

1899.
October 12.

*Re Application of UDEAPPA CHETTY for a Mandamus
on the Registrar of Lands, Negombo.*

Computation of time— Ordinance No. 21 of 1871, s. 3—Duty of Registrar.

Per LAWRIE, J.—In reckoning the period of fourteen days referred to in section 3 of the Ordinance No. 21 of 1871—the day on which the writing was signed should be excluded.

The first day begins at 12 o'clock on the night of the day on which it was signed, and unless the writing be registered before the same hour on the night of the following fourteenth day it ceases to have effect.

The Registrar ought to register all writings tendered, of whatever date they may be. He has nothing to do with the effect of such registration

ON the 4th August, 1899, the applicant presented to the Registrar of Lands, Negombo, a bond executed on Wednesday, the 19th July, 1899, by which certain movable property was mortgaged to the applicant. The registrar refused to register the bond on the ground that it was tendered after the lapse of the fourteen days prescribed by section 3 of the Ordinance No. 21 of 1871.

The applicant having moved for a rule on the registrar to show cause why a *mandamus* should not be issued on him to compel him to register the bond, the registrar showed cause, stating that he reckoned the day of the execution of the instrument as one of the fourteen days according to directions given to him by his superior officer, the Registrar-General. He also stated that the direction was given upon the advice of the late Queen's Advocate, Sir Bruce Burnside, and that he was quite ready to register the deed if the Supreme Court ordered him to do so.

E. Jayawardena, for the applicant.—The registrar was wrong in including the day of execution in reckoning the fourteen days. In reckoning a period of time within which an act is to be done, the day upon which the act is done is excluded and that last day is included (*Chitty's Arch. Prac. Q. B. D. vol. 2, p. 1435*).

12th October, 1899. LAWRIE, A.C.J.—

The Ordinances Nos. 8 and 21 of 1871 declare that no pledge or conventional hypothecation or bill of sale of any movable property shall give the pledgee, mortgagee, or transferee any lien, charge, claim, right, or priority over the property, unless the writing shall within fourteen days (exclusive of Sundays and public holidays) have been duly registered in the office of the Registrar of Lands for the district.

It is conformable to many decisions to hold that the day on which the writing is signed is not the first of the fourteen days. The first day begins at 12 o'clock on the night of the day on which it was signed, and unless the writing be registered before the same hour on the night of the following fourteenth day it ceases to have effect.

In the present case the mortgage was executed on 19th July, a Wednesday; that day must be excluded; the fourteen days are 20th, 21st, 22nd, 24th, 25th, 26th, 27th, 28th, 29th, and 31st July, and 1st, 2nd, 3rd, and 4th August. The writing was tendered for registration on the 4th August, and in my judgment that was within the fourteen days.

What I think I am justified in doing is to intimate to the Registrar of Lands that he ought to register this instrument *valeat quantum*. Indeed, I think a registrar ought to register all writings tendered, of whatever date they may be. It cannot matter to the registrar what the effect of the registration may be. Registration is for the purpose of publicity.

It may be that from the delay in registration the pledgee, mortgagee, or purchaser, may lose the benefit of his writing. Others who have been more vigilant may step in before him, but with the effect of registration a registrar has nothing to do. He should register the writings presented to him *valeat quantum*, and so I recommend the registrar to register this deed and to note in the register that it was tendered for registration on the 4th August, and registered subsequently on the recommendation of the Supreme Court.

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LAWRIE,
A.C.J.

