enlarged.

October 15, 1877.

Witness.

*A. B., Clerk.*

*M. Jucanis Perera.*

Mark of (+) *M. Isaac Perera.*  
*Diyonis.*

We, the above-named arbitrators, do hereby nominate the registrar (*or Sembuge Siman Perera*) as umpire.

Witness.

*A. B., Clerk.*

*A. Theodoris Alwis.*

*D. Joronis Pieris.*

D (Section 17).

Summons.

*Land Registration, Weligampitiya.*

*To Kulahat Harmanis, of Pallankena.*

You are requested to attend before me at \_\_\_\_\_ o'clock in the forenoon on the \_\_\_\_\_ day of \_\_\_\_\_, at the (*resthouse at Weligampitiya*) to testify touching the persons entitled to or interested in the land (*Delgahawatta*) in (*Weligampitiya*), and to produce all documents relating thereto which may be in your possession or control.

Date: \_\_\_\_\_.

*A. B., Registrar.*  
(*Or as the case may be.*)

G (Section 30).

Certificate of Ownership.

*Land Registration Ordinance, 1877.*

No. 160.

\_\_\_\_\_ Pattu } *Weligampitiya* { \_\_\_\_\_ District.  
\_\_\_\_\_ Kóralé }                      { \_\_\_\_\_ Province.

These are to certify that \_\_\_\_\_ has this day been registered as owner with a title of the *first (second)* class of (*an undivided one-half of*) an allotment of land at (*Weligampitiya*) in the district of (*Colombo*), as delineated and described in the margin hereof (*subject to a certain lease\* and to a certain incumbrance, † as hereunder mentioned*).

Given at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

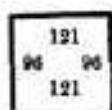
*A. B., Registrar.*

\* Lease dated \_\_\_\_\_ day of \_\_\_\_\_, for 20 years in favour of \_\_\_\_\_, *J. B., Notary.*

† Mortgage dated \_\_\_\_\_ day of \_\_\_\_\_, in the favour of \_\_\_\_\_, for Ra. 250 and interest at 8 per cent. per annum, in favour of \_\_\_\_\_, *J. D., Notary.*

Book vol. V., p. 18.  
Registered plan No. 105.  
Allotment No. 18.

†



Scale                      **A**

An allotment of land situate in the village (*Weligampitiya*) in the \_\_\_\_\_ kóralé.

Bounded N. by No. 106 of \_\_\_\_\_.

E. by No. 107 of \_\_\_\_\_.

S. by the river.

W. by high road.

Extent, 2a. 1r. 15p.

Surveyed by \_\_\_\_\_.

Surveyor-General's Office,

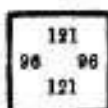
Date: \_\_\_\_\_.

*C. D.,*

Surveyor-General.

*Registration of Titles to Land.*

Book vol. V., p. 18.  
Registered plan No. 106.  
Allotment No. 18.



Scale **A**

An allotment of land situate in the village (*Weligampitiya*) in the ——— koralé.  
Bounded N. by No. 106 of ———.  
E. by No. 107 of ———.  
S. by the river.  
W. by high road.  
Extent, 2a. 1r. 15p.  
Surveyed by ———  
Surveyor-General's Office,  
Date: ———.  
*C. D.*  
Surveyor-General.

H (Section 30).

Certificate of Interest.

(a) Lease.

*Land Registration Ordinance, 1877.*

No. 152.

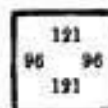
———— Pattu } *Weligampitiya* { ——— District.  
———— Kóralé } ——— Province.

These are to certify that ——— has this day been registered as lessee with a title of the *first (second)* class for a term of *ten years (whereof seven years are still unexpired)* of an allotment of land at (*Weligampitiya*) in the district of (*Colombo*), as described in the margin hereof, by virtue of a lease dated, &c., and attested by ———, Notary Public.

Given at ———, this ——— day of ———, 18 —.

*A. B.*  
Registrar.

Book vol. V., p. 18.  
Registered plan No. 106.  
Allotment No. 18.



Scale **A**

An allotment of land situate in the village (*Weligampitiya*) in the ——— koralé.  
Bounded N. by No. 106 of ———.  
E. by No. 107 of ———.  
S. by the river.  
W. by high road.  
Extent, 2a. 1r. 15p.  
Surveyed by ———  
Surveyor-General's Office,  
Date: ———.  
*C. D.*  
Surveyor-General.

(b) Reversion.

*Land Registration Ordinance, 1877.*

No. 152.

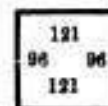
———— Pattu } *Weligampitiya* { ——— District.  
———— Kóralé } ——— Province.

These are to certify that ——— has this day been registered as owner in reversion with a title of the *first (second)* class of an allotment, &c., expectant upon the decease of ———, who has a life interest therein by virtue of a marriage settlement dated, &c., and attested by ———, Notary Public.

Given at ———, this ——— day of ———, 18 —.

*A. B.*  
Registrar.

Book vol. V., p. 18.  
Registered plan No. 106.  
Allotment No. 18.



Scale **A**

An allotment of land situate in the village (*Weligampitiya*) in the ——— koralé.  
Bounded N. by No. 106 of ———.  
E. by No. 107 of ———.  
S. by the river.  
W. by high road.  
Extent, 2a. 1r. 15p.  
Surveyed by ———  
Surveyor-General's Office,  
Date: ———.  
*C. D.*  
Surveyor-General.

(c) Contract.

*Land Registration Ordinance, 1877.*

No. 152.

———— Pattu } *Weligampitiya* { ——— District.  
———— Kóralé } ——— Province.

These are to certify that ——— has contracted to purchase for ——— the owner thereof, and ——— has contracted to sell to ———, an allotment, &c., for the sum of ——— rupees, whereof the sum of ——— rupees has been already paid to ———, and the balance is payable on, &c., under a contract dated, &c., and attested by ———, Notary Public. The title of the said ——— is a title of the *first (second)* class to the benefits of the said contract.

Given at ———, this ——— day of ———, 18 —.

*C. D.*  
Registrar.

*Registration of Titles to Land.*

I (Section 29).

Certificate of Incumbrance.

Book vol. V., p. 18.  
Registered plan No. 106.  
Allotment No. 18.

An allotment of land called *Delgachawatta*, situated in the village *Weligampitiya*, in the *Atakuru kūrūle*.

Bounded N. by No. 106 of ———,  
E. by No. 107 of ———,  
S. by the river,  
W. by high road.

Extent, 2a. 1r. 15p.

———— Pattu } *Weligampitiya* { ——— District.  
———— Kōralé } ——— Province.

These are to certify that ——— has this day been registered as mortgagee of an allotment of land at (*Weligampitiya*), in the district of (*Colombo*), as described in the margin hereof, by virtue of a mortgage bond for Rs. 150 and interest, bearing date the 15th day of *July, 1872*, attested by *F. J. de Saram*, Notary, subject (*as the case may be*) to a certain previous incumbrance as hereunder mentioned.\*

Given at ———, this ——— day of ———, 18 —.

*C. D.*,  
Registrar.

\* Previous incumbrance:—A mortgage in favour of *Welikalage Siman*, of *Colombo*, for Rs. 100, with right of possession in lieu of interest, dated 15th September, 1862. *J. Driberg*, Notary.

————

K.

	Rs. c.
Every claim under section 8 ... ..	0 50
Certificate of ownership : for every acre or part of an acre (but in no case to exceed 200 rupees), under section 29 ...	0 50
Certificate of incumbrance or interest, under section 29 ...	1 0
Application, copy, or extract... ..	1 0

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SCHEDULE I. TO ORDINANCE No. 4 OF 1889.

A.

Form of Writ of Possession.

In the matter of the claim of ———, of ———, and others, under "The Land Registration Ordinances, 1877 and 1889."

Registration Plan No. ———.

———— Pattu } ——— { ——— District.  
———— Kōralé } ——— Province.

*A. B.*—Statement of claim No. ———.

*C. D.*—Statement of claim No. ———.

*E. F.*—Statement of claim No. ———.

To the Fiscal of the ——— Province.

Whereas by an order dated the ——— day of ———, 18 —, the registrar upheld the claim of *A. B.*, of ———, claimant under "The Land Registration Ordinances, 1877 and 1889," as against *C. D.*, of ———, and *E. F.*, of ———, to the land ———, No. ———, in registration plan No. ———, bounded ———.

These are to command you that without delay you enter the said land and cause the said *A. B.* to have possession of the said land and premises, or such person as he shall authorize to receive possession of the same, and if need be remove the said *C. D.* and *E. F.* and any person claiming under both or either of them.

*Registration of Titles to Land.*

You are further commanded to return this writ on or before the \_\_\_\_\_ day of \_\_\_\_\_, 18 —, with an endorsement showing the day on, and the manner in which it has been executed, or the reason why it has not been executed.

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

The \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

\_\_\_\_\_

## B.

In the matter of "The Land Registration Ordinances, 1877 and 1889," and in the matter of the partition of land No. —, registration plan No. —.

I, \_\_\_\_\_, solemnly and sincerely declare and affirm as follows:—

I am a surveyor specially licensed by the Surveyor-General of the Island of Ceylon for the purposes of "The Land Registration Ordinances, 1877 and 1889."

The plan now produced and shown to me (marked A) is a true and correct survey of the land No. \_\_\_\_\_, registration plan No. \_\_\_\_\_; and I have truly and correctly delineated thereon its areas, boundaries, and allotments, and the area of each allotment into which the said land has been subdivided and partitioned.

And I make this solemn declaration conscientiously believing the same to be true.

(Signed) *A. B.*

The \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

\_\_\_\_\_

## C.

## Surveyor-General's License.

In the matter of "The Land Registration Ordinances, 1877 and 1889."

I, \_\_\_\_\_, Surveyor-General of the Island of Ceylon, being satisfied of his competency in that behalf, do hereby authorize and license \_\_\_\_\_, of \_\_\_\_\_, to practise as a surveyor under "The Land Registration Ordinances, 1877 and 1889."

\_\_\_\_\_  
Surveyor-General.

The \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

\_\_\_\_\_

## D.

## Final Notice to Claimants.

Registration plan No. —.

_____ Pattu	}	_____	{	_____ District.
_____ Kóralé				_____ Province.

All persons having or pretending to have any claim to any of the lands situated in \_\_\_\_\_ aforesaid, and asserting a right adverse to that of any of the claimants whose claims have been upheld by the registrar, are hereby required to prefer their claims before the registrar within six months from the date hereof.

The \_\_\_\_\_ day of \_\_\_\_\_, 18 —.

\_\_\_\_\_  
Registrar.

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*Registration of Titles to Land.*

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## SCHEDULE II. TO ORDINANCE No. 4 OF 1889.

1. When a day is fixed for the investigation and hearing of a disputed claim, the claimants or their agents shall deliver to the registrar a list of their witnesses and of their documentary evidence, and no witness shall be called nor any document admitted at the investigation other than those appearing in such list, unless the registrar, on cause shown, shall see fit to direct otherwise. Provided that it shall be competent for any such claimant or agent as aforesaid, instead of delivering such list in writing, to appear in person before the registrar and to state verbally the names of the witnesses and to specify the documents intended to be relied on, and the registrar shall record the same in writing, which shall be signed by the claimant or his agent.

2. If any claimant or his agent fails to appear on the day fixed for the investigation of any undisputed claim, and no good and sufficient cause is shown for such absence, it shall be lawful for the registrar to make an order that the claim do abate, or such other order as he may deem fit.

3. If any claimant or his agent fails to appear on the day fixed for the investigation of disputed claims, and no good and sufficient cause is shown for such absence, it shall be lawful for the registrar to proceed with the investigation and to determine and decide upon the respective claims of the parties, or to make such order as he may deem fit.

4. In case of the death of a claimant, it shall be lawful for the registrar, on the application of the legal representative of the deceased, or his agent, to make an order that his name be substituted in the statement of claim in the place of such claimant, and thereupon to proceed with the investigation of the claim.

5. If no application be made to the registrar by any person claiming to be the legal representative of a deceased claimant, the registrar may examine such person or persons as he deems necessary for the purpose of ascertaining the name of the legal representative of the deceased, and thereupon issue a summons to such person to appear on a day to be therein mentioned.

6. If the person so summoned appears in person or by his agent and makes application as aforesaid, it shall be lawful for the registrar to substitute his name in the statement of claim in the place of the deceased, and to proceed with the investigation of the claim.

7. If the person so summoned appears in person or by his agent, but does not make application as aforesaid, or neglects to appear and does not account for his absence, and the summons is reported to have been duly served on him, the registrar shall make an order that the claim do abate.

8. In the event of any dispute arising as to who is the legal representative of a deceased claimant, it shall be competent to the registrar to decide, as between the persons before him, who shall be admitted to be such legal representative for the purpose of being substituted in the place of the deceased, and this question shall in such case be dealt with and disposed of by the registrar as an issue preliminary to the investigation of the merits of the claims.

9. When a petition of appeal has been received by the registrar under the principal Ordinance, the appellant shall forthwith give forty-eight hours' notice to the respondent that he will, on a day to be specified in such notice, and within a period of ten days of the date of such appeal, tender security for the costs of the investigation and of the appeal, the amount whereof shall be fixed by the registrar: and on such day the claimants or their agents so noticed shall be heard to



show cause, if any, against such security being accepted. And in the event of such security being accepted, the registrar shall forward to the Supreme Court the record made up as provided by the aforesaid section.

10. The security to be required from a party appellant shall be by bond with one or more good and sufficient surety or sureties, or shall be by way of mortgage of immovable property or deposit and hypothecation by bond of a sum of money sufficient to cover the amount fixed by the registrar.

11. If any document produced before the registrar in proof of any claim is written in the Sinhalese or Tamil language, a correct translation thereof shall be furnished by the party producing the same to accompany the original. No such translation shall be read unless the same shall be signed by an interpreter of the Supreme Court, or by a Government or district court sworn translator, or by a sworn translator appointed by the registrar.

12. Every person so appointed by the registrar shall, before he enters upon the duties of his office, receive a certificate from the registrar that he is competent to fulfil the duties of a translator, and take an oath before a justice of the peace faithfully to perform the duties of his office.

13. For every folio or fractional part of a folio of 120 words there shall be payable a fee of 12½ cents for every copy or extract of claims or of the record of evidence, and a fee of 33 cents for every translation of any document.

5th May, 1877.

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