

# The Ceylon Law Review.

A Monthly Journal of Legal Information.

Edited by

Isaac Tambyah, Advocate.

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## Editorial Notes.

The impression is erroneous that the Review has degenerated into a mere Reporter. It has not ceased to be interested in current topics concerning law and the lawyers. Perhaps the great prominence given—in last month's issue—to reports of cases has been to some extent responsible for the opinion that the Review has ceased to be a Review.



Without a struggle, without any resistance, the old Theselevami code of laws has surrendered itself to die. From the utter want of any interest towards the adaptation of the Matrimonial Rights Ordinance to the needs of the Tamils in Jaffna, the outsider may perhaps infer a spirit of modernism on the part of the Tamils evinced by a readiness to give up the customs and usages which for over 200 years they as a people had enjoyed. The new Ordinance is substantially Mr Conolly's draft with slight improvements by the active Attorney-General. The Ordinance makes no attempt to conserve to the people of the North their ancient customs and usages. The Kandyan are more fortunate in this respect. If the people of the North are content to give up being governed by the ancient laws, customs and usages it is then mere sentiment to lament the passing of the Theselevami.

The last session of the Legislative Council was marked by more than one piece of important legislation. It has also been signalised by the colossal indifference of councillors towards their constituents. Many questions of grave public import had arisen prior to the session, but the silence of the unofficals with reference to them has been singularly significant. It is not surprising in view of the transition stage of the Council's constitution and the possibilities that a dutiful member might imperil, and the chances he might miss. The result has been hurried legislation and much acquiescence.



Take the ordinance for the formation of an incorporated law society. It purports to protect the privileges of the proctors of Ceylon and to safeguard them against themselves. Its constitution is quite unique. The proctors in the out-stations have absolutely no voice in the control of affairs, while they have to be governed in their professional doings by the decrees of the society. The government is vested entirely in the hands of nine Colombo proctors. We are surprised that the Hon. the Tamil Member did not in council draw attention to the omission to have a Tamil proctor on the society's committee. The proctors of Puttlam, Jaffna, Batticaloa and Trincomalie being all Tamils with one exception are surely entitled to have a Tamil proctor to represent them on the committee. Mr. H. Tirivilungam of Colombo might well have been chosen to serve on the society's committee.



The Hon. Mr. Julius deserves more than thanks for the very proper attitude assumed by him towards the Incorporated Law Society Bill. We have much pleasure in reproducing his speech in Council elsewhere also the Hon. Mr. Kanagasabai's.



Someone who is in the confidence of the acting Attorney-General has, under the somewhat sentimental heading of Sense and Sensibility, inspired the writing in one of the local newspapers of a lengthy discourse in defence of the policy of the measure, even in respect of the Attorney-General having the power to nominate the majority of the members of the governing body. We are in a position to trace the inspiration to its omniscient source, but disclosures are irrevelant just now. To that writer the measure is flawless, the promoters infallible and all objection foolish. He has spoken, it is final.



The concluding portion of the article is an unwarranted insult upon the body of advocates responsible for the election of the present Bar Council. Its relevancy is perhaps to throw one off the scent of inspiration but it is impertinent none the less:

We may say that we cordially commend the wisdom of the authorities in providing for the nomination of the majority of the Council by the Attorney-General. It is perhaps no secret that the Acting Attorney-General had originally drafted the new ordinance without reserving this right to himself. It was only after the draft had formed the subject of consultation with leading and representative members of the profession, that he suffered himself to be persuaded to reserve for the Attorney-General the right to nominate the majority of the members of the Council. After the experience of the advocates with their Bar Council, it is quite clear that such a precaution is a wise safeguard. The Attorney-General will never select unworthy men but the profession might, if it were to follow the example of the advocates, who, after their rupture with the old Bar Council, proceeded to turn that body into a ludicrous farce by degrading the new Bar Council into a sort of electioneering puppet show, from which one or two of the seniors withdrew within ten minutes of their appointment. We do not care to risk the same fiasco over the Law Society, and when the time comes for the incorporation of the General Council of Advocates, we shall strongly advocate the nomination of the majority on that body also by the Attorney-General.



At the time of the alleged fiasco and the farce, the *Leader* was loud in its denunciation of anyone who had anything to say against the proceedings which are now characterised as a farce and a fiasco. If the advocates have done anything unconstitutional, then there is room for the reproach now sought to be cast on the advocates and their Council. It is news to us that the present Bar Council is a body of such disrepute that one or two of the senior members withdrew immediately on their appointment. There is no official notice up to now of any resignation or of any substitution. It's a pity that Mr. H. L. Wendt, retired judge of the Supreme Court, has consented to be a performer in the farce which courageous anonymity has dragged into the light of day. It is a pity still more that the Editor of the *Leader* has been led into a position of inconsistency in his attitude towards the Bar Council whose formation he had been watching with a very fatherly interest, whose constitutional liberties he had been championing with the spirit of a proved swordsman and whose rights he had most doughtily defended.



The Law Society will undoubtedly, however constituted it may be, watch over professional morality with that



degree of strictness which is expected of it. It is hoped that there will be a uniformly enforceable scale of fees, rules against oppressive taxation of costs, and severe enforcement of the law as to touting among the first measures of the new society. One good result of the society will be the affording of ample scope for the energy and enterprise of some proctors who, but for such scope, give one the impression, probably not right, that they are disposed to meddle in matters which do not intimately concern them, such as the constitution of the Bar Council, appointments in the Crown Counsel's department and the Government of Ceylon generally.



The appointment of Mr Anton Bertram in succession to Mr Lascelles as Attorney-General has been made, we are given to understand, after full consideration of the claims of Mr. Walter Pereira to be confirmed in the place which he has so often temporarily filled. We are not aware of the reasons which have made Government, or rather the Secretary of State, disregard Mr Pereira's claims. We have no reason to think that the Secretary of State has acted upon any consideration of principle or policy calculated to reflect discredit or distrust upon Ceylonese and their aspirations to the high office of Attorney-General. From a single instance we may not argue towards anything conclusive. It is fair to suppose that the question before the Secretary of State was not so much whether Ceylonese were fit for the high office as whether Mr Walter Pereira should be confirmed.



The new Attorney-General, judging from all accounts of him, is likely to prove himself an acquisition to Hultsdorf. From his desire for the privilege of private practice it is a fair inference that he does not wish to set himself up on a pinnacle of undesirable isolation with every possibility of being misunderstood and, what is worse, of being grossly misinformed. He would be in touch with the proctors and the advocates, gaining much and losing little by necessary local associations. On many questions affecting the profession, on men and things, he would be in a position to have first-hand information, instead of being misled by interested misinformants. This is an immense advantage both to the Attorney-General and to the Bar of which he is the head.



The decision of the Court in 39 D.C. Final Matara 4810 is extraordinary, at any rate it might safely have been different. The case was for the partition of a land of about little less than three roods with a house standing on it. The partition commissioner reported partition was impracticable owing to all the houses being situated in the middle of the land. The plaintiff was given by another surveyor a fourwalled portion, surrounded on all sides by land belonging to third parties, and located 48 feet away from the nearest road. There was no way to the lot except through the property of third parties and there was no reservation of any right of way over such property. The only entrance to the entire property went with the other shareholder's lot. Upon the report of the first surveyor as to the impracticability of partition, the matter was referred to a second surveyor whose ingenuity located the plaintiff within four other walls with the same inconveniences as to exit and entry as before. The arrangement was confirmed by the District Judge with the terse observation, "Plaintiff can make a gate in the wall easily." The facts that there was no access to the plaintiff's portion by reason of surrounding walls and the impossibility, as a matter of common knowledge and commonsense, of being allowed to use a path over other people's lands were urged in appeal (April 5, 1911) but their lordships felt sure that the neighbours would allow the creation of a servitude over their lands for the benefit of the appellant whom the perverse genius of the surveyor had cruelly imprisoned.



## The Appeal Cases of Ceylon.

We are thankful to all, in Colombo and in the outstations, who have very readily subscribed to these Reports. The support is very encouraging, and no pains will be spared to make the Reports as complete and up-to-date as possible. It is refreshing to note that those are happily very rare who, like two outstation celebrities, will have nothing to do with these Reports, unless a special brand of Ceylon genius is associated with their production. We have nothing but pity for such want of out-look as these narrow-visioned couple must be credited with possessing.



## The Law of Ejectment.\*

More than sixteen years after the first edition, the authors, Messrs. John Herbert Williams and Walter B. Yates, have brought out a new edition. We are obliged to the publishers, Messrs. Sweet and Maxwell, for a copy of the book in its new and enlarged form. In about 450 pages following subjects are dealt with by the learned authors :

Right of entry  
Several remedies for recovery of possession  
Entry

Forcible entry and detainer  
By landlord against tenant

Termination of tenancy :

- (1) Notice to quit
- (2) Demand of possession
- (3) Efflux of time
- (4) Surrender
- (5) Disclaimer

• Forfeiture

Breaches of covenants and conditions :

- (1) Non payment of rent
- (2) Alienation
- (3) Non-repair
- (4) User of premises
- (5) Waste
- (6) Non-insurance
- (7) Non-payment of rates and taxes
- (8) Bankruptcy and liquidation
- (9) Building covenants
- (10) Residence
- (11) To buy goods of lessor
- (12) Farming covenants
- (13) Mining covenants
- (14) Sundry

Waiver of forfeiture

Relief against forfeiture :

- (1) For non-payment of rent

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\*The Law of Ejectment or Recovery of Possession of Land, with an appendix of statutes and full index, by John Herbert Williams, LL.M., of the Middle Temple, and Walter Baldwin Yates, B.A., of the Inner Temple. London; Sweet and Maxwell, 1911. Price 20 shillings.

- (2) Under the conveyancing acts
- (3) Equitable relief

By tenant

Mortgagor and mortgagee ;

- (1) By mortgage against mortgagor & tenants
- (2) By mortgagor
- (3) Staying proceedings

By tenant by elegit and purchaser under fi. fa.

- (1) By devisee
- (2) By legatee
- (3) By executors and administrators

•By heir-at-law :

- (1) By trustee of bankrupt
- (2) By grantee of rent charge
- (3) By guardian of infant
- (4) By infant
- (5) By lunatic and person of unsound mind
- (6) By joint tenants, tenants in common, and partners
- (7) By parson
- (8) By church wardens and overseers and parish and country councils
- (9) By friendly societies

Copyholds.

What person can be sued.

Statutes of limitation.

Evidence :

- (1) Ownership
- (2) Notice to quit
- (3) Breach of covenant or condition
- (4) Assignment or subletting
- (5) Distress
- (6) Insufficient distress
- (7) Eviction
- (8) Vacant possession
- (9) Assent of executor to bequest or devise
- (10) Sunrise and sunset
- (11) Authority of agent
- (12) Elegit
- (13) Copyholds
- (14) Title of parson
- (15) Title of churchwardens
- (16) Wills of land
- (17) Heirship
- (18) Deeds and Documents



## (19) Award

Practice in the High Court

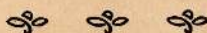
Action in the County Court :

- (1) Ordinary action for the recovery of land
- (2) Action by landlord to recover possession

Summary proceedings before justices :

- (1) Landlord against tenant
- (2) Deserted premises
- (3) Sundry other cases.

In Ceylon where the law of ejectment is substantially the same as in England, subject to the peculiarities of the Roman-Dutch law, this work is bound to be of great practical value. It gives in a very readable manner the most important points in connection with ejectment. Every statement of a legal proposition is supported by reference to cases. The arrangement into chapters and numbered paragraphs, with topical headings, makes it an exceedingly serviceable book of reference.



## The All India Civil Court Manual.\*

The Madras Law Printing House has been striving to keep pace with the indefatigable energy of Mr. Sanjiva Row whose name is associated with quite a monumental list of valuable works on law. Mr. T. A. Venkswami Row has undertaken the responsibility of what his learned uncle was not enabled to complete. A very attractively bound volume of 1190 pages represents the second volume of the All India Civil Court Manual. Like the first reviewed in these columns this volume is Mr. Sanjiva Row's, his nephew being responsible for seeing the work through the press. The number of Imperial Acts given in this volume is eighty. The principal of them are :

The Married Women's Property Act  
Merchandise Marks Act

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\* The All India Civil Court Manual, Imperial Acts Volume II, by T. V. Sanjiva Row. The Law Printing House, Madras, 1911. Pages 1190, Price Rs. 75. Digitized by Noolaham Foundation.  
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Mortgaged Estates Administration Act  
 Municipal Taxation Act  
 Negotiable Instruments Act  
 Oath's Act  
 Partition Act  
 Probate And Administration Act  
 Religious Endowments Act  
 Specific Relief Act  
 Stamp Act  
 Trusts Act  
 Waste Lands Act  
 Wills Act

Each Act has a short historical memoir prefixed to it showing at a glance the various stages through which the enactment has passed to its present form. Arresting foot-notes indicate legal changes effected by way of amendments. Where necessary case notes are added. The plan and arrangement of the work, as well as the very pleasing manner in which it is presented by the printers, make the book an exceedingly good model of statutory collection.



## The Law of Prohibition.\*

“Unlawful aggression is never so dangerous as when it takes place under colour of judicial process, hence it has been the care of the law to provide various remedies to check the exercise by Courts of powers which do not appertain to them. The most widely known remedy to restrain this evil is, perhaps, the writ of Habeas Corpus, which operates to deliver out of custody a person illegally detained. But this remedy cannot be called in aid until after the evil has been committed and the unlawful detention has been actually undergone. The writ of prohibition, on the other hand, is less appreciated by reason of its very efficacy. For while the writ of Habeas Corpus goes to remedy a wrong already done, prohibition operates to restrain the aggressor before the intended mischief is carried into effect. The necessity for such a remedy was perceived at least as early as the third year of Edward I,

\* The Law of Prohibition at Common Law and under the Justice's Acts. By H. R. Curlewis B. A. LL. B. (Sydney) and D. S. Edwards B. A., LL. B. (Sydney) Barrister-at-Law. London: Sweet and Maxwell, Ltd, 1911.

when "a prohibition was granted and after an attachment against the bishop and the official for holding plea after the prohibition • "3E18ot. Clausarum, M. 10." The nature, origin, definition, characteristics and scope of this extraordinary remedy are elaborated in 500 pages of closely printed matter. The learned authors have placed under contribution the decisions of the courts of England, Ireland, Australia, Tasmania and New Zealand. The cases so made use of are not simply digested or noted, but their facts are set out in detail and extensive quotations given from the judgments for the benefit of those practitioners to whom the original Reports may not be available.

The grounds upon which the writ of prohibition is granted are dealt with in six long chapters, and such grounds are:

- Excess of jurisdiction;
- Prohibition in aid
- Abuse of natural justice
- Misconstruction of statute
- To restrain a public nuisance or waste.

The rest of the book is devoted to a very lucid explanation of the circumstances under which the writ is allowed, when the grant is discretionary, when imperative, at what stage of the proceedings it may be applied for, from what court the writ issues and to what courts it is directed. In addition to this there is a part which treats of matters of practice and procedure, thus making the work a clear and complete exposition of the law and procedure in regard to writs of prohibition. An excellent index affords pleasant facilities for ready reference. We feel sure that lawyers in Ceylon will find this book one worth having.



## The New Attorney-General on The Law and the Prophet.

On Monday April 3, 1911 Mr Anton Bertram was entertained at dinner by the Ceylon lawyers and law-students in England. We take over from the *Morning Leader* his speech.

Mr. Chairman, my lords and gentlemen, I need not assure you that I appreciate most warmly the kindly welcome, which you, my lords and gentlemen,



have given me. I am most grateful to those who have organised this gathering, and to those present at it, for giving me this opportunity for introduction to the sphere which I am shortly to be called upon to fill. And I am sure it is a great encouragement to me in starting to a new sphere of labour to receive this warm reception from you here, who are almost all members of our common profession. I think, too, I may express both on behalf of myself, and on your behalf the gratitude and appreciation which we all feel for the presence with us this evening, firstly of Lord Halsbury (cheers). My own feelings are specially stirred in this matter, by the reflection that Lord Halsbury was once a familiar figure and is now, a revered name on my old circuit—the South Wales Circuit—and we very much appreciate, I am sure, having amongst us a person who has filled the historic office he has filled, and who will have a historic place among the line of Lord Chancellors of England. I may perhaps on this occasion be allowed to remind myself that the last time I had the pleasure of seeing Lord Halsbury was, when I was just about to enter upon the Colonial Service at a dinner given in the Inner Temple Hall to Indian and Colonial Judges and Law Officers, over which Lord Halsbury presided as Lord Chancellor. And on that occasion, I well remember when he was speaking of

#### THE IDEAL JUDGE

and how his steadfast soul was unmoved either by the crowns of authority, of the tumult of the mob, he used a quotation from Horace which I with his permission apply to himself :

Justum et tenacem propositi virum,  
 Non civium ardor prava jubentium,  
 Non vultus instantis tyranni,  
 Mente quatit solida.

I well remember those words, and I am sure you will all agree with me, they are highly applicable to Lord Halsbury himself. Before I pass to my general subject, I think I may also express a debt of gratitude for the presence of Lord Justice Vaughan Williams. I can well remember, in my early days at the Bar when I was in the Chamber of Mr. Muir Mackenzie as pupil, I sat almost daily at the feet of Lord Justice Vaughan Williams, who was then administering the law of bankruptcy, and I almost had my legal education from his lips. From him I heard in those ancient days about the doctrine of *ex-parte Waring* and the rule in *Brown v Kempton*. I



heard words of wisdom falling from his lips and took them down in my note-book, and they became part of the memories I shall always cherish. Let me say with these words of introduction, that I fully appreciate all Mr. Corbet has said about what awaits me in Ceylon. I am aware I am going to new and rich experiences. When I read descriptions of the gorgeous natural beauty that awaits me in Ceylon, I am tempted to say, I am reading description of what is too good to be true; but when I say that to persons who have passed their lives in the country they all say that the half has not been told me. (Cheers.) I gather too, that I am not only to see scenes of great natural beauty, but also that I am to come in contact with the traces of a great historic civilisation and to find not only a great historic civilisation in the past, but an active and prosperous progressive community in the present. (Cheers.) But I confess to you one of the things that most strikes me in the prospect before me is that in entering upon my Legal Duties in Ceylon, I am coming in contact with the great historic fabric of

#### THE ROMAN-DUTCH LAW.

At present I approach that great subject, I confess, in a most benighted condition of ignorance. I recollect a story of Calverley in the course of his transient and embarrassed career at Oxford. He was on one occasion being submitted to the ordeal of what is there known, I believe, as collections, and he was being examined by the Master of the College, in Scripture. The Master asked, "With what feelings ought we to regard the Decalogue?" Mr. Calverley was struck for a moment with that kind of paralysis of the mental faculties which sometimes strikes us in examinations, and could not for the life of him think what the Decalogue was. But seeing the expressions on the Master's countenance, he said, "Master, with feelings of admiration, mingled with awe" (Laughter,) and the story goes that the Master replied "A very proper answer, Mr. Calverley." Those are exactly the feelings with which I regard the Roman-Dutch Law at present. I trust to have a fuller and deeper acquaintance with it. Speaking seriously I think it is one of the glories of the British Empire, and the Colonial Service of which I am proud to be a member, that in the course of our work we are called upon to administer great systems of law, other than the Common Law of England, and that we receive those systems of law as a precious inheritance, not to be merged in some general conception of all law being more or less the same but as things to be cherished and developed—cherished as ancient memorials, and



developed as living organisms. (Cheers.) The presence to-night of a distinguished Mohammedan Lawyer in Syed Ameer Ali, I suppose without question the most distinguished Mohammedan Lawyer in the world, (Cheers) reminds me that at present I am a Judge in a portion of the British Empire where the Sheri Law is the common law of the country,

#### THE LAW FOUNDED BY THE PROPHET,

and developed by the Imam of Bagdad. In the Supreme Court of Nicosia, more than once in the last few years, we have had to determine whether on this or that point we should adopt the view of Imam Mohammed, or whether we should further follow the opinion of the Imam Abu Yusuf applied. I rejoice to think that with the progress of juristic thought, and I think by the exertions of that admirable body, the Society of Comparative Legislation, we are more and more coming to value the great privilege we have in administering these historic systems, and acquiring a clearer idea of the spirit in which we should administer them. I hope that in the future I shall have opportunities of acquainting myself, more fully with the great historic system which you in Ceylon are at present administering. So much for the future that awaits me. Of course, at present I can only see it in outline. I much appreciate the fact that I am going to commence my career with your good wishes, and I hope that in the future, when we are working together in Ceylon, you will many times remind me of this evening we have spent together. This evening does recall to us that we are all Members of a great profession. (Cheers.) Those of you who are students here, will I hope reflect that the presence amongst us to-night of Lord Halsbury, is a reminder to you that you belong to the same profession as the Lord Chancellors of England, (Cheers,) and that you are called upon, in your future career at the Bar, to maintain all those high traditions which they have made. One another thought in this same connection. I feel more and more in my experience of the Colonial service that I will not say the chief corner stone, but one of the great fabric of our Imperial Government, is

#### THE ADMINISTRATION OF JUSTICE.

One of the things that gives stability to our great and multifarious Empire is the unshaken confidence which the various populations of that great realm have in the incorrupt and inflexible administration of justice. (Cheers.) I was talking the other day

in Constantinople to a legal adviser of the Turkish Government, himself a distinguished Sheri Lawyer, and we were discussing the administration of justice. He said: "Of course, in administering justice in Cyprus no doubt you are aware, by sad experience, of the heavy preponderance of criminal cases over the civil." I was able to say to him that that was not our experience, that so complete was the confidence of the population in the administration of justice, that all flocked to courts to decide their differences, and the number of civil cases in Cyprus, unlike the rest of the Turkish Empire, far outweighed the criminal. We can only hope that under the new regime in Turkey the same result will follow. This did strike me, that when the population has come to regard the Courts, not so much as the avengers of crime, but as the dispensers of civil justice, one of the great objects of Government has been attained, and that I think is the position which the Courts occupy in the British Empire. But that result is not due to the Courts alone; it is due to the whole legal profession, because that is the work in which we are all engaged. We are all playing our parts, whether on the Bench, or at the Bar, whether for the prosecution or defence, and it is because I think that we in our profession realise that

#### THE BENCH AND THE BAR

constitute one profession, that we have common traditions, common hopes, and common ideals, that the work of justice in the British Empire is so well and worthily performed. I know from all I have heard that Ceylon is conspicuous among the countries of the Empire in which the work of justice is carried out in a high and worthy manner, and in regard to you younger men, now around this board this evening, you can have no higher ambition when you come to fulfil your work at the Bar than that you should maintain the high traditions of its past. I trust that in the future we shall all be co-operating in that task, that when I, as Attorney-General, am working with you, I shall have, as Attorney-General, your co-operation, and that I shall often have occasion to look back in the future to these happy proceedings and your kind reception this evening. (Cheers.)



## An Incorporated Law Society.

The HON. THE ACTING ATTORNEY-GENERAL—in moving the second reading of an Ordinance for establishing an Incorporated Law Society in Ceylon, said it had been provided on the suggestion of the Chief Justice, who had been furnished with a report by Mr. Justice Wood Renton.

The HON. MR. V. A. JULIUS—said he thoroughly approved of the institution of an Incorporated Law Society in Ceylon, but he objected to the principle of the Bill inasmuch as the Council would be confined to Proctors practising in Colombo. If there were an assurance that that Council should be increased, say, by two members, proctors not resident in Colombo, he would be prepared to welcome it. The principles underlying the Ordinance were those of the English Incorporated Law Society and the history of that Society was that it was first started on a prospectus issued to the legal profession in London, headed "The London Law Association." Before that prospectus got very far it was decided to drop the word "London" in deference to the views of those out of the metropolis and subsequently "The Incorporated Law Society" was formed and registered in 1844. Some time after it was started it was felt that even then there was too much metropolitanism about it, and another society was started which worked amicably until, in 1874, the two were amalgamated, and "The Incorporated Law Society" had extended its Council to members of the provinces and since 1874 had gone so far as to have an annual meeting for members in the provinces. Those who had been long resident in Ceylon must have noticed that racial antagonism was much more pronounced now than it used to be. They hardly ever saw an appointment to any department but there were discussions on it in the paper, not as to whether the fittest man had been appointed, but stating that a man of a certain race should be appointed. In that connection he thought the outstation proctors would have a real grievance. The Tamil proctor was not represented in Colombo. They all knew that the Jaffna Tamil liked to live in his own province amongst his own kith and kin on a smaller salary than he would accept elsewhere amongst strangers. The result of that, as far as he was concerned, would be that no Jaffna Tamil would be on the Council. The Council had to deal with a great many matters and in the case of the Jaffna Tamil there would be no representation. The same applied again to the Kandyan Sinhalese. They would be unrepresented on the Council and the thought if it were extended he would suggest two more members belonging to the Council. Five by the Attorney-General and four to be elected by the Council was at present proposed. He would suggest that the Attorney-General appoint six, one at least of whom should be a proctor resident out of Colombo, and that the Council, instead of electing four, should elect five. The reasons given at the end of the Bill for confining it to proctors in Colombo was because it was deemed that the fact of any members residing at a distance from the place where the meetings of the Council would be ordinarily held would hamper it in the transaction of business, and otherwise cause inconvenience. With their present very excellent railway system there was no difficulty in any proctor coming up to Colombo for the meeting, the only two towns of any importance not connected with the railway being Trincomalee.

and Batticaloa. Unless there was some assurance that outstation proctors should have the right of coming on the Council he would feel obliged to oppose the second reading of the bill.

The Hon. Mr. KANAGASABAI—heartily endorsed many of the observations made by the Hon. the European Member. He himself went further and said he was not sure that the need for an Ordinance of that kind was very great. Certainly it would be desirable to have an Ordinance of that kind, provided there were a greater unity of interests among the people of Ceylon and provided that the unifying influences were such potent factors in Ceylon as in England. It had been said very properly that outstation proctors should also be represented in the Colony. There were 537 proctors, the majority in the outstations, roughly 120 to 130 being in Colombo, and the rest all over the island, in the so-called outstations. Was it proper that they should have a Law Society and give it incorporation without the Law Society having in its Council members from those large bodies of practitioners practising in different centres of Ceylon outside Colombo? Why they should depart from the English practice passed comprehension. Unless each district of Ceylon were represented in that Council he would oppose the second reading, or at all events unless the provinces were represented.

The Hon. the ACTING ATTORNEY GENERAL—said the second reading of the Bill had been opposed on grounds upon which no second reading could be opposed. There was absolutely nothing against the principle of the Bill in all that Honourable Members had said. He thought, however, that the suggestion of the General European Member was a perfectly reasonable one. The suggestion had not been made to him before, but he would have no objection to two members from outstations.

The Hon. Mr. V. A. JULIUS—said he was quite satisfied and if two outstation proctors were admitted to the Council he would support the Bill.

There was no other discussion.

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Index to Vol. vi of the Review is herewith issued.

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