

CHAPTER 136

SANNASES AND OLD DEEDS

Ordinances AN ORDINANCE TO COMPEL THE REGISTRATION OF " SANNASES ", OLD DEEDS, AND
 Nos. 6 of 1866, OTHER INSTRUMENTS OF TITLE.
 13 of 1867.

[20th October, 1866.]

Short title. 1. This Ordinance may be cited as the *Sannases and Old Deeds Ordinance*.

other instrument, and engraved on the *sannas*, to show that the same was produced before him and the date of such production.

Deeds, &c., bearing date on or before 1st February, 1840, to be registered within a certain time. 2. All persons holding or claiming title under deeds, *sannases*, *olas*, or other instruments on which title to land or other immovable property is founded, which bear date on or before the 1st day of February, 1840, are hereby required to produce the same before the Registrar of Lands for the district within which such persons shall respectively reside, on or before the 31st day of December, 1867. If such Registrar shall reside at an inconvenient distance, such deeds, *sannases*, *olas*, or other instruments may be produced before the nearest Commissioner of Requests or Magistrate, whose duty it shall be to forward the same safely and expeditiously to the Registrar of Lands for the purposes of registration under this Ordinance:

4. The Registrar shall also cause a list in duplicate to be made monthly of all deeds, *sannases*, *olas*, or other instruments produced before him under the provisions of this Ordinance, giving all necessary particulars thereof, and shall transmit one to the Registrar-General of Lands, and shall file the other in his own office.

Monthly lists of such deeds, &c., to be made,

5. For facility of reference, a general list, either in alphabetical or other convenient order, shall be made and preserved of all such deeds, *sannases*, *olas*, or other instruments in the offices of the Registrar-General and District Registrar.

General lists thereof to be kept.

Extension of time for producing deeds, &c. Provided that it shall be lawful for the Governor, by Proclamation in the Gazette, to extend* the time hereinbefore limited for the production of deeds, *sannases*, *olas*, or other instruments, either as respects Ceylon generally or in any particular province or district thereof.

6. If any person shall claim interest under any such deeds, *sannases*, *olas*, or other instruments, but is unable to produce them owing to their being in the possession of another who refuses to part with them, he shall inform the same to the Registrar, who shall thereupon cause such other person to be noticed to produce them. Any person noticed as aforesaid who fails or refuses to produce any such deed, *sannas*, *ola*, or other instrument, shall be liable to a fine not exceeding ten rupees for every day he so fails or refuses to produce the same.

Process where persons claiming interest under deeds, &c., are unable to produce the same.

Registrar to cause exact copy to be made. 3. The Registrar of Lands shall thereupon cause an exact copy of the said deed, *sannas*, *ola*, or other instrument to be made, which said copy shall show the alterations, erasures, interlineations, or other suspicious marks, if any, which may appear in the original, and shall cause such copy to be carefully filed and preserved in his office, and the original to be returned to the person from whom he received the same, with the Registrar's endorsement written on some conspicuous part of the deed, *ola*, or

7. From and after the 1st day of January, 1868, or in case of the time having been extended as hereinbefore provided, from and after the expiry of such extended time, either in Sri Lanka generally or the particular province or district in respect of which such extension shall have been made, no deed, *sannas*, *ola*, or other instrument as

No deed, *sannas*, *ola*, or other instrument executed before 1st February, 1840, shall be received in evidence unless registered.

* Extended to 1st February, 1875.

aforesaid shall be received in evidence in any civil proceeding in any Court of Justice for the purposes of creating, transferring, or extinguishing any right or obligation, unless such deed, *sannas*, *ola*, or other instrument shall have been previously registered in the manner hereinbefore directed:

Provided that if it shall be established to the satisfaction of the court before which any such deed, *sannas*, *ola*, or other instrument is produced that the same was not registered owing to the absence from Ceylon of the holder thereof, or of his being under some legal disability, or from other causes utterly beyond the control of the person producing it in evidence, such court may allow the production of such deed, *sannas*, *ola*, or instrument, and the same shall be received in evidence notwithstanding that the same shall not have been previously registered as herein directed;

Provided also that nothing in this Ordinance contained shall be held to prevent parties questioning any deed, *sannas*, *ola*, or other instrument which may be produced in evidence notwithstanding that the same shall have been registered, and on grounds other than the registration thereof, and on which said other grounds the court before which the question shall arise shall determine as if this Ordinance had not been passed.

8. It shall be lawful for the Minister, from time to time, by Order to be published in the Gazette, to dispense in any district or districts of Sri Lanka with the provisions contained in section 3 of this Ordinance, so far as they relate to the taking of exact copies of deeds, *olas*, or other instruments, and to authorize the Registrar of Lands of such district or districts to register the substance of such deeds, *olas*, or other instruments, in such form and with such particulars as shall be prescribed in the said Order ; and the Registrar shall in such cases cause the registry so made by him to be carefully filed and preserved in his office, and the original to be returned, with his endorsement as provided in the said section, to the person from whom he received the same.

Minister may dispense with the taking of copies of deeds in any district or districts.

9. In those places in which the taking of copies shall be dispensed with by Order under section 8, the provision in section 7 of this Ordinance shall apply to the deeds, *olas*, or other instruments registered as authorized by the said Order, as if the same shall have been registered under section 3.

Provision of section 7 of the Ordinance will apply to such registries.

10. Nothing in this Ordinance contained shall affect any deed, *saunas*, *ola*, or other instrument which is annexed to other deeds or instruments of title bearing date subsequent to the 1st day of February, 1840, and which said other deeds or instruments of title have been bona fide transferred and registered as has heretofore been required bylaw.

Deeds, &c., annexed to others, &c., not affected.