

# DEBATES

IN THE

## LEGISLATIVE COUNCIL OF CEYLON,

On Thursday, June 18, 1925.

Pursuant to notice the Honourable the Members of the Legislative Council met at the Council Chamber at 2.30 P.M. this day.

PRESENT:

- THE HONOURABLE SIR JAMES PEIRIS, KT., VICE-PRESIDENT (COLOMBO TOWN, SOUTH).
- THE HONOURABLE COLONEL H. W. HIGGINSON, C.B., D.S.O., A.D.C., OFFICER COMMANDING THE TROOPS.
- THE HONOURABLE MR. E. B. ALEXANDER, C.M.G., ACTING COLONIAL SECRETARY.
- THE HONOURABLE MR. L. H. ELPHINSTONE, K.C., ATTORNEY-GENERAL,
- THE HONOURABLE MR. H. W. CODRINGTON, ACTING CONTROLLER OF REVENUE.
- THE HONOURABLE MR. W. W. WOODS, TREASURER.
- THE HONOURABLE MR. F. A. STOCKDALE, C.B.E., DIRECTOR OF AGRICULTURE.
- THE HONOURABLE SIR PONNAMBALAM RAMANATHAN, KT., K.C., C.M.G. (NORTHERN PROVINCE, NORTHERN DIVISION).
- THE HONOURABLE MR. L. MACRAE, DIRECTOR OF EDUCATION.
- THE HONOURABLE MR. T. Y. WRIGHT (EUROPEAN RURAL MEMBER).
- THE HONOURABLE MR. H. A. LOOS (NOMINATED UNOFFICIAL MEMBER).
- THE HONOURABLE MR. W. DURAISWAMY (NORTHERN PROVINCE, WESTERN DIVISION).
- THE HONOURABLE MR. E. W. PERERA (KALUTARA REVENUE DISTRICT).
- THE HONOURABLE MR. E. R. TAMBIMUTTU (BATTICALOA REVENUE DISTRICT).
- THE HONOURABLE MR. E. J. HAYWARD, C.B.E., V.D. (COMMERCIAL MEMBER).
- THE HONOURABLE MR. W. L. KINDERSLEY, GOVERNMENT AGENT, CENTRAL PROVINCE.
- THE HONOURABLE MR. C. W. W. KANNANGARA (SOUTHERN PROVINCE, WESTERN DIVISION).
- THE HONOURABLE MR. N. J. MARTIN (SECOND BURGHIER MEMBER).
- THE HONOURABLE MR. J. STRACHAN, DIRECTOR OF PUBLIC WORKS.
- THE HONOURABLE MR. W. T. SOUTHORN, PRINCIPAL COLLECTOR OF CUSTOMS.
- THE HONOURABLE MR. K. BALASINGHAM (NOMINATED UNOFFICIAL MEMBER).
- THE HONOURABLE DR. J. F. E. BRIDGER, PRINCIPAL CIVIL MEDICAL OFFICER.

- THE HONOURABLE MR. A. CANAGARATNAM (NORTHERN PROVINCE, SOUTHERN DIVISION).
- THE HONOURABLE MR. C. E. VICTOR COREA (COLOMBO TOWN, NORTH).
- THE HONOURABLE MR. C. H. Z. FERNANDO (NORTH-WESTERN PROVINCE, WESTERN DIVISION).
- THE HONOURABLE MR. H. R. FREEMAN (NORTH-CENTRAL PROVINCE).
- THE HONOURABLE MR. T. B. JAYAH (THIRD MUSIM MEMBER).
- THE HONOURABLE MR. H. M. MACAN MARKAR (FIRST MUSLIM MEMBER).
- THE HONOURABLE MR. A. MAHADEVA (WESTERN PROVINCE, CEYLON TAMIL).
- THE HONOURABLE MR. A. F. MOLAMURE (KEGALLA REVENUE DISTRICT).
- THE HONOURABLE MR. A. H. E. MOLAMURE (RATNAPURA REVENUE DISTRICT).
- THE HONOURABLE MR. F. A. OBEYESEKERE (SOUTHERN PROVINCE, CENTRAL DIVISION).
- THE HONOURABLE MR. I. X. PEREIRA (FIRST INDIAN MEMBER).
- THE HONOURABLE MR. S. RAJARATNAM (NORTHERN PROVINCE, CENTRAL DIVISION).
- THE HONOURABLE MR. D. S. SENANAYAKE (NEGOMBO DISTRICT).
- THE HONOURABLE MR. M. M. SUBRAMANIAM (TRINCOMALEE REVENUE DISTRICT).
- THE HONOURABLE MR. S. R. MOHAMED SULTAN (SECOND INDIAN MEMBER).
- THE HONOURABLE MR. V. S. DE S. WIKREMANAYAKE (SOUTHERN PROVINCE, SOUTHERN DIVISION).
- THE HONOURABLE MR. G. A. H. WILLE (FIRST BURGHER MEMBER).
- THE HONOURABLE SIR J. THOMSON BROOM, KT. (EUROPEAN URBAN MEMBER).
- THE HONOURABLE MR. W. A. DE SILVA (CENTRAL PROVINCE, URBAN).
- THE HONOURABLE MR. P. B. RAMBUKWELLE (CENTRAL PROVINCE, RURAL).
- THE HONOURABLE MR. T. M. SABARATNAM (NORTHERN PROVINCE, EASTERN DIVISION).

MR. J. A. MAYBIN, *Clerk to the Council.*

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North):—  
Sir, before the work of the day is commenced I would ask the leave of Council to bring before it a simple motion which I feel sure will commend itself to this House. The motion I wish to move is that this Council do convey to the Government and the peoples of India, and in particular to the bereaved family, our deep sympathy on the loss they have sustained—

THE HON. THE VICE-PRESIDENT:—I think the proper time for such a motion would be after the Minutes have been confirmed.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North):—  
I beg your pardon, Sir. I thought I should do it before the work of the day commenced.

#### Minutes.

The Minutes of the Meeting held on April 2, 1925, were confirmed.

**Congratulations to the Hon. Sir James Peiris.**

**THE HON. THE ACTING COLONIAL SECRETARY** :—Sir, with your permission, before we proceed with the business of the day, I desire, on behalf both of my Official and Unofficial colleagues, to offer you our most cordial congratulations on the high honour which His Majesty the King has been pleased to bestow upon you. In honouring its Vice-President, His Majesty has also conferred an honour upon this Council. I take this opportunity, Sir, of acknowledging the uniform tact, courtesy, patience, and wisdom with which you have conducted our proceedings, and of assuring you that the bestowal of this honour upon you has given every one of us a very warm sense of personal satisfaction. Once more, Sir, I congratulate you most heartily, and I hope that you will long continue to adorn the position of Vice-President of this Council.

**THE HON. THE VICE-PRESIDENT** :—Honourable Members of the Legislative Council, I must thank you for the congratulations that have been offered on your behalf to me by the Honourable the Acting Colonial Secretary, to whom I owe special thanks for the kind manner in which he has spoken of my work in this Council since I had the privilege of being appointed its Vice-President. It has been a matter of very great gratification to me that during the short time I have presided over the meetings of this Council there has been uniform courtesy shown to me on every occasion both by the Unofficial and Official Members. Even when perhaps a ruling of mine has been faulty they have acquiesced in it in the true parliamentary spirit. I am also very glad to see that there is such an amount of unity between Unofficials themselves and between Officials and Unofficials. That is a matter for congratulation, and that unity and the way in which you have acquiesced in my rulings have made my task a very easy one. It was very kind of the Honourable the Acting Colonial Secretary to have spoken in such terms of my work. But for the support that I have received from this House, I could not have discharged my duties as satisfactorily as I have done. Before I sit down, I think it would not be out of place if I offer on behalf of the Members of this Council our congratulations to the Honourable the Acting Colonial Secretary on the very well-merited honour which has been bestowed on him by His Majesty the King. And in this congratulation may I also be permitted to include the Honourable the Attorney-General, the Hon. Mr. Akbar, and the Hon. Mr. Stockdale, who are Members of this Council. Gentlemen, I again thank you for this vote of congratulation.

**Vote of Condolence on the Death of Mr. C. R. Das.**

**THE HON. MR. C. E. VICTOR COREA** (Colombo Town, North) :—Can I make my motion now, Sir ?

**THE HON. THE VICE-PRESIDENT** :—Yes. I think you can, with the leave of Council.

**THE HON. MR. C. E. VICTOR COREA** (Colombo Town, North) :—My motion is, Sir, that this Council do convey to the Government and the peoples of India, and particularly to the bereaved family,

our deep sympathy on the great loss they have sustained by the death of Mr. C. R. Das. Of the high eminence that Mr. Das had attained in the profession to which I have the honour to belong, of the enormous sacrifices he had made for his country, and of that passionate devotion to his country, which has no doubt contributed towards his untimely death, it is not necessary for me to speak. Even the bitterest of his political enemies I am sure will admit that in singleness of purpose and in devotion and love to his country Mr. Das stood pre-eminent. Whatever their faults may be, the English as a people are a generous race, and I feel sure that my English colleagues in this Council will agree with me that in doing honour to the memory of a great patriot like Mr. Das we will be honouring ourselves.

THE HON. MR. I. X. PEREIRA (First Indian Member) seconded.

THE HON. THE VICE-PRESIDENT:—The Honourable Member has read the terms of his motion, and the motion has been seconded, and I now put the motion to the House.

The motion was agreed to.

#### Announcement.

THE HON. THE ACTING COLONIAL SECRETARY:—Sir, His Excellency the Officer Administering the Government will address the Legislative Council at 9 o'clock on the morning of the 3rd proximo, and I hope that it will be convenient to Honourable Members if the Budget is introduced at 2.30 P.M. on the same date. The meeting of Council at 9 A.M. will be a ceremonial occasion.

#### Papers laid.

THE HON. THE ACTING COLONIAL SECRETARY:—I lay, Sir, on the table the following papers:—

Message of His Excellency the Officer Administering the Government dated June 9, 1925.

Minutes of the Meetings of the Finance Committee held on April 3 and May 15, 1925, regarding Supplementary Expenditure.

Administration Reports, 1924:—

Part I., Civil: Reports of the Government Printer, the Superintendent of Census and the Director of Statistics, and the Settlement Officer.

Part III., Judicial: Reports of the Registrar-General on Registration of Deeds and Business Names.

Part IV., Education, Science, and Art: Reports of the Archæological Commissioner and the Government Analyst.

Sessional Papers, 1925:—

XIII.—Town Planning of Nuwara Eliya.

XIV.—Report of the Select Committee on Rubber Restriction.

Statement giving the number of cases instituted in the courts at Trincomalee for the last ten years.

Statement showing different works done in connection with the Allai Irrigation Scheme, and the sums of money spent on the works.

Proclamation *re* Chief Headmen's division of the Galle District under "The Village Communities Ordinance, No. 9 of 1924."

Proclamation *re* exclusion of Matale town from the operation of "The Village Communities Ordinance, No. 9 of 1924."

- Proclamation under sub-section (2) of section 20 of Ordinance No. 34 of 1917.
- By-laws made by the Matara Urban District Council under sections 164, 168, and 173 (1) (c) of "The Local Government Ordinance, No. 11 of 1920," regarding offensive or dangerous trades.
- Rules made by the Governor in Executive Council under Article LXIV. of the Ceylon (Legislative Council) Order in Council, 1923, regarding election deposits.
- Amendment to the Code for Assisted Vernacular and Anglo-Vernacular Schools under section 10 (3) of Ordinance No. 1 of 1920.
- Amendment to the Code for Assisted English Schools under section 10 (3) of Ordinance No. 1 of 1920.
- Rules made by His Excellency the Officer Administering the Government in Executive Council under section 7 of "The Ceylon Telegraph Ordinance, 1908," as amended by Ordinance No. 10 of 1923, regarding wireless telegraph licences.
- By-laws made by the Negombo Urban District Council under sections 164 and 168 (8) (c) of "The Local Government Ordinance, No. 11 of 1920," regarding motor bus and lorry traffic.
- Rules made by His Excellency the Officer Administering the Government in Executive Council under section 11 of "The Ceylon Medical Council Ordinance, No. 24 of 1924."
- By-laws made by the Municipal Council of Colombo under section 27 of "The Housing and Town Improvement Ordinance, No. 19 of 1915," regarding congested areas.
- Rules made by His Excellency the Officer Administering the Government in Executive Council under section 7 of "The Ceylon Telegraph Ordinance, 1908," as amended by Ordinance No. 10 of 1923.
- Rules made by His Excellency the Officer Administering the Government in Executive Council under section 7 of "The Ceylon Telegraph Ordinance, 1908," as amended by Ordinance No. 10 of 1923.
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- Rules made by His Excellency the Officer Administering the Government in Executive Council under section 7 of "The Ceylon Telegraph Ordinance, 1908," as amended by Ordinance No. 10 of 1923.
- Amendment to the Code for Assisted Vernacular and Anglo-Vernacular Schools under section 10 (3) of Ordinance No. 1 of 1920.

#### PETITIONS.

##### Petition from Deen Uncos.

THE HON. MR. T. B. JAYAH (Third Muslim Member):—I beg to present a petition, Sir, from Deen Uncos, of No. 22, Church street, Slave Island. He states that he has been unjustly treated by some of the officers of the Excise Department. On April 5, 1925, some Excise officers entered his house in search of ganja and opium. These very officers entered the petitioner's house also on April 29, 1925, at a time when he was making preparations to celebrate the marriage of his daughter, and their conduct caused him and his family much humiliation. He made due representations to the Excise Commissioner, but received no redress. He prays that the matter be inquired into, and the officers concerned be suitably dealt with.

##### Petition from J. R. Wickramatillaka.

THE HON. MR. T. B. JAYAH (Third Muslim Member):—I also present, Sir, a petition from J. R. Wickramatillaka, of No. 49, Gospel lane, Dematagoda road. The petitioner joined the Railway Construction Department as a draughtsman in September, 1911, and served in that capacity for twelve years. His services were

discontinued in October, 1923, owing to a reduction of staff through retrenchment. Since then he has been without employment, and finding his situation unbearable he applied for re-employment in the hope that his services would again be utilized. Those draughtsmen who were his juniors have been re-employed in the Railway Construction Department. He prays that in consideration of his past services his claims for re-employment may be favourably entertained.

#### Petition from Muslims in Vidatheltivu.

THE HON. MR. A. CANAGARATNAM (Northern Province, Southern Division):—I beg to present a petition, Sir, from the Muslim residents of Vidatheltivu in Mannar, praying that they may be freed from molestation in the use of a well attached to the mosque there.

#### Petition from a Buddhist Priest.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—I beg to present a petition, Sir, from Kohukumbure Revata Unnanse of Rajamaha Vihare, Potubandana. The petitioner states that in the Batticaloa District there is a very ancient Buddhist shrine known as Deeghavapi Vihare, and that His Excellency Sir William Manning informed him in 1921 that the Government Agent, Eastern Province, was giving attention to a memorial on the subject forwarded by him. The petitioner says that nothing definite has yet been arrived at. He prays that after due inquiry this vihare and the lands appertaining to it may be permanently settled on the Buddhists and himself.

#### Petition from M. F. Mendis.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—I also present a petition from Michael Francis Mendis. He states that he was employed in the Master Attendant's Department, and while thus employed, having some money which he inherited from his parents, he was in the habit of lending money to persons employed in the same office—over sixty in number. The amount involved is about Rs. 10,000. While he was in the Department he was unable to sue the debtors, who have now taken advantage of the Public Servants' Liability Ordinance and are refusing to pay. He begs that such action may be taken as would enable him to get back his money.

#### Petition from Inhabitants of Medasiya and Galasiya Pattus.

THE HON. MR. P. B. RAMBUKWELLE (Central Province, Rural):—I beg to present, Sir, a petition from the inhabitants of Medasiya and Galasiya pattus of Harispattu, Central Province. The petitioners state that the only outlet from the centre of the two pattus to the main road—Kandy-Kurunegala—is a minor road of four miles. It was constructed over eighty years ago, and it has never been metalled or gravelled, although it has been used for cart traffic. They pray that a sum of Rs. 10,000 be allotted for the permanent improvement and repair of this road.

**Petition from R. S. Wickramasuriya.**

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District) :— I beg to present a petition, Sir, from R. S. Wickramasuriya of Colombo. The petitioner states that he joined the Police Force as a Fourth Class Sub-Inspector on February 1, 1924, and before he had served for even six years he was promoted to the First Class, and continued to remain as such until the 12th of this month. But he was suddenly called upon to send in his papers, and he was told that the reason for his discharge from the Force was general inefficiency. He begs that the Council and Government may find out for what reason he has been discharged from the Force. He says he was promoted for efficiency six months ago to the First Class. The petitioner has a brother who is an Assistant Superintendent of Police to-day. He prays that Government may grant him relief.

**Petition from a Man of Hatarallyadda.**

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District) :— I also present a petition, Sir, from a man of Hataraliyadda in the Central Province. He says that some time ago Government requested him to make over his piece of land to Government for the purpose of extending the vernacular girls' school at Hataraliyadda. Government has now acquired this plot of land, on which the petitioner says he and his parents had been living. The Government in acquiring the land promised him two or three acres of land in lieu of the land it had acquired. After a time he was asked to deposit the survey fees. He did so, but Government refused to grant him any land, but offered him Rs. 25 as compensation. This he refused to accept, and carried the matter to the courts, where he was awarded Rs. 125. He says that all his earnings for four years were invested on this land, and begs that the matter may be inquired into, and that he be given at least one acre of land, and not the Rs. 125 awarded to him.

**Petition from J. Gramberg.**

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :— I rise, Sir, to present a petition from one J. Gramberg of Grandpass. He says he was employed in the Railway Extension Harbour Rail Connection for a period of six years, and latterly as the Store Issuer of the Inspector of Works Stores at Grandpass. On August 11, 1924, his services were discontinued for slackness of work, and his wages were paid up to June 15, although he had worked from June 16 up to August 11 as Store Issuer. After some efforts he succeeded in obtaining some redress from the Colonial Secretary, and the wages due to him were paid in April, 1925. He says that by reason of this delay he has suffered considerable loss, and asks that some redress may be granted to him for the loss he has sustained.

**Petition from Marshall de Silva.**

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :— I beg also to present a petition from Marshall de Silva of Kandy. He was a constable who had steadily risen to the rank of sergeant. His record is very good, but on March 4 he was dismissed from the Police Force on charges of illegally arresting and detaining one

Daniel Lewis, and so on. No opportunity seems to have been given to this man to defend himself, and his services have been discontinued. I shall read the concluding portion of his petition:—

The petitioner only asks that he be granted the opportunity of vindicating his innocence in a court of law. He is not satisfied with the inquiry held by the Superintendent of Police. He begs that he be prosecuted for the charges of which the Superintendent of Police finds him guilty. If a court of law convicts him he will be getting no more than his deserts; on the other hand, if he establishes his innocence he submits that he must be reinstated. He therefore humbly prays that Honourable Members of Council will consider his case, and request the Government to give petitioner an opportunity to prove his innocence in a court of law.

#### Petition from Residents of Pitigal Korale South.

THE HON. MR. D. S. SENANAYAKE (Negombo Revenue District):—I beg to present a petition, Sir, from the residents of Pitigal korale south in Chilaw District protesting against the distillery proposed to be established there.

#### Petition from W. Ana Fernando and U. L. E. P. Jayasinghe.

THE HON. MR. C. H. Z. FERNANDO (North-Western Province, West):—I beg to present, Sir, a petition from Warnakulasuriya Ana Fernando and Uswatte Liyanage Elaris Perera Jayasinghe of Mahawewa, Chilaw. The second petitioner was convicted by a court martial at Kurunegala on July 30, 1915, and sentenced to fourteen years' rigorous imprisonment and to pay a fine of Rs. 5,000. His father, who was also convicted and sentenced to a similar term of imprisonment and to pay a fine of Rs. 5,000, was released a few months after his conviction. His fine was also remitted. The petitioner was also released, but his fine was not remitted. He prays that his fine may be remitted.

#### NOTICE OF QUESTIONS.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—I give notice, Sir, that at the next meeting of the Council I shall ask the following questions:—

#### Lease of "Welandawakele."

In regard to the lease for 99 years of 900 acres in the Galle District of lands known as Welandawakele in the Talpe pattu, and which lease was auctioned on or about December 4 last—

- (1) What were the dates of advertisement in the *Ceylon Government Gazette* of this "sale"?
- (2) What was the value of the lease per acre as assessed by the Government at the date of lease, particularizing the value of the timber on each acre?
- (3) Was this land not virgin mukalana Crown forest?
- (4) Who were the officers directly responsible for the value put on the timber per acre?
- (5) Was a report furnished by any officer of the Forest Department as to the actual value of the timber?
- (6) What was the value of the timber as stated in such reports?
- (7) To whom was the "lease" given at auction?
- (8) What was the actual price for which the lease was auctioned on the date of auction?
- (9) Was an additional sum of over Rs. 40,000 paid to Government by the purchasers of the lease within a month or thereabouts of the date of "auction"?
- (10) What was the amount, and in what circumstances was the extra payment made?



(11) Between the date of "auction" and the date of the additional payment of Rs. 40,000 by the "purchasers" did the Government receive at the Galle Kacheheri, or otherwise, representations indicating the unreasonable figure at which the lease was auctioned in December, 1924?

(12) Has the Government taken steps to ascertain how it came about that an unreasonable figure was originally accepted?

(13) If so, what has been ascertained?

(14) Will Government take adequate steps to ascertain before date of auction of leases or sales of land the real market value of the timber standing in virgin mukalana Crown forests, especially in cases where the right to the timber accompanies the "lease"?

(15) In order to prevent loss to revenue by the real market value not being obtained, through large acreages being leased and sold, will the Government in future forbid leases or sales of land in lots of over 100 acres to any applicant whatsoever?

### Councillors' Expenses.

Will the Government be pleased to give a detailed statement of the expense to the Colony of (1) the Retrenchment Commission? (2) Councillors' expenses for travelling, &c., during the years 1923 and 1924 respectively?

### Administration Reports for Territorial Members.

Will the Government be pleased to put Members of the Council representing territorial divisions in possession without delay of the Administration Reports dealing with their respective districts?

### Ambepussa Dairy.

Is the Government aware that all the cattle of the Ambepussa Dairy Farm were infected with foot-and-mouth disease? (2) Is there any provision at the farm for the isolation of infected cattle? (3) What was the source of infection? (4) Was it the right of way to outside cattle granted through the dairy grounds? (5) Will the Government take and strictly enforce practical measures to prevent similar infection in the future?

### Muslims in Government Service.

THE HON. MR. H. M. MACAN MARKAR (First Muslim Member):—I give notice, Sir, that at a subsequent meeting of Council I shall ask the following questions:—

(1) Will the Government be pleased to state (a) The number of Muslims employed in each of the following Departments as Government servants: (1) the Civil Service, (2) the Government Clerical Service, (3) the Railway Department, (4) the Survey Department, (5) the Post and Telegraph Departments, (6) the Public Works Department, (7) the Forest Department, (8) the Medical Department, (9) the Department of Agriculture, (10) the Police Department, (11) the Excise Department, and wherever possible the number in each grade of such Departments? (b) The percentage of Muslims in the Government service? (2) (a) Is the Government aware of the fact that in most areas inhabited by Muslims their interests are not adequately represented in local bodies by a representative of theirs being either elected or nominated? (b) With a view to safeguard their interests, will the Government be pleased to reserve at least one seat in the different local bodies to be filled by a Muslim through nomination wherever a seat cannot be secured through the process of election?

### Government Clerical Examination and Students from the Northern Province.

THE HON. MR. T. M. SABARATNAM (Northern Province, Eastern Division):—I rise, Sir, to give notice that at a subsequent meeting of Council I shall ask the following questions:—

(a) Will the Government be pleased to furnish a statement showing the number of candidates who took up each of the last five Government Clerical

Examinations, and the number of those candidates (including officers in Class III. of the Clerical Service) whose permanent residence is in the Northern Province?

(b) Was the examination ever held in Jaffna, and if so, why was the practice discontinued?

(c) In view of the very large number of candidates, and of the high percentage of Jaffnese now taking up this examination, will the Government be pleased to direct that the examination be held simultaneously in Jaffna in future?

#### Unqualified Apothecaries in the Medical Department.

(a) Will the Government be pleased to furnish a statement showing the names of unqualified apothecaries serving in the Medical Department and the length of their respective services?

(b) Are they paid on the same scale as qualified men?

(c) Are not some of these officers in sole charge of dispensaries?

(d) How many qualified apothecaries are there on the waiting list?

(e) Is it true that unqualified persons are often requisitioned by the Medical Department for acting duty?

(f) If the answer to the above be in the affirmative, will the Government be pleased to make more satisfactory arrangements for the future?

#### Local Option.

THE HON. MR. T. B. JAYAH (Third Muslim Member):—I rise, Sir, to give notice that at a subsequent meeting of Council I shall ask the following questions:—

What arrangements has Government made for the exercise of local option in areas which have abolished the poll tax?

#### Permanent Acting Medical Officers.

How many Medical Officers are there in the Medical Department who hold permanent acting appointments? How many of them have held office or over twelve months?

#### Commuted Travelling Allowance to Medical Officers.

Is it a fact that while District Engineers if they travel 400 miles a month are paid a commuted allowance of Rs. 200 a month, District Medical Officers who travel 400 to 600 miles a month are paid only Rs. 75 a month? If so, will the Government be pleased to state why this distinction is made?

#### General Free Railway Passes.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District):—I rise, Sir, to give notice that at a subsequent meeting of Council I shall ask the following questions:—

(a) Will the Government be pleased to provide this Council with a return giving the names of all the persons to whom general free passes for railway travelling have been granted, stating the official designations of such persons and giving in each case the special class in the railway for which these passes are available?

(b) Under what authority, rule, or regulation, in each individual case are such passes granted?

(c) Will the Government state whether such passes may be used in particular cases for travelling in connection with non-official business?

If so, in what cases.

(d) Will the Government give the approximate revenue value, for the financial year ending October, 1924, involved in the issue of these general passes for free travel on the railway?

(e) What is the present method, if any, by which the authorities are able to check the proper use of such passes?

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## NOTICE OF MOTIONS.

## Colombo Museum.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :—  
I give notice, Sir, of the following motion :—

That a Select Committee of the House be appointed to inquire into and report on (1) the administration and working of the Colombo Museum, (2) the advisability or otherwise of combining the administration of the Museum with that of the Fisheries, and (3) to make recommendations for reorganization and control so that its original purpose may more effectively be carried out.

## Public Works Department Estimates.

THE HON. MR. D. S. SENANAYAKE (Negombo District) :—  
I give notice, Sir, of the following motion :—

That a Standing Committee of this Council be appointed to examine the estimates prepared by the Public Works Department and the expenditure of money voted by this Council for public works.

## QUESTIONS.

## Land for Food Production in Beminiyanwila.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) :—I rise, Sir, to ask—(1) Were lots Nos. 58 and 58 (B) in B. S. P. P. 465, Beminiyanwila, in extent 6 acres, given to one Dissanayake for cultivation under the food production minute with an upset price of Rs. 100 fixed? (2) Did the said person fulfil the conditions of the permit given to him dated February 6, 1920? If not, in what respect did he fail? (3) Was not Government bound to sell or lease the said land to him under condition 4 of the permit at its value as unimproved land at the date of the permit? (4) Why was the land put up to public auction after the man had converted the same into a paddy field without selling or leasing it to him? Is not the public sale of it a breach of faith on the part of Government? (5) Is it true that as this land adjoins his residing garden, and as it would be a humiliation to him to allow his enemy to buy it after he had asweddumized it, he had to pay Rs. 4,000 to buy it? (6) What was the real value of this land at the time of sale? (7) What would it have cost Government to clear this land, uproot the stumps, put up ridges, cut necessary channels, and thus convert it into a paddy field?

THE HON. THE ACTING CONTROLLER OF REVENUE :—  
(1) and (2) The lots in question were given to Dissanayake under Circular No. 54 of August 4, 1919, and not under the Food Production Notification of June, 1920.

(3) Condition 4 of the permit issued to Dissanayake did not bind Government to sell or lease the land to him. Condition 4 of this permit provided that the cultivator on performing certain conditions might be entitled to have the land sold to him at its value as unimproved land.

(4) Government, therefore, in putting up the land for public auction committed no breach of faith or contract. Before stating the circumstances which led Government to have this land put up to auction, it is well to remember that the cultivator lost nothing

by his cultivation, but obtained all the benefit and the produce of his cultivation for a period of three years without payment of rent. Seeing that the price of foodstuffs about this time was very high, the free use of the land for three years must have been a sufficient inducement in itself to asweddumize and cultivate the land. The circumstances which led Government to put up the land for public auction were as follows. Government had not bound itself to sell or lease the land to Dissanayake, but it had undertaken to consider his claim to such sale or lease. Government could not, however, allow the land to be sold or leased without competition to Dissanayake without going back upon certain definite assurances which it had given before the issue of the permit to one Don Martin Edirisuriya that the land would be sold by public auction. Government had to decide whether to adhere to those assurances or to interpret condition 44 of the permit as a binding obligation to sell or lease the land preferentially to Dissanayake. The permit had been issued by the Assistant Government Agent, Hambantota, in ignorance of the assurances given to Edirisuriya at a time when such permits were being freely given, but it is probable that Dissanayake, as Vidane Arachehi of Beminiyanwila, was aware that such assurances had been given. Government decided that the only equitable course was to hold by the assurances given to Edirisuriya and allow the public auction of the land, while at the same time providing for the payment of compensation equal to the cost of asweddumization to Dissanayake.

(5) The land adjoins his residing garden. He bought the land at public auction for Rs. 4,000.

(6) The value of the land at the time of sale was about Rs. 200 an acre, or Rs. 1,242·50 in all.

(7) The cost of asweddumizing the land is reckoned at Rs. 190 an acre, or Rs. 621·25 in all.

#### The Arrack Tavern at Mawatagama.

THE HON. MR. S. R. MOHAMED SULTAN (Second Indian Member):—I rise, Sir, to ask—(a) Whether it is a fact that due to the strenuous exertions of the inhabitants of Mawatagama the arrack tavern located there is to be closed from October 1 next as a result of successful local option polling? (b) Whether it is a fact that the polling strength announced on a certain date before the polling was 439, and subsequently flew up on the polling day as if by magic to somewhere about 700? (c) Whether it is a fact that in spite of this unforeseen development the abolitionists polled over 60 per cent? (d) Whether subsequent to this mandate of the inhabitants at the polls some European planters have sent memorials to the Government Agent to continue the tavern? (e) Whether it is a fact that the Government Agent has recommended to the Government to continue the said tavern close to Mawatagama to serve the labourers (mostly Indians) on the estates close by? (f) Whether, if the answer is in the affirmative, the Government, having regard to the strength of public feeling at Mawatagama would not discountenance such a move?

THE HON. THE ACTING CONTROLLER OF REVENUE:—

(a) Mawatagama arrack tavern will be closed on October 1, 1925, as a result of the local option poll held on December 10, 1924.

(b) The list of taxpaying inhabitants in the area prepared under the rules governing the conduct of local option ballots totalled 439. At the polling on the representations of the representatives of the Temperance Society the list was amended to include persons who, though not on the list, resided within the area and had paid their tax. The list as amended totalled 683.

(c) The percentage for abolition was 62·5.

(d) A petition was presented to the Government Agent on February 3 by planters of the District, both European and Ceylonese, protesting against the abolition of the tavern on the ground that it serves mainly the estate population and that its closure would mean prevalence of illicit sales and the attendant evils.

(e) This petition was considered by the Excise Advisory Committee, and the Committee was in favour of opening a tavern to serve the estate population on a site which will be selected by the Government Agent, and which will be outside the Mawatagama tavern area.

(f) As the tavern, which it is proposed to establish, will not be situated within the area affected by the poll, the Government sees no reason to interfere with the discretion of the Government Agent and his Excise Advisory Committee.

#### Export of Fluid Rubber Latex.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I rise, Sir, to ask—(1) Arising out of the reply to question No. 58, is the effect of restriction of export of fluid rubber latex to discourage new uses of rubber? (2) Was the restriction of export of fluid rubber latex at the instance of the Secretary of State?

THE HON. THE ACTING COLONIAL SECRETARY:—(1) Government has no reason to believe that the inclusion of fluid rubber latex, along with other forms of raw rubber, under the Restriction Ordinance will in any way discourage new uses of rubber.

(2) Government decided to restrict the export of fluid rubber latex after ascertaining from the Imperial Institute that its use had passed beyond the experimental stage and that it was being increasingly used in a variety of processes in substitution for plantation rubber.

#### Lapsed Money in Courts and Kachcheries.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I rise, Sir, to ask—In continuation of question No. 42, will the Government be pleased to give the name and address of the party or parties shown in the record as connected with the largest amount lapsed to Government in any Court or Kachcheri?

THE HON. THE ACTING COLONIAL SECRETARY:—The largest amount which lapsed to revenue during the financial year 1923-24 was that deposited in connection with District Court, Colombo, Insolvency case 1,410. This case refers to the insolvency of Messrs. Sabonadier & Co. It was instituted in 1884. The addresses of the parties to the case are not available.

## Water Supply to Tangalla.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division):—I rise, Sir, to ask—(1) Were plans and estimates prepared for a water supply to Tangalla from the Ambala springs, a distance of about seven miles? (2) Were these submitted by Government to the local Sanitary Board? (3) Did the Sanitary Board agree to take a loan of half the amount from Government, paying interest; and did the Board agree to pay the maximum water rate leviable under the Ordinance? What reply did the Government give to the Board then? Will the Government be pleased to lay these papers on the table? (4) What was the estimate for this scheme, and when was it made? By how much can this be reduced, as iron and cement have since gone down in price? (5) Since what year is the Public Works Department carrying on boring operations for wells, and what has been the total cost of these experiments? Has any well been dug as a result of these experiments? (6) Is there any good in carrying on these experiments any further? Even if water is found, does Government think that such water if found would be sufficient for the town, or does Government expect to have an artesian well in Tangalla? (7) Does not Government think that the scheme from Ambala is a good one, and that no better scheme is available? (8) Since what year have the Assistant Government Agents of Hambantota been pressing the need for a water supply to Tangalla? (9) Is it not the fact that the whole town is dependent on three wells holding stagnant rain water? (10) Do not these wells run dry during a drought, and have not the people to go about three miles to another well for water at such times?

THE HON. THE ACTING COLONIAL SECRETARY:—(1) Yes.

(2) Yes.

(3) The Sanitary Board informed Government that their finances, even after imposing the maximum water rate, would permit of their repaying a loan of only Rs. 80,000—a little under one-quarter of the estimate—and that the remainder would have to be met by a Government grant. The Sanitary Board undertook to impose the maximum water rate leviable under the Ordinance.

\* (4) Rs. 330,000. It was made in 1922.

Government is advised that this estimate would now have to be increased because, while cement has fallen in price, the cost of cast iron pipes has risen; and further, an item would have to be inserted to cover Government's overhead charge.

(5) Boring operations have been carried out from time to time since 1912. Further experiments were started in 1923 at spots selected by the Government Mineralogist. Experiments in much deeper borings are now in progress. No wells have so far been sunk as a result of these experiments. The experiments have so far cost Rs. 4 000.

(6) The experiments have not yet been pushed to a definite conclusion, as much deeper borings are necessary than those hitherto attempted. These borings will be undertaken as soon as the necessary plant is available, and in view of the expense of the Ambala Scheme, Government considers that the chance of drilling a successful artesian well must not be neglected, and that the experiments should proceed.

(7) Government is advised that the scheme to obtain water from the Ambala springs would prove successful in giving the necessary water supply, but, as the cost is very heavy, Government is of opinion that it is essential to investigate the possibility of other sources of supply. Until the present experiments have been completed Government cannot decide whether the Ambala Scheme is the best possible solution of the problem.

(8) The needs of Tangalla town as regards water supply have been represented to Government from time to time for many years past. Correspondence on the subject has been traced back to 1905. The difficulty has always been to obtain an improved supply at a reasonable cost.

(9) Tangalla town is at present dependent for its water supply on three wells.

(10) These three wells have not run dry during the last two years. In the event of their doing so during the drought, water is procured from a well situated about three miles from Tangalla, the water from which is reported to be good and wholesome.

#### Cases in the Trincomalee Courts.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District):—I rise, Sir, to ask—Will the Government be pleased to furnish a statement giving the number of cases instituted in the Police Court, Court of Requests, and District Court, Trincomalee, for the last ten years, making special reference to those instituted by the Assistant Government Agent, or by him in any other capacity, or by his subordinate officers, including headmen and police?

THE HON. THE ACTING COLONIAL SECRETARY:—A statement giving the desired information has been laid on the table.

#### Repair of the Trincomalee-Batticaloa Road.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District):—I rise, Sir, to ask—Will the Government be pleased to state what amount has been spent yearly on the repair and reconstruction of the Trincomalee-Batticaloa road between the 72nd milepost and Mutur for the last ten years necessitated by sea erosion, and so on, and what steps it proposes to take to prevent the recurrence of such expenditure?

THE HON. MR. J. STRACHAN (Director of Public Works):—The amount spent yearly on the repairs of the Trincomalee-Batticaloa road between the 72nd mile and Mutur necessitated by sea erosion, and so on, is as follows:—

	Rs.	c.	
1914-15	280	0	} Average annual expenditure Rs. 2,081
1915-16	540	0	
1916-17	5,020	0	
1917-18	8,020	0	
1918-19	3,550	0	
1919-20	170	0	
1920-21	800	0	
1921-22	50	0	
1922-23	380	0	
1923-24	2,000	0	
	20,810	0	

(2) Government is advised that the recurrent damage cannot be avoided except by the construction of coast and river-bank protection works or a deviation of the road, the cost of which would be out of all proportion to the saving of the annual expenditure now incurred. Government therefore does not at present consider it advisable to adopt any such measures.

#### The Allai Irrigation Scheme.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District) :—I rise, Sir, to ask—Will the Government be pleased to furnish a statement showing the different works (including the construction of roads and bungalows) done in connection with the Allai Irrigation Scheme from the time the Irrigation Department took charge, and the sums of money spent on such works from time to time ?

THE HON. THE ACTING COLONIAL SECRETARY :—A statement giving the desired information has been tabled.

#### Coffins for the Burial of Paupers.

THE HON. MR. C. H. Z. FERNANDO (North-Western Province, Western Division) :—I rise, Sir, to ask—(1) Is it a fact that corpses of non-paying patients who die in Government hospitals and which are not claimed by relatives are buried without coffins ? (2) What is the number of pauper patients thus buried during last year ? (3) Is Government aware that the Colombo Municipality provides coffins for the burial of paupers found dead in the streets ? (4) What would be the approximate cost of providing coffins for non-paying patients who die in Government hospitals and whose bodies are not claimed by relatives ? (5) Is Government not prepared to undertake the expense of providing coffins in such cases ?

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) :—(1) Yes ; except in a relatively small number of cases, where coffins have been supplied by a Society.

(2) During the year ending March 31, 1925, the bodies of 8,899 non-paying patients, which were not claimed by relatives, were buried without coffins.

(3) Government is informed that the Colombo Municipal Council provides coffins for the burial of paupers found dead in the streets.

(4) The cost is difficult to estimate accurately, as the price of coffins in different stations varies considerably. The average cost of a coffin is estimated at about Rs. 7.50. For the twelve months ending on March 31, 1925, the cost would have been about Rs. 67,000.

(5) Government is advised that from a sanitary point of view there is no advantage in burying with coffins—rather the reverse ; and in view of the difficulties, delays, and resultant inconvenience which might be likely to arise, as well as of the heavy expenditure involved, Government does not feel justified in adopting the suggestion that coffins should be provided for the unclaimed bodies of non-paying patients, whose death occurs in Government hospitals.

#### Training of Dentists : Dental Institutes.

THE HON. MR. S. RAJARATNAM (Northern Province, Central Division) :—I rise, Sir, to ask—Will the Government be pleased to



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provide for the training of a class of dentists in connection with the Medical College or elsewhere? Will the Government be pleased to establish dental institutes in connection with the principal hospitals in the Island?

**THE HON. DR. J. F. E. BRIDGER** (Principal Civil Medical Officer):—This matter is engaging the attention of Government, but it is not at present possible to establish dental institutes in connection with the principal hospitals.

**THE HON. THE ACTING COLONIAL SECRETARY**:—The answer to question No. 72 is not yet ready.

### **The Hospitals at Tangalla, Hambantota, and Tissa.**

**THE HON. MR. V. S. DE S. WIKREMANAYAKE** (Southern Province, Southern Division):—I rise, Sir, to ask—(1) What is the approximate area, in square miles, served by the hospitals at Tangalla, Hambantota, and Tissa, respectively? (2) Are there any maternity wards in any of these hospitals, and is there any provision made in them for maternity cases? (3) Are there trained matrons or nurses in any one of these hospitals?

**THE HON. DR. J. F. E. BRIDGER** (Principal Civil Medical Officer):—(1) The Tangalla hospital serves approximately 250 square miles, Hambantota approximately 300 square miles. The area of square miles served by the Tissa hospital is not at present available.

(2) There are no maternity wards in these hospitals. Maternity cases are treated in the female wards. Only four such cases sought admission to these three hospitals in 1924.

(3) The answer is in the negative.

### **Trained Midwives in the Hambantota District.**

**THE HON. MR. V. S. DE S. WIKREMANAYAKE** (Southern Province, Southern Division):—I rise, Sir, to ask—Are there any trained or certified midwives in the Hambantota District? If so, where are they?

**THE HON. DR. J. F. E. BRIDGER** (Principal Civil Medical Officer):—There are no trained or certificated midwives employed by Government in the Hambantota District, nor are there any engaged in private practice, so far as our information goes.

### **Death Rate of Infants in the Hambantota District.**

**THE HON. MR. V. S. DE S. WIKREMANAYAKE** (Southern Province, Southern Division):—I rise, Sir, to ask—What was the death rate of infants under one year of age in the Hambantota District during the years 1920 to 1924?

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) :—The death rates of infants under one year of age in the Hambantota District during the period in question are as follows :—

Year.	Rate per 1,000 Births during the Year.		
1920	..	..	.. 185
1921	..	..	.. 293
1922	..	..	.. 299
1923	..	..	.. 249
1924	..	..	.. 207

#### Sale of Forest Land in the Kalutara District.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :— I rise, Sir, to ask—(1) Why has the Government advertised for sale on June 8, 1925, in one lot, a tract of 1,051 acres of forest in Dodampitiya, Pasdun Korale West Division of the Kalutara District, without putting it up in several allotments? (2) On whose recommendation is the lot of 1,051 acres sought to be sold in a single block? (3) Has any company or private individual applied to the Government privately or officially for this forest to be put up for sale in a single block of 1,051 acres? If so, which is the company or who is the private individual? (4) Has the Government received representations from the Welipenna and Matugama Co-operative Credit Societies protesting against the alienation of this block as a forest neighbouring their villages and suitable for pasture? (5) If the Government decides to sell this forest, will it consider the desirability of splitting it up into several allotments, so as to give an equal chance to the smaller village landowner as well as to the big capitalist?

THE HON. THE ACTING COLONIAL SECRETARY :—(1) Because an application was received for its sale in one block and no applications were received for its sale in separate lots.

(2) On the recommendation of the Government Agent, who satisfied himself that reservations to the extent of 1,230 acres had been left for the needs of the villagers of Dodampitiya, which has a population of less than 200 persons.

(3) (a) The application was made by a company. It was made officially and in the form laid down by the Land Sale Regulations, and was dealt with by the various Government Departments concerned in accordance with these regulations.

(b) The Land Sale Regulations lay down that the names of applicants for the sale or lease of land over 50 acres in extent shall not be gazetted. The only reason why the names of applicants for less than 50 acres in extent are gazetted is in order that their names may be called out when the sales take place and that they may be given a fair opportunity of bidding.

(4) The reply to this question is in the negative.

(5) The Government has decided that time should be allowed till October 1, 1925, for the receipt of other applications for allotments of the block comprised in lot 312, which is over 1,000 acres in extent, such allotments to be not less than 50 acres in extent. Government has also decided that all future applications for lots over 250 acres in extent, wherever they may be situated, shall be gazetted, and that 3 months' notice instead of 6 weeks shall be given before they are sold.

### The Board of Tender.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—I rise, Sir, to ask—(1) In how many cases during the last three years did the Board of Tender reject the highest tender and accept a lower tender? Will the Government be pleased to give a list of such instances? (2) Was any reason given for such rejection by the Tender Board; and if so, what was the reason in each case? (3) Was there any case in which a fresh tender was admitted and accepted after the last date for tender?

THE HON. THE ACTING CONTROLLER OF REVENUE :—  
(1) In 52 cases. A list of the services in question is appended.

(2) Unsuccessful tenderers are not informed of the reason for the rejection of the tenders. The Chairman of the Tender Board submits to Government a report in all cases where the Tender Board considers the rejection of the most favourable tender to be advisable and Government sanction is necessary for such rejection. The rejection of the most favourable tender is only recommended when it is reported that the tenderer is by character or in financial status unable to carry out the contract, or that he has proved unsatisfactory in other Government contracts, or that the terms offered by him are impracticable. It is not considered advisable to furnish the reason in such case.

(3) No. There was one case in 1922 in which a tenderer offered to reduce his rates after the tenders had been opened, but the reduced terms were not accepted until the other tenderer had been given an opportunity to vary his terms also. Though this was done by the head of the department concerned in the best interests of Government, it was a departure from strictly regular procedure and has not since recurred.

#### LIST REFERRED TO.

##### 1922—17 Cases.

1. Supply of firewood to the Railway from the Southern Division.
2. Loading and unloading, Ceylon Government Railway.
3. Provisioning the paying section of the General Hospital, Lady Havelock, the De Soysa Lying-in Home, and the Victoria Memorial Eye hospital.
4. Loading and unloading firewood, Ceylon Government Railway.
5. Supply of bricks to the Upper District of the Railway.
6. Supply of firewood to the Railway.
7. Provisioning Maskeliya hospital.
8. Provisioning Teldeniya hospital.
9. Supply of Railway clothing.
10. Loading, &c., of goods at Gampola and Rambukkana railway stations.
11. Supply of firewood to Government Departments.
12. Supply of firewood to Jaffna Depôt.
13. Supply of firewood from private sources in Sabaragamuwa Division.
14. Provisioning Passara and Deniyaya hospitals.
15. Provisioning Agrapatna hospital.
16. Supply of sleepers from the Western Division.
17. Loading and unloading of goods at Haputale railway station.

## 1923—12 Cases.

1. Supply of firewood to the Railway from the North-Western Division.
2. Platform contract, Polgahawela.
3. Loading and unloading Railway firewood.
4. Provisioning the Leper Asylum at Mantivu.
5. Supply of uniforms to the Railway Department.
6. Provisioning of hospitals at Lindula, &c.
7. Provisioning Mihintale and Maha-oya hospitals.
8. Supply of firewood to the Railway from the Northern Division.
9. Supply of firewood to the Railway from the Uva Division.
10. Supply of sleepers to the Railway from the Southern Division.
11. Supply of sleepers to the Railway.
12. Supply of firewood to the Jaffna Depot.

## 1924—23 Cases.

1. Supply of sleepers and logs from the Southern Division.
2. Conveyance of mails by motor between Matara and Deniyaya.
3. Supply of timber to the Central Timber Depot from the Eastern Division.
4. Supply of timber from the North-Central Division.
5. Supply of sleepers from the Western Division.
6. Supply of timber from the Northern Division.
7. Supply of milchar rice for the use of the Public Works Department.
8. Conveyance of mails by motor between Jaffna and Point Pedro.
9. Sale of refreshments at Rambukkana railway station.
10. Loading, unloading, and stacking firewood for the Railway Department.
11. Provisioning Mantivu Leper Asylum.
12. Loading and unloading of goods at Hatton goods shed.
13. Supply of uniforms to the Railway Department.
14. Cooly contracts, Galle and Matara stations and Nanu-oya station.
15. Provisioning Dolosbage hospital.
16. Provisioning Agrapatna hospital.
17. Supply of firewood to the Forest Department Depot at Trincomalee.
18. Supply of coke.
19. Supply of firewood to the Railway from the Western Division.
20. Services, Central Timber Depot, Slave Island.
21. Supply of sawn timber to Government Departments from Central Division.
22. Supply of firewood to the Railway from the Northern Division.
23. Supply of teak squares.

THE HON. THE ACTING COLONIAL SECRETARY :—The answers to questions Nos. 78, 79, 80 and 81 are not ready.

## Recruits for the Customs Service.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—I rise, Sir, to ask—(1) How many youths were recruited into the Customs Service during the last five years? (2) Will the

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Government be pleased to give a list containing the names of all such recruits, showing age, race, educational qualifications at the time of recruitment? (3) What is the system adopted by this Department in making a selection among the candidates

THE HON. MR. W. T. SOUTHORN (Principal Collector of Customs):—(1) Forty-seven.

(2) A statement has been prepared and is laid on the table.

(3) All applications are carefully considered, and a selection of the candidates who appear to be best suited for the vacant posts is made by the Deputy Collector. The selected candidates are personally examined by the Deputy Collector, who rejects those who prove least suitable. The remainder are interviewed personally by the Principal Collector, who makes the final selection, usually after consultation with the Deputy Collector and one or more of the Landing Surveyors, taking into consideration character, the education, status, and general suitability of the candidate for the work of the Department.

THE HON. THE ACTING COLONIAL SECRETARY:—The answers to questions Nos. 83, 84, 85, 86 are not yet ready.

#### Total Amount involved by the Supplementary Estimates.

THE HON. SIR J. THOMSON BROOM, Kt. (European Urban Member):—I rise, Sir, to ask—What is the total amount involved by the supplementary estimates passed since the beginning of the present financial year?

THE HON. THE ACTING COLONIAL SECRETARY:—The total amount of expenditure involved in supplementary estimates passed during the current financial year for expenditure within the year is Rs. 3,121,684·16, of which Rs. 120,136·02 was passed against savings and Rs. 3,001,548·14 was “new money.”

#### Policy of Government regarding Cultivation of Chena Lands.

In the absence of the Hon. Mr. G. E. Madawala (North-Western Province, Eastern Division), the Hon. Mr. A. F. MOLAMURE (Kegalla Revenue District) asked—As there seems to be some misunderstanding in regard to the policy of Government in reference to the cultivation of chena lands with permanent products by villagers pending settlement, will the Government be pleased to issue instructions to the officers concerned to the effect that there is no such prohibition against villagers, in accordance with the statement made on behalf of Government by the Honourable the Acting Colonial Secretary at the discussion in Select Committee of the Budget of 1924-25?

THE HON. THE ACTING COLONIAL SECRETARY:—Remarks made by Official Members of the Select Committee of the Legislative Council on Finance have never been, and cannot be, interpreted as the deliberate pronouncements of the Government's policy on matters not wholly connected with finance. In regard to the

planting up of chena land, it is the intention of the Government not to prohibit, but to encourage, such development, subject to two conditions :—

- (a) That the reservation of the land is not required for any public or village purpose.
- (b) That the Crown's title, which is held in trust for the public, is adequately safeguarded.

Villagers wishing to plant chena lands should apply to the Government Agents for permission to do so. If they can satisfy the Government Agents as to their *bona fides*, they will be allowed to occupy the land on the customary form of permit on a nominal rent. Those who can afford to do so will also be required to deposit the usual fees with a view to early settlement. Authority will be granted to the Government Agent to sell the land to the permitted occupiers without competition.

THE HON. THE ACTING COLONIAL SECRETARY :—The answers to questions Nos. 89 and 90 are not yet ready.

#### Plague at Kalutara.

THE HON. MR. S. R. MOHAMED SULTAN (Second Indian Member) :—I rise, Sir, to ask—Will the Government be pleased to appoint a Commission to inquire into the dissatisfaction caused by the authorities during the recent outbreak of plague at Kalutara ?

THE HON. THE ACTING COLONIAL SECRETARY :—The Government considers that the measures adopted by the Sanitary Department were necessary to save life and avert a serious epidemic of plague at Kalutara. The inconvenience caused by these measures was in the opinion of the Government unavoidable and was amply justified by their success.

The reply to the question is therefore in the negative.

#### Pay and Prospects of Vernacular Teachers in Assisted Schools.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division) :—I rise, Sir, to ask—(1) Has Government in hand a scheme for improvement of the pay and prospects of vernacular teachers in assisted schools similar to the one for English teachers ? (2) If not, will the Government be pleased to prepare a scheme for vernacular teachers to be put into operation earlier than or at least simultaneously with the one for English teachers.

THE HON. MR. L. MACRAE (Director of Education) :—The answer to the first question is in the affirmative ; therefore, the second question does not arise.

THE HON. THE ACTING COLONIAL SECRETARY :—The answer to question No. 93 is not yet ready.

#### Sums allocated to Provincial and District Road Committees.

THE HON. MR. T. Y. WRIGHT (European Rural Member) :—I rise, Sir, to ask—Will the Government be pleased to state—(1) If the Rs. 1,000,000 voted out of the surplus balances to be given to

the Provincial and District Road Committees has yet been allocated ; if not, the reason of the delay ? (2) If the allocations have been made, will the Government be pleased to state the amounts allocated to each District Road Committee ?

THE HON. MR. J. STRACHAN (Director of Public Works) :—  
(1) A final allocation of the vote of Rs. 1,000,000 has not yet been made. Mr. G. H. Pritchard, the officer appointed to investigate the whole question of maintenance of minor roads, is at present going into this question in consultation with the Chairmen of the Road Committees. The allocation will be made on receipt of his report, which is expected in August.

(2) This question is answered by the reply to question No. 1.

THE HON. MR. D. S. SENANAYAKE (Negombo District) :—  
Arising from that answer, I should like to know what connection the engineer appointed has with these votes.

THE HON. MR. J. STRACHAN (Director of Public Works) :—  
The reply is that Mr. Pritchard is going round consulting the Chairmen of the various Minor Road Committees as to whether they can spend this money.

#### District and Minor Roads and Amounts to be spent on them.

THE HON. MR. T. Y. WRIGHT (European Rural Member) :—  
I rise, Sir, to ask—(1) Has an officer been seconded yet from the Public Works Department or other department to report on the district and minor roads in accordance with the decision arrived at when the last Budget was being discussed as to what amounts should be spent on them and which roads should be taken over by Government ? (2) Will the Government be pleased to state the name of the officer so appointed, and how many districts he has reported on to date ; if no appointment has been made, the reason of the delay ?

THE HON. MR. J. STRACHAN (Director of Public Works) :—  
(1) Yes.

(2) Mr. G. H. Pritchard, District Engineer of the Public Works Department.

A comprehensive report by Mr. Pritchard on the points mentioned in the question of the Honourable Member and on other points connected with minor roads is expected in August.

#### Standing Committee on Finance.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg to move, Sir, that the reports of the Standing Committee on Finance dated April 3, 1925, and May 15, 1925, be adopted.

THE HON. THE TREASURER seconded, and the motion was agreed to.

#### Supplementary Expenditure.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg to move, Sir, that the items No. 150 to No. 169 of supplementary

expenditure annexed to the Message of His Excellency the Officer Administering the Government dated June 9, 1925, be referred to the Finance Committee.

THE HON. THE TREASURER seconded, and the motion was agreed to.

**The Ceylon Telegraph Ordinance.**

THE HON. THE ACTING COLONIAL SECRETARY :—I beg, Sir, to move—That the rules made by His Excellency the Officer Administering the Government in Executive Council, in exercise of the powers vested in him by section 7 of “The Ceylon Telegraph Ordinance, 1908,” as amended by Ordinance No. 10 of 1923, and published in *Government Gazette* No. 7,456 of April 17, 1925, be confirmed.

These rules provide for the grant of licences to persons importing wireless apparatus as a part of their personal baggage on their making a personal declaration to that effect.

THE HON. THE TREASURER seconded, and the motion was agreed to.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg, Sir, to move :—That the rules made by His Excellency the Officer Administering the Government in Executive Council, in exercise of the powers vested in him by section 7 of “The Ceylon Telegraph Ordinance, 1908,” as amended by Ordinance No. 10 of 1923, and published in *Government Gazette* No. 7,463 of May 22, 1925, be confirmed.

THE HON. THE TREASURER seconded, and the motion was agreed to.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg, Sir, to move—That the rules made by His Excellency the Officer Administering the Government in Executive Council, in exercise of the powers vested in him by section 7 of “The Ceylon Telegraph Ordinance, 1908,” as amended by Ordinance No. 10 of 1923, and published in *Government Gazette* No. 7,464 of May 29, 1925, be confirmed.

THE HON. THE TREASURER seconded, and the motion was agreed to.

THE HON. THE ACTING COLONIAL SECRETARY :—I rise, Sir, to move—That the rules made by His Excellency the Officer Administering the Government in Executive Council, in exercise of the powers vested in him by section 7 of “The Ceylon Telegraph Ordinance, 1908,” as amended by Ordinance No. 10 of 1923, and published in *Government Gazette* No. 7,464 of May 29, 1925, be confirmed.

THE HON. THE TREASURER seconded, and the motion was agreed to.



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**THE HON. THE ACTING COLONIAL SECRETARY** :—I beg, Sir, to move—That the rules made by His Excellency the Officer Administering the Government in Executive Council, in exercise of the powers vested in him by section 7 of “The Ceylon Telegraph Ordinance, 1908,” as amended by Ordinance No. 10 of 1923, and published in *Government Gazette* No. 7,464 of May 29, 1925, be confirmed.

**THE HON. THE TREASURER** seconded, and the motion was agreed to.

**Pension to M. Meiyana Fonseka.**

**THE HON. THE ACTING COLONIAL SECRETARY** :—I beg to move, Sir—That in terms of section 31 (ii.) of the Pension Minute, a pension of Rs. 150 per annum be granted, with effect from January 16, 1924, to M. Meiyana Fonseka, sister of M. W. Fonseka, Cooly, Railway Department, who was killed whilst on duty.

M. W. Fonseka was employed as a cooly in the Way and Works Department of the Ceylon Government Railway. I regret to state that he was run over by the 7.30 A.M. train from Colombo Fort to Bandarawela on January 15, 1924, at 21 miles 30 chains on the main line and killed. I therefore move the motion standing in my name.

**THE HON. THE TREASURER** seconded, and the motion was agreed to.

**Pension to Widow and Gratuities to Children of Supprayen.**

**THE HON. THE ACTING COLONIAL SECRETARY** :—I beg to move, Sir—That in terms of section 31 (i.) of the Pension Minute the following payments be made to the widow and children of Supprayen, Cooly, Public Works Department, who died on May 22, 1924, of injuries received while on duty at the Public Works Department quarry, Madampitiya :—

To the widow a pension of Rs. 150 per annum, with effect from May 23, 1924.

To the children gratuities as under :—

	Rs.
To the child aged 3 years and 8 months ..	120
To the child aged 10 months ..	150
	270

Supprayen was employed as a cooly in the Public Works Department. I regret to state that he met with a fatal accident at Madampitiya quarry while trying to remove an unexploded charge on May 22, 1924. He expired on the way while being removed to the hospital.

**THE HON. THE TREASURER** seconded, and the motion was agreed to.

**Allowance to a Public Works Department  
Piecework Labourer.**

**THE HON. THE ACTING COLONIAL SECRETARY** :—I beg, Sir, to move that an allowance of Rs. 45 per annum be granted, with effect from June 19, 1924, as an act of grace, to Valoo, who was employed as a piecework labourer in the Public Works Department, and who had his eyes and body seriously injured as a result

of an accident while on duty. This is a case outside the provisions of the Pension Minute. Valoo was employed as a regular Public Works Department labourer, paid on check roll, for twenty years, but on the date of the accident he was employed as a pieceworker. This resolution is being brought before the Council on compassionate grounds. I regret to state that Valoo sustained an injury on June 19, 1924. While loading a charge he was seriously injured in both his eyes, besides sustaining lacerated wounds on his body, face, and hands. The result is that he is unfit for further work.

THE HON. THE TREASURER seconded.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I move as an amendment that the words "as an act of grace" be omitted on the ground that this man appears to have fully earned his allowance and that therefore the words "as an act of grace" are irrelevant.

THE HON. THE VICE-PRESIDENT:—I understand that those words are inserted because the payment is not being made under the Pension Minute.

THE HON. MR. H. R. FREEMAN (North-Central Province):—But still I suggest that the words "as an act of grace" be removed.

THE HON. THE ACTING COLONIAL SECRETARY:—I should like to refer this matter to His Excellency the Officer Administering the Government. We have in this case merely followed the traditional form of words. The matter, as I have said, does not come under the Pension Minute, and therefore it is an act of grace. If the payment comes under the Pension Minute it will be as an act of right. There is nothing veiled in the words. However, as the matter has been mentioned I will consult His Excellency the Officer Administering the Government.

THE HON. THE VICE-PRESIDENT:—Do you persist in your objection?

THE HON. MR. H. R. FREEMAN (North-Central Province):—I do not see any sense in the use of the words, and I do not see any necessity for their being used.

THE HON. MR. G. A. H. WILLE (First Burgher Member):—If the matter is to be resubmitted to His Excellency the Officer Administering the Government, I would like to suggest that the man be given an allowance of Rs. 60 at least. That will make it Rs. 5 a month.

THE HON. THE ACTING COLONIAL SECRETARY:—A motion for expenditure of that kind cannot be initiated by an Unofficial Member of this Council.

THE HON. MR. G. A. H. WILLE (First Burgher Member):—I have not moved a motion; I have merely suggested the enhancement of the allowance as the matter is being resubmitted to the Governor. In this connection I might say that private employers of labour and the Government are getting off very cheap because we have no Workmen's Compensation Act. This man has lost both his eyes and received injuries on his face and hands; and I think that Government could well afford to give him an allowance of at least Rs. 5 a month.

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**THE HON. THE VICE-PRESIDENT** :—Does the motion stand over for the present ?

**THE HON. THE ACTING COLONIAL SECRETARY** :—I do not think it need stand over. The allowance has to be paid. I would suggest that the Hon. Mr. Freeman's objection should stand over.

**THE HON. MR. E. R. TAMBIMUTTU** (Batticaloa Revenue District) :—I would like to suggest that the recommendation of the House should be sent to His Excellency the Officer Administering the Government. It seems to me that a man who has lost both eyes and been incapacitated from work should be given something more than Rs. 4 a month. By giving an allowance of only Rs. 45 a year we are setting a very bad example to employers of labour in Ceylon. The fact that we have no Workmen's Compensation Act should not be taken advantage of. If this man who has been so seriously injured is to be given only Rs. 4 a month, what can others expect ? I think that the Government should set an example in cases of this sort. I suggest that the opinion of this House should be reported to His Excellency the Officer Administering the Government.

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District) :—If it has not already been seconded, I should like to second the amendment for the enhancement of the allowance. If there is no magic in the words "as an act of grace," I hope that the Honourable the Colonial Secretary will remove them.

**THE HON. MR. A. CANAGARATNAM** (Northern Province, Southern Division) :—It all depends—

**THE HON. THE VICE-PRESIDENT** :—Is the Honourable Member speaking on the amendment ?

**THE HON. MR. A. CANAGARATNAM** (Northern Province, Southern Division) :—On the motion as well as on the amendment. The difference of opinion seems to hinge on one point, namely, whether this cooly was permanently employed or was doing piecework. I understand that he was not a regular employee, but was doing piecework, and it was left to him to attend work whenever he liked. This matter, although it is a very trivial one, has to be considered in the light of information which the employer, namely, the Director of Public Works, will have to give us. If the man was a regular employee we should, I think, give him a more liberal allowance than what has been proposed by Government, but if he was working as a daily-paid cooly, I think that the amount now proposed is liberal enough. I think the question turns on the point I have indicated.

**THE HON. MR. J. STRACHAN** (Director of Public Works) :—The Honourable the Colonial Secretary in putting forward this motion mentioned that the cooly was employed as a regular Public Works Department labourer up to a certain date. He was then paid on check roll. That agreement had terminated, and at the time of the accident he was put on piecework, and was paid so much per sett or so much per cube for what he was doing ; so that the question of compensation does not arise. I understand that this is a request for payment "as an act of grace" because the man had previously been employed by Government on check roll.

**THE HON. MR. F. A. OBEYESEKERE** (Southern Province, Central Division):—I should like to submit to Council, Sir, that there is fallacy in the words which have fallen from the Honourable Member for the Northern Province, Southern Division. We know from experience that men who have worked for years in the Survey Department as monthly-paid servants are put on the daily-pay list although the nature of their work has not altered one iota. I think that this case is on all fours with the cases I have in mind, and I cannot for a moment entertain the argument that has been put to the House that we should differentiate between these classes of employees of Government merely because they have been put on the daily-paid list. In the circumstances I think that this Council should protest against the niggardly amount proposed to be given to this man and also against the use of the words "as an act of grace." I support the amendment to remove the words "as an act of grace."

**THE HON. MR. T. Y. WRIGHT** (European Rural Member):—The use of the words does not make any difference. The only question we are concerned with is the amount. The cooly had worked for the Public Works Department for thirty years. Whether he lost his eyes or not he was entitled to more than Rs. 4 a month.

**THE HON. THE VICE-PRESIDENT**:—I have no doubt that the suggestion made with regard to the enhancement of the allowance will be conveyed to His Excellency the Officer Administering the Government; but the amendment with regard to the deletion of the words "as an act of grace" is before the House.

**THE HON. THE ACTING COLONIAL SECRETARY**:—I suggest that the discussion on this question be adjourned.

The discussion was adjourned.

#### **Latrines for Government and Aided Schools.**

**THE HON. THE ACTING COLONIAL SECRETARY**:—Sir, this is the eleventh motion standing in my name. It reads—

That an expenditure of a sum of Rs. 20,000 from the Surplus Balances of the Colony be authorized for providing latrines for Government and aided schools.

This matter was very fully discussed in the Finance Committee. Its object is the prevention of the spread of anchylostomiasis.

**THE HON. THE TREASURER** seconded, and the motion was agreed to.

#### **Duty on Beer manufactured in the Nuwara Eliya Brewery.**

**THE HON. THE ACTING COLONIAL SECRETARY**:—I beg, Sir, to move—That a duty of Rs. 2,000 for every twelve months be levied on all beer manufactured in the Nuwara Eliya Brewery, commencing from October 1, 1925.

As Honourable Members will remember, this matter was very fully discussed in Finance Committee, when the Excise Commissioner was also present. We then decided that a duty should be levied, and that it was advisable not to levy a duty on gallonage because of the expense of supervision, inspection, and accounting, but that a lump sum should be fixed. Various sums were suggested, namely, Rs. 1,500, Rs. 2,000, and Rs. 3,000, and the majority was in favour of Rs. 2,000.

**THE HON. THE TREASURER** seconded.

**THE HON. MR. T. Y. WRIGHT** (European Rural Member) :—I should like to oppose this motion, Sir. This company has been struggling for existence for years, and it contributes to the revenue of the Colony as all materials required to make the beer pay an import duty, and the ordinary licences are paid as well. I understand that the beer which the company brews is very light, and is chiefly intended for the soldiers and sailors at Diyatalawa. I also understand that the company has scarcely made any profit since it started work. The only profit it made, I believe, was last year, and immediately it makes a profit the Government tries to wipe it out by imposing a tax. Small industries like this should be protected, and not wiped out of existence. There are the Spinning and Weaving Mills, the match trade, and the chocolate manufactory, for instance, all of which should be protected, because they give employment to the people of the country. I should like to know who, in the first instance, suggested that this tax should be put on this company, and I should like to have all correspondence and papers in this connection tabled.

**THE HON. MR. E. R. TAMBIMUTTU** (Batticaloa Revenue District) :—May I inquire, Sir, what the levy was during the previous year.

**THE HON. THE VICE-PRESIDENT** :—This information was before the Finance Committee.

**THE HON. MR. E. R. TAMBIMUTTU** (Batticaloa Revenue District) :—The case might be sent for reconsideration by the Finance Committee. It seems to me that the difference is very large, and if it is true that the company has hardly made any profit, the tax might, as suggested by the Hon. Mr. Wright, kill the industry.

**THE HON. MR. D. S. SENANAYAKE** (Negombo District) :—The Finance Committee went into the matter thoroughly, and by a majority recommended a tax of Rs. 2,000. I believe that if the company were to be taxed in the ordinary way the amount would be Rs. 3,000. I agree with the Hon. Mr. Wright that small industries should be encouraged, but I certainly will not be a party to the encouragement of the liquor trade. In fact, I should like to have a bigger tax put on, but since we have agreed on the sum of Rs. 2,000 I support the motion.

**THE HON. MR. C. H. Z. FERNANDO** (North-Western Province, Western Division) :—I rise, Sir, to oppose this motion, but I do so, not for the reasons adduced by the Honourable the European Rural Member. The gallant Colonel has told us that this is an industry struggling to make its way, and that it caters mainly for the soldiers and sailors at Diyatalawa ; but he is perhaps unaware that this company is trying to spread its tentacles all over the Island, and that applications have been made in Colombo (I am personally aware of two of them in the Kotahena ward) for the sale of Nuwara Eliya beer. These applications are now being considered by the Government Agent of the Western Province. These applications, which are granted for the mere asking, do not come up before the Excise Advisory Committee. I think that if we levy a tax of Rs. 2,000 the revenue will stand to lose a great deal during the present financial year.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :— I should just like to state, Sir, that this matter was thoroughly gone into by the Finance Committee. A great deal of time was expended over it, the full facts were elicited, and this sum of Rs. 2,000 was decided upon as a sort of compromise between the Unofficial Members and the Government. Some of my honourable friends wished to have an enhanced duty, and some of them wished to have no duty at all. In these circumstances, I would rather support the motion as it is proposed by the Government, otherwise the subject might take up a larger amount of our time than we are justified in spending on it, especially as we have already spent a long time in considering it.

THE HON. MR. H. R. FREEMAN (North-Central Province) :— Figures were produced in Finance Committee, and my recollection is that last year was the first year in which this company worked at a profit. I do not see why they should be pounced upon and be made to pay a heavy tax, especially when they have to pay a dividend.

THE HON. THE VICE-PRESIDENT :—I will now put the motion to the House. Those in favour of it say Aye, those against it say No. (After a pause.) I think the Ayes have it.

THE HON. MR. T. Y. WRIGHT (European Rural Member) :— Divide.

Council divided as follows :—

Ayes 34. Noes 6. Declined to vote 1.

*Ayes—34.*

- The Hon. the Acting Colonial Secretary.
- The Hon. the Attorney-General.
- The Hon. the Acting Controller of Revenue.
- The Hon. the Treasurer.
- The Hon. Mr. F. A. Stockdale, C.B.E. (Director of Agriculture).
- The Hon. Sir P. Ramanathan, Kt., K.C., C.M.G. (Northern Province, Northern Division).
- The Hon. Mr. L. Macrae (Director of Education).
- The Hon. Mr. H. A. Loos (Nominated Unofficial Member).
- The Hon. Mr. W. Duraiswamy (Northern Province, Western Division).
- The Hon. Mr. E. W. Perera (Kalutara Revenue District).
- The Hon. Mr. E. J. Hayward, C.B.E., V.D. (Commercial Member).
- The Hon. Mr. W. L. Kindersley (Government Agent, Central Province).
- The Hon. Mr. C. W. W. Kannangara (Southern Province, Western Division).
- The Hon. Mr. J. Strachan (Director of Public Works).
- The Hon. Mr. W. T. Southorn (Principal Collector of Customs).
- The Hon. Dr. J. F. E. Bridger (Principal Civil Medical Officer).
- The Hon. Mr. A. Canagaratnam (Northern Province, Southern Division).
- The Hon. Mr. C. E. Victor Corea (Colombo Town, North).
- The Hon. Mr. T. B. Jayah (Third Muslim Member).
- The Hon. Mr. H. M. Macan Markar (First Muslim Member).
- The Hon. Mr. A. Mahadeva (Western Province, Ceylon Tamils).

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- The Hon. Mr. A. F. Molamure (Kegalla Revenue District).  
 The Hon. Mr. F. A. Obeyesekere (Southern Province, Central Division).  
 The Hon. Mr. I. X. Pereira (First Indian Member).  
 The Hon. Mr. S. Rajaratnam (Northern Province, Central Division).  
 The Hon. Mr. D. S. Senanayake (Negombo District).  
 The Hon. Mr. M. M. Subramaniam (Trincomalee Revenue District).  
 The Hon. Mr. S. R. Mohamed Sultan (Second Indian Member).  
 The Hon. Mr. V. S. de S. Wikremanayake (Southern Province, Southern Division).  
 The Hon. Mr. G. A. H. Wille (First Burgher Member).  
 The Hon. Sir J. Thomson Broom, Kt. (European Urban Member).  
 The Hon. Mr. W. A. de Silva (Central Province, Urban).  
 The Hon. Mr. P. B. Rambukwelle (Central Province, Rural).  
 The Hon. Mr. T. M. Sabaratnam (Northern Province, Eastern Division).

*Noes—6.*

- The Hon. Mr. T. Y. Wright (European Rural Member).  
 The Hon. Mr. E. R. Tambimuttu (Batticaloa Revenue District).  
 The Hon. Mr. N. J. Martin (Second Burgher Member).  
 The Hon. Mr. C. H. Z. Fernando (North-Western Province, Western Division).  
 The Hon. Mr. H. R. Freemon (North-Central Province).  
 The Hon. Mr. A. H. E. Molamure (Ratnapura Revenue District).

*Declined to Vote—1.*

The Hon. the Officer Commanding the Troops.

### Supplementary Provision.

THE HON. THE ACTING COLONIAL SECRETARY :—Sir, I have the honour formally to move the first reading of “ An Ordinance to make Supplementary Provision for the Public Services for the Financial Year 1923-24.”

THE HON. THE TREASURER seconded, and the motion was agreed to.

The Bill was read a first time.

THE HON. THE ACTING COLONIAL SECRETARY :—I give notice that at a subsequent meeting of Council I shall move the second reading of the Bill.

### The Cattle Ordinance.

THE HON. THE ATTORNEY-GENERAL :—I beg, Sir, to move the first reading of “ An Ordinance further to amend ‘ The Cattle Ordinance, 1898.’ ”

This little Ordinance is designed to remove a difficulty which has arisen in the present Cattle Ordinance. Honourable Members may remember that that Ordinance gave power to the Governor in Executive Council to make regulations prohibiting the removal of cattle; but as the Ordinance stands at present, the only way in which cattle can be allowed to be removed is on a permit which can only be given by the headman; and it is believed that cases occur in

which it will be proper for other authorities to have power to grant such a permit. This Ordinance will enable that to be done. I beg to move that the Bill be read a first time.

THE HON. MR. W. T. SOUTHORN (Principal Collector of Customs) seconded, and the motion was agreed to.

The Bill was read a first time.

THE HON. THE ATTORNEY-GENERAL :—I give notice that at a subsequent meeting of Council I shall move that the Bill be read a second time.

### The Small Towns Sanitary Ordinance.

THE HON. THE ATTORNEY-GENERAL :—I beg, Sir, to move the first reading of "An Ordinance further to amend 'The Small Towns Sanitary Ordinance, 1892.'"

The object of this Ordinance is to effect a small amendment in the Small Towns Sanitary Ordinance in this respect. At present the Ordinance enacts that the Provincial Surgeon or the Senior Medical Officer is to be a member of every Sanitary Board. It is considered that it would be for the benefit of Sanitary Boards that it should be possible for the Governor to nominate a member of the Sanitary Commissioner's Department in place of the Provincial Surgeon; and so all that this Ordinance does is to substitute for the word "Surgeon" the words "a member of the Sanitary Commissioner's Department," that is, provided the Governor so directs by notification in the *Gazette*.

THE HON. DR. J. F. E. BRIDGER (Principal Civil Medical Officer) seconded, and the motion was agreed to.

The Bill was read a first time.

THE HON. THE ATTORNEY-GENERAL :—I give notice, Sir, that at a subsequent meeting of Council I shall move that the Bill be read a second time.

### The Batticaloa Waterworks.

THE HON. THE ATTORNEY-GENERAL :—I beg, Sir, to move the first reading of "An Ordinance to declare the Batticaloa Waterworks to be vested in the Ceylon Government."

Sir, the object of this Ordinance is to give legislative sanction to a rather informal arrangement that was made some years ago between the Batticaloa Local Board and the Government relative to the management of the waterworks of Batticaloa town. In 1914 it was arranged that the Government should construct these works at a total cost of Rs. 146,000, of which the Central Government were to contribute Rs. 84,000, and the balance Rs. 62,000 were to be lent by the Government to the Local Board to be repayable, with interest, by means of a sinking fund. The works were completed and handed over in March, 1914. Subsequently some difficulty arose in operating the works, and at the request of the Local Board, Government resumed possession of the waterworks and operated them themselves. The arrangement made at that time was rather informal; but so far as can be ascertained the arrangement was this: the Government were to provide such a water supply for the use of the town as circumstances would permit, and the proceeds of the water rate



which the Board itself collected were to be paid to the Government. On the other hand, the Local Board was to be relieved of the liability to repay the loan. That arrangement was made in 1918, and has been in operation since. All that this Ordinance does is to give legislative sanction to the arrangement. I should add that the Local Board have approved of the Ordinance, but they unanimously passed the following resolution :—

That the Board agrees to the present position being legalized and recommends the passing of the Ordinance, provided that Government will give an undertaking to consider the handing back of the waterworks to the Board or its successor at some future date should the Board or such successor then be in a position to manage the waterworks itself, guarantee a water supply to Mantivu Leper Asylum, and make satisfactory arrangements for the payment of interest and sinking fund on such balance of the original loan of Rs. 62,000 as may fairly be calculated as still remaining undischarged after any profits to Government on working have been considered.

As regards the first two parts of that resolution, the Government have, I understand, given the undertaking required. As regards the repayment of the loan, there seems to have been some misunderstanding on the part of the Board, because they are being relieved of their liability. Therefore, that question does not arise. I beg to move that the Ordinance be read a first time.

THE HON. MR. W. T. SOUTHORN (Principal Collector of Customs) seconded, and the motion was agreed to.

The Bill was read a first time.

THE HON. THE ATTORNEY-GENERAL :—I give notice, Sir, that at a subsequent meeting of Council I shall move that the Bill be read a second time.

### Parameshvara College, Jaffna.

The first reading of "An Ordinance to declare the Constitution of Parameshvara College, Jaffna, and to incorporate the Board of Directors of the said College" stood in the name of the Hon. Sir P. Ramanathan, Kt., K.C., C.M.G. (Northern Province, Northern Division).

THE HON. SIR PONNAMBALAM RAMANATHAN, Kt., K.C., C.M.G. (Northern Province, Northern Division) :—I rise, Sir, to move the first reading of an Ordinance to declare the constitution of Parameshvara College and to incorporate the Board of Directors of the said college. The draft Bill was duly published in the *Government Gazette* of March 6 and 13 last. It has thus been in the hands of the Members of the Council and before the public for over four months.

The college was founded in August, 1921, in consequence of the earnest desire of Hindu parents in and out of Ceylon, who feel that the kind of education that is being given to their boys and girls in the English schools established by the Government, or conducted by private associations with the help of Government grants, is not at all satisfactory. They want something more than a knowledge of the perishable things of life, too much of which is pressed on the attention of students as if there was nothing else worth considering and attaining. The results of this one-sided system of education are painfully manifest in all parts of the British Empire and elsewhere. The great difficulties experienced by administrators in governing the people in Europe, the United States of America, and

other places, is due to the fact that the curriculum of studies prescribed in the universities and schools of the West, except in theological circles, are confined to the things that relate to the perishable side of life. Everywhere the complaint is that boys and girls are not as they were some fifty years ago. Formerly there was some peace reigning in their hearts. They respected their elders in their homes and societies, and the rulers of the country in Councils of State and on political platforms. They were willing and ready to put in practise the principles they had been taught at their homes and schools. They loved to be self-controlled, obedient, thoughtful, and helpful to others. They spurned selfishness and irreligion. There is now a vehement desire for the gratification of the senses at any cost, an extraordinary regard for pleasure, and a proportionate contempt for duty. The principles which make life a thing of beauty and joy for ever have all been forgotten.

During the last five or six decades the old methods of instruction have disappeared, especially as to ethics and religion. Even teachers in great colleges do not know how to teach God and morality, owing to fierce controversies which have been raised round them, and which have discredited them in the eyes of those who have seceded from ancient traditions. People want to know who God is, where God is, what is God doing for us, how are we to know God, and what is our duty towards God. They also want to know what is Ethics or Morality, on what is it founded, what is the reason of the difference between things which are permitted and things which are not permitted, and what relation does pleasure bear to duty. Such questions, if not answered intelligibly, produce a doubtful and controversial state of mind, which ultimately leads to materialism and atheism. If one believes that there is nothing beyond what we perceive by the senses, and that there is no life after death, the conclusion is easily reached that one should seize every opportunity to please oneself in every plane of the senses. The meaning of pleasing or enjoying oneself is to gratify every desire or passion that creeps into the mind. The result is a life like that of butterflies, dogs, cattle, and other animals, which have no codes of religion and ethics, and which have no power to hear and understand them.

Such boys and girls, men and women, are satisfied with the things immediately before them, and care not to aim high or live holily. They do not know the radical difference between virtue and vice, or right and wrong, nor the reason of the existence of the grand spiritual forces called Religion and Morality. They think that they may do whatever their likes and dislikes prompt them to do, if only they are not detected, taken up by the police, tried in a court of justice, and shut up in jail. They feel that, provided they avoid detection and punishment, they may easily pass for respectable people. To them I would say that Religion consists of those principles and practices which relate to communion with God and the attainment of actual knowledge of God, and that the chief obstacles to such union and such knowledge are indulgence in selfishness, unrestrained gratification of sensual desires, and the preference of pleasure to duty.

Now, Sir, parents in this country, and indeed in all other civilized countries, greatly regret the evil days that have fallen upon them, and are earnestly craving that the ancient traditions which have

prevailed among us and produced really good men and women, really good citizens, may be taught in our schools, under the protection of the Government.

Some sixty years ago Professor Huxley assured his large audiences in the United Kingdom that he could not commend the education imparted in its schools and colleges, for the simple reason that it could not convert a bad boy or girl into a good boy or girl. His testimony has been found to be true by succeeding generations. They have watched the course of events which have made for disorder and spiritual ruin, and they are anxious that something must be done at once to enable youngsters to learn and live the right life.

Right thought, right speech, and right action still exist among a limited number of men and women in Christendom and other fields of religion. They are most anxious that the youth of the country should save themselves from the perils of selfishness and sensuousness combined, called worldliness, and that, while the nature of the perishable things that surround us should be taught to their children, a serious effort should be made to inculcate also some of the principles relating to the imperishable things known as God and Souls, and to teach the part which Evil plays in the destruction of humanity.

Hindu, Buddhist, Christian, and Muhammadan sages have all taught the principles of imperishable or eternal life in order to save human beings from the dangers of worldly life. They emphatically assert that the Life Eternal is not something high up in the skies, but is attainable in our own hearts, amidst our worldly surroundings, and that a knowledge of the principles and practices of Eternal Life is the only safeguard against the corruptions which beset our path on earth. Therefore, our duty is clearly to bring afresh within the reach of our children the great traditions which have been crowded out of our schools and colleges by the advent of what is called modern civilization.

I have thought for many years that it was my duty to help Hindu parents in this country and India to attain their hearts' wish. This is the reason, Sir, why Parameshvara Vithyalayam was founded. Vithyalayam means a house of learning, and Parameshvara means the most high. Thus Parameshvara College means the house of learning of the Most High. Any student who is admitted there will be given facilities to know something more of life than the perishable side of it. He would know that the Spirit within the mortal body, and God within and beyond us, are the only imperishable things which we should labour hard to attain, at least as hard as we labour for the perishable things of the body. In our endeavour to attain the Imperishable, we have first to discover the individual Spirit which is in the body, and then come to know God who is in the Spirit. The Spirit is therefore called the Temple of God. Unless boys and girls are taught these truths early in life, and helped to prefer the principles and practices which relate to the discovery of the Spirit in the body, and God in the Spirit, they would be engulfed in the vortices of selfishness and sensual desires. They would naturally sink more and more into corruption, and become terrible sufferers here and in the lives to come.

The chief aim of the Parameshvara College is to save our boys in this way and to make good citizens of them. By reminding them of our Spiritual Traditions, we hope to make them real assets to us and to the British Empire. Our late Governor, Sir William Manning,

attached the highest importance to Spiritual Traditions. He spoke of them just before departing from the Island. He attended a function in the Zahira College at Maradana in March last, and addressed those who were assembled there as follows :—

Now, one passage in the speech of the Headmaster struck me as being one not only of great importance, but one as bearing very largely upon the desirability of education under Muslim precepts, and that is this. There is now in Ceylon the means of educating the Muslim youth without the sacrifice of belief and ideals sacred to Islam. I can only tell you how I agree with that sentiment. You have hitherto not had a secondary school for the Muslim population, and now you have that secondary school where your children will be educated without the sacrifice of belief and ideals which are sacred to your religion. Now this being the sole Muslim secondary school at present in existence in this Island, I can only hope that it will receive your support. . . . My own opinion is that . . . the Muslim community is worthy of a great school. That feeling should be cherished and encouraged in every way by the Government of this country . . . I very sincerely hope that the Muslim youth of this country will be trained in the tenets of the Islamic faith, and will obtain in this college that education which will enable him to become prosperous and worthy, and that, when in later days they recognize the benefits they have received from this college, they will exercise that great tenet of your religion which is Charity, and will come forward in their more prosperous days to help all that appertains to Muslim education.

How broad, Sir, are these views! How good of this staunch Christian Governor to speak so sympathetically of the religious ideals of the Muslims, and to lay the foundation stone for a building to be raised for the glorification of such ideals! How different is the conduct of some other educationists among us, who think that they should support their own religion only, and that every other religion on the face of the earth must be undermined and damned. These narrow-minded persons believe that God does not exist in the heart of every man, and that, when some non-Christian religionist is addressing himself to God who is within and beyond him, he is worshipping the devil. This hatred of other religions, and opposition to the works of other religionists, have had a most degrading effect. There is only one God for all nations. He is the only Lord of all hosts, who can be worshipped by human beings. The methods of worship in the case of the great religions of the world may be different, but the object worshipped is identically the same.

Having founded the Parameshvara College, it was necessary to incorporate the Board of Directors who are administering it, and I have come to this Council with the draft of an Ordinance for that purpose. It sets out the aims and policy of the college and the course of studies that will be imparted there. I regret to say that some intolerance has been shown towards the spiritual side of the education described in one of the clauses of this Ordinance. I say that anyone who opposes this policy is an enemy to humanity. If he is a genuine Christian he will not oppose it, because Jesus said : "This is Eternal Life—knowledge of God and the spirit that is in the body." It is the principles of such knowledge that should be imparted in every school and college. I believe that there are many Christian schools where such principles are taught, and I do not see why any Christian should grow impatient when such principles are taught in Parameshvara College. I consider that it is essential to the welfare of a student to know these principles, and therefore there is a special clause in the Ordinance about them.

It is said that the education imparted in schools should enable an outgoing student to find a livelihood for himself. Between the ages of six and fourteen, there is time enough only to make him read,

write, and work simple sums in arithmetic, but the training for a clerkship or other vocation for earning a living wage is possible only in later years, say, between fourteen and nineteen. The education that is required to gain a livelihood, so as to keep body and soul together, requires a knowledge of such things as are taught ordinarily in our schools, but Education in the proper sense of the term implies something that is systematically neglected by our educationists. I am sure that Honourable Members will agree with me that the more important side of Education is the training of boys and girls to lofty ideals of character, perfection in work, heartfelt devotion to God, and loyalty to the King. This is expressly declared in the draft Ordinance before us to be the policy of Parameshvara College.

What is meant by lofty character ?

Man is in bondage to evil, and the most urgent problem in life is to extricate the soul from evil and its subtle corruptions. If the instruments of knowledge and action, given to the soul by God, be not carefully trained and strengthened in early life to prefer always the needs of the soul to the cravings of the body, they will not be able to resist the promptings of evil to do the very things they should not do in the interests of the soul. If these instruments fail to protect the little leaven of love and light that is in every man, and to develop them successfully, first into neighbourly love, and then into philanthropic love, and then to Godly love, they are said to be possessed of "bad character." The marks or features or characteristics of our inner being, having suffered disfigurement by evil, are spoken of as low or wicked. But, if our instruments of knowledge, the chief of which are the five senses, the mind, attention, recollection of sound doctrine, right reason, and determined will, do not deviate from the path of duty laid down for us by sanctified sages, we are said to be possessed of "high or lofty character."

It will thus be seen that the formation of good character requires sense control, mind control, abundant study and thoughtful action. In every country we have a small percentage of men who are congenitally gifted with good character, with a strong predisposition to avoid evil and follow the dictates of duty. This congenital gift is the result of past lives lived according to law, but there is a much larger percentage of people who wish to be good, and yet are unable to struggle against the impulses of evil. What is the kind of education to be given to them that will lead them out of the mazes of wickedness ? Is the nature of evil and its subtle ways ever explained to them ? Is God's design as to the uplifting of fallen people ever unfolded to them, at home or at school, in the early part of their lives, when alone ethical and religious lessons can take root, flourish, and fructify ? Has anybody taught them that pain, *poena* or punishment, was ordained by God as a remedial measure against evil ? In Western countries, on both sides of the Atlantic ocean, there are famous preachers who confound evil with pain, who say that evil and pain are identically the same. They teach that passion and animal desires in man are so deeply rooted in human nature that it is impossible to efface them, and that all we can do is to wisely direct the higher desires and endeavour to find peace in the culture of one's own personality. Can this wise direction of the higher desires and this cultivation of character be effected under the present system of education which thrusts aside religion and ethics ?

Until our boys and girls are taught to realize the great truth, that indulgence in any desire, not permitted by law, conduces to debase

one's character and brings about spiritual ruin ; until they learn that the desire for gratifying each of the five senses should be carefully limited and controlled, lest the mind, running promiscuously with the senses, be spoilt by the mire of sensualism ; until it is strongly impressed upon our boys and girls that an impure mind becomes the ally of evil, and the enemy of the soul ; until they clearly understand what the principles and practises of Eternal Life are, and how such truths only can free the soul from the beguilements of evil, they would continue to be creatures of sorrow and mischief to themselves and to the society to which they belong.

So far as regards the formation of high character.

What is perfection in work ? This is absolutely necessary for self-improvement and social improvement. Every Official Member who has a seat in this Council, by virtue of his being a head of a department, will bear testimony to the fact that he earned his position by labouring hard to excel in the work entrusted to him. Whether it is thinking or speaking or writing, or whether it is supervising, directing or organizing, his one desire was to do his very best. From this point of view of excelling in work, he has known what officers working under him as assistants or clerks are excellent workers, what officers are indifferent workers, and what officers are bad workers. Perfection in work is not to be obtained except by taking infinite pains, and endeavouring to complete and polish up in every detail the work in hand.

Excellence in hand work is a prelude to perfection in mind work, and that again leads to intellectual and spiritual perfection. In the great design of God which we see prevailing in the constitution of all bodies—mineral, vegetable, animal, and human—we observe that every cell and every aggregate of cells is beautifully made and well correlated. We have to copy the example of God in regard to the works entrusted to us in this life. We should not draw any distinction between what are called little things and great things that come to our hands. In the case of everything, our duty is to turn out excellent work, and we shall have our reward, which is steadfastness of purpose, poise, purity of heart, and prosperity in peace.

These qualifications lead us nearer and nearer to God. We become devoted to God. We are not satisfied with lip service to God. We feel degraded when the mind wanders in the act of worshipping God. The habit of giving our whole attention to perfection of worship begets the feeling, all the while, that God exists, mercifully rewards us for works of loving-kindness, and punishes us for our works of hate. Without a full acknowledgment of God and a constant fear of wrong-doing, there can be no Extrication of the Soul from Evil. The more and more the power of evil is resisted by us, declines in us, the more clearly shall we see the reality and greatness of God.

I need not say much about the ideal of loyalty to the King set forth in the Ordinance, because we still make much of this virtue. If the throne and its surroundings are disturbed, there will be confusion in society, and many great dangers will stare us in the face. I am glad to say that there is not a single school or college in Ceylon which objects to loyalty to the King. In the draft Ordinance relating to Parameshvara College it is laid down as a stern duty, to be observed by students, teachers, and the Board of Directors.

In matters relating to the administration of this college, I have often consulted the Director of Education. He consented to be

appointed in the Trust Deed as one of its Directors, when I explained to him that, if he were a member of the Board, he would be of great use to the other Directors, and guide them in the solution of many an educational and administrative question. But now that his name is mentioned in the draft Ordinance, he thinks that neither he nor the Divisional Inspector of the Schools of the Northern Division should hold office on the Board. I cannot appreciate this change of attitude towards the college, but, of course, if he persists, I shall have to strike off his name.

Section 10 of the Ordinance lays down clearly that, in addition to the usual curriculum of studies, the religious traditions of the Hindus should be carefully taught to every Hindu boy there. There are some Christian teachers in the college, and boys belonging to any religion are admissible there. The Hindu religion inculcates that the souls of boys and girls and men and women, of whatever faith or race, are all children of one and the same God; that parents as well as teachers are trustees of God; that God exists in the heart of every human being; and that all the affairs of this world must be interpreted in terms of the prevailing power and grace of God. When our thoughts, divorced from the limitations of the body and its surroundings, are thus established in God, our sages declare that we have passed from the kingdom of earth to the kingdom of God, from the things of perishable life to imperishable life or the Life Eternal.

I move, Sir, the first reading of the Ordinance to incorporate the Parameshvara College.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) seconded.

THE HON. THE VICE-PRESIDENT:—I understand that the Honourable Member wishes to amend the Bill before it is read a first time. He may do so with the consent of the House.

THE HON. SIR PONNAMBALAM RAMANATHAN, Kt., K.C., C.M.G. (Northern Province, Northern Division):—I may say, in reference to that, Sir, that at the desire of the Government, there was a conference held between the Honourable the Attorney-General, the Director of Education and myself, and we have agreed on certain matters. The amendment I have mentioned, together with some other amendments will be introduced after the second reading of the Bill, when the House is in Committee.

THE HON. THE ATTORNEY-GENERAL:—I think it will be most convenient if the Bill is read in its present form, and the amendments are introduced after the second reading, when the House is in Committee.

The motion was agreed to.

The Bill was read a first time.

Council at this stage adjourned for tea.

### Taking of Oaths.

After the adjournment.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—I rise, Sir, to a point of order. I believe that some Honourable Members have not taken their oaths, but I think that the matter can be rectified.

**THE HON. THE VICE-PRESIDENT** :—I have been considering the point, and I understand that the practice of this Council has been that once a Member of Council he remains a Member although another may have been temporarily filling the place. I understand that that has been the custom in this Council, provided that the Member had taken his oath in the present Council. Where a Member had taken his oath in the previous Council, and the new Council then came into being, the Member has to take his oath again. I do not see anything in the rules about the matter. The question is whether a Member ceased to be a Member when on leave.

**THE HON. MR. C. W. W. KANNANGARA** (Southern Province, Western Division) :—There cannot be two Members at the same time.

**THE HON. THE VICE-PRESIDENT** :—I do not know whether there is provision to appoint a Member to act for another.

**THE HON. MR. N. J. MARTIN** (Second Burgher Member) :—Supposing the Honourable the Colonial Secretary, now acting as Officer Administering the Government, comes back, will he have to take his oath again ?

**THE HON. THE VICE-PRESIDENT** :—I do not think he will have to. When one Official acts for another he takes the oath as such.

**THE HON. MR. T. Y. WRIGHT** (European Rural Member) :—Will not the fact that the two Officials who have resumed their seats but have not taken their oaths again invalidate the voting ?

**THE HON. THE VICE-PRESIDENT** :—I do not think it has been customary for Officials to take their oath again on resuming their seats.

**THE HON. THE ATTORNEY-GENERAL** :—As far as I can make out the position off-hand, a Nominated Member holds his seat until the next dissolution of Council, unless he resigns, dies, or is removed. It has been my experience in other Councils that once a Nominated Member has been appointed he remains a Member of Council, and the mere fact that a Member has been appointed temporarily does not in any way invalidate the appointment. I do not think it is necessary for a Member to take his oath a second time ; and the fact that he does not do so does not in any case invalidate the proceedings of Council.

**THE HON. MR. E. R. TAMBIMUTTU** (Batticaloa Revenue District) :—I do not think that there is provision for an acting Member.

**THE HON. MR. W. DURAISWAMY** (Northern Province, Western Division) :—Clause 14 provides for temporary vacancies, the acting Member retaining membership until the original Member returns to the Island.

**THE HON. THE VICE-PRESIDENT** :—That is certainly how I have looked at the matter, and I therefore do not think that these Members can be subjected to any penalty for voting.



**THE HON. THE VICE-PRESIDENT** :—I may mention that I have received a letter from the Hon. Mr. D. B. Jayatilaka saying that he is ill and cannot attend Council.

**Foreign Liquor Licences in the Panadure District Council Area.**

The following motion stood in the name of the Hon. Mr. E. W. Perera (Kalutara Revenue District) :—

That this Council recommends to Government that no foreign liquor licences and foreign liquor bar licences be issued in the Panadure District Council area after the end of the present licensing year.

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District) :—Sir, before moving the motion standing in my name, I would, with the leave of Council, add a word which has unwittingly slipped out of the motion. The motion will now read "That this Council recommend that no foreign liquor tavern licences or hotel licences be issued in the Panadure District Council area after the end of the present licensing year." Honourable Members will notice that I have inserted the word "hotel" after the words "no foreign liquor." The words in my original motion were "that no foreign liquor licences and foreign liquor bar licences."

**THE HON. THE ACTING COLONIAL SECRETARY** :—I thought the Honourable Member told me that he was referring to tavern licences, and I suggest that he should insert the words "that no foreign tavern licences."

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District) :—Second class hotels supply liquor with food, and for that purpose they have to get a special licence called a hotel licence. They have also to get a foreign liquor bar licence if they are to be allowed to sell by the glass to people who do not reside in the hotel, and who come in there to have a drink whenever they feel inclined. Usually second class hotels use their foreign liquor hotel licence as a sort of blind, while their foreign liquor bar licence is really their means of subsistence.

**THE HON. THE VICE-PRESIDENT** :—Will the Honourable Member hand in the amendment he proposes to make ?

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District) :—My amendment is "That this Council recommends to Government that no foreign liquor tavern licences and bar licences or hotel licences be issued in the Panadure District Council area after the present licensing year."

**THE HON. THE VICE-PRESIDENT** :—That would include the resthouse as well.

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District) :—No. There is a separate licence for resthouses. I should like, before proceeding with the motion, to make the statement that this motion is brought forward by me, because in this particular case the whole area had been declared dry by local option, and the authorities, in defiance of the policy of Government, have permitted a gin shop to be opened in a dry area. I would, in the first place, invite the attention of the House to the declaration of His Excellency Sir William Manning on August 28, 1924 (page 320 of Hansard

of 1924). His Excellency stated: "This Council, from the date of its inception, has been at all stages a consistent ally of the cause of temperance. On questions of excise policy it has steadily kept before it two permanent aims, namely, the welfare and health of the people, and the right of the people to have a voice in the control of the drink traffic, and these aims have been recognized as paramount and superior to mere considerations of revenue. On every matter of importance, public opinion, through its representatives in this Council and on Advisory Boards, or through the agents of temperance, and at the polls, has been consulted." His Excellency goes on to say in connection with the motion of the Honourable Member for the Northern Province: "It was clearly demonstrated during the course of the debate, that development along these lines must necessarily be slow. None the less, Government undertook then, and still undertakes—as the surest guide to attaining a correct decision on matters which are admittedly difficult of solution—to be guided by the will of the people."

His Excellency goes on to say: "When an area has been voted dry, no shops can be reopened without decision by another poll, and no foreign liquor licences can be granted in a dry area without the authority of the Governor; every facility is given to enable voters to vote without loss of time, and once a locality has made up its mind on the subject of closure, a speedy decision is assured." In answer to the Hon. Mr. A. C. G. Wijeyekoon, with regard to second class hotel licences, Government replied as follows. The quotation has been given to me, but I have not had the opportunity of verifying it: "Government will advise Government Agents to consider carefully whether the number of such second class hotels defined as hotels provided with less than twelve bedrooms, can be reduced, and whether greater care cannot be taken in defining second class hotels in order to prevent taverns pure and simple being licensed as second class hotels."

It is important to remember that when local option was originally granted, all the arrack shops in the Panadura town area were closed by local option. There were then two foreign liquor shops. They were closed by the Advisory Board. At that time the percentage necessary for abolition was, I think, 75 per cent., and public feeling manifested itself so clearly that the Advisory Boards closed those two foreign liquor shops. Panadura town was therefore an entirely dry area, with the exception of the resthouse, which comes under an entirely different category and which is not included in my motion, and which does not also affect the case of wholesale sales. So far as the wants of the *bona fide* traveller are concerned there is the resthouse. Those wishing to buy a bottle or two had the opportunity of the moderate drinker of going into the shop and buying the brand they required. But so far as the arrack taverns were concerned and the foreign liquor taverns were concerned, they were all closed.

In these circumstances, it was not proper for the Government to grant new licences for the sale of foreign liquor without a poll, and they should not have granted a new licence. What happened was this. A man applied to the authorities for a licence about the beginning of 1920 or the end of 1919, when Panadura town was a dry area. He asked for a foreign liquor hotel licence and a bar licence, the reason apparently given being that for *bona fide* travellers a hotel was necessary in the town. *Ex facie* that was not

correct, because there was the resthouse. A protest was lodged with the Assistant Government Agent, but both the hotel licence to the Cosmopolitan Hotel, as it was then called, and the bar licence were granted. As pointed out by the temperance workers, the hotel licence was a mere blind for the sale by the glass to people who ordinarily would have gone to taverns. When the place had been swept and garnished and cleansed, seven devils more wicked than the previous ones took possession of Panadura town.

In this Cosmopolitan Hotel, in the years 1920, 1921, 1922, and 1923, the average number of lodgers per year was 144. These figures are very significant. The foreign liquor sold along with meals under the hotel licence in 1920-21 was 208 gallons, under the bar licence 400. In the gin shop, where the bus driver, the carter, the rickshaw wallah, and all the disreputable men who did not have a meal frequented, the consumption of liquor was 400 gallons. In 1922, 200 gallons were consumed under the hotel licence, and under the bar licence 571 gallons. Coming to 1922-23, the consumption of liquor under the hotel licence was 111 gallons, and under the bar licence 578. In the year 1923-24 the consumption of liquor under the hotel licence was 660 gallons, and under the bar licence 1,740 gallons. This clearly shows that the object of the licensee was not to supply a necessary need for respectable travellers and to supply drink with food in a hotel, but to make the hotel a blind for the supply of low class gins and foreign liquor, knowing that where there was no arrack tavern he would have better custom. And he had.

At this stage I ought to say that this licensee, I understand, had a licence at Wattegama which was withdrawn for a breach of the temperance regulations. Application was made by the Total Abstinence Central Union to the Advisory Board for the reason why this man's licence was withdrawn. There is a characteristic answer from that body, signed by the Government Agent Central Province: "Sir,—With reference to your letter of September 8, 1924, I have the honour to state that the Board is not obliged to give its reasons to any Union." The colossal impudence of this reply would ordinarily have been passed over with contempt, but for the detriment it works to the public interest. Bureaucrats are excellent servants but very bad masters of the public, and when as masters dictate to them the whole trouble comes in. I contrast the attitude of this Board with the attitude of the Excise Commissioner. The latter was on all occasions prepared to supply the temperance workers and public bodies with facts and figures, and he has done so up to now.

About 1924 this Cosmopolitan Hotel flourished to such an extent that it entered the proprietor's head that he might make better business if he transferred his activities to opposite the railway station. At that period this gin palace had become such a terrible nuisance to the respectable residents of the town, that all the leading men of the place—I can say that with confidence, because I have got the papers with me—the Crown Proctor, a Justice of the Peace, the President of the Urban District Council, the Vice-President of the Urban District Council, lawyers and medical men, and the few men who had previously supported the licence, thought better of it, and they themselves signed a protest memorial to Government asking Government not to allow this publican a renewal of his licence, nor to allow him to transfer his activities from where he had his

so-called hotel to opposite the railway station. I might say, Sir, that the protest of these public men was supported by the protest of the Young Men's Christian Association, the Young Men's Buddhist Association, the Maha Jana Sabha, and the Total Abstinence Central Union, and by the bus drivers, carters, and other people who did not want this curse to be near the station, because bus drivers, carters, and others would get drunk and be a continuous source of trouble. This protest was supported by the Excise Commissioner himself, who stated that this so-called hotel was a foreign liquor tavern pure and simple, and he would recommend the withdrawal of the licence.

A curious thing now happened. I would like at this stage to read this representation that was sent to the Colonial Secretary. A deputation waited on the Assistant Government Agent, Kalutara, on behalf of the public of Panadure, composed of the Crown Proctor, the President of the Urban District Council, and the Vice-President of the Urban District Council. The representation to the Colonial Secretary very shortly is this. It is by the Honorary Secretary of the Total Abstinence Central Union. I will read portions of it: "I have the honour to inform you that I am directed by my Union to bring to your notice the fact that soon after all the liquor shops at Panadure were closed a hotel and bar licence were granted over which the residents have no control. At the time of establishing and granting these licences to the Cosmopolitan Hotel the temperance workers protested, but a small section of the residents was not opposed to the establishment of the hotel. An application for the removal of the hotel to a place where conditions are more favourable for the sale of liquor has been made to the Assistant Government Agent, Kalutara. On hearing this the temperance workers took action, and to their great delight they found that even those who had supported the establishment of the hotel are now prepared not only to join in the protest against the proposed change of site, but also to support any movement for the total disallowance of the two existing licences. The temperance workers contended that the opening of the hotel in this dry area was only an excuse and a means for selling cheap foreign liquor. Their contention has been more than justified as evidenced by the enormous quantity of liquor daily vended at this hotel. Representations have been already made to the Railway authorities, bringing to their notice the inconvenience that will be caused to the railway travelling public by the removal of this hotel with a public bar to a site only a few fathoms away from the station. The District Traffic Superintendent has been interviewed, and the sympathetic hearing given to the representatives has encouraged my Union to believe that the Railway authorities are alive to the danger that is ahead if the proposed removal is sanctioned by the authorities."

The sympathy did not materialize. This point is next mentioned in the memorial: "This hotel is situated within the jurisdiction of the Excise Advisory Board of the Urban District Council, and the Government has not yet appointed its nominated members to the above Excise Advisory Board." The Government have not done so as yet. The memorial goes on: "The residents and the Urban District Council have elected their respective representatives on the Board, and all of them are strongly opposed to the renewal of these two licences. The facts stated above taken together with the additional fact that even these few are not likely to support

any movement for total prohibition have joined the memorialists in this instance, thus achieving unprecedented unanimity which is hardly possible in any movement, will, my Union hopes, convince you that the request for the non-renewal of these two licences is a genuine public demand which fully deserves the sympathetic consideration of the Government." And, may I express the hope of this House. The memorial adds: "My Union has already communicated on this subject with the Assistant Government Agent, Kalutara."

It was because those who had taken up this movement believe in temperance being an actual fact, and because they want to co-operate with the policy of Government in consolidating local option, that I felt it my duty to place their views before the Central Government. As a rule, I hesitate to disturb the repose of official lions reclining in their lordly dens. But on this occasion I had the good offices of the Hon. Mr. A. C. G. Wijeyekoon, and with him I placed the facts of the case before the Officer Administering the Government, who was then Colonial Secretary. He was very sympathetic, and I felt that only one result could follow the representation; but as has been stated by Sir H. M. Fernando in a debate in this Council, the Colonial Office is unfortunately a small bottle-neck. The man ultimately to be reckoned with is the man on the spot; in this instance the Assistant Government Agent at Kalutara, and it is he who must be obeyed. It is he who gave his approval for this gin shop to be transferred to opposite the Panadure railway station, and it is he too who renewed the licence for next year. When now this matter comes forward, I think that every member of this House, whether moderate drinker or prohibitionist, will see that a very serious error of judgment—to put it very mildly—had been committed by this official at Kalutara in passing these orders.

The Honourable the Colonial Secretary spoke to me again on the subject; but matters had gone too far, and it is not the policy, unfortunately, of bureaucrats to over-rule the decisions of their subordinate officials. They hang together lest they hang separately! This false sense of prestige is responsible for my bringing forward this motion, and I would ask every member of this House to vote for this motion, because it is only by supporting genuine local option, genuine temperance work, and by standing by the policy of His Excellency Sir William Manning, when he said that the policy of the Government should be that the will of the people should prevail, and that when an area is declared dry a foreign liquor tavern should not be permitted therein, that local option can be consolidated and co-ordinated, and it will have to be seen to that the decision of the local officer whose ukase is challenged should not be allowed to prevail.

I think a point might be made of the fact that there may be a chance of a poll being held this year. Although there are the new local option rules now available—I was given a draft of some of them—the local area has not been defined. The Advisory Board has not been constituted, in spite of repeated applications by temperance workers, and there are great difficulties in getting the list of voters and finding the addresses of men who have left the district. Further, I may say that this licence will go on till 1926. Even if in 1926 a poll is held, and the poll succeeds in ridding the town of this public nuisance in the midst of the market place

and opposite the railway station, yet it will not be possible till 1927 to withdraw the licence from this hotel and bar. Already there have been three cases of drunk and disorderly in the courts. It is the object, no doubt, of the man who keeps the hotel to prevent as many cases as possible from going to the courts. Everybody knows the square opposite the Panadure railway station, and I would urge that in a public place like that, where decent, orderly men and women congregate, where buses halt, a gin shop of the kind complained of, which is tolerated and has been erected after the place was declared dry by local option, is an offence and a stumbling block. I appeal to all sections of this Council—moderate drinkers, prohibitionists, and others—that with a clear conscience they should vote for this motion, and vindicate the policy of the Government which an underling of Government has forgotten.

**THE HON. MR. M. M. SUBRAMANIAM** (Trincomalee Revenue District):—I have great pleasure, Sir, in seconding this motion. I feel that the temperance workers do not get that support from Government which they deserve. The mover of this resolution has gone at length into the facts of this particular case, and I think it unnecessary for me to lengthen this discussion by any extensive remarks. I think the feeling is that the temperance workers deserve greater support at the hands of Government. But we find that the efforts of temperance workers are frustrated by the issue of such licences after shops have been closed. I trust that this House will unanimously vote in favour of this motion.

**THE HON. MR. H. R. FREEMAN** (North-Central Province):—I support this motion, Sir. The position in Anuradhapura is very much the same. When bars and taverns were closed by local option and the Advisory Committee, the Excise Department recommended a special bar licence for a second class hotel, with the result that the place is now somewhat flooded with cheap gin. I support the motion.

**THE HON. MR. N. J. MARTIN** (Second Burgher Member):—It does seem strange, Sir, that after preventing the consumption of country liquor attempts should be made to educate the people of the country to drinking foreign liquor. We were told once here that local liquor is a good, healthy beverage. We are doing our best to prevent the sale of local liquor by local option, and I think that it is very strange that facilities should be given for the consumption of foreign liquor. If all that my learned friend the Honourable Member for the Kalutara District said is true, I think that this motion should be supported by the House unanimously.

**THE HON. MR. T. B. JAYAH** (Third Muslim Member):—I should like, Sir, to make a few observations in support of the motion of my honourable friend representing the Kalutara District. It is certainly very disconcerting to find that after the Government had definitely allowed the people to exercise the right of local option, and when the people had definitely declared themselves in favour of certain districts being declared dry, any attempts should be made to open in these areas hotels serving as blinds for the purpose of selling liquor to those who, owing to no fault of theirs, are tempted to go to places of this kind. In fact, my honourable friend has made out such a strong case against

the renewal of licences in the Panadure District, that I do not think many words are necessary to convince this House that it is our bounden duty to support him in his endeavour to see that these licences are not issued. In the first place, Sir, the people of Panadure are practically unanimous against the granting of those licences. I have had opportunities of speaking to a number of Panadure residents on the subject, and they expressed surprise that in spite of the overwhelming evidence they had produced against the renewal of licences, Government should have persisted in forcing upon the people taverns which they could not for a moment countenance. Again, Sir, Panadure is a district composed mainly of Buddhists and Muslims, and as such it is very strange that all these years the people have not moved heaven and earth to convince the Government that neither hotel licences nor bar licences should be issued in a place like that. As has been pointed out by my honourable friend, bureaucrats are rather stubborn, and whether they feel that they have acted rightly or not, in a matter like this, they want to see that their prestige is maintained. I say, Sir, that in a matter like this the Government stands to rise in the estimation of the people if they will forget for a moment this question of prestige and yield to the wishes of a united community. I have much pleasure in supporting the motion of the Honourable Member for the Kalutara Revenue District.

THE HON. MR. T. Y. WRIGHT (European Rural Member):—Sir, as the Honourable Member for the Batticaloa Revenue District once said, one is rather diffident to get up and talk about the drink question. Personally, I would rather have a drink than talk about it. My honourable friend the Member for Kalutara said that Panadure has genuinely gone dry. Now, can we truthfully say that these local option polls are genuine? There are many places said to have gone dry by local option polls, but they must be treated with suspicion. In the case of the Talawakele tavern, for instance, which was closed after agitation by the temperance party, it was found that the principal man in that agitation was the owner of the foreign liquor shop. Again, as the result of a memorial, a toddy tavern in an estate area was closed; but afterwards it was found that the first seven names on that memorial were those of men convicted for the illicit sale of toddy. Perhaps they wanted to make a little bit more by having that tavern closed. There was another case in which the principal temperance worker was convicted of selling gin illicitly. These are reasons why we all suspect local option polls.

With regard to the figures quoted by the honourable the mover, I think it must have been a mistake to close all the taverns in the Panadure District. This has driven, I think, most of the inhabitants of Panadure to go in for cheap foreign liquor. It is only reasonable that when a man does want a drink he must be supplied with the opportunity to have it. If they closed all but one tavern and one foreign liquor shop it would have been ample. Nobody wants people to drink and drink. There must be moderation. I am afraid I cannot support the Honourable Member's motion.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—Sir, there is so much hypocrisy and cant on this question that one feels diffident to support a motion of this kind. There are in this Council men who work for the cause of temperance with

genuine earnestness. There are others whom my honourable friend described as temperance fanatics, and he warned people against those fanatics, and there was yet another class described at a meeting as temperance cranks. I do not know whether there are any here. There may be other classes too. As remarked by my honourable friend the European Rural Member, some ardent temperance workers had been found to be interested in the sale of liquor. There has been an instance mentioned of a secretary of a temperance union who while running a hotel managed to sell gin to his customers. He was called a temperance worker with a motive. I do not think that my honourable friend meant to speak seriously, and I would ask him not to take me seriously if I criticise his remarks made in this Council. I would rather call the motion before the House a cranky or a fanatical motion. Now, Sir, we as a body are here to legislate for the whole Island. We proceed on principles. We either confirm a principle or policy that has been in force, or desire that the Government should introduce a new policy. My honourable friend made some remarks referring to a particular individual who appears to have somehow managed to establish a hotel with the help of a bureaucrat or autocrat whom my friend denounced. I say, Sir, we are not concerned with individuals. If my honourable friend wishes to enunciate a policy, let him put it before the Government. When an individual member comes before this House and wants a particular hotel not to be given a licence, I think he is asking us to go purely into a question affecting an individual and not a policy. My honourable friend evidently does not know the difference between a hotel licence and a resthouse licence. But apart from that, my honourable friend wants us not to meddle with licences affecting moderate drinkers, who can go and buy a bottle or two, but he does not want the disreputable rickshaw cooly to be allowed to get a glass. The Honourable Member has evidently not been affected by the sermon preached to-day by the Hon. Sir Ramanathan, for otherwise he would have known that the coolies, the motor car drivers, and so on, are our brothers, and that we should not forget our duty towards them. If the moderate drinker could buy a bottle or two from a retail shop, it passes my comprehension why another man should not buy a glass according to his means. As I said before, it is a question of principle. These licences come under a different category from other licences. It is not denied that in this hotel at least 200 gallons of liquor had been sold. The 200 gallons must have accompanied about 2,000 meals at least, taking the standard of the moderate drinker. If a hotel caters to 2,000 people, it shows that that hotel is a necessity. I want to be impersonal. Panadura does not affect me in the least. We have no such thing as local option in Batticaloa. As a matter of fact, we have just licensed a new hotel with accommodation for a number of people who might pay a visit to Batticaloa when the railway reaches there. As regards the Panadura hotel, I do not think that all those who had their meals there were residents. I think most of them were visitors.

Much has been made of dry areas, but declaring a place dry is a different thing from a place being dry. It would be found that the so-called dry places are the wettest. For instance, Kalutara District I am told is one of the wettest districts. With the easy means of communication afforded by buses and trains, it is no wonder that this area is only dry in name. We must find out,



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when people clamour for local option and say they do not want liquor, who are the people who consumed these 17,000 gallons. So that it would appear that a local option poll for the abolition of a tavern or taverns is very often a sham. I do not know how far it is true, but my honourable and gallant friend Colonel Wright has told us that some of these temperance workers have been convicted of selling liquor illicitly. Some of those who enthusiastically joined the bands of temperance workers are people who are Buddhists and Muslims, and among them are those who get their drinks to their houses instead of drinking at taverns. Those very often form the class of people who record their votes at polls. If instead of recording votes the tavern-keeper is asked to keep a book showing the names of the people who bought drinks, it will be found that the majority are those who come to the poll. These people should be disqualified. As I have said, a question of principle is involved in the motion, and this House should not commit itself by accepting such a motion. The acceptance of this motion may mean the ruin of an individual running a shop. The motion is not based on any general principle. I must confess that my honourable friend is what I would call a victim of the ballot box. I have heard even from his own lips that in this matter he has given a pledge and wants to redeem it. But let him wait and redeem the pledge in the proper way. I do not think a motion of this kind ought to be brought forward. If my honourable friend succeeds in his attempt, what is there to prevent another member coming and asking that the licence to the Grand Oriental Hotel should not be allowed next year? Will the Council be prepared to do that? As I said, we should not consider individual cases, and I trust the Honourable Member will see the wisdom of withdrawing his motion.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District):— Sir, when I came to this Assembly I did not intend to make a speech. But after the exhilarating speech of my honourable friend Mr. Tambimuttu, and the mischievous sentiments he has expressed, I am constrained to say a few words instead of giving a silent vote in support of the motion. The Honourable Member wanted us not to support the motion, because it happens to be concerned with one little spot in this Island of ours, a spot which is represented by the honourable the mover of the motion. He said he would have supported the motion if it embraced the whole Island. My honourable friend has been a teacher for a number of years, and I am proud to say that he was my teacher at one time in my college. When he was my teacher I remember him teaching me the great maxim that from small beginnings we have mighty ends. So if we support this little motion concerning Panadura alone and see that it is accepted by Government, we shall be supporting a policy we would wish to see extended all over the Island. It is because of the policy the motion embraces that I support it. If this motion is accepted by this House and the Government, it will be a clear indication that wherever the people of a place wish such a policy to be adhered to, the Government would be willing to accept their wishes. Then we would know that the will of the people must prevail in spite of what my learned friend described as the whim of a small bureaucrat. If the will of the people shall prevail, I am all for voting in favour of the motion. It is with that idea I am supporting this motion.

As regards the sentiments expressed by my honourable and gallant friend Colonel Wright, he said there were instances where local optionists were found to be wanting and had been convicted of carrying on illicit sales. But I wish to tell my honourable friend that there again it is the exception that proves the rule. We have worked with local optionists, and if my honourable friend had worked with them, he would have found that far from shamming they really have the welfare of the country at heart. My honourable friend standing far away from the rabble crowd cannot know the sentiments actuating the people. Simply because a temperance worker here and a temperance worker there have been found to be drunkards and convicted, it cannot be reasonably said that we must treat all local optionists with suspicion. There are in Council temperance workers whom we admire for the work they have done for the temperance cause. That local option has attained to the height it has attained to-day is due to the small beginning made about fifteen years ago. Fifteen years ago the temperance movement was nothing. To-day it is a great thing in this Island. It is by giving support to small beginnings of this kind that we are able to achieve bigger things and do something for the country. My honourable friend the Member for Batticaloa said that some areas were dry only fictitiously, whereas in fact they were always wet. That is always what people who do not want temperance say. But people who know the country well would never say that. My honourable friend also said that we are here to legislate for the good of the whole country, and not to legislate for a little place only. I think that sentiment is entirely unwarranted, and entirely erroneous. If we legislate for one little place, we legislate for the whole Island. Therefore, I certainly agree with the honourable mover of the motion, and I think this House should support this motion unanimously. I think we will be rather disappointed that it will not be supported unanimously judging from what we have already heard. I also heard something said about victims of ballot boxes, but I will not touch on that subject, but leave it to be dealt with by the honourable mover. I sincerely trust that the expression given vent to by Sir William Manning, which was read out by the Honourable Member for Kalutara, will be remembered by us, and that we will, in supporting the motion, remember that we are not supporting only one little place, but are working for the good of the whole country.

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member):—Sir, I have every sympathy with any town or any place which distinctly wishes to keep itself dry having a licence forced on it. But I think it is a dangerous thing for this Council to start attempting to regulate individual institutions. The last honourable speaker said that if we start with a small place it would indicate that the same thing would happen on a larger scale to the whole of Ceylon. But we do not want to spend the whole time of Council in debating the rights and claims of individual institutions all over the Island. This start with one small place and one small institution may mean a very large number of representations being made to this Council. I believe it is a dangerous thing, Sir, for this Council to interfere with local authorities. If the local authorities in a place decide that it should be a dry area and that no licences should be granted, it would be wrong for this Council with all its powers to over-rule that local authority.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—Sir, it was not my intention to speak on this occasion. But after I heard my honourable and gallant friend Colonel Wright and my honourable friend Mr. Tambimuttu, I could not help but decide to say a few words. They introduced into this motion some irrelevant statements which had nothing to do with the motion, and made accusations against temperance workers. I can say without hesitation that I am proud to be a temperance worker. The gallant Colonel has given an instance of a man at Talawakele who was a hotel-keeper at Talawakele at the time he worked for the closure of arrack taverns. I ask you how such a thing is possible to-day. It is due to this system pursued by Government Agents in giving licences to men who are not reliable. I know something about this very tavern. I had occasion to go to Talawakele myself during the local option campaign, and I know that this hotel-keeper was one of the foremost to come forward and declare in public that he would not take the licence the following year. The next year, however, he got the licence again through the help of the Government Agent, and now they turn round and tell us "Oh, you untrustworthy temperance workers, these are the people you get after all the fuss you make." These men belong to your ranks, and not to ours. The Honourable Member also instanced the case of a secretary of some temperance association who was convicted of selling gin. I think, Sir, it is not right to take an individual case and accuse a whole body of temperance workers. The mere fact that a person has been convicted does not show that he was guilty. I have suffered in jail for forty-six days for my temperance work. Merely because I happened to be a temperance worker, and merely because Government chose to put me in jail for forty-six days, can it be argued that all temperance workers are to be suspected? If you know, Sir, how Government worked against temperance workers at the beginning you will sympathize with them more. I regret to say that nasty remarks have been made to-day with regard to the activities of temperance workers. The attitude of Government towards temperance workers has changed wonderfully, and we are thankful for that. In that respect I might say that the Government officials of to-day are not what they were some time ago. At least the higher officials sympathize with our work. They try to do their best for us. But unfortunately there are other officials who have not the same spirit. I can give some instances by way of illustration. We had a local option poll at Mirigama, and we had to poll for nine taverns at one place. We had to get people from distances of ten and twelve miles to that spot to vote, and the time allotted to us was so short that we had to record at the rate of 400 votes an hour. It may thus be imagined with what difficulty we had to work on that occasion. The lists of all villages included in the areas were given by the Government Agent, but when I went there the Government Agent said that he had altered the list. I told him that he had given a different list some time ago. He repudiated it as it was given by his Assistant. Well, we did work and succeed to such a large extent by evening that the Government Agent could not raise his neck, because he had to record all the votes, and he wanted a few minutes' rest. That same Government Agent, when a voter requested him to permit him to record his vote early as his child had died, said, "No, wait till your turn comes"! I remember telling that man, "You go home and bury your dead

child." But that man turned round and said, "My child is dead; he will not come back to life. I shall do my service to my country and go." For people to come here and speak against temperance workers merely because they are fond of the bottle, I say, is not right. I am sorry, Sir, I made that remark, but I could not help making it. I can give you another incident. I remember once a leading Advocate of Colombo attended one of our meetings where he said, "If you can make up your minds to give up liquor I can do the same." On his way back to Colombo that leading Advocate stopped at the Mahara Resthouse and had a drink. He was later on made a K.C.—not for what he had done at the Mahara Resthouse.

Now, Sir, I can tell you this much. I am glad of one thing the Honourable Colonel Wright said. He said that he views with suspicion the work of temperance men. That gives me an opportunity of telling him with what suspicion I view the opposition of the planters. I have watched for some time, and I have realized that sometimes people who take to drink lose their lands, and taverns have been one of the causes by which our people lose their lands. When a tavern has been established, I have noticed that the people who patronize it generally lose their lands. This makes me view with suspicion the opposition of planters to temperance work.

The motion before the House refers, not to a general question of temperance, but to a certain tavern. Formerly local option could be exercised only in regard to a particular kind of liquor, arrack or toddy, but not in regard to foreign liquor. At that time when people voted and secured the necessary percentage it was, I believe, accepted by Government that these people voted, not only because they did not want a particular tavern, but because they did not want any liquor, foreign or local. The verdict of the poll was in favour of closing the tavern in this area, and the Advisory Committee later closed that tavern. So I say that Government should never have given another licence in that area. That is the principle with which we are concerned. If the people want liquor they will not come forward and vote for the closure of taverns. The excuses put forward by Government for the establishment of drink shops in dry areas will only create great suspicion in the minds of the people. On one occasion Government gave licences to tap trees in dry areas on the ground that the licensees had vested interests. Now, in the case under consideration, they say that foreign liquor is wanted by some people. This attitude, I say again, only creates suspicion in the minds of the people. It is by no means to the advantage of the Government or the people that such suspicion should be created. It is unfortunate, because I know and feel that the present administrators of Government and many of the heads of Government Departments are genuinely anxious to help us. Considering that they are genuinely anxious to help us, I do not think that any Government official should create the impression that Government wants to demoralize the people.

**THE HON. MR. C. E. VICTOR COREA** (Colombo Town, North) :—  
Sir, my honourable and learned friend the Member for the Kalutara District made out such a good case, and it was supported by so many good arguments, that I thought it would not be necessary for me to speak on the motion. But having heard my honourable and gallant friend Colonel Hayward, I find that I cannot give a silent vote on this

motion. If I heard my honourable friend right, he said that because the Assistant Government Agent had decided to grant a licence, this House should not set aside his decision. I never thought that we should be listening to such rank heresy in this House. For the very reason that the Assistant Government Agent had taken upon himself to over-ride the wishes of the people and force on them this hotel, I would ask this House to support the motion of my honourable friend for the Kalutara Revenue District.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—Several years ago, Sir, the Government dumped down a number of taverns, both arrack and toddy and also foreign liquor, all over the Island with the blessings of some of the representatives of the people. When there was a general outcry against these, a certain right or privilege was granted to the people—the right of local option. But what is the Government doing now? I shall tell you my experience, which is similar to the experience of the people of Panadure. About three or four years ago there were about six taverns and foreign liquor shops in the town of Galle. The local option workers closed the whole lot at one poll. But what did the man on the spot do? Immediately there was an application for a second class hotel licence in the town he granted it. The consequence was that all those people who went to the liquor shops and taverns are now going to that hotel. There is absolutely no way now of reducing the consumption of liquor. I should say that we have got to view with suspicion those acts which are directed, not so much against temperance workers, but rather against the declared policy of Government. Government says that it is the greatest temperance organization in the Island; but what it gives with one hand it takes away with the other. The closure of taverns is followed by the grant of licenses to hotel-keepers, thereby nullifying all the good results achieved by temperance workers. It has been stated in this House that the local option polls are a sham. Well, Sir, the only way to decide whether they are a sham or not is by the results of the polls. There is no other way. At the polls the votes are very carefully scrutinized, and then the result is announced, and it is not right on the part of anybody to come to this House and say that local option is a sham. On the other hand, it has also been stated that a large amount of liquor is being sold in spite of the closure of taverns. I stand up here and boldly say that it is so. We admit it. But what is it due to? It is due to the inactivity of the Excise Department. You find to-day in the town of Galle that practically every third or fourth man is a walking tavern. But the Excise Department will not do anything. We, therefore, turn round and inform the police, who say that they cannot interfere in a matter with which the Excise Department is concerned. In the meantime the illicit sellers have taken precautions, and if a search is made nothing can be found. That is what is happening. It is a shame that after working so hard and spending so much of time and labour and achieving a glorious end, the Government should sit quiet when the man on the spot gives these hotel licences. The motion refers to a special case, but there is a general principle involved, and this motion has my hearty support.

THE HON. MR. A. MAHADEVA (Western Province, Ceylon Tamil):—I wish, Sir, to give the reasons why I want to support the Hon. Mr. Perera's motion. In the course of his speech he gave us

certain illuminating figures. From 1920-24 the consumption of foreign liquor has gone up by 500 per cent. in the town of Panadura. Now, the amendment of the local option rules, so as to enable foreign liquor taverns to be closed by the aid of local option, will not become effective until the year 1927, which means that another two years have to elapse before this hotel bar can be closed. So, if the present rate of progress in the consumption of foreign liquor is to continue, the figures would probably go up to about 5,000 gallons. I do not want any delay so far as Panadura is concerned. I say the case requires immediate treatment, and this House will be well advised to support this motion.

**THE HON. MR. C. H. Z. FERNANDO** (North-Western Province, Western Division):—I have been provoked, Sir, by the speeches made in opposition to say a few words. The Honourable the European Rural Member said that local option polls are a farce. There are a good number of people who believe that all polls are a farce, whether for local option or for a European Rural Constituency. I was reading a few days ago an article by a well-known English writer on democracy—he was a Scotchman—who spoke of democracy in England as being a farce, and went on to say that an Englishman sold his vote for a glass of beer. The Honourable Member for Batticaloa said that we are not concerned with individuals, and that we should enunciate policies. That is a very good thing in theory. But in practice we know that in a good many instances in the past the Honourable Member has always been at pains to take up cases of personal injustice. We are grateful to him for that, and the whole public admire him for that. We have the historic instance of Mr. Noor Mohamed. We also know that a number of questions have been put by the Honourable Member on behalf of a Sinhalese gentleman with a Muhammadan name, Mr. Pitche Mendis. As regards the motion, in Colombo too we have instances of foreign liquor licences being allowed. I am a member of the Excise Board. During the régime of Sir John Fraser he was brusque in his methods and granted licences waiving away our objections. But to-day we have a more sympathetic official at the head of affairs; but he is tied down by the errors of the past, and in Colombo we find gin shops in almost every street corner.

**THE HON. MR. A. CANAGARATNAM** (Northern Province, Southern Division):—I would wish to point out, Sir, that this motion involves a great principle. When the people of a place have abolished certain taverns where local liquor was sold, is it right on the part of Government to permit foreign liquor to be sold? I say that it is very wrong of Government to encourage outside industry and force foreign liquor on the people when they have sacrificed their own industry. Government, by introducing foreign liquor into a dry area is not only destroying the moral welfare of the people, but is encouraging the sale of a liquor which is got from outside the Island, and, therefore, promoting an outside industry at the expense of a local industry. I have pleasure in supporting the motion.

**THE HON. MR. E. R. TAMBIMUTTU** (Batticaloa Revenue District):—I move that the House do now adjourn.

**THE HON. THE VICE-PRESIDENT** :—We have roamed all over the Island to-day in the discussion of this question, and I think that we should arrive at a decision while the arguments are fresh in the minds of Honourable Members. I would ask Honourable Members who speak now to be as brief as possible, as we have already heard every side of the question.

**THE HON. MR. G. A. H. WILLE** (First Burgher Member) :—As one who sympathizes with the temperance movement I do not wish to give a silent vote on this motion. If this motion has a certain weakness in it, it is that it does not go far enough. Certain debaters have taken advantage of that weakness to point out an inconsistency. A very high official sitting on an Advisory Board once said that he did not see the justice of depriving the poor man of a drink while the rich man could have his drink at high class hotels. That argument has been brought out to-day. There might be some inconsistency in allowing foreign liquor to be sold at hotels when taverns are closed, but for that inconsistency Government alone is to blame. It is the aim of temperance workers to bring about temperance even in the case of those who could go to hotels.

It is regrettable that there has been a little frivolity on a serious subject like this, and it has led to certain remarks which might better have been left unsaid. I have no doubt that the Honourable Member for the European Rural Electorate did not intend to question the motives of all those who have taken part in the temperance movement.

**THE HON. MR. T. Y. WRIGHT** (European Rural Member) :—Certainly not.

**THE HON. MR. G. A. H. WILLE** (First Burgher Member) :—I am certain that when the Honourable Member said that he was suspicious of the polls he only meant to say that he was suspicious of the result. And I have also no doubt that the Honourable Member for Negombo District was provoked into saying that he had his suspicions of the planters. That is a sentiment in which we certainly do not share. I think we can put all motives aside. We quite recognize the efforts the officials are making in the temperance cause. Perhaps the official at Kalutara has made a mistake in this instance; but we as temperance workers feel that after the people of a locality have decided to make the area dry, it is not fair for Government to allow the introduction of some other form of liquor, which perhaps will have a worse effect on the people. In the case of arrack taverns, I think there is far more control than in the case of bars where gin and whisky are sold.

The unfortunate turn which this debate took at certain stages will show Honourable Members, even those who are not quite in sympathy with the temperance movement, that the movement is a great cause, and that it should be respected and helped to proceed to success in a temperate way. The result of intemperate opposition on the part of anti-temperance men will perhaps be to produce intemperate action on the part of those who are fighting in the temperance cause. Extremes are to be deprecated on either side, and I trust that we shall leave this Council Chamber to-day respecting each other's views, especially the views of those who are for the

temperance cause, because, as I said, the temperance cause is one which should be respected by everyone who has the welfare of the country at heart.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :—Sir, while supporting the motion of the Honourable Member for the Kalutara District, I would wish to make one request of Government. Sir William Manning gave a pledge that in matters concerning the people of this country he would allow the views of the people to prevail. May I ask the Honourable the Colonial Secretary whether the will of the people will be allowed to prevail in this case, and whether he will allow the official vote to be silent while the matter is decided by the unofficial vote ?

THE HON. THE ACTING COLONIAL SECRETARY :—I was asked, Sir, by the Honourable Member who spoke last to give an assurance that the Government would allow the will of the people to prevail in this case. That is exactly what the Government is wanting to do. The standpoint of the Government is that you should not treat this Vajira hotel in a different way to other hotels, but that you should treat all licences alike. Let the will of the people be expressed by local option. I think it would be a pity to interfere with the decision to be arrived at by that means. With regard to the criticism of the Honourable Member for Trincomalee District when he said that Government was out not to help, but to thwart the temperance party, we have had three meetings of temperance workers. This motion was in the first instance postponed, and we said that we did not wish to treat these cases individually, but that we would go into the whole question of bar licences of hotels. There is a good deal of force in the argument that the bar licences of a number of hotels should be subject to local option.

There has been a great deal said in this House on this subject to-day. We have wandered far away from the point ; but I am sure that this House would like to be fair, and for that reason I think that you should have the whole of the facts before you. You have so far heard only one side of the facts. What are the facts ? This hotel licence was granted five years ago—in 1919. It is true that the arrack taverns in the town were closed by local option. There was also a poll for the closure of the foreign liquor taverns. These polls failed, but the Government considered that the facts were sufficiently indicative of the feeling of the people there, and they agreed with the Excise Advisory Committee that the foreign liquor taverns should be closed. But there was this application in 1919 for a hotel ; and I think that some of the figures which were given to you to to-day show the need for a hotel. My information is that there was no protest against this hotel. My further information is that for the whole of these five years, and more than that, there has never been any complaint either by the public or by the police against this hotel. I would wish you to bear those facts in mind.

This agitation was brought up against the hotel when the hotel-keeper applied to move the hotel to another site. It was situated in the slum area, and the building was in a dilapidated state, and the hotel-keeper asked to be allowed to remove it to another site. That was allowed. The Assistant Government Agent examined the books of the hotel, and he says that it is a genuine hotel. The Government is aware that numerous representations have been made



against this hotel, but the Government feels that this Council is not the place where such matters should be decided. We should bring in local option in this case.

There is another point I should wish to touch upon, and that is, that the Government knows that it is a great mistake to bring matter of local interest before this Council, because it is liable to impair the utility of the Council. We hope that the Council will consider these matters in a broad way just as Government has attempted to do it. I hope that the Council will vote against this motion. I should prefer that the Council should wait until the new rules are laid before it, which we hope to do in the course of the next few weeks. Those rules have been framed in the light of the three conferences with the temperance workers, conferences with the Government Agents, and two discussions in the Executive Council. The rules are now being revised and they will be placed before the Finance Committee—not at the next meeting—but before the following one. I feel that this House should not deal with this question of the Vajira hotel, but that it should view the question from the point of view of voting on all hotels.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) rose to address the House.

THE HON. THE VICE-PRESIDENT :—It is generally understood that the Honourable the Colonial Secretary replies. I cannot stop you from speaking, but I should like to say that the Honourable the Colonial Secretary has indicated the policy of Government, the subject has been well threshed out, and the honourable the mover will reply. If you wish to speak, I cannot stop you; but the debate must be closed to-night.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Southern Division) :—After what has fallen from the Honourable the Colonial Secretary, I think I must offer a few remarks. The Honourable the Colonial Secretary has said that we have looked only at one side of the question. We would not come to this House bearing such responsibilities on our shoulders and rest content by looking at one side of the question only. We have looked at the other side of the question as well. The proprietor of the hotel has, I believe, seen almost every Unofficial Member to enlist his sympathy, and we have been in a position to look at both sides of the question, and many of us being lawyers, I think we are competent to arrive at a correct finding. The will of the people was shown clearly at the polls. By a majority of about 75 per cent. the people showed that they wanted the taverns closed, and Panadura was declared a dry area. But what did the Government do after that? The Government acceded to the wish of someone and gave a hotel licence in 1919 in the face of the expressions of Sir William Manning that the will of the people should prevail. As was stated by the Honourable Member for the Galle District, it looks as if Government took away with one hand what it gave with the other. I have been a temperance worker myself, and we temperance workers can realize the situation. It is not for honourable gentlemen like my gallant friend representing the European Rural Electorate, standing on a higher pedestal away from the madening crowd, to say that these polls must be viewed with suspicion. We who have worked with the people are in a better position to

understand their views. The majority of the voters come to the polls at great inconvenience, prompted by a sense of duty to the public. The case referred to by the Honourable Member representing the Negombo District, of the man who would not go to bury his dead child, but would rather wait till his turn came to vote and thus do his duty to his country, is not an isolated case of villagers having a high sense of duty. There are in the villages in many instances men with a greater sense of public duty than some men who wear coat and trousers. Robert Knox has said of the Sinhalese villager: "Take him from the plough, wash him, and he is fit to rule a kingdom." I think, Sir, it is the duty of Government not to give these licences in the way it has done in this case. In the West Giruwa pattu and the East Giruwa pattu of the Hambantota District we closed the taverns by local option. The Excise Board then closed the two arrack taverns in Magam pattu, the initiative being taken by no less a person than the Assistant Government Agent of the place, who was District Judge of Tangalla for many years. He is now in the Land Settlement Department. But the next month after the closure of these taverns a new Assistant Government Agent came, who sent in a protest to His Excellency the Governor in Executive Council, with the result that the state of affairs was changed. Now a large number of arrack bottles is taken to the dry area in buses. With the help of the driver or conductor of a bus bottles and bottles of arrack could be taken there. For the purpose of duping the Excise officers passengers are allowed to travel on half rates on condition that each of them claimed two bottles as belonging to him in the event of their being questioned by an Excise officer.

With regard to the motion, there are a few points on which I wish to offer some remarks. As regards this hotel, we know the views of the leading residents of Panadure. I hold a memorial in my hands signed by all the leading men of the place which would show that the opinion of the residents of Panadure is against the grant of this licence. It is not the solitary hotel in Panadure that should engage the attention of this Council, but the principle that is involved. The resolution asks that no fresh licences should be issued in Panadure District after the end of the present licensing year. So there is a policy involved, and I would therefore vote for the motion.

**THE HON. THE ATTORNEY-GENERAL:**—I am very sorry to trouble the Council on a subject of which I have no special knowledge, having never been to Panadure, but there are one or two aspects of this motion to which I should like to call the attention of Council before Honourable Members finally decide how to vote. This motion deals with a purely local matter, namely, "That this Council recommends to Government that no foreign liquor licences and foreign liquor bar licences be issued in the Panadure District Council area," and so on. I would earnestly ask Honourable Members to remember what they are voting on. A large number of the speeches in this Council have been devoted to the extremely important question as to what should be generally the policy of Government in dealing with foreign liquor licences where there have been local option polls. As matters stand at present, local option polls can be held for the abolition of arrack taverns and also for foreign liquor taverns. That is the law in force for many years.

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Without for the moment going into what exactly were the words uttered by Sir William Manning, I think Honourable Members will not disagree with me when I say that that speech has in fact been interpreted for many years as meaning this—that the Government would not give any tavern licence ; it has never been interpreted to mean that the Government would not give hotel licences and hotel bar licences. I say this with confidence, as Honourable Members are well aware that that policy has been adopted for many years, and until this moment has never been publicly questioned. I also think that Honourable Members will agree with me that no question of breach of faith is involved in this question at all. The question now raised is the policy which has been adopted in the past few years in dealing with foreign liquor licences. That is a question which, as Honourable Members know, has been under consideration by the Government for some time. Various conferences have been held and rules have been framed. These rules, as the Honourable the Colonial Secretary stated, will shortly be laid before the Finance Committee and will be open to discussion ; and I venture to suggest that it will be a great mistake for this Council, on a motion which is directed to one isolated hotel, to express any opinion on general policy until it has seen the rules and properly thrashed out the question.

I may say that when I saw this motion on the paper I thought it was a purely local matter, and I did not feel called upon to make any special preparation. I have simply had to acquire information as the debate has gone on, and I really think it will be a very great mistake for this Council to decide on this motion a question of very important public policy which has to be considered under many aspects. However deep the sympathy of Honourable Members may be with the temperance movement, I would ask them not to be carried away merely by the idea that the Government should be more strict in issuing foreign liquor licences after local option polls. That is not the question at issue at the moment. I am not going to express an opinion on the point whether the majority of the inhabitants wish this hotel to be closed ; but I do want to say that although it might not be out of order, it would certainly be unconstitutional for this Council to pass this resolution and for Government to accept it. This is a matter affecting private rights. A certain hotel has been started at Panadura, and it is an absolutely essential principle of legislation that action of the Legislative Council which is to deprive a private person of his rights should be made only after the individual has been given every chance of putting forward his side of the question.

This motion is analogous to a private Bill ; it is in effect to deprive a licensee of his rights. However strong Honourable Members may feel with regard to their rights, I would appeal to them not to insist on pressing the motion, because it is a dangerous principle to establish that a person should be deprived of his rights by this Council without full notice having been given to him to put forward his side of the question. On these grounds alone I would ask Council not to persist with this motion. If this motion is passed, it will be impossible for Government to give effect to it merely because the Council has passed it. Private rights are affected and Government is bound to see that people are deprived of their private rights only by constitutional means. I think that there is a large majority of members who feel that this licence should not

be granted; notwithstanding that, I would ask them to abstain from publicly recording their votes merely on the ground that they have not had the opportunity of hearing the other side of the question. The Government have heard both sides of the question, and I can assure Honourable Members that very careful consideration will be given to the question. My personal opinion is that as the new local option rules are coming in very shortly this question ought to be dealt with by the rules, and not by executive action. I would almost ask the honourable the mover to abstain from putting the motion at all.

**THE HON. MR. W. DURAISWAMY** (Northern Province, Western Division):—Sir, after I heard the Honourable the Attorney-General, I think I should say a word on the policy of Government. The Honourable the Attorney-General seems to think that the policy enunciated by Sir William Manning referred only to local drink, and did not affect foreign liquor.

**THE HON. THE ATTORNEY-GENERAL**:—No, no. I said it did not affect hotels.

**THE HON. MR. W. DURAISWAMY** (Northern Province, Western Division):—I say even hotels are included in that policy that was enunciated on the occasion of the motion introduced by me in 1921. That motion reads thus:—

That in view of the prevalence of public opinion in favour of total prohibition of the use of alcoholic and intoxicating liquors and drugs, except for medicinal purposes, this Council desires that Government should so direct its Excise administration so as to attain total prohibition within a reasonable time.

That motion did not exclude any first class or second class hotel. In the course of the debate Sir William Manning used the following words, which he reiterated in his Message to Council last year:—

I told him that we should be guided by the will of the people in regard to our liquor traffic in Ceylon. It was not a question of the revenue which the Colony was making. It was a question as to whether the people desired that there should eventually be total prohibition of the sale of liquor in this Island . . . I told him that a motion was about to be moved in Council on this subject, and that the line which Government would take would be that we should be governed by the will of the people, and that we shall be so governed.

Those were the words addressed by His Excellency to Mr. "Pussyfoot" Johnson, who had paid him a visit, and His Excellency informed the Council what he told the great temperance worker in the course of a conversation he had with him. His Excellency concluded his remarks at that debate with the following words:—

If the Honourable Member intends to press his motion to a division, I shall ask the official members not to vote, because the feeling of Government is that we should be guided by the will of the people in all matters in connection with this trade.

My honourable friend the Attorney-General was not in this Council at the time when Governor Manning initiated this policy. Within so many months of the declaration of this policy are we asked not to express our wish as far as liquor licences in the Panadura district are concerned? That is the proposition that has been placed before us. We are here to represent the wishes of the people, and unless we express unhindered our wishes as regards this particular question we shall not be doing our duty by the people, more

so because this is the first time that a motion of this kind has been brought before this House. All this while we have not brought before this Council a question concerning the foreign liquor trade. Foreign liquor has done, and is doing, the most mischief in the northern and other districts. If we do not do our duty by the people in this case we shall not be discharging our trust. Although an appeal was made that we should postpone our expression of opinion, I think we should place before the Council our considered opinion on the subject. We should express our view to Government which will be guided by the will of the people.

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District) :—Sir, I am constrained to dwell for a few minutes on the arguments that have been officially urged by the Government and by certain remarks that have been made by Honourable Members who spoke against my motion. I would first like to deal with the remarks made by the Honourable the Attorney-General. This is the first time within my experience of this Council that I heard a Law Officer of the Crown speaking on a special brief, which he is perfectly entitled to do, as he did on this particular occasion. The Honourable the Attorney-General spoke of my motion as being directed against the vested interests of a private individual who keeps a tavern somewhere down in Panadura. The shoe is on the wrong foot. The Honourable the Attorney-General pleaded an excuse for breaking the acknowledged principles of Government. He wanted to sidetrack the wrong committed by Government by setting up this publican as a red herring across the trail. It is fortunate that a good many Members of this Council are lawyers. I took down the words from the lips of the Honourable the Attorney-General. He said that it was “unconstitutional”; that it “affected private rights”; that this was “analogous to a private Bill”; that it was “a dangerous principle.” That was the line he took, and he further wound up his arguments by making a threat which is highly unconstitutional to this House and is against the constitution of this country. He said that if this motion were carried by this House it would not be carried out by the Executive.

**THE HON. THE ATTORNEY-GENERAL** :—I did not say it would not be carried out. I said it would not be carried into effect simply because Council passed it. We have to decide the question on its merits.

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District) :—That is with a qualification. Well, I challenge the policy of Government. I say that the predominant will of this Council is a sufficient mandate for the Executive to act, and if the Executive does not act when this Council speaks in a clear voice, it shows that our reforms are a sham, and that the Executive of the country is carried on in defiance of the will of the accredited representatives of the people of the country. We shall accept the challenge at once and carry our cause to higher quarters, and see that we have an Executive that shall be responsible to the verdict and decision of this House.

My point throughout was that the settled and deliberate policy of Government was that which was clearly laid down by His Excellency Sir William Manning on August 28, 1924. I would ask you to remember these words of His Excellency: “On every matter

of importance, public opinion, through its representatives in this Council and on Advisory Boards, or through the agents of temperance, and at the polls, has been consulted." And again: "When an area has been voted dry, no shops can be re-opened without decision by another poll, and no foreign liquor licenses can be granted in a dry area without the authority of the Governor; every facility is given to enable voters to vote without loss of time; and once a locality has made up its mind on the subject of closure, a speedy decision is assured." That is the principle laid down, and it cannot be broken by even an official in an outlying constituency whose petty pomposity had induced him to take under his wing a particular individual.

Look at the principal facts of the case. I take them from the representation made by the Panadura Maha Jana Sabha. The two foreign liquor taverns in this town were closed in 1918 and seven arrack taverns in 1919. At this time there was no hotel in this town, and an application for a hotel and a bar licence was made. The temperance workers fully realizing the danger protested, but their protest was of no avail. A breach of policy had been created by Government. When we come here and say that a breach was created by the opening of this tavern, the Government spokesmen get up and say that we should not interfere with private interests; when we come here in vindication of a policy and charge Government with having in defiance of their accredited policy dumped down this tavern in the teeth of public opinion—

**THE HON. THE ATTORNEY-GENERAL:**—The Honourable Member says that when the question of granting this licence arose a protest was made. Our information is that no protest was ever made.

**THE HON. MR. E. W. PERERA** (Kalutara Revenue District):—The Honourable the Attorney-General is going off on another point. This body made a categorical statement at the time when this licence was given to this man and there was a protest; and in spite of this the Assistant Government Agent gave the licences. That statement is repeated in the memorials. And now this publican, for whom the Government apparently holds a brief, has changed the name of his hotel from the Cosmopolitan to Vijaya when he walked across the street. I am certain of my facts, and I am prepared to stand by them and prove them. The thread of my argument was interrupted by the side issue.

I was saying that the foreign liquor shops were closed in 1918, and the arrack taverns in 1919. In December, 1919, a licence was obtained for this man to ply his trade in 1920. That settles the matter. The vested right was created by Government in defiance of policy and the avowed declarations of Government, and I do hope that just because Government has taken this particular private interest under its wing that it will not continue to follow that policy. The Honourable the Acting Colonial Secretary said that Government was most willing that the will of the people should prevail. This area was declared a dry area in terms of the Government promise, and despite all that has been said, we are asked to wait till the new local option rules come in, when there will be the opportunity for a poll. It must be remembered that licences are renewed on September 30, and it is absolutely impossible for a poll to be held

this year. What is being offered to us is the apple of Sodom, which falls to dust in our hands. The Advisory Board has not been constituted; the area has not been defined. For months and months the temperance workers have been writing to Government to define the area and to constitute the Board, but the Government has not done so. In the ordinary course of things the poll will have to be held in 1926. If it is held in that year, and it proves to be successful, the foreign liquor tavern will only be closed in 1927. Honourable Members will, therefore, see how unreal is the generous offer held out to us by the Honourable the Colonial Secretary.

Whether moderate drinkers or prohibitionists, I think we are all agreed that the policy of Government must be vindicated; and I also think we are all agreed that where there is a flagrant infringement of the promise of Government, we should vote in a clear and in no uncertain way, for the whole country is behind us in this matter. The Honourable Member for the Eastern Province (Batticaloa) said that he did not mean what he said. I believe it. I stand neither for temperance fanatics nor for dipsomaniacs; but I believe firmly in democratic government. If social work and temperance work are done in the villages, there is no doubt that the country will go forward. Kalutara, a short while ago, stood at the head of the statistics of crime; it is now about twelfth on the list. In these circumstances I do not want to take up any more of your time. This is a matter of principle. Where there is a dry area no foreign liquor taverns should be planked down near the place, not even where vested interests are concerned, as in the case of this man who had been sent away from Wattedgama. I ask Honourable Members not to consider the private interests which have been urged, but to vote for the vindication of a principle.

**THE HON. THE ATTORNEY-GENERAL** :—I am not sure of the exact words I used, but I think I said that no protest was made. I, however, find that there is a note on the subject, which is the only information we have got. The note is as follows: "Although the establishment of the hotel was originally opposed, there was no agitation by the temperance party against the hotel until it was proposed to move it to the new site, *i.e.*, for 5 years."

**THE HON. THE VICE-PRESIDENT** :—The motion as amended is as follows :—"That this Council recommends to Government that no foreign liquor licences or bar licences or hotel licences be issued in the Panadure District Council area after the end of the present licensing year." Those who are in favour of the motion will say "Aye," those of the contrary opinion will say "No." (After a pause.) I think the "Ayes" have it.

**THE HON. THE ACTING COLONIAL SECRETARY** :—Divide.

A division was taken, with the following result :—

*For*—28.

The Hon. Sir P. Ramanathan, Kt., K.C., C.M.G. (Northern Province, Northern Division).

The Hon. Mr. W. Duraiswamy (Northern Province, Western Division).

The Hon. Mr. E. W. Perera (Kalutara Revenue District).

The Hon. Mr. E. J. Hayward, C.B.E., V.D. (Commercial Member).

The Hon. Mr. C. W. W. Kannangara (Southern Province, Western Division).

The Hon. Mr. N. J. Martin (Second Burgher Member).

The Hon. Mr. K. Balasingham (Nominated Unofficial Member).

The Hon. Mr. A. Canagaratnam (Northern Province, Southern Division).

The Hon. Mr. C. E. Victor Corea (Colombo Town, North).

The Hon. Mr. C. H. Z. Fernando (North-Western Province, Western Division).

The Hon. Mr. H. R. Freeman (North-Central Province).

The Hon. Mr. T. B. Jayah (Third Muslim Member).

The Hon. Mr. H. M. Macan Markar (First Muslim Member).

The Hon. Mr. A. Mahadeva (Western Province, Ceylon Tamil).

The Hon. Mr. A. F. Molamure (Kegalla Revenue District).

The Hon. Mr. A. H. E. Molamure (Ratnapura Revenue District).

The Hon. Mr. F. A. Obeyesekere (Southern Province, Central Division).

The Hon. Mr. I. X. Pereira (First Indian Member).

The Hon. Mr. S. Rajaratnam (Northern Province, Central Division).

The Hon. Mr. D. S. Senanayake (Negombo District).

The Hon. Mr. M. M. Subramaniam (Trincomalee Revenue District).

The Hon. Mr. S. R. Mohamed Sultan (Second Indian Member).

The Hon. Mr. V. S. de S. Wikremanayake (Southern Province, Southern Division).

The Hon. Mr. G. A. H. Wille (First Burgher Member).

The Hon. Sir J. Thomson Broom, Kt. (European Urban Member).

The Hon. Mr. W. A. de Silva (Central Province, Urban).

The Hon. Mr. P. B. Rambukwelle (Central Province, Rural).

The Hon. Mr. T. M. Sabaratnam (Northern Province, Eastern Division).

*Against—14.*

The Hon. the Officer Commanding the Troops.

The Hon. the Acting Colonial Secretary.

The Hon. the Attorney-General.

The Hon. the Acting Controller of Revenue.

The Hon. the Treasurer.

The Hon. Mr. F. A. Stockdale, C.B.E. (Director of Agriculture).

The Hon. Mr. L. Macrae (Director of Education).

The Hon. Mr. T. Y. Wright (European Rural Member).

The Hon. Mr. H. A. Loos (Nominated Unofficial Member).

The Hon. Mr. E. R. Tambimuttu (Batticaloa Revenue District).

The Hon. Mr. W. L. Kindersley (Government Agent, Central Province).

The Hon. Mr. J. Strachan (Director of Public Works).

The Hon. Mr. W. T. Southorn (Principal Collector of Customs).

The Hon. Dr. J. F. E. Bridger (Principal Civil Medical Officer).

The motion was accordingly carried.

**Adjournment.**

**THE HON. THE VICE-PRESIDENT:**—The Council will now adjourn till 2.30 P.M. to-morrow.

The Council adjourned accordingly.