

DEBATES

IN THE

LEGISLATIVE COUNCIL OF CEYLON,

On Thursday, October 1, 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. (COLOMBO TOWN, SOUTH),
VICE-PRESIDENT.
- 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 MR. N. H. M. ABDUL CADER (SECOND MUSLIM
MEMBER).
- 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. W. DURAISWAMY (NORTHERN PROVINCE,
WESTERN DIVISION).
- THE HONOURABLE MR. D. H. KOTALAWALA (PROVINCE OF UVA).
- THE HONOURABLE MR. E. W. PERERA (KALUTARA REVENUE DISTRICT).
- THE HONOURABLE MR. E. R. TAMBIMJTU (BATTICALOA REVENUE
DISTRICT).
- THE HONOURABLE MR. A. C. G. WIJEYEKOON (NOMINATED UNOFFICIAL
MEMBER).
- 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 BURGHES MEMBER).
- THE HONOURABLE MR. J. STRACHAN, DIRECTOR OF PUBLIC WORKS.
- THE HONOURABLE MR. W. T. SOUTHORN, PRINCIPAL COLLECTOR OF
CUSTOMS.

- THE HONOURABLE MR. M. T. AKBAR, K.C., SOLICITOR-GENERAL.
THE HONOURABLE MR. K. BALASINGHAM (NOMINATED UNOFFICIAL MEMBER).
THE HONOURABLE DR. J. F. E. BRIDGER, DIRECTOR OF MEDICAL AND SANITARY SERVICES.
THE HONOURABLE MR. A. CANAGARATNAM (NORTHERN PROVINCE, SOUTHERN DIVISION).
THE HONOURABLE MR. C. E. VICTOR COREA (COLOMBO TOWN, NORTH).
THE HONOURABLE MR. H. R. FREEMAN (NORTH-CENTRAL PROVINCE).
THE HONOURABLE MR. T. B. JAYAH (THIRD MUSLIM MEMBER).
THE HONOURABLE MR. D. B. JAYATILAKA (COLOMBO DISTRICT).
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. 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, EASTERN DIVISION).
THE HONOURABLE MR. G. A. H. WILLE (FIRST BURGHES 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. SABA RUTNAM (NORTHERN PROVINCE, EASTERN DIVISION).

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

Minutes.

The Minutes of the Meetings held on August 27 and 28, 1925, were confirmed.

Local Option Rules.

THE HON. THE ACTING COLONIAL SECRETARY :—His Excellency the Officer Administering the Government wishes me to announce that he proposes to appoint a Commission to report what amendments, if any, should be made in the local option rules, and what action, if any, is required to control the rising consumption of foreign liquor.

It is proposed that the Commission should be composed of the following :—The Controller of Revenue (Chairman), the Excise Commissioner, the Hon. Sir H. Marcus Fernando, the Hon. Mr. T. Y. Wright, the Hon. Mr. W. Duraiswamy, the Hon. Mr. D. B. Jayatilaka, the Hon. Mr. S. Rajaratnam, the Hon. Mr. W. A. de Silva, Mr. F. R. Senanayake, and Mr. W. Philips.

Papers laid.

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

Message of His Excellency the Officer Administering the Government dated September 24, 1925, concerning the issue of a distillery licence at Tambarawila.

Minutes of the meeting of the Standing Committee on Finance dated August 28, 1925.

Administration Reports, 1924 :—

Part I., Civil : Reports of the Controller of Indian Immigrant Labour and Chairman, Colombo Port Commission.

Part II., Revenue : Report of the Conservator of Forests.

Part III., Judicial : Report of the Solicitor-General on the Statistics relating to the Administration of Criminal Justice.

Part V., Public Works : Reports of the Directors of Public Works and Irrigation.

Sessional Papers, 1925 :—

XVII.—Administration Report of the Chairman, Municipal Council, Colombo.

XXVII.—Report of the Communal Pastures Committee.

XXVIII.—Sale of Bandarawela Hotel.

XXIX.—Reply to the Hon. Mr. C. E. Corea's letter of February 20, 1923, to the Secretary, Forest Committee.

XXX.—Memorandum of the Proposal to make Permanent the Post of Malariologist and the necessity for extended Research in Medical Entomology in Ceylon.

XXXI.—Report of the Plumbago Industry Committee.

XXXII.—Proposed Distillery at Baddegama.

By-laws made by the Municipal Council, Colombo, under section 109 (1) of "The Municipal Councils Ordinance, 1910," regarding the conduct of business.

By-laws made by the Municipal Council of Colombo, under section 109 (1) of "The Municipal Councils Ordinance, No. 6 of 1910," regarding cattle markets.

Rules made by His Excellency the Officer Administering the Government in Executive Council, under section 5 of "The Ceylon Railways Ordinance, 1902," regarding railway fares.

Statement showing the number of Muslims employed in the various departments of the Government Service.

Statement showing the number of appeals which have been preferred within the last fifteen years from the Supreme Court of Ceylon to His Majesty's Privy Council, together with the result in each case.

Reports of the Additional Police Magistrate, the Medical Officer, Matale, and the Inspector-General of Police regarding the exhumation of the body of one Abdul Sathar at Matale.

Statement of chena prosecutions in the Kurunegala District during 1922, 1923, 1924, and 1925, up to June 30, in which the accused were convicted, and the total amount of fines imposed.

Memorandum regarding the vote for improving existing wells and sinking new wells in villages.

List of cases since 1915 in which Public Servants have pleaded the benefit of the Public Servants' Liability Ordinance.

Petitions presented between 1915 and 1924 against Public Servants who had pleaded the Public Servants' Liability Ordinance.

Statement of naturally-formed salt destroyed by trampling or otherwise during the years 1923, 1924, and 1925.

Statement showing the number of Members of the Legislative Council who have acted as District Judges and Police Magistrates during the financial year 1924-25.

PETITIONS.

Petition from Field Owners in the Nuwara Eliya District.

THE HON. MR. P. B. RAMBUKWELLE (Central Province, Rural) :—I beg to present a petition, Sir, from some of the field owners under the Maha-ela in Kohaka korale, Uda Hewaheta, in the

Nuwara Eliya District. They complain that they are ordered to pay an increased water tax. The amount they have been accustomed to pay was thirty-three cents per pela; they are now ordered to pay seventy-eight cents per pela.

Petition from the Galle Ayurvedic Association.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—I beg to present a petition, Sir, from the Galle Ayurvedic Association. The petitioners ask that native medical practitioners should not be treated as ordinary contacts in cases of infectious disease, and that the advantages enjoyed by registered medical practitioners should be extended to them. They also submit that *Cannabis Indica* forms an indispensable ingredient in the preparation of a large number of medicines required for the treatment of very many chronic as well as infectious diseases, and they ask that native medical men be granted facilities for the use of the ingredient.

Petition from Don Davith Jayasekera.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—I also present a petition, Sir, from Don Davith Jayasekera, Municipal Scavenging Contractor of China Garden, Galle. The petitioner states that he was taken up under martial law in 1915, and a good deal of his property was confiscated. No claim to the property having been made by anyone except himself it was sold by auction. The petitioner did not represent matters hitherto thinking that a Royal Commission would have been appointed, but now that there appears to be no likelihood of such a Royal Commission being appointed, he prays that he may be given the value of the articles confiscated.

NOTICE OF QUESTIONS.

Personal Emoluments in the Department of Irrigation.

THE HON. MR. W. A. DE SILVA (Central Province, Urban):—I give notice, Sir, of the following questions:—

(1) Whether the Government is aware that the expenditure on Personal Emoluments in the Department of Irrigation is over 40 per cent. of the total amount spent on irrigation, whereas the expenditure on Personal Emoluments in the Public Works Department is only 14 per cent. of the total amount spent on public works?

(2) Whether the Government will take steps to bring down the expenses on Personal Emoluments in the Irrigation Department to a percentage approximately to the percentage at present spent in the Public Works Department?

Abolition of the Kacheheri at Vavuniya.

THE HON. MR. T. M. SABA RUTNAM (Northern Province, Eastern Division):—I give notice, Sir, of the following questions:—

(a) Were the separate Kacheheries at Vavuniya and at Mullaittivu about twenty-five years ago under one Assistant Government Agent?

(b) When and why was the Kacheheri at Vavuniya abolished?

(c) Will Government be pleased to table the papers connected with the abolition of the Kacheheri at Vavuniya, and also the papers connected with the proposal to transfer the Kacheheri from Mullaittivu to Vavuniya?

NOTICE OF MOTION.

Publicity to Proceedings of Finance and Select Committees.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) :—
I give notice, Sir, of the following motion :—

That in the opinion of this Council it is desirable that the proceedings of the Standing Committee on Finance and the Select Committees on Finance Bills should receive publicity.

QUESTIONS.

Public Servants' Liability Ordinance.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—I rise, Sir, to ask—(1) Was a petition received from one Pitche Mendis complaining that several Government servants employed in the Harbour Works Department were indebted to him, and that when sued some of his debtors have availed themselves of the Public Servants' Liability Ordinance and are evading payment? (2) What action was taken by Government on the petition? (3) How many Government servants were reported to Government since the Public Servants' Liability Ordinance of 1915 came into force as having taken protection under the said Ordinance? (4) Will the Government be pleased to give a list of such Public Servants, and state what was done in each case to make them pay their just debts?

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

(2) Government sent the petition to the Chairman, Colombo Port Commission, for report. The Chairman, Colombo Port Commission, reported that with a few exceptions the officers in his department who were mentioned in the petition as being indebted to the petitioner denied liability. Government decided that no further action in the matter was necessary.

(3) and (4) Statements giving the available information desired by the Honourable Member are tabled.

Muslim Representation on Local Bodies.

THE HON. MR. H. M. MACAN MARKAR (First Muslim Member) :—I rise, Sir, to ask—(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?

THE HON. THE ACTING COLONIAL SECRETARY :—(a) The Government is not aware that the Muslims are not represented on local bodies adequately in proportion to their percentage of the population of the areas which are administered by such bodies. The Government will, however, always be willing to consider carefully any instances, which may be brought to its notice, in which it may be alleged that the representation of the Muslims is, or is likely to be, inadequate.

(b) In the matter of elections, it would obviously be improper for the Government to intervene in favour of any particular community. In the matter of nominations, the Government is naturally influenced by considerations of the adequate representation of communities, which would otherwise not be represented; but there are other important considerations to be weighed, and the Government cannot pledge itself to be guided solely by considerations of communal representation in making such nominations.

Oriental Medical Science.

THE HON. MR. S. RAJARATNAM (Northern Province, Central Division):—I rise, Sir, to ask—Referring to my question No. 19 and the reply given by Government on January 29, 1925, now that the Principal Medical Officer has returned from leave, is the Government prepared to make a declaration as to its policy *re* study and practice of Oriental Medical Science?

THE HON. DR. J. F. E. BRIDGER (Director of Medical and Sanitary Services):—(1) The science and art of modern medicine are not circumscribed by bounds of race, nationality, or territorial limitations; its aim is the discovery of truth; its triumphs have been gained by men and women of all races; the knowledge which its followers acquire and the secrets which they wrest from nature are broadcast to the whole world for the benefit of suffering humanity.

(2) The expenditure by Government on its Medical Department exceeds at the present time Rs. 8,000,000 per annum.

(3) On December 31, 1924, there were in existence in the Colony 98 Government hospitals and 533 Government dispensaries.

There were employed by Government 257 medical men, exclusive of those belonging to the Sanitary Branch, and 365 apothecaries. During the year 1924, 171,884 cases of disease were treated as in-patients at Government hospitals and 2,497,122 persons were treated as out-patients at Government dispensaries. These figures do not include the number of private medical practitioners registered under the Medical Act who are not in Government employment; the number of dispensers employed by estates; the number of persons treated as in-patients or out-patients in estate hospitals or by estate dispensers, or in other non-Government institutions; the number of persons treated by non-Government private practitioners; or the number of persons treated as private patients by Government Medical Officers. It is obvious, therefore, that a computation estimating the number of those who seek medical aid to be about three-quarters of the $4\frac{1}{2}$ million population of Ceylon does not err on the side of exaggeration.

(4) The demands on Government by Members of the Legislature and other persons interested in the welfare of the people are numerous and insistent for increased provision of hospitals, dispensaries, and medical staff.

(5) Considerable expenditure is also necessary to bring Government institutions, such as the General Hospital, the Bacteriological Institute, the Medical College, the Lying-in Home, in line with the requirements demanded by modern advances in medical knowledge.

(6) Further large sums of money are necessary to provide for measures for the prevention of malaria and other diseases which are

preventible, but which at present are seriously damaging the health and economic welfare of the whole community, and the necessity for such expenditure is fully recognized by Government.

(7) In view of these facts Government is of opinion that the health interests of Ceylon are best served by development along the lines of modern science rather than by the encouragement of a system of medicine, to which, however venerable its antiquity and however notable the attainments of some of its individual practitioners, anaesthesia, X-ray therapy, radium therapy, immunization, and other curative methods are unknown and which does not offer patients the benefits of present-day surgical technique and of preventive medicine.

THE HON. MR. W. A. DE SILVA (Central Province, Urban):—Arising out of that reply, may I inquire from Government whether it is not aware that more than 90 per cent. of the population at the present time receive Oriental medical treatment only, and how long it will take the Medical Department to overtake the 90 per cent. ?

THE HON. DR. J. F. E. BRIDGER (Director of Medical and Sanitary Services):—May I have notice of that ?

THE HON. THE VICE-PRESIDENT:—Will the Honourable Member give notice of it ?

THE HON. MR. W. A. DE SILVA (Central Province, Urban):—It is only a supplementary question ; but if the Government requires time to answer it I have no objection.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—May I ask the Director of Medical and Sanitary Services whether, in view of the general request that has been submitted to the authorities asking for assistance in regard to the Ayurvedha, the answer which has just been given is to be taken as the considered expression of the Government's opinion, or whether there is still room for financial assistance to be rendered to the Ayurvedic system of medicine ?

THE HON. THE ACTING COLONIAL SECRETARY:—The Director of Medical and Sanitary Services is obviously unable to answer that question, nor am I able to do so without consulting His Excellency the Officer Administering the Government.

Fluid Rubber Latex.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I rise, Sir, to ask—Arising out of the reply to question No. 62, will the Government be pleased to lay on the table the correspondence with the Imperial Institute regarding fluid rubber latex ?

THE HON. THE ACTING COLONIAL SECRETARY:—The answer to the question is not yet ready.

THE HON. MR. H. R. FREEMAN (North-Central Province):—Has not this question been on the Order of the Day for about three months ?

THE HON. THE ACTING COLONIAL SECRETARY:—I do not think that the matter is of sufficient importance to justify me in sending a telegram to the Secretary of State. I have already told the Honourable Member that he can have the opportunity of seeing the report of the Imperial Institute on the subject, and I have also told him that I could not lay the papers on the table of this House because they came under confidential cover from the Secretary of State.

THE HON. MR. H. R. FREEMAN (North-Central Province):—Why cannot the Imperial Institute send us the papers themselves ?

THE HON. THE ACTING COLONIAL SECRETARY:—Because the Institute corresponds with this Government through the Secretary of State.

THE HON. MR. H. R. FREEMAN (North-Central Province):—We give the Institute an annual grant of Rs. 6,000, I believe.

Exhumation of the Body of a Muslim.

THE HON. MR. H. M. MACAN MARKAR (First Muslim Member):—I rise, Sir, to ask—(a) Has the Government received a memorial from the Muslim residents of Matale town about the exhumation of the body of one Abdul Sathar, who died at his shop on the evening of May 26, 1925, and the subsequent post-mortem examination held on that body ? (b) Is the Government aware of the fact that the body was exhumed by a gang of Tamil coolies on May 28, at about 4 P.M., and that too without informing the relatives of the deceased or any other member of the Muslim community, although the remains were interred after the usual inquest of the Coroner and of the other authorities concerned in the matter, with the permission of the Deputy Registrar of Births and Deaths ? (c) On whose information did the medical officer, who caused the body to be exhumed and held the post-mortem examination, act ? (d) What was the result of the post-mortem examination ? Did it reveal that the deceased suffered from any infectious disease, or that death was due to some suspicious causes ? (e) In view of the fact that the exhumation of Muslim dead bodies and the holding of post-mortem examinations on such and other Muslim dead bodies are repugnant to the religious susceptibilities of the Muslims, will the Government be pleased to call for a full report in the matter and place it on the table so as to avoid future recurrences of this nature ?

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

(b) The body was exhumed as stated. Tamil coolies were employed because they were the only coolies available. It is reported that the deceased had no relatives in Matale, and that his friends and other members of the Muslim community were aware of the order for exhumation.

(c) Exhumation was ordered by the Additional Police Magistrate on the application of the Chairman, Urban District Council, supported by the Assistant Government Agent and the District Medical Officer, and after perusal of the inquest proceedings from which it appeared that the cause of death had been given as cholera by the Vedarala.

(d) The result of the post-mortem examination was to establish the fact that death was due to pneumonia.

The answer to the second part of the question is in the negative.

(e) Reports of the Additional Police Magistrate, the Medical Officer, Matale, and the Inspector-General of Police have been laid on the table.

Chena Prosecutions in the Kurunegala District.

THE HON. MR. H. R. FREEMAN (North-Central Province) on behalf of the Hon. Mr. G. E. Madawala (North-Western Province, Eastern Division):—I rise, Sir, to ask—Will the Government be pleased to furnish a return of the number of chena prosecutions entered in the Kurunegala District during the years 1922, 1923, 1924, and 1925, up to June 30, giving particulars with regard to ages of the growth of the jungle in each clearing in respect of which such prosecution was entered, and if the result was a conviction, the sentence in each case, and whether prosecutions were entered in regard to those identical blocks at the next previous clearing, and if so, whether those prosecutions were against the identical accused or their ancestors or their vendors, as the case may be, the result of those prosecutions, and if conviction, the sentence in each case?

THE HON. THE ACTING CONTROLLER OF REVENUE:—Government regrets that the full details desired by the Honourable Member are not available. A statement is tabled showing the number of prosecutions resulting in convictions in chena cases for the years 1922 to 1924, inclusive, and the total amount of fines imposed.

Canal from Colombo to Chilaw.

THE HON. MR. S. R. MOHAMED SULTAN (Second Indian Member):—I rise, Sir, to ask—(a) Are the Government aware of the fact that the old Dutch canal (running between Colombo and Chilaw) has become perfectly useless for traffic on account of the accumulation, by neglect, of silt and earth? (b) Are the Government aware also of the fact that this important commercial highway was used for all kinds of traffic before the opening up of the Colombo-Chilaw railway? (c) Is it the intention of the Government to stop the usefulness of the canal by allowing the accumulation of silt and thus diverting the traffic to the railway? (d) Are the Government aware of the fact that a large number of labourers, as boatmen, and so on, are thrown out of work on this score? (e) Do the Government realize that the benefits of the least costly route for the conveyance of goods, as copra, and so on, are denied to the merchants as a direct result of this practical closure of the canal, especially between Madampe and Kudawewa? (f) Will the Government, having regard to the advantages of this canal as the least costly route, be pleased to immediately provide for the silting-up, and thus give relief to the merchants and the labourers concerned?

THE HON. MR. J. STRACHAN (Director of Public Works):—It is not clear from the Honourable Member's question what canal is meant.

(a) What is known as the Old Dutch Canal is the canal joining the Kelani river with the Ja-ela canal. This canal is not used now by boats plying from Colombo to Chilaw, but only by boats plying

for local traffic to the extent of about twelve boats per annum, and the small amount of traffic does not justify heavy expenditure in maintenance.

The canal between Colombo and Chilaw which is used by the public consists of three sections: Colombo to Pamunugama, Negombo to Kammal in the Western Province, and Toppu to Chilaw in the North-Western Province. If the Honourable Member refers to this canal, the answer is that no section of it has become "perfectly useless for traffic."

(b) Yes.

(c) The reply is in the negative. The Western Province section of the canal has been maintained in good order and is passable for boats with a draught not exceeding 3 feet. The navigable depth maintained in the North-Western Province is 2 feet 6 inches. During the dry season (about two months in the year) and low tides the depth decreases, but navigation is possible for boats carrying half the usual load. These conditions have been the same for the past thirty years.

(d) No.

(e) and (f) Every endeavour is made to keep the canal sufficiently dredged to allow boats drawing 2 feet of water to pass with as little interruption as possible. More than this cannot be attempted without the use of special plant and a considerable increase in expenditure. Government therefore considers that the desirability or otherwise of improving this canal is one of the questions which should be considered and reported upon by the Commission which has been appointed to go into the whole question of transportation in Ceylon.

THE HON. THE ACTING COLONIAL SECRETARY:—The answers to the next two questions are not yet ready.

Acquisition of the Hindu Shrine in Captain's Garden.

THE HON. MR. S. R. MOHAMED SULTAN (Second Indian Member):—I rise, Sir, to ask—Will the Government be pleased to state—(a) Whether it is proposed and almost decided to acquire the site on which stands the Hindu shrine in Captain's Garden for the use of the Railway Department? (b) Whether it is aware of the fact that this Hindu shrine has been in existence for the past 150 years? (c) Whether the Government, by acquiring the site with the buildings thereon and demolishing the same, does not seriously offend the religious susceptibilities of the Hindu community as a whole? (d) Whether it is aware that this particular shrine is resorted to by thousands of Hindus for worship and for solemnizing Hindu marriages, for which it has an ample Kalyana Mahal (Marriage Hall)? (e) Will Government be pleased to drop the matter altogether?

THE HON. THE ACTING COLONIAL SECRETARY:—(a) Negotiations for the purchase of the site in question have been proceeding since 1914, but owing mainly to the difficulty of finding a suitable site to be given in exchange, no definite decision has yet been reached.

(b) Government is not aware how long this Hindu shrine has been in existence, but is informed that it was built over 100 years ago.

Oct. 1, 1925]

Council Debates.

651

(c) Government is not aware that the acquisition of this site and the demolition of the buildings thereon will seriously offend the religious susceptibilities of the Hindu community as a whole. On the contrary, in the course of the negotiations already referred to, the trustees of the temple have frequently expressed their readiness to remove the shrine to another suitable site when the Government requires the present land for any public purpose.

(d) Government is informed that this shrine is not at present resorted to by large numbers of Hindus for worship, but that for some years past the congregation is practically limited to the occupants of the tenements which adjoin the temple. The reference to the solemnization of marriages in this temple is not understood, as Government is informed that Hindu marriages are solemnized, not in the temples, but in private houses.

(e) Government sees no reason to drop the matter.

THE HON. THE ACTING COLONIAL SECRETARY :—The answer to the next question is not yet ready.

Appeals to the Privy Council.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :—I rise, Sir, to ask—Will the Government be pleased to state how many appeals have been preferred within the last fifteen years from the Supreme Court of Ceylon to His Majesty's Privy Council, giving the result in each case?

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

THE HON. THE ACTING COLONIAL SECRETARY :—The answer to the next question is not yet ready.

Destruction of Naturally-formed Salt by Trampling.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—I rise, Sir, to ask—What is the quantity of naturally-formed salt destroyed by trampling during 1923, 1924, and 1925?

THE HON. THE ACTING CONTROLLER OF REVENUE :—A statement giving the information desired by the Honourable Member is tabled.

THE HON. THE ACTING COLONIAL SECRETARY :—The answer to the next question is not yet ready.

Tax on Chenas.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—I rise, Sir, to ask—Arising out of the reply to question No. 130, does the Government intend to re-impose or not re-impose the tax on the chenas next year?

THE HON. THE ACTING CONTROLLER OF REVENUE :—The Government does not intend to order recovery of fees for kurakkan chena permits during 1926, unless it is found that the issue of free permits leads to grave abuse.

Report of the Controller of Indian Immigrant Labour.

THE HON. MR. S. R. MOHAMED SULTAN (Second Indian Member) :—I rise, Sir, to ask—

1. Arising out of the Report of the Controller of Indian Immigrant Labour (1924) will the Government be pleased to state—

(a) Why the report under reference in consideration of the fact that particulars about Indians in Ceylon other than Indian estate labourers have been embodied in the report still persist to have the inaccurate title, namely, Report of the Controller of Indian Immigrant *Labour* ?

(b) Is it only a terminological inexactitude on the part of the Controller, or does the Controller include free Indians also among the estate labourers ?

2. Arising out of the same report, will the Government be pleased to state—

(a) Whether it is the intention of the Controller to initiate propaganda and excite controversy by the inclusion of statements like the following :—

(1) “ attractive conditions of Ceylon estates have become well-known for some years ” (Ch. I., para. 8).

(2) “ that Ceylon has established a good name as an employer of labour among the agricultural populations in South India and is a desirable alternative to economic conditions in their own country, which at best are hazardous and uncertain.” (*Ibid*)

(3) “ the Postmaster-General estimates that of this amount Rs. 2,618,314 or roughly 30 per cent. was sent by estate labourers, so that the estate population appears to send in the aggregate a very considerable sum back to their ‘ coast ’ as savings.” (P. 13, para. 92.)

(b) With regard to (1) above, how does the Controller vouch for the accuracy of the statement, knowing as he does full well that the average wage is very low on all computations and the chances of saving of doubtful quality ? With regard to (2) of the above, how does the Controller surmise and infer that economic conditions in South India provide a desirable alternative in Ceylon for the labourer, and that Ceylon has established a good name as an employer of labour ?

How does the Government account for the increasing number of destitute Indian immigrants as professional beggars in big towns as Colombo, the large number of slum inhabitants of Kochehikade and Wolvendal mostly *ex*-indentured Indian estate labourers, and the ever-increasing number of Indian labourers drifting from the estate zone to Colombo every year swelling up the ranks of rickshaw-pullers in Colombo ?

Does this state of affairs vouch for the accuracy of the statement that “ Ceylon has established a good name as an employer of labour ” ?

With regard to (3) of the above, whether the Government, in consideration of the fact that considerable amounts remitted from the estate zone are accounted for in the nature of remittance to India against purchases of food-stuffs and other necessaries of life, could still accept the statement of the Postmaster-General in respect of the estate labourers' aggregate annual remittance to India without sufficient reservation ?

3. Arising out of the same report, will the Government be pleased to state—

- (a) Why the Controller has omitted to mention anything in regard to the existence of the large number of estate taverns in the estate zone, along with the other necessary particulars as wages, education of estate children, and so on ?
- (b) Why the Controller has kept silence over the suggestion of the Honourable the Director of Education that only compulsory elementary education on estates would bring about the requisite efficiency in regard to matters of regular attendance, and so on, of all school-going children ?

4. Arising out of the same report, will the Government be pleased to state—

- (a) Whether, having regard to the abnormal death rate among the estate labourers, it would not see its way to impress on the planters concerned the necessity of providing decent lines, supplying the labourer with tolerably good rice, and necessary clothing ?
- (b) Having regard to the fact that the death rate is unusually higher under such heads as dysentery, diarrhoea, and debility, whether it appreciates the advantages of better dieting ?
- (c) And again, pneumonia accounting for an unusually large number of deaths, does the Government appreciate the advantages of better and sufficient clothing for labourers in cooler places, like Hatton, Badulla, and Kandy.
- (d) For the same reasons the infant mortality being abnormal, will the Government impress on the planters the supreme necessity of improving this unsatisfactory state of affairs in respect of food and clothing comforts in cooler places ?

5. Arising out of the same report, will the Government be pleased to state—

- A.—(a) Whether the statement shewing the allotment of seats to the respective communal electorates tally with actual facts ?
- (b) Whether the majority communities as the Sinhalese and Tamils, though under the thin cover of territorial representation, have practically communal representation to all intents and purposes ?
- (c) Whether, in view of the fact that all the territorial seats in the Sinhalese districts, with one exception, and all the territorial seats in the Tamil districts have returned only Sinhalese and Tamil representatives respectively in the last election, the Government does not think that the majority communities also are pure communal in regard representation in the Council ?

- (d) If the answer is in the affirmative, does the voting strength provide the necessary basis for the larger number of seats allotted to the Ceylon Tamils ?
- (e) For the same reason, does not the voting strength of the Indian electorate provide the requisite basis for a larger number of seats ?
- (f) Why the Controller has omitted to mention this anomalous position of the political status of Indians in his report ?
- B.—Why the Controller has omitted to mention in Chapter XIII. of his report, that, in regard to the political status of Indians, no Indian is admitted into State services ?

THE HON. THE ACTING COLONIAL SECRETARY :—1. (a) The report is accurately described as the Report of the Controller of Indian Immigrant Labour, that being the official designation in Ordinance No. 1 of 1923 of the officer who submitted the report.

(b) All Indians in Ceylon are free Indians, there being no indentured labour.

2. (a) No.

(b) (1) It is within the knowledge of the present Controller and of Government that the statement is accurate.

(2) The statements relating to economic conditions in India are supported by reports of officials of the Government of Madras. The remainder of this part of the question asks for an expression of opinion based on statements of which Government does not admit the accuracy.

(3) The estimate of the Postmaster-General is not susceptible of exact verification, but was included in the Controller's report as the best available indication of the amount saved by Indian labourers.

3. (a) The Controller will be asked to consider in connection with his next report the inclusion of information regarding estate taverns.

(b) The Government cannot answer this question in the absence of the writer of the report.

4. (a) These matters have already received most careful attention at the hands both of Government and of the planting industry. The continual improvement in the housing and other conditions on estates must be within the knowledge of the Honourable Member.

(b) Yes.

(c) Yes.

(d) This part of the question has been answered under 4 (a).

5. (A) The Honourable Member's questions involve matters of political controversy, on which Government does not consider it advisable to express an opinion.

(B) It is not the case that no Indian is admitted into State services in Ceylon.

Religion in Schools.

THE HON. MR. S. R. MOHAMED SULTAN (Second Indian Member) :—I rise, Sir, to ask—Will the Government be pleased to state—(a) Whether it is aware of the fact school children in compulsory areas are compelled to attend religion classes of a particular denomination, even though the children belong to other religious beliefs ? (b) Whether, in view of the just resentment of parents in having to allow their children to attend religion classes on sufferance, the Government would issue instructions through

the Director of Education, to the managements of the schools concerned, to see that no child is compelled to attend religion classes without the written consent of his parents ?

THE HON. MR. L. MACRAE (Director of Education):—(a) Government is not aware that pupils are compelled to attend religious instruction in violation of section 15 (1) of Ordinance No. 1 of 1920.

(b) The instructions suggested by the Honourable Member are contained in clause 5 of the Code, and these instructions are binding on all managers of assisted schools.

THE HON. THE ACTING COLONIAL SECRETARY:—The answer to the next question is not yet ready.

The Pearl Fishery, 1925.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I rise, Sir, to ask—Is it intended to submit any balance sheet or profit and loss account of the Pearl Fishery, 1925 ?

THE HON. THE TREASURER:—A statement showing the financial results of the 1925 Pearl Fishery will be laid before the Legislative Council at its first meeting after January 31 next.

Village Wells.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I rise, Sir, to ask—(a) Referring to minutes of the Finance Committee in March last regarding Rs. 100,000 from surplus balances for sinking village wells, did the Government ask Government Agents how much they could expend on wells in the financial year ending September 30, 1925 ? (b) Did the Government Agent, North-Central Province, reply in April that he could expend Rs. 5,532 ? (c) Was this sum remitted to him to get on with the work as intended by the Finance Committee ? (d) What sums did the other Government Agents report for each district, and was any money at all remitted to them ?

THE HON. THE ACTING COLONIAL SECRETARY:—A memorandum, giving the information for which the Honourable Member asks, has been laid on the table.

Reassessment of Rubber Estates.

THE HON. MR. T. Y. WRIGHT (European Rural Member):—I rise, Sir, to ask—Will the Government be pleased to state whether they will consider the question of reassessing the maximum of 320 lb. per acre for rubber estates of eight years of age and over ?

THE HON. THE ACTING COLONIAL SECRETARY:—This question has already been considered. It has been decided that the Government of Ceylon cannot take action in this matter independently of the Government of Malaya, which has fixed a maximum of 300 lb. for all estates unable to prove by actual crop figures that they are capable of producing a larger quantity per acre. Assessments and reassessments in Malaya are strictly limited to 300 lb. per acre for all estates which have not submitted crop figures to show that they are capable of producing more.

THE HON. THE ACTING COLONIAL SECRETARY:—The answer to the next question is not yet ready.

**Members of the Legislative Council as Acting District
Judges and Police Magistrates.**

THE HON. MR. S. R. MOHAMED SULTAN (Second Indian Member) :—I rise, Sir, to ask—Will the Government be pleased to state—(a) The number of the Honourable Members of the Legislative Council who have been appointed as Acting District Judges and Police Magistrates, and so on, the period for which they were appointed to such posts, the salary that they have received in the course of the current financial year? (b) Whether there is any definite rule that Honourable Members of the Legislative Council could accept Government appointments without previously vacating their seats in the Legislature? (c) Whether the Government, in consideration of the fact that Honourable Members of the Council have to sit in judgment over the actions of the judiciary, would consider the desirability of discontinuing the practice?

THE HON. THE ACTING COLONIAL SECRETARY :—(a) A statement giving the information desired by the Honourable Member is tabled. The appointments have been temporary and have been held without remuneration.

(b) The Honourable Member is referred to Article XVII. (1) of the Ceylon Legislative Council Order in Council, 1923, and also to the definition of the term "Persons holding public office under the Crown in the Island" and to cognate expressions which appear in Article III. (1) of the said Order in Council.

(c) Government is not aware that it is one of the functions of Members of the Legislative Council to sit in judgment over the actions of the judiciary, and sees no reason to discontinue the present practice.

THE HON. THE ACTING COLONIAL SECRETARY :—The answers to the remaining questions are not ready.

Absent Members.

THE HON. THE VICE-PRESIDENT :—Telegrams have been received from the Honourable Messrs. Loos, Madawala, and A. H. E. Molamure regretting their inability to attend the meeting to-day.

Motion for the Adjournment of the House.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—Sir, I should like to move the adjournment of the Council at this stage for a very particular reason, and I am sure I have the support of four or five of my honourable friends. I move the adjournment under Rule 13 (d).

The Hon. Mr. C. W. W. Kannangara (Southern Province, Western Division), the Hon. Mr. V. S. de S. Wikremnayake (Southern Province, Eastern Division), the Hon. Mr. T. M. Saba Rutnam (Northern Province, Eastern Division), and the Hon. Mr. D. H. Kotalawala (Province of Uva) supported.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—It is announced in the papers to-day, and it was announced at a meeting of the Finance Committee the other day,

that the Governor proposes to lend the services of Mr. C. J. T. Lanktree, Office Assistant to the Government Agent of the Central Province, to the Medical Department, as Office Assistant to the Director of Medical and Sanitary Services, and that Mr. E. H. Davies would succeed him at the Kandy Kachcheri. This is a new departure in the policy of Government. You, Sir, will remember as a member of the Retrenchment Committee that we recommended that the number of Civil Servants should be reduced, and I think we put in a very cogent reason why it should be reduced. We found that there were too many supernumeraries, while it very often was the happy lot of even superior officers that they had no place to fill. Our respected Controller of Revenue had on one occasion to act for a day or two, as an extra Controller until a place was found for him. The Retrenchment Committee also recommended that certain judicial posts should be filled by lawyers, and added that if this was done the number in the Civil Service could be reduced. The Government accepted the recommendation.

THE HON. THE ACTING COLONIAL SECRETARY :—I rise to a point of order, Sir. I do not think that this matter can be said to be one of great urgency, and one which would necessitate the postponement of the rest of the Agenda, some items of which are very important, for instance, the item which affects the plumbago industry, among others.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—The urgency of the matter is proved by the fact that three or four of my honourable friends support me. No question of order can arise after that. I am sure, Sir, that you will not rule this out of order. The appointment I refer to is to be made from to-day, and there will, therefore, be no other opportunity to discuss the question.

THE HON. THE VICE-PRESIDENT :—Is the motion for adjournment to enable the question to be discussed ?

THE HON. THE ACTING COLONIAL SECRETARY :—A motion can be brought up on the 8th instant.

THE HON. THE VICE-PRESIDENT :—If the Honourable Member for the Batticaloa Revenue District persists I cannot rule him out of order ; but it will be better if he gives notice.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—Thank you, Sir. When discussing this matter in Finance Committee, I suggested to the Honourable the Acting Colonial Secretary that he should bring it up in Council ; but he has not chosen to do that. We are not under bureaucratic dominion, Sir. I am sorry that my honourable friend Mr. E. W. Perera is not here to support me in that remark. This Colony provides for the Civil Servants of this Island, and the Civil Servants are expected to do a certain amount of work in certain offices. If there are too many, some of them should be sent away or retired, and not be lent to the Director of Medical and Sanitary Services, who has asked for help.

I do not want to raise a big debate on this subject, but I wanted to bring to the notice of the public and of the Secretary of State for the Colonies that our Civil Service is over-staffed.

When the Retrenchment Committee suggested that the number of Civil Servants could be reduced by about thirty-eight, His Excellency the Governor said that the matter would be considered and the number would be reduced, for which purpose the Civil Service Minutes would have to be revised. The minutes were, in fact, revised in January, 1924; but a new post of Assistant to the Government Agent at Batticaloa was created. I do not know why an Assistant Government Agent is wanted there. And now, without the sanction of the Secretary of State, the Government have created another place for a Civil Servant at Kurunegala. Are we going to allow the Government to create these places and appoint these officers without the sanction of the Secretary of State and of this Council? How are we going to reduce staff if there are these additional appointments? I question the right of Government to allow any Civil Servant to be appointed to any place outside the Civil Service. If a Civil Servant is to be appointed to a post outside the Civil Service, it must have the sanction of the Secretary of State and of this Council. I shall not say anything further on the subject just now, but if the Government is going to make some excuse for this appointment I shall have the right of reply.

THE HON. THE ATTORNEY-GENERAL :—May I ask whether any ruling has been given on the matter? If I might point out there are two rules under which motions for the adjournment of Council can be made. Under Rule 13 (c) “A motion for the adjournment of the Council, if supported by at least four Members, may be made at any time, and shall take precedence of all other business.” The next rule states that “A motion for the adjournment of the business of the Council for the purpose of discussing a matter of urgent public business may be made with the consent of the President, Vice-President, or Presiding Member.” If the motion is being made under the first rule, where the consent of the Vice-President is not required, the question is not one of public business but of adjournment, and if the motion is carried we go away. If, on the other hand, the motion is made with the intention of discussing a matter of urgent public business, it must come under Rule 13 (d), and it is for the Vice-President to rule whether it is in order or not. I say that this is not a question of urgent public business. These appointments can be made with a stroke of the pen, and they can be revoked similarly. It will reduce the Council to an absurdity, in my opinion, if this motion is put. Besides, a matter of this sort requires very careful consideration and deliberation.

THE HON. SIR PONNAMBALAM RAMANATHAN, Kt., K.C., C.M.G. (Northern Province, Northern Division) :—Did not the Honourable the Attorney-General hear the Vice-President rule upon this point?

THE HON. THE ATTORNEY-GENERAL :—It is because I did not hear that I asked.

THE HON. THE VICE-PRESIDENT :—The question was raised whether this was a matter of public urgency, and I decided that it was. I, however, told the Honourable Member who raised it that it would

be better if he gave notice of the motion, but that if he persisted I should have to allow it. The Honourable Member is merely raising the question; he is merely discussing the appointment.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—The matter is one of urgency, because the appointment is being made from to-day.

THE HON. MR. W. DURAI SWAMY (Northern Province, Western Division):—May I ask, Sir, what is the motion before the House?

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—I might tell my honourable friend from the North that the motion before the House is that the business be adjourned to discuss the appointment of a Civil Servant to a post created outside the Civil Service, which is a departure from established policy and for which we have to pay.

THE HON. MR. T. Y. WRIGHT (European Rural Member):—I appreciate the point raised by the Honourable Member for Batticaloa. It appears to be in accordance with the rules; but I hope that, having raised the point, he will allow us to proceed with the business of the day.

THE HON. THE VICE-PRESIDENT:—There is no necessity for argument. I thought that the Honourable Member for Batticaloa merely wanted to bring the matter to public notice.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—Does the Government take note that we are in a majority opposed to the new policy of Government?

THE HON. THE VICE-PRESIDENT:—The motion is one for adjournment. I cannot allow a different question to be discussed.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—Do I understand that if this motion is passed, we proceed immediately to consider the question?

THE HON. THE VICE-PRESIDENT:—It is only to consider and not to pass any resolution at all.

THE HON. MR. W. DURAI SWAMY (Northern Province, Western Division):—It is for that reason I wanted to know under what sub-section of Rule 13 we are proceeding. If it is under (c), the Council is to be adjourned, if the motion is passed; if under (d), the business on the Agenda may be adjourned until this subject is debated. Let us have a clear idea on this matter. I wish to know from my honourable friend who comes from the East, whether he moves for the adjournment of the House and that no business of the day shall be transacted, or whether he moves for the adjournment of the business of the Council until this matter is considered? If the Honourable Member moves that this appointment be cancelled, that will be a matter of urgency. I should like to know what the Honourable Member's intention is before I make up my mind.

THE HON. THE VICE-PRESIDENT:—The business of the House is practically adjourned because this motion is being discussed.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—I do not believe, Sir, that any wisdom ever came from the North. I have raised this question, and I want this question to be discussed. I want the Honourable the Acting Colonial Secretary to state what urgency there was to create this post from to-day, and how this officer came to be spared to fill it. I should also like to know what the Government's policy is in regard to the recommendation of the Retrenchment Commission that a certain number of judicial appointments should be given to local lawyers, and whether the Government intends to create posts like this one without the sanction of this Council or of the Secretary of State. Take another instance—the proposed sale of the Bandarawela Hotel. Where are the rules and laws supposed to govern such a sale?

THE HON. THE VICE-PRESIDENT:—I do not think you can discuss that matter in this connection.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—If this sort of thing is allowed there will be nothing to prevent our Civil Servants from being lent to Fort firms to put their affairs in order. We were told the other day that Mr. Maybin, who is an excellent officer, was sent to the Colombo Municipality to help that institution. Why should these things be done? If there are too many Civil Servants let us reduce the number and retrench. I want a reply from the Government, and not a discussion. How can Mr. Lanktree be spared? If he can be spared, it shows that we can cut down the number of Civil Servants by one. If he cannot be spared, let him not go. I have great faith in the Director of Medical and Sanitary Services—we have great expectations of him—and I think that he can carry on the work without assistance from the Civil Service.

THE HON. MR. G. A. H. WILLE (First Burgher Member):—I do not think that we can at this stage go into the merits of the question. We shall first have to decide whether we are to go into the question at all. I appreciate the importance of the point raised by the Honourable Member for Batticaloa, but I shall not vote for the adjournment of the business of the day to discuss this matter, because the matter is too important to be dealt with without notice. I hope the Honourable Member will appreciate my view. I am quite in agreement with him that it is a very important point, and it is its importance that makes me desist from voting in favour of its discussion to-day. We can discuss it, I think, without prejudice to the cause, when we next meet.

THE HON. MR. T. Y. WRIGHT (European Rural Member):—I suggest that this appointment be postponed for one month.

THE HON. THE VICE-PRESIDENT:—That is a further motion. I cannot allow it. My impression was that the Honourable Member for Batticaloa wanted to move the adjournment of the business of the day and to draw attention to this matter.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—Will the Government undertake

THE HON. THE VICE-PRESIDENT:—I cannot ask the Government to undertake anything. I think I will have to put the motion for adjournment.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—I have had no reply from the Government at all.

THE HON. THE ACTING COLONIAL SECRETARY:—I agree entirely with what the Honourable the First Burgher Member said, namely, that this is a very important matter. It is best, therefore, that the Government as well as this Council should have due notice of it.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—There will be no appointment from the 1st instant, I understand.

THE HON. THE VICE-PRESIDENT:—No, no. It is only the motion for adjournment that is before the House.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—I rather wish to go into the question.

THE HON. SIR PONNAMBALAM RAMANATHAN, K.T., K.C., C.M.G. (Northern Province, Northern Division):—Does the Government say that the appointment will not take effect immediately? I do not know what its intention is.

THE HON. THE ACTING COLONIAL SECRETARY:—The appointment has taken effect from to-day.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—The House may wish to record its disapproval of the action of Government.

THE HON. THE VICE-PRESIDENT:—I only give you permission to move the adjournment.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—May I have permission to move the House into Committee?

THE HON. THE VICE-PRESIDENT:—No. I will now put it to the House that the business of the Council be adjourned for the purpose of discussing a matter of urgent business indicated by the Honourable Member for Batticaloa. Those in favour say "Aye," those against say "No." (After a pause) I think the "Noes" have it.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—Divide.

Council divided as follows:—

Ayes—18.

The Hon. Mr. N. H. M. Abdul Cader (Second Muslim Member).

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

The Hon. Mr. D. H. Kotalawala (Province of Uva).

- The Hon. Mr. E. R. Tambimuttu (Batticaloa Revenue District).
The Hon. Mr. C. W. W. Kannangara (Southern Province, Western Division).
The Hon. Mr. N. J. Martin (Second Burgher Member).
The Hon. Mr. C. E. Victor Corea (Colombo Town, North).
The Hon. Mr. T. B. Jayah (Third Muslim Member).
The Hon. Mr. D. B. Jayatilaka (Colombo District).
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. 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, Eastern Division).
The Hon. Mr. W. A. de Silva (Central Province, Urban).
The Hon. Mr. T. M. Saba Rutnam (Northern Province, Eastern Division).

Noes—25.

- 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. Sir Ponnambalam Ramanathan, Kt., K.C., C.M.G. (Northern Province, Northern Division).
The Hon. Mr. L. Macrae (Director of Education).
The Hon. Mr. W. Duraiswamy (Northern Province, Western Division).
The Hon. Mr. A. C. G. Wijeyekoon (Nominated Unofficial Member).
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. J. Strachan (Director of Public Works).
The Hon. Mr. W. T. Southorn (Principal Collector of Customs).
The Hon. Mr. M. T. Akbar, K.C. (Solicitor-General).
The Hon. Mr. K. Balasingham (Nominated Unofficial Member).
The Hon. Dr. J. F. E. Bridger (Director of Medical and Sanitary Services).
The Hon. Mr. A. Canagaratnam (Northern Province, Southern Division).
The Hon. Mr. H. R. Freeman (North-Central Province).
The Hon. Mr. H. M. Macan Markar (First Muslim Member).
The Hon. Mr. A. Mahadeva (Western Province, Ceylon Tamil).
The Hon. Mr. D. S. Senanayake (Negombo District).
The Hon. Mr. G. A. H. Wille (First Burgher Member).
The Hon. Sir J. Thomson Broom, Kt. (European Urban Member).
The Hon. Mr. P. B. Rambukwelle (Central Province, Rural).

The motion was accordingly lost.

Standing Committee on Finance.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg to move, Sir,—That the report of the Standing Committee on Finance dated August 28, 1925, be adopted.

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

Pensions.

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 Caderavelu, Sleepman, Harbour Engineer's Department, who was drowned on June 23, 1925, whilst on duty :—

To the widow, Nagamuttu, a pension of Rs. 150 per annum from June 25, 1925.

To the children, gratuities as under :—

	Rs.
To the child, Annamuttu, aged 5 years	100
To the child, Chelliah, aged 3 years	120
	220

I regret to have to report the loss by drowning on June 23 of one of the crew of the dredger "Sir John Cooode." The dredger had almost arrived at her moorings at about 5.40 P.M. on the day of the accident when a squall was approaching. The deceased was at the time in one of the dredger's boats together with three others. When the dredger was steaming ahead to No. 18 head buoy, the boat got caught in the wash of the propeller and was swamped. The three others who were with Caderavelu succeeded in getting aboard the dredger, but Caderavelu, who was in the bow of the boat, went down with the boat and did not re-appear.

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

THE HON. THE ACTING COLONIAL SECRETARY :—I beg, Sir, to move, that in terms of section 31 (i.) of the Pension Minute, the following payments be made to the widow and posthumous child of the late Tharmalingam Kandiah, Police Constable, who died as a result of injuries received while on duty, upon the explosion of a sea mine at Wadduwa on September 23, 1918 :—

To the widow, Karuppuge Agnes Nona, a pension of Rs. 100 per annum, with temporary increase thereon at 50 per cent., with effect from September 24, 1918, to October 14, 1921—the day prior to the date of her re-marriage.

To the posthumous child, Rajamuttu Kandiah *alias* Baby Nona, a gratuity of Rs. 150.

Police Constable Kandiah was left on guard in charge of a sea mine which had drifted towards the shore at Wadduwa on September 22, 1918. The mine, which had already been hauled ashore by means of a rope and fastened to a coconut tree, exploded on being dashed on the beach by a large wave. Of the crowd that had collected 12 persons were killed and 14 injured as a result of the explosion. The constable had his jaw smashed and one of his thighs fractured, and succumbed to these injuries on September 23, 1918. His widow has since married, and is therefore entitled to a pension only up to the day prior to her re-marriage.

A claim has been made to the German Government for compensation, but it is uncertain whether the claim will be paid.

THE HON. THE TREASURER seconded.

THE HON. MR. A. MAHADEVA (Western Province, Ceylon Tamil):—Why is this motion being moved at such a late date? Apparently the incident occurred seven years ago.

THE HON. THE ACTING COLONIAL SECRETARY:—One reason is that it was considered that the constable had not carried out his duties. Afterwards, when the case was looked into again, it was ordered that the pension should be given. Further delay was caused owing to the reference of the claim to the German Government.

The motion was agreed to.

The Housing and Town Improvement Ordinance.

The following motion stood in the name of the Honourable the Acting Colonial Secretary:—

That from and after October 2, 1925, "The Housing and Town Improvement Ordinance, No. 19 of 1915," shall be in force and apply to the area lying within the following boundaries, and situated at Palavi in the Puttalam pattu of the Puttalam District of the North-Western Province:—North: From a point 2 chains to the west of the railway line a straight line drawn eastward across the railway and through Culvert No. 188 on the Chilaw-Puttalam Public Works Department road to a point 2 chains to the east of the eastern edge of the said road. East: From the last mentioned point a line drawn southward parallel to the said road to a point 2 chains north of the northern edge of the Service road, then eastward parallel to it to a distance of 100 yards from the Chilaw-Puttalam Public Works Department road, then southward across the Service road parallel to the main road, to a point 2 chains to the south of the southern boundary of the Service road and then westward parallel to the said road to a point 2 chains to the east of the eastern boundary of the Chilaw-Puttalam Public Works Department road and then southward parallel to the same road to a point due east of Culvert No. 186 on the same road. South: From the last mentioned point a line drawn westward through Culvert No. 186 and across the railway to a point 2 chains to the west of the railway line thence northward parallel to the said railway line to a point 2 chains to the south of the southern boundary of the Kalpitiya road and then westward parallel to the said road to a point 1,392 feet to the west of the centre line of the railway. West: From the last mentioned point a line drawn northward across the Kalpitiya road and parallel to the railway to a point 2 chains to the north of the northern boundary of the Kalpitiya road then eastward parallel to the said road to a point 2 chains to the west of the railway line and then northward parallel to the railway line to the starting point of the northern boundary.

THE HON. THE ACTING COLONIAL SECRETARY:—With the leave of Council I think we might take the boundaries as read. This motion and the next four standing in my name have been introduced into Council on the suggestion of the Assistant Government Agent, Puttalam, and the recommendation of the Government Agent, North-Western Province. They have represented that it is desirable to have control over building operations in the neighbourhood of these railway stations, and to secure that congestion and insanitary conditions do not supervene. The only way of securing this effectively is to bring the areas in question under the operation of Ordinance No. 19 of 1915, as provided for in section 3 (b) of that Ordinance. The areas are not sufficiently developed at present to justify their being brought under the Small Towns' Ordinance.

A similar motion was passed in this Council in the case of the area surrounding the new railway station at Demodera.

THE HON. THE TREASURER seconded.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) :— Are there any houses already in existence ?

THE HON. THE ACTING COLONIAL SECRETARY :—There are a few houses in existence. What happens is that a boutique area springs up, and buildings are erected indiscriminately. If you want to plan properly, then you must bring in regulations to prevent people from building haphazard.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) :— There may be people living in those areas who may be adversely affected.

THE HON. THE ACTING COLONIAL SECRETARY :—I am certain that we can rely on the Government Agent and the Assistant Government Agent to see that if any hardship is likely to fall on those already resident there, the matter will be very sympathetically considered by Government.

The motion was agreed to.

THE HON. THE ACTING COLONIAL SECRETARY :—With the leave of Council may I take the next four motions as formally moved by me and seconded by the Honourable the Treasurer ?

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :— I wonder whether the Honourable the Acting Colonial Secretary will be in order !

THE HON. THE VICE-PRESIDENT :—It is only for the convenience of the House.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :— I have no objection ; I was only wondering whether it would be in order.

THE HON. THE ATTORNEY-GENERAL :—It is only to save the physical labour of making the House listen to the repetition.

THE HON. THE ACTING COLONIAL SECRETARY :—Very well, I move the next motion standing in my name :—

That from and after October 2, 1925, "The Housing and Town Improvement Ordinance, No. 19 of 1915," shall be in force and apply to the area lying within the following boundaries, and situated at Madurankuliya in Puttalam pattu south of the Puttalam District of the North-Western Province :—North : From a point 2 chains to the north of the bridge over the Puttalam Canal on the Madurankuli Resthouse road and 2,610 feet west of the western boundary of the railway land a line drawn eastward parallel to the Madurankuli Resthouse road at a distance of 2 chains from its northern edge to a point 2 chains west of the railway line and then northward parallel to the said railway line to a point west of Culvert No. 169 on the Chilaw-Puttalam Public Works Department road and then eastward across the railway and through Culvert No. 169 to a point 2 chains to the east of the eastern boundary of the Chilaw-Puttalam Public Works Department road.

East : From the last mentioned point a line drawn southward parallel to the Chilaw-Puttalam Public Works Department road to a point east of Culvert No. 166 on the same road. South : From the last mentioned point a line drawn westward through Culvert No. 166 and across the railway to a point 2 chains west of the railway line. West : From the last mentioned point a line drawn northward parallel to the western boundary of the railway land to a point 2 chains to the south of the southern boundary of the Madurankuli Resthouse road and then westward parallel to the said road to a point 2,610 feet west of the railway line and finally northward across the bridge over the Puttalam Canal on the Madurankuli Resthouse road to the starting point of the northern boundary.

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

THE HON. THE ACTING COLONIAL SECRETARY :—I move the following motion standing in my name :—

That from and after October 2, 1925, "The Housing and Town Improvement Ordinance, No. 19 of 1915," shall be in force and apply to the area lying within the following boundaries, and situated at Mundel in Puttalam pattu south of the Puttalam District of the North-Western Province:—North : From a point 2 chains to the west of the railway line a straight line drawn eastward across the railway and through Culvert No. 133 on the Chilaw-Puttalam Public Works Department road to a point 2 chains to the east of the said road. East : From the last mentioned point a line drawn southward parallel to the said road to a point due east of Culvert No. 131 on the same road. South : From the last mentioned point a line drawn westward through Culvert No. 131 and across the railway to a point 2 chains to the west of the railway line. West : From the last mentioned point a line drawn northward parallel to the said railway line to a point 2 chains to the south of the southern boundary of St. James Church road and then westward parallel to the said road to a distance of 730 feet from the Chilaw-Puttalam Public Works Department road and then northward across St. James Church parallel to the railway line to a distance of 2 chains to the north of the northern boundary of St. James Church road and eastward parallel to the same road to a point 2 chains to the west of the railway line and finally northward parallel to the said railway line to the starting point of the northern boundary.

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

THE HON. THE ACTING COLONIAL SECRETARY :—I move the next following motion, Sir, standing in my name :—

That from and after October 2, 1925, "The Housing and Town Improvement Ordinance, No. 19 of 1915," shall be in force and apply to the area lying within the following boundaries, and situated at Battulu-oya in Ansivilundang pattu north of Pitigal korale north of the Chilaw District of the North-Western Province :—North : By Battulu-oya. East : By a line drawn from Battulu-oya, southwards parallel to the Chilaw-Puttalam Public Works Department road at a distance of 2 chains from its eastern edge to a point 2 chains east of Culvert No. 118 on the above road. South : From the above point a line drawn westward through Culvert No. 118 and across the railway line to a point 2 chains to the west of the railway line. West : From the last mentioned point a line drawn northward parallel to the railway line at a distance of 2 chains to the west of the said railway line to a point 2 chains to the south of the southern boundary of the Pinkattiya-Udappuwa road thence westward parallel to the said road to a distance of 100 yards from the railway line and then northward parallel to the railway line across the Pinkattiya-Udappuwa road to a point 2 chains to the north of the northern boundary of the Pinkattiya-Udappuwa road. Thence eastward parallel to the said road to a point 2 chains west of the railway line and finally northward parallel to the said railway line as far as Battulu-oya.

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

THE HON. THE ACTING COLONIAL SECRETARY :—I move the last of these motions, Sir, standing in my name :—

That from and after October 2, 1925, "The Housing and Town Improvement Ordinance, No. 19 of 1915," shall be in force and apply to the area lying within the following boundaries, and situated at Bangadeniya in Munnesararam pattu north of Pitigal korale north of the Chilaw District of the North-Western Province :—North : From a point to the north of the level crossing a line drawn north-eastward parallel to the Chilaw-Puttalam Public Works Department road at a distance of 2 chains from its northern boundary to a distance of 100 yards from where the eastern boundary of the railway line cuts the road and then south-eastward across the road to a distance of 2 chains from the eastern boundary of the road. East : From the last mentioned point a line drawn south-westward parallel to the road to a point 2 chains east of the place where the eastern boundary of the railway line cuts the road and then southward parallel to the eastern boundary of the railway line at a distance of 2 chains from the said boundary until it meets a point due east of Culvert No. 91 on the Chilaw-Puttalam Public Works Department road. South : From the last mentioned point a line drawn due west across the railway and Culvert No. 91 to a point 2 chains west of the western boundary of the Chilaw-Puttalam Public Works Department road and then northward parallel to the road to a point 2 chains to the south of the southern boundary of the Karukkupone road and then westward parallel to the latter road to a point 100 yards west of the western boundary of the Chilaw-Puttalam Public Works Department road. West : From the last mentioned point a line drawn northward parallel to the Chilaw-Puttalam Public Works Department road to a point 2 chains to the north of the northern boundary of the Karukkupone road thence eastward parallel to the same road and then north-eastward parallel to the Chilaw-Puttalam Public Works Department road at a distance of 2 chains from its western boundary until it meets the starting point of the northern boundary.

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

Relief to the Plumbago Industry.

The following motions stood in the name of the Honourable the Acting Colonial Secretary :—

That from and after a date which will be notified in the *Government Gazette* in the Table of Export Duties in Schedule B to Ordinance No. 17 of 1869, the item marked—

	Rs. c.
Plumbago, for every Rs. 100 of the value thereof . . . <i>ad val.</i> . .	3 0

shall be deleted

That from and after a date which will be notified in the *Government Gazette*—

(i.) In the Table of Import Duties in Schedule B in the item relating to Explosives, the following words shall be deleted :—

Dynamite, fuse, detonators.

(ii.) In the Table of Exemptions from payment of Import Duties in Schedule B of the Customs Ordinance, the following item shall be added after the item relating to "Earth and sand" :—

Explosives as follows :—

Blasting gelatine, gelnignite, dynamite, blasting gunpowder, fuse, and detonators.*

THE HON. THE ACTING COLONIAL SECRETARY :—With the leave of the Council I will speak on both the motions together. I desire also the leave of the Council to make a small amendment to the motions. In these matters the approval of the Secretary of State is necessary, and a telegram from him was received to-day. Under the Ordinance it is necessary that the assent of the Secretary of State should be notified in the *Government Gazette*, and the earliest date on which these motions can take effect is October 3. In order to avoid any further notice in the *Gazette*, I ask the

* These motions were amended and passed.

permission of this House to substitute the words "October 3" for the words "and after a date which will be notified in the *Government Gazette*."

Permission was granted.

THE HON. THE ACTING COLONIAL SECRETARY:—As Honourable Members are aware, the rapidly increasing expenditure to which the Government is committed does not predispose it to look with favour on proposals for the reduction of its revenue. The proposal that the Government should remit the export duty on plumbago is also something more than a proposal to remit a tax. Under the Kandyan law and under the Roman-Dutch law the Government is entitled to a share in all plumbago from private land, except in the few instances where such land has been sold by the Crown with mining rights. The export duty imposed by Ordinance in 1873 was intended, as its preamble shows, to operate in lieu of the recovery of the Government's share or royalty on plumbago. Its remission involves, therefore, a sacrifice on the part of Government of its legitimate share of the plumbago which is exported.

The reasons which have induced the Government to bring forward this motion for the remission of the export duty on plumbago and of the import duty on explosives are briefly the following:—In the first place, the plumbago mining industry is essentially a key industry. It is vitally of Imperial as well as of local importance. There are only two countries in the world where plumbago is found in suitable quantities and of suitable quality for the satisfactory manufacture of crucibles used in the manufacture of steel and munitions of war. They are Ceylon and Madagascar. It is of paramount importance to the Empire as well as to Ceylon that this Government should do all it can to keep the Ceylon plumbago industry alive.

Secondly, owing to the huge accumulation of stocks of plumbago at the end of the war, and to the low demand, which has persisted owing to difficult trade conditions, plumbago mining in Ceylon has practically ceased except in the case of a few mines, which have been able to work under specially favourable conditions.

The abandonment of the mines has resulted in most of them becoming flooded, and it will be a difficult operation to open them again. The resuscitation of the plumbago industry is a much more costly, formidable, and risky undertaking than that of any other industry in Ceylon. Thirdly, Ceylon plumbago has to compete in the world's markets with the Madagascar product. Madagascar possesses very large deposits of plumbago very close to the surface, and blasting is not required for their extraction. The costs at the mines in Madagascar are comparatively cheap, cheaper than in Ceylon, where the mines are deep and where the plumbago has to be blasted out of the rock. Madagascar has its own difficulties in the shape of labour and transport, but its mining costs are extremely low. On the other hand, the Ceylon product contains certain qualities which make a limited quantity of it indispensable for certain uses. Even the firm most interested in Madagascar admits that at the same or even slightly above the price of Madagascar plumbago manufacturers prefer the Ceylon product. The price of the Madagascar product, however, to a large extent controls the market. It is essential, therefore, that the cost of production should be kept as low as possible in Ceylon.

It is for these reasons that Government has proposed the remission of the export duty on plumbago and the import duty on explosives in order to assist the industry and help to lessen the cost of its production. Taking the average for the last five years, the value of the duties, which it is now proposed to sacrifice, represents Rs. 40,000 on account of the export duty on plumbago and Rs. 10,000 on account of the import duty on explosives. A note of explanation is, perhaps, necessary in support of the proposal to waive the import duties on the explosives mentioned in my motion rather than to grant rebates to the mine owners. The reason is, that practically the whole of the imports are used for the miners, only a small percentage going to the Public Works Department.

Honourable Members will observe that in this matter no time limit is fixed for the remission of duties, as was advised by the Committee on the plumbago industry in the report which was printed as a Sessional Paper and sent to every Member. The reason is that it is difficult to forecast its future. From the remarks which I have made previously, I have no doubt that Honourable Members will agree that when the industry has had time to re-establish itself, and when prices again rise, the Government will be fully justified in coming back to the Council to recover its share of the plumbago through the export duty, and the duty on explosives which it is now willingly sacrificing.

I desire to add a few words on the subject of the proceedings of the Committee which was appointed to report on the plumbago industry, and which has recently recommended the remission of these duties. I had the honour to be its Chairman from its inception in 1923 till a few months ago. I take this opportunity of congratulating the members of that Committee on the public spirit which they displayed. Many gentlemen who sat on that Committee held large stocks of plumbago; it was to their interest to recommend to Government that there should be an immediate remission of those duties, and they were severely criticised along with myself for not doing so. I think we were right, for the remission would not have done any good to the mining industry itself. Soon after that Committee was formed in 1923 we had a census prepared of the stocks in Ceylon. At that time the stocks represented a good deal more than two years' supply in Ceylon, without taking into account stocks in Europe and the United States of America. It is obvious, therefore, that it was hopeless to expect mining to begin in earnest till a great part of the stocks was cleared off. Had there been a remission of duty at that time, it would have gone into the pockets of those who had speculated in the product.

To a late stage in our proceedings we also clung to the idea that the export duty on plumbago might very properly be appropriated to meet the expenses of an agency in Colombo for standardizing exports from Ceylon on the analogy of Madagascar. We ascertained subsequently that the rules requiring standardization in Madagascar were a dead letter, and that the firm which ships practically the whole of the exports from Madagascar mixed the various grades according to its own standards. Standardization in Ceylon, therefore, became unnecessary.

The Committee has been criticised very severely in the Press and elsewhere, and it has been stated that the Committee did nothing. In the interval the Committee was not idle. Not only did it keep a watchful eye on stocks and on exports of plumbago,

but it also had a considerable correspondence with the Secretary of State and the Director of the Imperial Bureau of Mines and Mineral Research through the Government, and also with the Ceylon representatives at the British Empire Exhibition. The principal achievement to the credit of the Committee was its success in obtaining permission from Government to send Mr. T. G. Hunter on Commission to Europe, the United States, and Madagascar. Through Mr. Hunter's printed reports the industry and the Government are now in possession of information which is indispensable for a correct appreciation of the nature of the trade in plumbago in Europe and in the United States and as to the conditions and prospects of the industry in Madagascar. I congratulate Mr. Hunter on his reports. I am certain of this. No expert sent to Ceylon to advise us could have given us so exactly the information which we required and which Mr. Hunter managed to collect for us. My only regret is that we were unable to induce the industry in Ceylon to co-operate in maintaining representatives in Europe and America to keep in personal touch with the manufacturers and dealers in those continents. This personal contact has been found to be of immense importance by the Rubber Growers' Association in its propaganda work. I hope that in course of time the industry in Ceylon will co-operate sufficiently to maintain representatives in Europe and in the United States for that purpose. Another thing that the Committee advocated was tests of plumbago from Ceylon and other countries in the manufacture of steel and other metals. We confidently expected to prove the superiority of the Ceylon product, but such tests unfortunately were found to be quite impracticable.

I will conclude by saying that it is the intention of Government once more to impress upon the Imperial Government the desirability of according preference to the import of Ceylon plumbago. Although similar requests have not been favourably entertained hitherto, additional force will now be lent to its arguments from the fact that this Government has given tangible proof of the importance which it attaches to this question by voluntarily consenting to the sacrifice of its revenue from plumbago.

Before I sit down I should like to say that the Honourable the Attorney-General has very kindly pointed out to me that he wording of the motions should be, not "from and after," but "on and after." With the permission of the House I should like to have the motions amended to read in that way.

Permission was granted.

The motion as amended read as follows:—

That on and after October 3, 1925, in the Table of Export Duties in Schedule B to Ordinance No. 17 of 1869 the item marked—

	Rs. c.
Plumbago, for every Rs. 100 of the value thereof . . . <i>ad val.</i> . . .	3 0

shall be deleted.

That on and after October 3, 1925—(i.) In the Table of Import Duties in Schedule B in the item relating to Explosives, the following words shall be deleted: Dynamite, fuse, detonators.

(ii.) In the Table of Exemptions from payment of Import Duties in Schedule B of the Customs Ordinance, the following item shall be added after the item relating to "Earth and Sand": Explosives as follows:—Blasting gelatine, gelnignite, dynamite, blasting gunpowder, fuse, and detonators.

THE HON. THE TREASURER seconded.

THE HON. MR. T. Y. WRIGHT (European Rural Member) :—I should like to support this motion, Sir, as I think that the export duty on all Ceylon products should be on a sliding scale, so that when the market is very weak the export duty should be reduced to the minimum, and *vice versa* when the market improves. I should also like to call attention to the attitude which the Government have taken in connection with plumbago as compared with what they did in the tea crisis of 1920. We had a different Colonial Secretary then, and I must say that we are lucky in having our present Colonial Secretary to-day. In 1920 we applied time after time to Government, when every pound of tea was being produced at a loss, to either suspend the export duty or do away with it until the industry recovered, but we could get nothing done. I am therefore very glad to see that the Government have changed in their attitude and have decided to suspend the duty on plumbago. If it comes to a matter of voting, I shall certainly vote in favour of the suspension of the duty.

THE HON. THE VICE-PRESIDENT :—I will put the first motion as amended to the House.

The motion was agreed to.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg to move the second motion as amended.

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

Tea Research Institute.

THE HON. MR. F. A. STOCKDALE, C.B.E. (Director of Agriculture) :—Sir, I rise to move the first reading of "An Ordinance to provide for the Establishment of a Tea Research Institute and for the Incorporation of the Board of Management thereof." In doing so I will indicate to Council the steps that have given rise to this Ordinance. In November, 1923, the Planters' Association, at a General Committee Meeting, passed the resolution "That in the opinion of this Association a Tea Research Scheme is necessary and desirable for the continued welfare of the industry." It was also considered desirable that the co-operation and support of other bodies interested in the tea industry should be secured, and for that purpose a sub-committee was appointed. That sub-committee went into the matter in considerable detail, and they asked me personally on more than one occasion to attend their meetings and help them in their deliberations. As a result of the deliberations of that sub-committee, certain proposals were drafted and submitted to the Planters' Association. Those were unanimously adopted and were then sent to the Ceylon Estates Proprietary Association and to Government. They received consideration by the Estates Proprietary Association, and were subsequently sent to the Ceylon Association in London, as a result of whose deliberations certain changes in the original proposals were made. The proposals which were decided upon were sent to Government, and the recommendations are embodied in the Ordinance which is now in front of Members of Council.

The area under tea in bearing in Ceylon is approximately 404,000 acres. A referendum was taken of the representatives of these acreages, and in that referendum 17,000 acres did not express an opinion in regard to the proposals, but of the remainder, 97·7 per cent. favoured the proposals, and agreed to them being submitted to Government and to this Council.

The development of any agricultural industry must depend upon scientific research. The tea industry in the past has acquired its technical knowledge and its practice by years of experience. That experience has been slowly gained, and has given to those engaged in the industry certain methods which are now followed in practice; but the industry finds itself in the position to-day of being faced with certain problems which it cannot tackle unless it makes investigations and researches founded upon the experience of science. The feeling has been growing that a greater amount of research is necessary, particularly in regard to the physiology of the tea plant, soils and manures, and also in the methods of manufacture.

In connection with the question of manufacture there are many technical points which require very close and careful investigations. Tea, as Honourable Members are aware, depends for its ultimate success in Ceylon upon quality. There are certain factors which affect quality very considerably and which are not fully understood. It is necessary, therefore, that the industry should, in order to safeguard its future, make investigations into the quality of its product. It has also to ensure itself of the maximum output by a careful investigation of its soil problems and investigations of the manure problems affecting it. The industry feels, therefore, that there is ample ground for much greater research into the various problems that face the industry.

In regard to the duty of the State through its Department of Agriculture, and the duty of the industry to itself, I would state that the Government of Ceylon is interested in the welfare of the tea industry, and that it is essential for the Government to see that it is safeguarded against ravages of pests and disease in order that no catastrophe shall befall the industry such as befell the coffee industry. The Government, therefore, cannot delegate to the industry the duty it has of maintaining a close watch over the control of pests and diseases; but it is not the duty of the State or of the Department of Agriculture to go into minute details of the technology of manufacture or matters of that kind, nor is it its duty to see that research results are translated into practice. That is the duty of the industry itself, and that is the reason why the industry feels that it needs the establishment of a Research Institute in order to safeguard its own interests. I wish to make that perfectly clear in order that Honourable Members may see that there are well-defined views as to the duty of Government and as to the duty of the industry to itself.

The industry proposes, as it is indicated in the Bill, to raise the funds required for working the Institute from a tax of one-tenth of a cent per pound, or ten cents per one hundred pounds of tea exported. That is the proposal that the industry submits to Government in order that it might have the funds to do the work which it considers to be essential for its welfare and as a new form of insurance against disaster. I have been asked by certain Honourable Members whether the imposition of such a duty or cess would in any way interfere with any considerations of taxation later on, and I have assured

them that the industry has no intention that this money shall be considered as in any way connected with general revenue. It is a cess which the industry proposes to impose upon itself to carry out certain definite works which the Board of Management of the Institute intend to carry out.

Under section 5 of the Bill the constitution of the Board is indicated. The Board is to consist of four *ex officio* members: consisting of two Government members, the Chairman of the Planters' Association, and the Chairman of the Estates Proprietary Association. There will also be several nominated members: three by the Planters' Association, three by the Estates Proprietary Association, and one by the Low-country Products Association. Nominated members will hold office for three years, and provision for filling vacancies is made. The meetings of the Board are specified. I may say that when the Bill comes up for second reading I shall propose a slight amendment to section 10 (1) to empower the Chairman to summon ordinary meetings. This is not provided for in the Ordinance. The general powers of the Board are specified in section 12.

As I have pointed out before, the industry is desirous of helping itself in this matter of scientific research, and the surest manner of doing that is to get the fullest possible co-operation between scientific workers and practical men, because it is only through the practical tea planter that the proper results and researches can be translated into practice. That is why a Board is indicated as being the best manner in which the affairs of the institute could be managed, because Honourable Members will there see incorporated the workers and those interested in the tea industry. The practical man is the best judge of the work he requires for his industry, and he will place his wants and needs before the scientific workers, whose duty it will be to show what can be done and to investigate the various problems submitted to them. It is only by the combination of the view of the practical man and the scientific worker that the best results can be attained, and I certainly think that the establishment of an institute of this kind for the tea industry is the best method of insuring it against disaster. The whole colony of Ceylon is directly interested in the welfare of the tea industry, and if anything should happen to that industry it would make the economic position of the country extremely difficult. It is on that account I commend to you the formation of this institute as being in the interests of the Island generally; and in doing so, I would say that it has been formed only after very careful consideration by the Planters' Association. I move the first reading of the Bill.

THE HON. MR. L. MACRAE (Director of Education) seconded, and the motion was agreed to.

The Bill was read a first time

THE HON. MR. F. A. STOCKDALE, C.B.E. (Director of Agriculture):—I give notice, Sir, that at a subsequent meeting of Council I shall move the second reading of the Bill.

THE HON. MR. T. Y. WRIGHT (European Rural Member):—I would like to move that Standing Orders be suspended, and that the second reading of the Bill be taken up to-day. The matter is one of

very great urgency, and unless we act at once we stand to lose the opportunity of getting the services of one of the very best men in the mycological and entomological world. I understand that his services are free up to a certain date, and unless we act at once we stand the chance of losing him. I am referring to Mr. Petch, who is willing to come to Ceylon, but he has already had tempting offers from elsewhere, and we, therefore, cannot afford to keep him waiting.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—I am sorry I have to oppose the motion of the Honourable the European Rural Member.

THE HON. THE VICE-PRESIDENT:—The motion has not been seconded.

THE HON. MR. N. J. MARTIN (Second Burgher Member):—I second it.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—This is a matter we should consider carefully before we come to a decision, and I, therefore, think that we should have more time to do so. There is one reason which was urged by the Honourable the European Rural Member—that is, engaging the services of Mr. Petch—which appeals to me. No one would welcome Mr. Petch back to the Island more than I, as I know his value, but at the same time I feel impelled to oppose any attempt to rush this Bill through, because, as I have said it needs very careful consideration.

THE HON. THE VICE-PRESIDENT:—We will meet again on the 8th instant. Will the Honourable the European Rural Member withdraw his motion?

THE HON. MR. T. Y. WRIGHT (European Rural Member):—Yes, Sir, but I hope that the second reading will be taken up on the 8th.

THE HON. THE VICE-PRESIDENT:—The motion is withdrawn.

Statement of Objects and Reasons as appended to the Bill.

Representatives of the tea industry, after discussions between the Ceylon Planters' Association, the Ceylon Estates Proprietary Association, the Low-country Products Association, and the Ceylon Association in London, have decided, in order to insure the industry's welfare and progress, that it is essential to establish a Tea Research Institute for the purpose of providing scientific research into the agricultural and factory problems which face that industry. A referendum of those controlling the industry has been taken. Seventeen thousand acres did not reply. Of those who did reply, 97.7 per cent. voted in favour of the scheme.

The industry is proposing to provide the funds necessary for this Research Institute, and this Ordinance gives effect to its establishment and to the incorporation of its Board of Management.

The Ceylon Evidence Ordinance.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General):—I beg, Sir, to move the first reading of "An Ordinance further to amend 'The Ceylon Evidence Ordinance, 1895.'" This draft Bill proposes to amend the Evidence Ordinance on a small point, but at the same time it is a point of very great practical importance.

You will see, Sir, that what the Bill proposes to do is to amend section 120 (3) of the Evidence Ordinance, which relates to the competency and compellability of a wife to give evidence against the husband when the husband is charged with a criminal offence, and similarly the competency and compellability of a husband to give evidence against the wife when she is in the dock. You will see, Sir, that Ordinance No. 14 of 1895, the Law of Evidence, is one of the greatest importance to the legal profession, and, in fact, the whole administration of justice depends on it. This Ordinance, No. 14 of 1895, as Honourable Members may know, is based on the Indian Evidence Act, and the Indian Evidence Act is in turn a codification of the English law. When the Indian Evidence Act was adopted in Ceylon by this Ordinance No. 14 of 1895, for some reason, which I cannot fathom, the draughtsman did not adopt the Indian law with regard to the competency of spouses to give evidence against each other in every criminal offence. The law we have now is as follows. Under sub-section (2) of section 120 it is competent for a man to call his wife to give evidence in his favour in a criminal case, but when he does not intend to call her, but the prosecution intends to call her, there is a further rule. Sub-section (3) of section 120 says :—

In criminal proceedings against a husband or wife for any bodily injury or violence inflicted on his or her wife or husband, such wife or husband shall be a competent and compellable witness.

So that under the law as it stands it is only possible for the prosecution to call the wife against the husband if the husband is charged with committing an offence of violence or bodily injury inflicted on his wife. We had a curious case in the Ceylon Supreme Court, in which a man was charged with attempting to murder his wife. In view of this sub-section, as there was no bodily injury or violence inflicted on the wife, she was incompetent to give evidence, and as a consequence the accused had to be discharged. Now, Sir, you will see that under the Indian law a wife or husband is competent to give evidence in a criminal case where a husband or wife is charged with any offence, whereas in the English law, upon which the Indian law depends, it is not so. In England the law has developed gradually, bit by bit, and they have adopted various schedules from time to time, allowing women to give evidence against their husbands only in certain defined cases. The cases in which this has been allowed have been carefully scrutinized, and Honourable Members will see that in the schedule which we have put in, that the various offences have been carefully collected from the English law on the subject. I may say at once that this Bill has been approved by all the Judges of the Supreme Court, and has also been criticised by the Bar Council of Ceylon, who have made certain suggestions, all of which have been adopted but one. If the House approves of the second reading of the Bill, I propose to ask for a small Select Committee to go through this draft Ordinance and scrutinize the various offences, and either adopt or amend them. An amendment of this sort is absolutely necessary now, because, not only would it apply to cases like the typical one I mentioned, but also to other cases where the husband is charged with the theft of his wife's property. As Honourable Members know, "The Matrimonial Rights Ordinance" has been amended, and married women can possess and hold property in their own right; and we have had cases in which the husband was charged with the theft

of the movable property of his wife, but where on account of the incompetency of the wife to give evidence she could not be called. I beg, Sir, to move the first reading of the Bill.

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

The Bill was then read a first time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General) :—I give notice, Sir, that at a subsequent meeting of Council I shall move the second reading of the Bill.

Statement of Objects and Reasons as appended to the Bill.

The Bill is the outcome of the decision of the Supreme Court in the case of *The King v. Marthelis Appu* (Case No. 8 of the First Western Circuit Criminal Sessions for 1923) in which it was ruled that where a prisoner attempted to murder his wife by shooting at her with a loaded gun, the wife could not be called as a witness for the prosecution on the ground that "no bodily injury or violence" had been "inflicted on" her person. This qualification is a distinct hardship upon the prisoner's spouse, and is not in accordance with the rule of modern English law. Sections 3 and 5 of the Bill effect the necessary amendment of the law on this point, and are based upon the English law. Representations in favour of these amendments have been made by the Bar Council of Ceylon.

2. The Bill further proposes to deal with cases relating to the protection of the property of one spouse as against the other on similar lines to those prevailing in England.

3. The other sections of the Bill effect amendments which are rendered necessary by reason of the amendment of the existing law by sections 3 and 5.

Business of Dealing in Old Metal.

THE HON. THE ATTORNEY-GENERAL :—I beg to move, Sir, the first reading of "An Ordinance to regulate the Business of Dealing in Old Metal." The object of this Ordinance is the imposition of certain obligations on dealers in old metal to take out a licence and to keep certain records. The subject has recently come into prominence in connection with the horrible invention of motor cars. I am not suggesting that any motor cars here could be classed as old metal; but it arises in another way. It is necessary for dealers in motor cars to keep large stocks of spare parts. These spare parts, as Honourable Members know, consist very often of small objects made of brass, which is a very valuable metal, and it has been found extremely easy for people of the baser sort to steal these, or even in some cases to remove parts from cars left unattended. These parts are taken to certain dealers who are not quite as honest as they ought to be and who buy them without question. They either melt the parts down or mix them with their stock and make identification impossible.

The obligations which this Ordinance will impose are as follows :—First, to take out a licence, for which a fee of Rs. 10 will be charged. The licence will be perpetual, and can only be revoked by a Magistrate on conviction for an offence involving dishonesty. There will be no discretion as to granting these licences unless the applicant has likewise been convicted of an offence involving dishonesty. The licensee will be required to keep a record showing the source from which old metal was obtained and how it was disposed of, and, most important of all, he is to keep the old metal in the form it was acquired for a period of ten days. The existing law only requires forty-eight hours, which has been found to be too short.

A dealer in old metal only includes the purchaser, and there is nothing in this Ordinance which would require any person who has old metal either in the ordinary way of business, or in the ordinary accumulation of rubbish, to take out a licence for its sale. The Ordinance only deals with purchasers. There is an existing law which is very much on the same lines, the important difference being this, that at present there is no obligation for a dealer in old metal to take out a licence or to be registered until he has been convicted of an offence of theft or the equivalent. At present it is extremely difficult, almost impossible, to detect these thefts, although one may have strong suspicion that they have taken place, because if the dealer is dishonest he will at once melt down the metal. It has, therefore, really become necessary that this Ordinance should be made of general application. I beg to move that the Bill be read a first time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), 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 the next meeting of Council I shall move the second reading of the Bill.

Statement of Objects and Reasons as appended to the Bill.

A Bill to regulate the business of dealing in old metals was introduced into the Legislative Council in the session of 1921, and was referred to a Select Committee of the Council for report. Owing to the prorogation of the Legislature all proceedings in connection with that Bill have lapsed, but the Select Committee framed and signed a report, which, however, was never presented to the Council, recommending the passing of the Bill but proposing certain amendments to it. In the present Bill all those amendments have been inserted.

"The Old Metal Ordinance, 1905," is based on an English Act, 24 & 25 Vict., Chap. 110, which deals with the same subject. The carrying on of this business gives wide opportunities for disposing of stolen goods, and as a result the law in England was amended by the Public Health Acts Amendment Act, 1907.

"The Old Metal Ordinance, 1905," does not come into operation until a dealer in old metal has been convicted of an offence under that Ordinance, and directed to be registered under its provisions. In the present Bill it is proposed to adopt the requirements of the Public Health Acts Amendment Act, 1907, and provide for the registration of all dealers in old metal.

The provisions of the Bill are to all intents and purposes similar to those of the existing law, the great difference being that all dealers in old metal must, whether they have been convicted or not, be licensed. On the other hand, "dealers" in old metal include buyers only, not sellers, so that the sale of old metal will not of itself render the vendor a dealer within the meaning of the Ordinance.

There is one provision of the Bill to which it may be well to call attention. Under section 7 (1) (e) of "The Old Metal Ordinance, 1905," a dealer must keep all old metal purchased or received by him without changing the form in which the articles comprising the same were when so purchased for a period of forty-eight hours. The Inspector-General of Police has stated that this period is much too short to allow of the necessary inquiries being made, and for that purpose the period has been extended to ten days (see section 6 (1) (d)).

The proviso to section 6 gives power to exempt manufacturers of lead foil from this provision, which, owing to the impossibility of identifying scrap lead foil, would be of little use and would cause considerable expense in providing storage room.

The Maintenance Ordinance.

THE HON. THE ATTORNEY-GENERAL :—I beg, Sir, to move the first reading of “ An Ordinance to amend ‘ The Maintenance Ordinance, 1889.’ ” The object of this Ordinance is to remove certain difficulties which, curiously enough, have only been recently discovered in the Maintenance Ordinance. This Ordinance, which was passed so far back as 1889, and quite possibly was a reproduction of an earlier Ordinance, gives power to a Magistrate to order any person who refuses to maintain his wife or children to make a monthly allowance of Rs. 50. The decision of the Magistrate is subject to appeal. Under the present law there is no time limit or any real procedure laid down as to these appeals. It probably is the case that a man may appeal against the finding of the Magistrate, but he may do so years and years after the finding was given. It is therefore considered desirable that a definite procedure should be laid down as regards appeals, namely, that the same procedure shall be applicable as if it was a criminal conviction.

The second point, which I am sure will be of interest to those Members of the Council who belong to the legal profession, is that there is no provision to order payment of costs. It is very creditable to the legal profession of Ceylon that for nearly forty years they have succeeded in persuading Magistrates and the Supreme Court of Ceylon to order payment of costs without protest; and it was left for an astute advocate within the past year or six months to discover that there was no provision for the ordering of costs. We are proposing to follow the English practice, namely, that the injured person shall be entitled to his costs. I beg to move that the Bill be read a first time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), 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 the next meeting of Council I shall move the second reading of the Bill.

Statement of Objects and Reasons as appended to the Bill.

1. The object of this Ordinance is to correct two mistakes in the Maintenance Ordinance, 1889, which have been pointed out by judgments of the Supreme Court.
2. In the first place, there is no provision in the Ordinance similar to the provision in the English law for the awarding of costs of an application or appeal to the successful party.
3. In the second place, under the existing law there is no time limit provided for the filing of petitions of appeal.
4. These defects have been corrected by the addition of a new section to the Ordinance, and also by providing that the time limit should be fixed in the same way in which it is done in criminal cases.

The Notaries Ordinance.

THE HON. THE ATTORNEY-GENERAL :—I beg, Sir, to move the first reading of “ An Ordinance to amend ‘ The Notaries Ordinance, 1907.’ ” The object of this Ordinance is to affect rather an important alteration as regards the admission of notaries. Honourable Members may remember that the way in which a gentleman

becomes a notary is, first of all, to become an articulated clerk and serve for three years. He then becomes entitled to become a notary. Before he can become an articulated clerk two things must occur; first of all, there must be a vacancy, the system being that a limited number of articulated clerks are allowed by Proclamation, after decision in Executive Council, for each district. Then, the applicant has also to pass a competitive examination. It has been found in practice that in some districts in which educational facilities are not so good as in other districts, the would-be candidates are completely swamped by candidates who come from the more advanced districts.

It is considered advisable to encourage gentlemen having connections by the ownership of property or birth in the district by giving them reasonable opportunities, subject to their reaching a required standard of education and knowledge, to become notaries in their own districts. Accordingly, this Ordinance will provide for the Governor in Executive Council to allow that a specified number, not exceeding half the number of articulated clerks, to be licensed for and in any district, shall be persons who satisfy the Registrar-General that they possess one or more of the following qualifications: (a) Beneficial ownership for the past ten years by himself or by one of his parents or by his wife or by himself in right of his wife of land in the district; (b) birth in the district; (c) residence in the district for at least ten years, whether continuous or discontinuous. I beg that the Bill be read a first time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), 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 the next meeting of Council I shall move the second reading of the Bill.

Statement of Objects and Reasons as appended to the Bill.

By section 2 of this Ordinance power is given to the Governor in Executive Council to provide that a certain number of the articulated clerks to be licensed for any district with a view to their becoming notaries shall be persons connected with the district by ownership of land, birth, or residence. At present candidates resident in certain localities are unable to compete with candidates resident in other localities having better educational facilities, with the result that local men are entirely ousted from the profession of notary by non-residents. It is considered desirable that residents of good character and having sufficient education should be given facilities for becoming notaries in their own district.

2. Sections 3 and 4 of the Ordinance will facilitate the next consolidation of the laws of Ceylon.

Ordinance for the more Effectual Prevention of Crime.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General):—I rise, Sir, to move the first reading of "An Ordinance for the more Effectual Prevention of Crime." The existing law is known as "The Habitual Criminals and Licensed Convicts Ordinance, No. 32 of 1914." According to the definition of "habitual criminal" in that Ordinance, we find, Sir, as stated in the Statement of Objects and Reasons, that there are no less than 7,728 habitual criminals in the Colony. Well, Sir, it is not so appalling as it looks, because,

as I shall point out to the House, that definition is much wider than the meaning which it bears according to English law. In 1923 a small Committee was appointed to consider this difficulty in the Ordinance, and to report how best it was practicable to save the reputation of the Colony from having such a large number of habitual criminals. I am glad to see two of the members of that Committee are members of this House. That Committee, which met in 1921 under the Chairmanship of the late Chief Justice, Sir Anton Bertram, published a report, which is now marked as Sessional Paper VIII. of 1923. They made three recommendations. One is that the expression "habitual criminal" should not be used because the words have a specific meaning in English law, namely, a man who had been frequently to jail, while here a man who is re-convicted only once runs the risk of being called a "habitual criminal." The main amendment of the present Ordinance is the elimination of the expression "habitual criminal" and the substitution in its stead of the words "re-convicted criminal."

The opportunity has been taken to consolidate and re-enact the whole law. The difference between this draft Bill and the existing law is very slight. The Committee has also recommended two other minor amendments to the Ordinance by paragraphs 14 and 15 of their report. This is what paragraph 14 says :—

There are two further amendments of the present system which we think desirable. In the first place, we think that a sentence of police supervision should in no case be super-imposed upon a sentence of preventive detention. The object of preventive detention is that the criminal should receive a supplemental sentence during which he is to undergo a certain reformatory discipline. It is hoped that this will induce him to make a fresh start, and with this hope in view it is directed in the present rules that efforts shall be made to procure employment for him on his release. He is not given a fair chance, if after his release, he is still subjected to police supervision, and has to report himself at the police station.

That point, Sir, has been met by the addition of a proviso to section 8 sub-section (1). The other recommendation is also provided for in the Ordinance. At the second reading I propose to ask the same Select Committee to consider this Bill very carefully once more. I move the first reading of the Bill.

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

The Bill was then read a first time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General) :—I give notice, Sir, that at a subsequent meeting of Council I shall move the second reading of the Bill.

Statement of Objects and Reasons as appended to the Bill.

The provisions of the Habitual Criminals and Licensed Convicts Ordinance, No. 32 of 1914, are taken, with modifications, from those of the Prevention of Crimes Act, 1871 and 1908, of the Imperial Parliament.

2. These acts allow of measures being taken to prevent the commission of crimes, either by means of police action or of enhanced sentences on convicted persons or of special discipline in prison.

3. In cases where a person has, since attaining the age of sixteen, been at least three times previously convicted of a crime and is leading persistently a dishonest or criminal life, an English court is empowered to impose a sentence of preventive detention for not more than ten years or less than five in addition to any sentence of penal servitude on such person who is designated in section 8 of the Prevention of Crimes Act, 1908, as a habitual criminal.

4. This expression, as pointed out by a Committee appointed to report on the definition of habitual criminal as used in Ordinance No. 32 of 1914, has a very different meaning in local legislation to what it bears in England. Under the former, every person who is convicted of a crime scheduled to Ordinance No. 32 of 1914 after a previous conviction for a similar crime becomes automatically a habitual offender. The result is a very serious one, because a very large number of persons who never would be considered as falling within the category of habitual criminals in England are so labelled in Ceylon; and although the Committee above referred to stated that according to the English definition of that term there were only ninety-five habitual criminals in Welikada jail, they called attention to the fact that, owing to the much more severe definition in force in Ceylon there were said to be 7,728 habitual criminals in the Colony. It is proposed by the Bill to do away with a term which has been so unduly extended, and it will be seen that neither in the Bill itself nor in the rules to be made under it does the term appear.

5. The main provisions of the Bill are re-enactments of Ordinance No. 32 of 1914, slightly modified in respect of phraseology and sequence; the principle amendment proposed by the Bill appears in section 4 (1) (a) which provides for the photographing of criminals and the taking of suitable measures to insure their identification and in section 4 (1) (d) which allows of special steps being taken to look after persons released from preventive detention by means of persons or associations interested in their welfare.

Collection of Revenue in Money.

THE HON. THE ATTORNEY-GENERAL :—I beg, Sir, to move the first reading of "An Ordinance to authorize the Collection of Revenue in Money instead of by Stamps." The object of this Ordinance is to enable certain revenue, principally licence fees, to be collected in cash. Honourable Members have no doubt experienced the trouble caused at the present time, because when they want to get stamps of varying value, not only is it a trouble to the person who wishes to get the stamps, but it has also been found that it very easily gives rise to fraud. It has been found quite possible for a person to get hold of old counterfoils of licences, remove the stamps, and use them. It is very difficult to detect these cases. I beg to move that the Bill be read a first time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded, and the motion was agreed to.

The Bill was read a first time.

THE HON. THE ATTORNEY-GENERAL :—I give notice that at the next meeting of Council I shall move the second reading of the Bill.

Statement of Objects and Reasons as appended to the Bill.

Recent investigations tend to show that certain licence fees and other duties, which are at present collected by stamps, could be more economically collected in cash. It is proposed that, as an experiment, the system of payment in cash should be tried in a few Kacheheries for the collection of fees under the Firearms Ordinance. This Ordinance will enable the system to be tried and, if successful, to be extended.

THE HON. THE VICE-PRESIDENT :—Council will now adjourn for tea.

Council adjourned for tea.

On resuming—

The Boy Scouts Association of Ceylon.

THE HON. SIR PONNAMBALAM RAMANATHAN, KT., K.C., C.M.G. (Northern Province, Northern Division):—I beg, Sir, to move the first reading of “An Ordinance to incorporate the Boy Scouts Association of Ceylon.”

The Boy Scouts Association, which seeks to be incorporated here, is a voluntary association. It was affiliated some years ago to the Boy Scouts Association of the United Kingdom, which was incorporated by Royal Charter in 1912. Our association feels that its foundations require to be strengthened, and that the first step to be taken in this respect is its incorporation by law in Ceylon.

The objects aimed at by the parent association in London are extremely useful and uplifting to every one of its members, as also to the nation. Indeed, it is at present an imperial and international concern. The history of its development from small beginnings to its present position, as a most efficient organization for teaching and training youths to be good, earnest and helpful, should be known throughout the length and breadth of Ceylon, especially as there are many parents and schoolmasters among us who doubt the wisdom and the ways of it.

During the South African War, which was waged between the British and the Boers, a large number of boys in the city of Mafeking had to be employed, for want of grown up men, by Sir Robert Baden-Powell for carrying messages, for seeing, hearing and observing things that were happening in the places to which they had been sent, and bringing reports to him and his officers. This work proved so successful in developing the intelligence, sense of duty, alertness, and resourcefulness of the boys, that he lost no time in creating a permanent association, called the Boy Scouts Association, for the maintenance of good and active work throughout the year in the United Kingdom. This voluntary union was established in 1908. It had nothing to do with the army of the police, nor was it controlled in any way or subsidized by the Government. It was an attempt by Sir Robert Baden-Powell and some other practical philanthropists to grapple with the forces of evil, called selfishness, irreligion, flippancy, and idleness, which have been at work in our midst more than ever during the last fifty years, with ruinous effect on the youth of every land. He explained the perilous situation of the age as follows :—

The prevalent *disease*—no, it is worse than that—the prevalent *crime throughout our nation to-day*, is self-interest. “Where do I come in? How does this or that policy affect *my* interest? What am I going to get out of it?” These are too generally the first thoughts in one’s mind. The good of the community only comes in in a very secondary place. Through the scout training we are trying to reverse this sequence in the minds of future citizens. Our aim is individual efficiency for the better service of others—that is true citizenship. The man or woman who takes a hand in this will find, as life grows shorter and things get into perspective, that this is the only thing that is really worth while, that really matters.

Our colleges have ceased to grapple with the problem of extricating boys and girls, men and women, from the evil called selfishness or self-love. The secular lecturers and tutors in our colleges and universities do not know how to teach ethics and religion. Hence the growth of unethical and irreligious thought,

speech and action. How accurately has St. Paul described the selfishness which the founder of the Boy Scouts Association has characterized as I-ness and My-ness! In his letter to Timothy, St. Paul said, if I may render freely the original Greek: "In the domestic circle, it pays no heed to the voice of its natural guardians, is void of affection for those whom it should love, is unthankful, not willing to oblige, nor easily pacified. Abroad, it puts on the appearance of goodness without believing in its virtue, is false in friendship, given to belittling others, boastful of its own deeds, scornful, much inclined to the pleasures of the senses, easily angered by external influences, and led away by diverse desires, owing to instability of character. Such a spirit may be ever learning, but will never know the Truth."

In order to extricate our youths from the evils of selfishness, the Boy Scouts Association was started seventeen years ago as a free school, in which duty to the state, society and oneself was taught as a sport, which youngsters, who are not literary by nature, delight in all day long. All the precepts and exercises offered to the Boy Scouts in this ethical gymnasium are intended to train them in habits of observation, obedience and self-reliance; to inculcate loyalty and thoughtfulness for others; to teach them to take an abiding interest in the welfare of others; to promote physical development and hygiene, and to build up lofty ideals of character, so that they may become good and true citizens. Sir Robert Baden-Powell published his famous book called "Scouting for Boys" in 1908, and the movement was very much appreciated. Its progress throughout Great Britain, the Dominions and the Colonies was wonderful. The first great "Rally" took place at Windsor Castle grounds in 1911 in the presence of King Edward, and it took over two hours for His Majesty to inspect the forty thousand boy scouts who had assembled on the field.

The Boy Scouts Association was incorporated by Royal Charter in 1912. Its Patron was His Majesty the King, and the Chief Scout for all the associations in the world is Lieutenant-General Sir Robert Baden-Powell. A Commissioner for Overseas was also appointed. It provided for the affiliation of every association of British subjects which was willing to accept as its basis the three-fold promises of the scouts, namely, to do one's duty to God and to the King, to help other people at all times, and to obey the Scout Law relating to honour and courtesy, loyalty to the King and country, obedience to one's parents and employers and to the officers of the association, friendliness to all persons, and the practice of brotherhood to every other scout, no matter to what social class the other belongs, kind treatment of animals, cheerfulness under difficulties, practise of thrift, and cleanliness in thought, word, and deed.

The Charter provides a Council to govern the Boy Scouts Association, and a Committee is elected by the Council; the Chairman of the Council and the Committee being the Chief Scout. It also provides for a staff of Chief Scouts Commissioners to help them in their duties, and several organizing secretaries to advise County and Local Commissioners, without interfering with the independence and the initiative of the local associations, troops, or packs under them.

The Department of the Empire Overseas is administered by a Special Commissioner at Imperial Headquarters. Chief Scouts or Chief Commissioners are appointed in the various Dominions and

Colonies by Imperial Headquarters, to whom certain duties of the Chief Scouts are delegated; and variations of the ordinary rules, if necessary owing to local conditions, will be sanctioned by the Imperial Headquarters.

I have had the privilege of meeting with Sir Robert Baden-Powell when he visited Colombo in March, 1921. He assured me that the independence and initiative of local associations would not be interfered with by the Parent Association in matters of dress, and even exercises, which were not congenial to the Hindus, such as the wearing of hats and playing the rôle of wolves.

The Ceylon Boy Scouts Association, having been affiliated to the Parent Association, now seeks to be incorporated by our law in order that its permanence and activities may be safeguarded.

The draft Ordinance, as it lies now on the table, was not framed by me. I, as a member of the All-Ceylon Scout Council, who is also a Member of the Legislative Council, have been requested by the Chief Commissioner in Ceylon to introduce here the Ordinance now before us.

It appears to have been drafted by a junior member of the local bar, and hastily approved some time before the Chief Commissioner left Ceylon for good for Madras. The draft Ordinance does not refer to the Royal Charter, which constituted the Boy Scouts Association of the United Kingdom, nor the Council of our Boy Scouts Association, which has been up to the present time the chief administrative body of the association. When this Bill is read a second time next week, and goes into the Committee stage, I shall submit some necessary amendments to the draft.

I now move the first reading of the Bill.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) seconded, and the motion was agreed to.

The Bill was read a first time.

THE HON. SIR PONNAMBALAM RAMANATHAN, KT., K.C., C.M.G. (Northern Province, Northern Division):—I give notice, Sir, that at the next meeting of Council I shall move the second reading of the Bill.

Statement of Objects and Reasons as appended to the Bill.

- (a) The Association is permanently established in Colombo.
- (b) The Association has a certain amount of property, and hopes to acquire more in the future.
- (c) The Boy Scouts Association is a world-wide institution, and in other parts of the world it is incorporated.
- (d) Institutions of a similar nature in Ceylon are incorporated by special Ordinances.

The general objects for which the corporation is constituted are set out fully in section 3 of the draft Ordinance.

Leave for Muslims to attend Jumma.

The following motion stood in the name of the Hon. Mr. T. B. Jayah (Third Muslim Member):—

That in the opinion of this Council Muslims in the Public Service be granted leave on Fridays between noon and 2 P.M. to enable them to attend Jumma.

THE HON. THE ACTING COLONIAL SECRETARY :—The Government have received reports from the various Governments of India on this question, and the matter will be considered in Executive Council to-morrow. I shall be obliged if the Honourable Member will postpone his motion till the 8th instant.

THE HON. MR. T. B. JAYAH (Third Muslim Member) agreed, and the motion was accordingly postponed.

THE HON. THE VICE-PRESIDENT :—I understand that the next two motions are not to be proceeded with at this meeting.

Flat Rate of 500 lb. per Acre of Rubber.

THE HON. MR. D. S. SENANAYAKE (Negombo District) :—I beg, Sir, to move—That in view of the Secretary of State sanctioning a maximum flat rate of 500 lb. per acre of rubber in Malaya as from August 1, 1925, this Council do request Government to take immediate steps to obtain the sanction of the Secretary of State for a similar flat rate in Ceylon for all rubber estates that are now assessed on a flat rate of 320 lb. per acre.

When, on the last occasion, I asked leave of this House for this motion to stand over, I never thought it would be necessary for me to bring it up again. I was under the impression that Government would accept it and frame rules to give effect to it. As I understand that Government is not inclined to do so, I feel it my duty to place this motion before Council.

When this Ordinance was introduced into Council it was done in great haste, and at a time when there were a very few, if any, of the Elected Members present. I believe the Ordinance was drafted in England, and, consequently, very little consideration had been given to local conditions.

THE HON. THE ACTING COLONIAL SECRETARY :—It was not drafted in England.

THE HON. MR. D. S. SENANAYAKE (Negombo District) :—I am glad to be contradicted. If the Ordinance was drafted here more consideration should have been given to local conditions, especially with regard to the fixing of standard production. According to the Ordinance and the rules drafted afterwards, the standard production of an estate was to be determined by the output of the estate for the years 1919 and 1920. The reason why I say that sufficient consideration was not given to local conditions is this. As Honourable Members are aware, people of Ceylon do not usually preserve for long periods their records of output. There were, therefore, a large number of Ceylonese proprietors who, although they had kept records, were unable to produce them, and it was unfair that they should have been penalized after three years in this manner. At the same time there were others who were able to produce their figures. Standard production was fixed on these figures, and was worked for one year.

I believe that the Secretary of State recognized the unfairness of assessing on these figures, and he sent instructions to the Ceylon Government to assess according to the capacity of the estates. My authority for saying so is the late Rubber Controller. In his evidence before the Select Committee of this Council which was

appointed to go into the subject of restriction he said: "I received instructions from the Secretary of State to assess an estate on what it could actually produce." This, however, did not suit certain people, as provision was included in the instructions that although an estate was to be assessed according to its capacity, the maximum should not be over 400 lb. per acre. There were a number of proprietors who were assessed, not at 400 lb., but at 800 lb., and even 900 lb. Well, these instructions did not suit these very fortunate people, and it so happened that the Advisory Board supported them. The Secretary of State was accordingly asked by the local Government to allow Ceylon to continue as she had done the year previous. The Secretary of State consented, but imposed the condition that the exportable maximum should not be increased by the continuance of this method of calculation. This was a difficult job. If the assessments were to remain as they were the previous year, it followed that the exportable maximum would increase as young estates were coming into bearing—that would have to be assessed, and the little older ones up to eight years would be entitled to higher assessment.

The Rubber Controller, to get over this difficulty, adopted certain measures which gave dissatisfaction to a large number of people, and created suspicion in the minds of a large number of Ceylonese proprietors; the methods adopted, according to the Supreme Court, being illegal, besides unpopular. His choice of assessors too was not very fortunate. It may be that he had more confidence in a certain class of people and less confidence in another class. Well, what he did was to choose a certain number of assessors on no principle at all, and he sent these assessors out merely to reduce assessments based on 1919-20 figures. By doing this he was able to provide for the young estates which had come into bearing and for the increased assessments that had to be given to other estates that year.

It is hardly necessary to tell Honourable Members what happened since then. There was a motion in this Council for a Select Committee, and a Committee was appointed. That Committee went into the question thoroughly and made certain recommendations. They did not want to interfere with the present working of the system, but they wanted to be as fair as possible to everyone. They made the following recommendation:—"Applications for increase of standard production for areas which under the present rules are limited to a maximum standard production of 320 lb. per acre. Where an owner of rubber trees nine years or more in age on estates of over ten acres in extent claims that the maximum standard production of 320 lb. per acre does not fairly represent the capabilities of such areas, the Controller shall call upon him to produce evidence in proof of his claim. If satisfied with the proof, the Controller may allow such increase in the standard production, up to a maximum of 450 lb. per acre, as he may consider reasonable."

The chief reason for that recommendation was that Malaya had raised her maximum to 400 lb. We did not want to interfere with people who received more. Well, we expected that this recommendation would be accepted by Government, but the views of interested parties seem to weigh with Government, and they are preventing us from getting these necessary rules amended. What we ask is that proprietors should be given the right to prove their capacity; and I cannot understand why Government should hesitate to give them that right.

From the answer given by the Honourable the Acting Colonial Secretary to a question of mine, it appears that the maximum rate in Malaya is 300 lb. for estates which have no figures. I beg to differ from him on that point. I have the evidence of the Controller, but I will not put that evidence against the Colonial Secretary's, but I have something which is more convincing than the evidence of the Controller himself. I have the evidence of the Malayan rules. I admit that I am indebted to the Honourable the Acting Colonial Secretary for the copy of these rules. The rule I refer to clearly indicates that even if assessments are made at the rate of 300 lb. per acre, the owners have the right of appeal. The Assessment Board will consider the evidence and assess according to the true productivity of the estate. Here we ask for nothing more than that. We do not ask for a flat rate of 400 lb. per acre. We want the right to prove our capacity to produce. This is denied to us. I do not see why we should not have the right that the people in Malaya have of appeal against assessment.

In conclusion, I would say that I asked in my motion for an increase to 500 lb. per acre—100 lb. more than the recommendation of the Select Committee—because there was a telegram in the papers which said that the maximum of 400 lb. in Malaya had been increased to 500 lb. My motion does not refer to any reduction of over-assessments. If the Government is anxious to give over-assessed estates what they are getting now, let them do so by all means; but at the same time I ask that the people of the country should not be deprived of what they can legitimately prove they are entitled to. I move the resolution standing in my name.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—I rise, Sir, to second this motion; and in doing so I would wish to point out to the House that the speech which we have listened to does not indicate what the motion is that has been moved. The honourable the mover has resiled from the position he took up. He had asked for a flat maximum rate similar to that in Malaya.

THE HON. THE VICE-PRESIDENT:—Are you seconding the motion?

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—I second the motion that has been moved, but I take exception to the difference in the attitude taken up by the honourable the mover from that indicated in the motion. I come before this House as a member of the Rubber Restriction Committee, which had the honour of submitting a considered report; and I must protest at the great liberty that the Government is taking with this Council in the manner in which it treats the Committees appointed by this Council. Time and again Committees are appointed, but merely for the purpose of shelving matters which have proved inconvenient to Government; similarly with the Rubber Restriction Committee if we look at what has happened. I think it is time that this Council, with so many Elected Members, took serious notice of the matter. Committees of this Council, I protest, must not be allowed to be treated in this fashion. Important recommendations have been put before the

country and the Government in the considered report of the Rubber Restriction Committee. One of those recommendations is that there should be a maximum rate of 450 lb. per acre.

One important witness who came before us, Mr. Garnier, clearly indicated to us that for no appreciable length of time could the best estate, with the most intensive cultivation, produce that maximum. If that is so, how comes it that while certain estates have assessments of 700 lb., there should be others, which are coming into bearing, having had the advantage of intensive cultivation, which are not allowed on any terms whatever to exceed the maximum of 320 lb. ? As was indicated by the honourable the mover of the motion, when the Secretary of State wished to impose on this Colony the same conditions as existed in Malaya, it was the protest of certain interested parties in this Colony that prevented the wishes of the Secretary of State from coming into effect. It was then that the Secretary of State insisted as a condition precedent for allowing this change that the total exportable amount should not be exceeded.

Who suffers by this principle being in operation ? It is only the new estate which is just coming into bearing ; it is the low assessed holder who cannot indulge in intensive cultivation. They suffer, while others with gross over-assessments are reaping the benefits they are not entitled to. When we look at the change in the rubber position to-day, with prices altered for the better, we find people who enjoy swollen assessments of over 600 and 700 lb. and 800 lb. who are able to be reckoned as rupee millionaires, while the smaller holder who has no assessment at all is prevented from benefiting from the change. Let justice be done to the low assessed holder on these two grounds, and let the considered recommendations submitted to the country and to this Council by the Committee appointed by this Council be accepted. If the Members of Council are in possession of the evidence given before the Rubber Restriction Committee, they will be convinced that there are very important aspects touched on in the report, and they will be the first to ask that not only should this particular proposal, that a maximum flat rate of 450 lb. be insisted upon, but that the various other proposals should also be given effect to at once.

I interpret the intention of the mover of the motion, however considerate he has tried to be towards over-assessed capitalists, to be to bring a serious protest before this Council at the way in which considered proposals of Committees appointed by the Council are treated by the Government. The motion before the House gives a larger margin than the maximum rate allowed by the report of the Rubber Restriction Committee. The report asked for a maximum rate of 450 lb. The motion before the House asks that that rate be increased by 50 lb., because the honourable the mover believes that Malaya has a maximum flat rate of 500 lb., and that therefore a similar rate should be allowed in this country ; and he also asks that low assessed holders should be allowed to prove their figures. The Secretary of State will then be pleased to take away the condition precedent which he enjoined on this Colony namely, that the total exportable amount should not be exceeded, and then this country can come into the market on all fours with Malaya, and everyone who can prove his figures will be able to earn the income which he is entitled to.

We need not go beyond Mr. Garnier's considered opinion. His experience must count for something; his evidence leaves no room for doubt. He has given the result of his experience, and that is, that no rubber estate, however well cultivated, could for any length of time give more than 400 lb. It will require much courage on the part of any planter either in this Council or outside to contest that point. In those circumstances I think it is the duty of this Council to enter a serious protest at the way that reports of Committees appointed by this Council are treated, and to see reason in allowing a higher maximum than is at present given to the unfairly and low assessed holder.

THE HON. MR. T. Y. WRIGHT (European Rural Member):—I may say that I am not very conversant with the restriction of rubber as it obtains in the Straits, but if there is any difference in favour of the Straits it ought to be corrected. We ought not to be left behind. As to a flat rate, I am not so certain that it would be a fair thing, because if you make it, say, 500 lb., there would be many estates that would find it impossible to get that figure without ruining the trees. In regard to younger estates, I am in entire sympathy with what the honourable the mover said. As long as restriction goes on they cannot get a higher standard of production than 320 lb. an acre. It is unfair to keep a very good young estate which is coming into bearing on the old standard, and I therefore say that there should be a reassessment of younger estates which were six or seven years old at the time restriction was introduced.

In regard to the remark that no action was taken on the report of the Rubber Restriction Committee, I do not think that the charge can be laid at the door of the Ceylon Government. The report has, I believe, been sent to the Secretary of State. With regard to the small holders, I cannot agree with my honourable friend from Matara. I think that the small holders are very well treated as compared with the big holders. I hope that the Government will reconsider their decision with regard to the younger estates, and order a reassessment in their case.

THE HON. MR. G. A. H. WILLE (First Burgher Member):—I wish to say a few words on this motion, Sir, because I feel strongly that a question of justice to the Ceylonese is involved in it. I also feel on this occasion like a famous King of England (laughter). Rather than laughter, Honourable Members will be inclined to sympathize with me when I complete my sentence. I was going to say that I felt like a famous King of England who was nicknamed Lackland. I am not so fortunate as to own rubber land, and I can, therefore, speak with a degree of impartiality on the subject, the credit for which may not be given to others. From what I have learnt from others, it seems to me that it behoves the Ceylon Government to do something in order to redress the inequality in the measure of treatment meted out to Ceylon as compared with Malaya. I gather that the rubber restriction scheme really arose because Malaya was in great straits and required to be helped; and it is an undisputed fact, I think, that estates in Malaya as a whole are not so good from the bearing point of view as estates in Ceylon. Therefore, it is all the more difficult to understand why a higher rate of production should be allowed for Malaya than for

Ceylon. For these reasons, and especially as there is now less ground than before for insisting on rubber restriction, considering that the supply of rubber is not so excessive, it is the bounden duty of Government, if it cannot accede to this motion altogether, to do something in the direction of granting relief. The Honourable Member for the European Rural Constituency referred to the rate of 500 lb. as excessive, but the motion speaks of a maximum rate of 500 lb., so that there is ample room for Government to accede to this motion by way of relief, especially to the small holders of Ceylon.

THE HON. MR. H. M. MACAN MARKAR (First Muslim Member) :—In support of this motion, Sir, I should like to say that 500 lb. is not a very high maximum, considering that over 58,000 acres of rubber land have been assessed between 500 and 900 lb. per acre; in other words, one-fifth of the proprietors who own 58,000 acres are given over 500 lb. per acre. That shows that others are badly treated. Restriction will no doubt be continued for a little time longer, and, as the Honourable Mr. Wright pointed out, there are many rubber estates coming into bearing which may be able to produce more than even 600 lb. per acre. It is my opinion that a maximum rate of 500 lb. per acre should be allowed, subject, of course, to the condition that it can be proved by the proprietor that he can produce that quantity. I have great pleasure in supporting the motion.

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member) :—I should like to ask for information on one point. When one talks of a flat rate it means a rate without any variation. If a flat rate for rubber is introduced, will it apply to all estates which have not been able to produce figures of standard production either because the papers have been lost or because the estates were not in good condition, or will it apply to all rubber estates in the Island?

THE HON. MR. D. S. SENANAYAKE (Negombo District) :—It will only apply to those estates which could not produce papers.

THE HON. THE ACTING COLONIAL SECRETARY :—On this matter of restriction I will preface my remarks by stating that as a Member of the Legislative Council I was at first very strongly biassed in favour of the findings and recommendations of its Select Committee, and that I refused to be shaken from that position except by the most convincing reasons. It is extremely unfortunate that the Rubber Restriction Board is not represented in this Council.

That Board is composed of gentlemen of whose sense of honour, justice, and fair play there can be no doubt. It is also incredible, in my opinion, that the Rubber Controller would have condescended—would have degraded himself so far as—to issue instructions to the assessors to assess estates, not at their true productivity, but at something below it; nor can I believe that any assessor would have accepted such instructions. Every man is capable of making mistakes, but it is not right that we should credit the assessors with a standard of justice and fair play in any respect lower than our own.

The conclusions at which the Government has arrived on the subject of this motion are as follows:—In the first place, it must be remembered that restriction is an arbitrary process, and that an unnatural process of that character cannot be expected to give satisfaction to every individual owner of every estate to which it is applied. There are certain to be hard cases under any such system, however perfectly it might be designed, and such a system is certain to lead to a number of complaints. The reply to all such complaints, however, is this, and though it does not afford so much consolation as it should, I think that it is a fair reply, namely, that the complainants would have been in a very much worse plight, probably ruined, if restriction had not been brought into force. In the second place, it must be realized that Ceylon cannot act independently. Under the mutual bond of restriction, Malaya and Ceylon must conform their actions to a common standard, and where they differ, the Secretary of State must be the arbiter between them to see that the producers of the one country get no undue advantage over those of the other.

In Ceylon the system of restriction imposes a scale with a maximum flat rate of 320 lb. per acre on estates which could not prove that they could produce more, and no maximum is imposed on estates which have been unable to prove that they could produce more than 320 lb. In Malaya a scale with a maximum flat rate of 300 lb. only is imposed on all estates which cannot prove by crop figures that they could produce more, and a further maximum of 400 lb. was imposed on estates which proved that they could produce more than 300 lb. Recently in Malaya the maximum of 400 lb. has been increased to 500 lb., but in view of the fact that certain estates in Ceylon are assessed at a higher figure, the concession of an increase to 500 lb. cannot be held to be unfair. This recent concession in Malaya does not mean that the scale with a maximum flat rate of 300 lb. has been increased to a maximum flat rate of 500 lb. This is clear from a memorandum of the Rubber Controller of the Federated Malay States on the system of assessment in Malaya which I have had the advantage of reading. No estate in Malaya can obtain anything more than 300 lb. merely on the inspection of an assessor. It can get an excess over that quantity only by the proof of actual crop figures. I had this verified by telegram, and read the telegram in reply from the Rubber Controller, Federated Malay States, dated September 18:—

Kuala Lumpur 18/9.

The Central Committee does not on appeal assess above scale figures unless acceptable crop figures are produced. It is held that the scale rates laid down in the rules are maximum rates, and that to obtain anything in excess of these crops must be proved.—Rubber Controller.

I take the word "acceptable" to mean that the crop figures have to be proved to the satisfaction of the Assessment Committee.

That the flat rate of 300 lb. per acre has not been increased is further confirmed by recent official export figures which show that the increase from 400 lb. to 500 lb. has increased the exportable quantity from Malaya by only 600 tons per quarter. From this and from the fact that in the returns of estates for 1924 there were only 212 estates out of a total of 1,411 allowed 400 lb. I think that it may be assumed that the increase from 400 lb. to 500 lb. has been limited to all intents and purposes to those estates which were previously restricted to 400 lb., but were able to prove by crop figures that they were able to produce more.

It is outside the scope of my reply to the motion before the Council to go into the question whether the Malayan system with its elaborate machinery for assessment is preferable to the Ceylon system, or whether individual assessments in Ceylon have been fairly or unfairly arrived at.

I propose to deal only with the question of the demand for an increase over 320 lb., and I will do so broadly from three aspects:—

(a) The general fairness or unfairness of the flat rate of 320 lb. per acre.

(b) The practicability of giving effect to the demand for an increase over that amount.

(c) The effect of any such increase on the world's markets.

(a) With regard to the fairness of the flat rate of 320 lb. per acre, in view of the fact that the flat rate in Malaya is only 300 lb. per acre against 320 lb. in Ceylon, and that 320 lb. per acre represents the average of the total productivity of all Ceylon estates, including the old as well as the young estates, there appears to be no doubt that 320 lb. per acre is a very fair rate, though there may be certain estates which are capable of producing more.

(b) As regards the practicability of giving any relief, the more one examines the problem of giving effect to the demand for an increase above the flat rate the more difficult it becomes.

There are in Ceylon 4,000 estates assessed at or under 320 lb. I am credibly informed that practically all of them would apply for an increase if an increase were allowed under our rules.

It is impossible for any of those estates to prove by actual crop figures that they are capable of producing more than 320 lb. because under restriction they have been compelled to produce a percentage less than 320 lb. Are we then to allow proof other than the production of actual crop figures? If so, we immediately come into conflict with the Malayan system.

THE HON. MR. T. Y. WRIGHT (European Rural Member):—I rise, Sir, to a point of order. Many estates cannot produce figures because they have never been tapped.

THE HON. THE ACTING COLONIAL SECRETARY:—If they have never been tapped before, then they do not require increase in assessment. If they are young estates, then they come under a scale in our rules, which is an extremely fair scale.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—In cases where it is possible to give proof, will the Honourable the Acting Colonial Secretary accede to the rate of 500 lb?

THE HON. THE ACTING COLONIAL SECRETARY:—Unfortunately you cannot get the proof.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division):—The moment you alter the rule estates will be able to give proof.

THE HON. THE ACTING COLONIAL SECRETARY :—Are we to allow in Ceylon any form of proof except crop figures? If we do that we will come into conflict with Malaya.

Supposing for the sake of argument that the Secretary of State, who holds the balance between us, might be willing to concede that Ceylon might be allowed to prove that its estates could produce more than 320 lb. by means of proof other than crop figures, what are these means of proof to be?

Obviously the statements of proprietors as to the productivity of their estates could not be accepted without any check. We will assume therefore that a check is necessary. The only possible form of check will be check by assessors, and it is there that the proposal inevitably breaks down. First of all, there is not the machinery for making such assessments rapidly. It is difficult to find men in Ceylon with sufficient time at their disposal to undertake those assessments. In the second place, assessments by individual assessors without actual crop figures are never likely to give satisfaction. The Select Committee has expressed itself strongly on the unsatisfactory nature of such assessments in Ceylon, and Malaya has shown its disbelief in them by limiting them to 300 lb. per acre. Further, such assessments are extremely expensive. The lowest fee is Rs. 50, and the cost of assessing 4,000 estates would, therefore, be not less than Rs. 200,000, which is considerably more than the total balance of the Rubber Restriction Fund. Finally, it is the opinion of the Rubber Restriction Board that it would take so long to complete these assessments that restriction is likely to be practically over before they could be completed.

The fact is that these assessments are really unworkable, and if any concession were allowed it would have to be by the automatic increase of the flat rate of 320 lb. per acre without any assessments. This appears to coincide practically with the views of the honourable the mover.

But the effect of an increase of the flat rate from 320 lb. per acre to 400 lb. would result in an increase of 12,000 tons per annum in the quantity exportable from Ceylon at the present percentage of release, namely, 75 per cent. If the rate were increased to 500 lb. per acre, the exportable increase would be over 22,000 tons. These are startling figures. I am told that they are paper figures, and that they could not be realized in practice, as expert opinion holds that the standard of productivity is over-assessed. But the mere prospect of any such increase would, undoubtedly, have a very serious effect upon the rubber market.

The fact that Malaya increased its maximum from 400 lb. to 500 lb. had an immediate adverse effect on the market, although it meant increasing the exportable quantity by only 2,400 tons per annum. There is no doubt that the likelihood of the much larger increase in export, which would be the effect of this motion if it were adopted, would cause a serious fall in the price of rubber. This fall would probably cause the estates which now complain that they are under-assessed quite as much loss as they allege that they suffer through being under-assessed, whilst it would of course cause enormous loss to the industry as a whole. In any case, Sir, this matter is not under the control of the Government or of the Legislative Council. Under the present policy of restriction the decision of the question now before the Council as well as of the other recommendations of the Select Committee must rest with the Secretary of

State, who, as I said before, holds the balance between Ceylon and Malaya. The Government has already forwarded the views of the Rubber Restriction Board of the Ceylon Planters' Association, the Estates Proprietary Association, and the Low-country Products Association, together with the recommendations of the Select Committee, to the Secretary of State for his information.

The Select Committee's recommendations have also been sent to the Rubber Controller of the Federated Malay States to enable his Government to have a say in the matter.

The Government will now have much pleasure in forwarding to the Secretary of State for his decision a transcript of the speeches in this debate on the motion now before the Council as soon as it is ready for dispatch.

THE HON. MR. A. MAHADEVA (Western Province, Ceylon Tamil) :—Sir, I should have thought that what mattered most to us was not whether we were going to be overruled by the Secretary of State, but whether the local Government here sympathizes with the rubber planters. We have been told that the views of the Planters' Association, the Ceylon Estates Proprietary Association, and of the local Government have been forwarded to the Secretary of State, together with the report of the Select Committee; but we have not been told what the view of the local Government is. Am I to take it that the views expressed to-day by the Honourable the Acting Colonial Secretary represent the considered views of the local Government irrespective of what views the Secretary of State may take. I should like to know that because the Honourable the Acting Colonial Secretary stated that the assessments were fair. I would like to know where the reasonableness of these assessments came in. We say that in Malaya estates are permitted to prove up to a certain capacity, say, 500 lb. per acre. That has not been contradicted.

THE HON. THE ACTING COLONIAL SECRETARY :—I contradicted it. I say that unless they have crop figures no estate can get 500 lb. per acre. If they have no crop figures to support their statements, then they are allowed only 300 lb.

THE HON. MR. A. MAHADEVA (Western Province, Ceylon Tamil) :—We shall be satisfied if we are allowed the same opportunity by being permitted to prove that our estates are capable of that production. The honourable the mover of the motion slightly resiled from the wording of the motion by saying that he would be satisfied if estates were permitted to prove that they were capable of the higher production. I am sure that my honourable friend would be with me in asking that if estates claiming increased assessments produced books for the past six months in support of their claim they should be given the figure they claim. We would be perfectly satisfied, I take it, if we are put on a par with Malaya in this matter. Too much consideration has been shown towards Malaya which has not been reciprocated.

We remember the shock of surprise with which we learnt that 6,000 tons of uncoupons rubber were put on the market by Malaya. The Secretary of State when questioned in the House of Commons stated that he had no knowledge of these things; that he must

communicate with the Malayan authorities. That was very unfair. If we are to run in partnership with Malaya, it is very unjust that Malaya should act in such a manner without consulting her other partner in this business. We strongly object to being made a partner with Malaya if we are not to be consulted in every action that is taken.

The Honourable the Acting Colonial Secretary also added that the method of assessment was unpracticable. We realize it ourselves. We object to assessments; but what do the Controller and the Government itself do? In 1919 they accepted certain figures, and then, all of a sudden, sent round assessors to cut down figures. I am sorry that the Honourable the Acting Colonial Secretary has referred to the Rubber Controller and the fairness with which his work has been done. What would have been the most normal way of proceeding in cases of over-assessment? There were estates which produced books showing that they produced 900 lb. of rubber per acre. How would any man who was trying to re-assess estates fairly proceed? He would say "That seems to me too large an amount to award; I had better send an assessor over there." But the Rubber Controller does not proceed on such a basis. He picks out a man who has been given 400 lb., another who has been given 410 lb., and another who might have been given 390 lb. Now, where is the reasonableness in such a procedure? I know that strong language has been indulged in by others against the Rubber Controller in connection with these cases; and no unprejudiced person would say that he can see any logic in the actions of the Rubber Controller in his choice of rubber estates to be assessed.

Even to-day we are again faced with the same spirit of hostility which was shown on the last occasion when my honourable friend brought forward a motion. It was opposed in unmistakable language by the Government, and even when my honourable friend did succeed in getting a Select Committee several Members refused to sit on it. But, thanks to the intervention of the Nestor of this House, who saw His Excellency the Governor on the matter, it became possible to get some officials to sit on the Committee. Well, Sir, we are again being thwarted. The Government does not see eye to eye with us. There is the Honourable the European Rural Member who knows what is wanted for this country. But what does the Government say? "You do not deserve it." I feel that I would be satisfied if we are overruled by the Secretary of State. He is so far away; he does not feel for us. But what about the Honourable the Acting Colonial Secretary and the other officials? Cannot they see the injustice of the treatment? When the Indians complained of unjust treatment, did not Lord Reading say that he would speak on their behalf; that he would associate himself with them? If we can get that treatment from the Government we shall be satisfied. After listening to the Honourable the Acting Colonial Secretary, we feel that he is trying to be—I do not know what—it cannot be the mouthpiece of the Secretary of State, because he has not had instructions from him. Therefore, all I can say is that he is proving himself to be very unsympathetic to an industry which has clearly shown that it requires to have its grievances carefully considered.

Now, what are we told? We are told that not only is the Honourable the Acting Colonial Secretary of this view, but also the Rubber Advisory Board. I protest, Sir, that we should take the

Rubber Advisory Board into consideration in this Council. We have had a Select Committee, of which the Honourable the European Rural Member was also a member, and it is the considered opinion of that Committee that a flat rate of 450 lb. per acre should be allowed. By flat rate I mean that all estates which can prove that they are capable of producing 450 lb. per acre should be assessed at that figure. Now, what is this sacrosanct body—not an elected body, but a nominated body—which comes forward and says “You are speaking without knowing the difficulties of the situation?” We sat, Sir, for several days in Committee, and even the Rubber Controller, I believe, agreed that our request would be a reasonable one to make on behalf of Ceylon.

In view of what I have said, I do not see of what use it will be to pass this resolution. We have passed resolutions before, but no effect has been given to them. Probably we shall once again record our dissatisfaction with the Government view of the matter; but we are going to be over-ridden and shown how impotent even this reformed Council is.

THE HON. MR. C. W. W. KANNANGARA (Southern Province, Western Division):—It is a pity, Sir, that the Honourable the Acting Colonial Secretary was not a member of the Committee appointed in connection with this matter. If he had been a member of it he would have known how assessments are made and how assessors are appointed. Some of the revelations that were made there shocked us, and I am sure that they would have shocked him too. Assessors were appointed to estates; but we got to know in that Committee that some assessments were made from neighbouring estates, while some were made after 6 P.M., and there was one instance—this is my recollection—where one of the assessors admitted that he made an assessment low because he had an intention of buying the estate. As regards the Rubber Advisory Board, a file was produced with reluctance, in which was a letter of recommendation given by a member of the Rubber Advisory Board to a gentleman who had asked for an excessive amount. The recommendation was that the applicant had to be given that amount because that was the only land he had, and that he would be a ruined man if he was not allowed that amount. The Rubber Controller had the audacity to come before the Committee and say that he granted that request because he could not get rid of that man.

I also wish to bring to the notice of this House the manner in which some estates' figures were arrived at. They will startle anybody. When the necessity arose to send round assessors to some estates, it was stated to us that books were produced, but in the hurry of the moment, because restriction had to be introduced at once, the figures were not looked into carefully, but certain amounts were granted. In the case of some estates they were assessed low, while in the case of others they were given 700 lb., 800 lb., and even 900 lb.; but nothing has been done to overhaul the assessments. That evidence would have shocked the Honourable the Acting Colonial Secretary.

One cannot for a moment understand why because a man had not kept account books, or if they were lost, he should have been under-assessed. Even in the case of some large owners, if they are people who are not very much indebted, if they are not planting their lands

in partnership, if their lands do not belong to companies issuing shares, they did not keep regular accounts; and what business had we to ask them to produce their account books for 1919 and 1920? They were not told that it was intended to bring in a rubber restriction scheme. If they were given 320 lb. per acre, how is it that others were given 800 lb. and even 900 lb.? The request in this motion is a very reasonable one, and the least that the Government can do for these people who have been assessed at only 320 lb. is to grant the request made by the mover of the motion.

The Honourable the Acting Colonial Secretary has said that it will not be possible to get at the real productivity of an estate from crop figures, but I say that it will be perfectly possible to do so, for this reason. Standard production has been assessed at a certain amount, and estates have been given coupons reckoned at a certain percentage, say, 50 per cent. of the standard production. Now, if the crop return is only 600 lb., I say that the estate's standard productivity is 1,200 lb., because 600 lb. represents only 50 per cent. By this means one can arrive at the true standard production of an estate. Therefore, it is perfectly possible to deal fairly and squarely by these people who have been given only 320 lb., and there is no reason why, in the competition between Malaya and Ceylon, Ceylon should be at a disadvantage. I strongly support the motion.

THE HON. MR. A. CANAGARATNAM (Northern Province, Southern Division):—I am not a rubber planter, Sir, and I may, therefore, be taken to be quite a disinterested party. I have listened very patiently to the members who have spoken, and Unofficial opinion seems to be quite agreed that restriction was resented from the time it was first forced on the people of this country; but the Official Members have given them no support. Now I find that the honourable the mover of the motion has condemned restriction *in toto*. Although he proposes to raise the flat rate it seems to me that restriction is altogether condemned. I do not see why Government should impose this measure. I understood that restriction was imposed on instructions from the Secretary of State, but now, as the Honourable Mr. Mahadeva has pointed out, if the Secretary of State is the arbiter between this Island and Malaya, how is it that when the rate was raised in Malaya recently, the people of this Island as represented by this Council, or even the Government of Ceylon, were not consulted. It appears to me that certain measures of Government, which very vitally affect the interests of the people here, are settled by the Secretary of State without consulting the Government of Ceylon. It is one thing that the Unofficials are neglected, but here the Government is also neglected. I think that is a point in the constitution of our Government that should be taken into very serious account. Very probably the Government of Ceylon is itself opposed to this measure, because I find that there is very little said in support of it, and it seems to be compelled to inflict it. This is a position from which we should be relieved, because in spite of the power given to us we find that there is an autocratic authority exercised over the Government. If that autocratic body was in this Island it would be amenable to public influence, but when that autocracy is exercised from abroad, it is not at all amenable to public opinion of this Island. It is a very serious position for an officer in England to submit the Ceylon

Government to a loss of prestige by enforcing measures which are against the wishes of the people of this Island. I will even support, under the circumstances, the entire removal of restriction; but as the honourable the mover has restricted his motion to the increase of the flat rate, I heartily support it.

THE HON. MR. H. R. FREEMAN (North-Central Province):—
Is there not a shortage of rubber?

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—This seems to be a very elastic question. It has even provoked a speech from the Honourable Member from the North, who has at length deigned to support a motion against the Government. I have great pleasure in supporting the motion.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—
I wish to make an explanation, Sir. When the Honourable the First Burgher Member said that he was able to speak impartially he probably misunderstood me. I was not pleading my own cause, but the cause of the people of the country, as I was one of the fortunate Ceylonese who preserved the crop figures. There is also not the slightest doubt that the Honourable the Acting Colonial Secretary is under a misapprehension. He wants to know how figures can be proved. I will tell him of more than one way. There are figures that can be produced though they may not be for 1919–20. Figures for 1920–21 and 1921–22 may be available. There is every possibility of those figures being produced. We only ask that the people should have the right of proving their figures or producing evidence sufficient to convince the Controller of their capacity, and why should Government deny them this?

According to our present rules even the 1919 figures are not binding on the Controller. The Controller cannot be forced to make assessment on them. If he has any doubt about the capacity of an estate, he can send an assessor to revise the assessment, and against the decision of the Controller a proprietor can appeal to the Board, but with very little chance of success. The Board cannot alter the decision of the Controller if he has acted according to the rules.

THE HON. THE ATTORNEY-GENERAL:—Any proprietor who is dissatisfied with an assessment may appeal.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—If you refer to Rule 2 you will find that a dissatisfied proprietor may appeal against the action of the Controller. The Controller can act when he is doubtful.

THE HON. THE ATTORNEY-GENERAL:—Any person who is dissatisfied with an assessment may within ten days of receiving notice of such assessment appeal to the Board.

THE HON. MR. D. S. SENANAYAKE (Negombo District):—I am showing the House against what an appeal can be made. An appeal may be made, but it can only succeed if the Controller has violated the rules.

THE HON. THE ATTORNEY-GENERAL:—What the Board has to consider on appeal is whether, assuming that the Rubber Controller had made a reassessment, that reassessment is right or wrong. The Honourable Member was trying to convince this House that when once the Rubber Controller has made a reassessment, there is no appeal against that reassessment.

THE HON. MR. S. RAJARATNAM (Northern Province, Central Division) :—I rise, Sir, to a point of order.

THE HON. THE VICE-PRESIDENT:—The Honourable the Attorney-General is only explaining.

THE HON. THE ATTORNEY-GENERAL:—If the Controller considers that the standard production of an estate is in excess of or below what it should be, he has, I admit, the absolute power to order a reassessment, but, having made that reassessment, that reassessment is subject to appeal to the Board. Let us say that an estate has been assessed at 3,000 lb. The Controller thinks that is too much and he makes a reassessment at 2,000 lb. The owner of the estate can then appeal to the Board, and the Board has the power to raise the amount to the maximum provided under Rule 4.

THE HON. MR. D. S. SENANAYAKE (Negombo District) :—What I intended to convey to the House was that under the present rules there is no chance of the success of an appeal. The Honourable the Attorney-General tells us that there is the possibility of success. Perhaps I should accept his interpretation of the rules as correct ; but, at the same time, my experience is that whatever the intention of the framers of the law, and whatever the interpretation of it by the Attorney-General, the law is not interpreted in that way. I say that under the present rules the Controller can ignore the 1919-20 figures, and that there is not the slightest chance of success in an appeal to the Board that the figures for 1919-20 are correct. Even the true productivity of an estate is to be taken, not according to the capacity of the trees, but according to some method introduced here. The true productivity of an estate one would imagine is the capacity of the trees. But that is not so according to the rules. The Controller has to base his assessment according to a certain method of tapping, a method that is not adopted in Ceylon. He has to estimate the capacity of the tree according to the yield the tree is likely to give if it is tapped every day quarter circumference. If the true productivity of an estate is based on a system unknown in Ceylon, I ask the Honourable the Attorney-General what chance of success there can be of an appeal against the Controller ?

There is one point in the remarks of the Honourable the Acting Colonial Secretary to which I would like to refer. He told us that he was certain that the Controller never instructed the assessors to reduce assessments. I believe that instructions were not issued, but the assessors understood what they were expected to do, and that they were to reduce assessments. I say so for the following reasons. The Controller in his evidence before the Rubber Restriction Committee said : " I received instructions from the

Secretary of State to assess an estate on what it can actually produce. The Supreme Court held that I could not do it. Therefore new rules were drafted."

The Secretary of State gave two instructions. He consented to allow the old rates to stand, but stipulated that the total production of Ceylon should not be increased thereby; and, second, he gave instructions that strict investigations should be carried on to see that no cases of over-assessment existed.

Those are the two stipulations, and they are quite clear. The assessors knew very well that there was a certain amount that had to be made up, and that could only be done by cutting down from estates the Controller thought were over-assessed. The Controller made a careful choice of the assessors he would send, and sent his files to show the assessors what the existing assessments were. This had the desired effect. I went to the Controller and told him that if he wanted a reassessment, the assessors should make reassessment independently of the figures which the Controller had with him, and that if he gave the assessors the figures, they would assess at a lower figure. I do not know for what reason the figures were given to the assessors if it was not for the purpose of guiding them in their assessments. The assessors should have been left alone. They were expected to visit the estates, look at the trees, and then make their assessments. The effect of the method adopted was the reduction of assessments except in one case. Even in this the owner was not satisfied with the assessment, and he appealed. The Board did not meet, but the papers were circulated among members, and an increased assessment was given.

With regard to assessment, I might read to Honourable Members a few lines from the report: "The working of the new rules started in an atmosphere of mistrust among a large section of rubber growers. It was also felt that the choice of estates selected for reassessment and the procedure adopted were not always uniform or consistent." I need not quote further to show Honourable Members that the Controller's reassessments could not be relied upon. I have gone through a number of files in the Controller's Office—It so happened that I went through 150, and what I discovered in them I need not repeat here now. They revealed enough. However, having gone through 150 files, I was refused any more. I was not surprised at the Controller's anxiety to keep them away from me. He had no reason to be proud of them. The evidence before the Select Committee is available to Honourable Members. It is certainly not complimentary either to the late Controller or to the Board.

One word in conclusion. "There seems to be an impression, to judge from the speeches I have listened to, that the Secretary of State is to blame. I certainly do not blame the Secretary of State. I blame the local Government. The Secretary of State gave definite instructions, but the local Government is not carrying them out. We want the local Government to follow those instructions. We want them to go to the Secretary of State and ask him to allow them to do what he wanted us to do some time ago, and what he is making Malaya do just now.

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

THE HON. THE ACTING COLONIAL SECRETARY :—Divide.

The House divided as follows :—

Ayes—29.

The Hon. Mr. N. H. M. Abdul Cader (Second Muslim Member).
The Hon. Sir Ponnambalam Ramanathan, Kt., K.C., C.M.G.
(Northern Province, Northern Division).

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

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

The Hon. Mr. D. H. Kotalawala (Province of Uva).

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

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

The Hon. Mr. A. C. G. Wijeyekoon (Nominated Unofficial Member).

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. H. R. Freeman (North-Central Province).

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

The Hon. Mr. D. B. Jayatilaka (Colombo District).

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. 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. V. S. de S. Wikremanayake (Southern Province, Eastern Division).

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

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

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

Noes—12.

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. 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. Mr. M. T. Akbar, K.C. (Solicitor-General).

The Hon. Dr. J. F. E. Bridger (Director of Medical and Sanitary Services).

THE HON. THE VICE-PRESIDENT :—The motion is adopted.

Adjournment.

THE HON. THE VICE-PRESIDENT :—Council will now adjourn till 2.30 P.M. this day week.

Council adjourned accordingly.