

DEBATES

IN THE

LEGISLATIVE COUNCIL OF CEYLON,

On Friday, October 9, 1925.

Pursuant to adjournment 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. 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. TAMBLMUTTU (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. 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. G. E. MADAWALA (NORTH-WESTERN PROVINCE, EASTERN DIVISION).
- THE HONOURABLE MR. A. MAHADEVA (WESTERN PROVINCE, CEYLON TAMIL).
- THE HONOURABLE MR. A. F. MOLAMURE (KEGALLA REVENUE DISTRICT).
- THE HONOURABLE MR. A. H. E. MOLAMURE (RATNAPURA REVENUE DISTRICT).
- THE HONOURABLE MR. F. A. OBEYESEKERE (SOUTHERN PROVINCE, CENTRAL DIVISION).
- THE HONOURABLE MR. I. X. PEREIRA (FIRST INDIAN MEMBER).
- THE HONOURABLE MR. D. S. SENANAYAKE (NEGOMBO DISTRICT).
- THE HONOURABLE MR. M. M. SUBRAMANIAM (TRINCOMALEE REVENUE DISTRICT).
- THE HONOURABLE MR. V. S. DE S. WIKREMANAYAKE (SOUTHERN PROVINCE, EASTERN DIVISION).
- THE HONOURABLE MR. G. A. H. WILLE (FIRST BURGHER MEMBER).
- THE HONOURABLE SIR J. THOMSON BROOM, KT. (EUROPEAN URBAN MEMBER).
- THE HONOURABLE MR. W. A. DE SILVA (CENTRAL PROVINCE, URBAN).
- THE HONOURABLE MR. P. B. RAMBUKWELLE (CENTRAL PROVINCE, RURAL).
- THE HONOURABLE MR. T. M. SABA RUTNAM (NORTHERN PROVINCE, EASTERN DIVISION).

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

Announcement.

THE HON. THE ACTING COLONIAL SECRETARY:—Sir, I have to make the following announcement: the Honourable Sir Ponnambalam Ramanathan has, at my personal request, consented to the last motion standing in his name in the Agenda being withdrawn. I think that a speech by the Honourable the Tamil Knight—the “Father of the House”—himself on the occasion of Sir Hugh Clifford’s first appearance as President of this Council will in every way be preferable to a written address.

Papers laid.

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

Message of His Excellency the Officer Administering the Government dated October 8, 1925.

Letter addressed by this Government to the Government of Madras and the reply thereto regarding the Ayurvedic system of medicine.

NOTICE OF QUESTIONS.

Prohibition of Permanent Cultivation of Paraveni Chena Lands.

THE HON. MR. G. E. MADAWALA (North-Western Province, Eastern Division) :—I give notice, Sir, of the following questions :—

(1) Has the Government Agent of the North-Western Province the authority of Government to direct the headmen to prohibit permanent cultivation of paraveni chena lands and to report all cases of clearing on pain of dismissal ?

(2) How many headmen have been suspended or dismissed for failure to report such clearings ?

(3) Is it not a fact that the Government Agent forces the villagers to admit the title of the Crown to unsettled chena lands (when such title is admittedly in dispute, *vide* Report of the Settlement Officer, 1924), by compelling them by threats of prosecution in the Police Court to submit applications for the purchase of such lands from the Crown as Crown lands ?

(4) Did the Government Agent prosecute Bathiranpedige Bandiya of Meetenwala and force him to submit a similar application and to deposit a sum of Rs. 9, and further compel him to pay an additional sum of Rs. 180 for 3 acres of land by threats of eviction before any inquiry was made in regard to his title for the land claimed by him ?

(5) Is not Meetenwala a village where hill paddy was sown when the Grain Tax Ordinance was in force ?

(6) Is the Government aware that large numbers of such prosecutions against villagers have been withdrawn when the desired admission of the Crown title is made by the accused ?

(7) How many such prosecutions have been withdrawn by the Government Agent under those circumstances during the last six months ?

NOTICE OF MOTION.

Cultivation of Paraveni Chena Lands in the North-Western Province.

THE HON. MR. G. E. MADAWALA (North-Western Province, Eastern Division) :—I give notice, Sir, of the following motion :—

That this Council is of opinion that the policy adopted by the Government in the North-Western Province in regard to the cultivation of paraveni chena lands is unsatisfactory, and requests that Government be pleased to issue definite instructions to the Government Agent not to interfere with the cultivation and development of such lands pending settlement.

QUESTIONS.

THE HON. THE VICE-PRESIDENT :—I understand that the answers to questions Nos. 165 and 188 only are ready.

A Colonist of the Nachchaduwa Scheme.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—I rise, Sir, to ask—Did James Vel-Vidane, a colonist of the Nachchaduwa Colonization Scheme, settle his advances from Government over a year ago, and has he yet been given a Crown grant for land brought by him under cultivation ?

THE HON. THE ACTING COLONIAL SECRETARY :—(a) Yes, on September 22, 1924. (b) No.

The issue of the grant was delayed pending the passing of the legislation necessary to enable Government to insert in the formal grant certain conditions on which the land was originally given. In June, 1925, it was decided that, in view of the delay, an unconditional grant should be issued. This grant is now in course of preparation.

THE HON. MR. H. R. FREEMAN (North-Central Province) :— May I ask, Sir, whether any Crown grants are being issued now ? What I want to know is why these men are not getting the ordinary Crown grants.

THE HON. THE ACTING COLONIAL SECRETARY :—I believe that a free grant is illegal. There must be some consideration before grants are made, and in any case it has been held that we should get the sanction of the Secretary of State for any such grants. We have written to the Secretary of State to give the Governor greater discretion in the matter. It is simply this legal difficulty and necessity of referring to the Secretary of State which has caused the delay. There was also, as far as I can remember, a suggestion to include certain conditions in the grant, but for that purpose it would have been necessary to await the introduction of the Crown Lands Bill. That Bill has not been proceeded with.

THE HON. MR. H. R. FREEMAN (North-Central Province) :— Is the Government aware that there are about fifty-five colonists, who have to pay their advances, waiting to see what is going to be done ?

THE HON. THE ACTING COLONIAL SECRETARY :—Does the Honourable Member refer to the case of this Vel-Vidane ?

THE HON. MR. H. R. FREEMAN (North-Central Province) :— That is so, Sir.

THE HON. THE ACTING COLONIAL SECRETARY :—I should be very much obliged if the Honourable Member would address the Controller of Revenue on the subject if there has been a delay.

THE HON. MR. H. R. FREEMAN (North-Central Province) :— What they want to see is that one Crown grant is given in the Nachchaduwa colony. It would make a much better impression than fifty speeches here.

THE HON. THE ACTING COLONIAL SECRETARY :—The Controller of Revenue informs me that the title plan is now being drawn up by the Surveyor-General.

The Ayurvedic System of Medicine.

In the absence of the Hon. Mr. S. Rajaratnam (Northern Province, Central Division), the Hon. Mr. F. A. Obeyesekere (Southern Province, Central Division) :—I rise, Sir, to ask—Will the Government be pleased to table the letter the Ceylon Government wrote to the Indian Government and the reply on the question of the study and practice of Ayurvedic system of medicine ?

THE HON. THE ACTING COLONIAL SECRETARY :—The papers referred to are tabled.

Supplementary Expenditure.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg, Sir, to move—That the items No. 1 to No. 8 of supplementary expenditure annexed to the Message of His Excellency the Officer Administering the Government dated October 8, 1925, be referred to the Finance Committee.

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

Pension to W. Manohamy.

THE HON. THE ACTING COLONIAL SECRETARY :—I beg, Sir, to move—That in terms of section 31 (ii.) of the Pension Minute, a pension of Rs. 150 per annum, with effect from May 30, 1925, be granted to W. Manohamy, mother of William, Platelaying Cooly, Railway Department, who died on May 29, 1925, as a result of injuries sustained whilst in the discharge of his duties.

The deceased was one of a gang of coolies who were working on the track outside Angulana Railway Station on May 27, 1925. It appears that the signals were lowered for both up and down trains. On hearing the approach of the up train a man named Appuwa gave the signal to the men who were at work to move away. The deceased, who was engaged in weeding at the time on the down road, observed the down signal and ran on to the up line, not noticing the up train, and was consequently run over. He was promptly removed to Moratuwa hospital, but expired on May 29.

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

Business of Dealing in Old Metal.

The debate was continued on the motion of the Hon. the Attorney-General that "An Ordinance to regulate the Business of Dealing in Old Metal" be read a second time.

THE HON. MR. D. B. JAYATILAKA (Colombo District) :—Sir, as I said last evening, to the apparent surprise of the Honourable the Attorney-General, I have certain observations to make upon this Bill. Its provisions are of such a character that to allow them to become law without serious consideration would be a great mistake. Honourable Members will remember that there is on our statute book an Ordinance regulating dealing in old metal. It is Ordinance No. 12 of 1905. The present Bill has been drafted, not for the purpose of amending that Ordinance, but as a substitute for the existing law. The whole principle of the existing law is changed in the proposed measure. If Honourable Members will refer to the Ordinance of 1905, they will find that it provides for the registration of persons dealing in old metal only in cases where they have been convicted of dealing with stolen property. That was the principle upon which that Ordinance was based; but in the proposed measure it is provided that every person who buys old metal for the purpose of re-sale or to convert it into some other article should obtain a licence upon payment of Rs. 10.

At this point I may refer to the fact which is mentioned in the Statement of Objects and Reasons, that a Bill of this nature was brought up before this House in 1921. On that occasion it was

opposed very vigorously by a number of Honourable Members of this House, among others by the Honourable Member representing the Muslim community. The Bill was then referred to a Select Committee, and the Select Committee's report was apparently submitted, but nothing further was done as that Council was dissolved. I have not had the opportunity of perusing either the Bill considered on that occasion or even the report, but reading the speeches of the then Attorney-General, Sir Henry Gollan, I find that there is a very serious departure in the very first paragraph of this measure from the then proposed Bill. From Sir Henry Gollan's reply to criticisms, it appears that the original Bill wanted only to deal with persons who bought and sold old metal—actual dealers—not with those converting them into any other article. The present proposal goes very much further. Here it is sought to include not only those who buy metal for re-sale, but also those who buy for use in any manufacture or industry. If this Bill passes into law in its present form, it will work a very serious hardship upon a very large number of people in the country.

According to the census returns there are about 20,000 metal workers in the Island, and is it seriously proposed that all these persons should go to the Kachcheries in the different districts and pay a fee of Rs. 10 and register themselves and secure a licence? Dealers in metal, according to this definition, include not merely the person who buys and sells, but even smiths and workers in brass and copper, who will all be compelled to obtain licences. It has been said in this instance, as in the previous case, that we are following the English Act. The existing Ordinance No. 12 of 1905 was based entirely upon the English Act of 1861. It is proposed to-day to follow a more recent Act, namely, the Public Health Acts Amending Act of 1907, but the framers of the present measure have not merely adopted one principle from the English Amendment Act, but have gone very much further indeed. I have in my hand the English Public Health Amendment Act of 1907, which contains as regards this matter only one clause divided into five sections. It is quite true that the English Amending Act requires the registration of every person who carries on business as a dealer in old metal, but this is merely a matter of registering the person's address. What is proposed here is that a man must pay a fee and obtain a licence. That is entirely different from the English Act.

In the second place, the English Amending Act requires every person who carries on business in old metal to enter correctly in a book to be kept by him for the purpose the description of all articles purchased by him and the name and occupation of the person from whom it was acquired.

The present Bill has adopted that, but the framers are not content with that provision which was considered good enough for England. The proposed Bill, therefore, lays it down that every person who carries on business in metal should not only have a book in which he enters his purchases, but he must have a second book in which he will have to enter the sales or disposals of the metal. In England a man is asked to keep one register; in Ceylon he is going to be asked to keep two registers.

There is also another provision in the proposed Bill which finds no place in the English Amending Act which it is supposed to follow. In the old Act there was also this provision to which I am going to refer, namely, any person who buys old metal must not use it or dispose of it

for at least ten days. In the Bill that was brought before the House in 1921, it was originally proposed that the period should be fifteen days, but in his reply to criticisms Sir Henry Collan himself admitted that that was too long a period, and he therefore proposed to limit the period to five days. This may be considered a small matter which could be attended to in Committee, but in the present Bill it is proposed that persons who deal in old metal should not either sell or convert it into anything else for ten days. I submit that a provision of this nature can only proceed from lack of knowledge of local conditions. A smith buys a piece of metal for the purpose of using it for making some article. Is it reasonable to expect that he should keep it for ten days without using it? These men do not have large stocks which they can depend on for days and days together. A smith buys a piece of old metal for the purpose of using it immediately. Is it right to prevent him from doing so? These are matters which go to the root of the whole Bill. Unless very strong reasons are given to justify the change of the whole principle of the existing law, which, while trying to prevent thefts of articles and the disposal of stolen property still leaves liberty to the subject to be engaged in an honest trade, I hope that this House will not agree to the second reading of this Bill.

I speak strongly, for this reason. This law will affect a very large number of people who will be at the mercy of the men on whom they will have to depend first to obtain a licence. It is provided in this measure that no licence shall be granted for twenty-one days after an application, and then too only on the report of a Superintendent or an Assistant Superintendent of Police. Just imagine a poor villager applying for a licence and having to depend for that licence upon a report from a police officer who perhaps knows nothing about the applicant, and whose inquiry will be referred to some subordinate officer! What is the necessity for all this? There may be a good deal of petty thefts of parts of motor cars going on, and it may be difficult for the police to trace the stolen articles; but for those reasons are we to take a step which may to a large extent hamper, and even kill, a trade in which thousands of poor people are engaged?

There is another provision in this Bill which is highly objectionable. It is provided in one of the sections that any officer of police not below the rank of Sub-Inspector, who has with him an authority in writing from a local authority or from an officer of police not below the rank of Assistant Superintendent, or any peace officer not below the rank of Vidane Arachchi, Korala, or Udaiyar, may enter any premises licensed for the purpose of dealing in old metal during business hours and not only inspect the books, but also question the persons concerned. I feel that if that inquisition is permitted, it will be a very dangerous weapon in the hands of a police officer or village headman who is not very scrupulous, and such persons are not unknown in this country. The granting of this power I say will be an additional instrument of oppression. In the remoter districts, where the people find it difficult to resist practices which are not lawful, this may be an additional temptation. I do not want, however, to descend to details; I am only referring to a few important points.

There is one other point I may refer to before I sit down. When this Bill was discussed on the last occasion, the Honourable Member representing the European community, Sir Thomson Broom, asked

the question whether dealers in lead would be brought within the operation of the law, and Sir Henry Gollan said, practically, "yes, they must come in." But anticipating a possible question of that type on the present occasion, the framers of the present Bill have excluded dealers in lead foil. I would wish that sort of consideration was extended further, and this Bill confined merely to those who deal actually as buyers and sellers of old metal—buyers for the purpose of selling, and no one else. If such a thing was done—though the other provisions do require considerable amendment—we might have considered this measure as one to some extent innocuous; but I am forced to the conclusion that the present measure as a whole is one we cannot accept with safety.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Eastern Division):—I rise, Sir, to oppose the Bill, and I do so because I represent a district where there are a large number of people dealing in old metal who cannot read and write. These people, who are mostly concentrated in Beliatta and Angulmaduwa, buy copper from the citronella distilleries and old zinc sheets or zinc gutterings and convert them into brassware. I am aware that a great deal of brasswork is being done by these people. The hardship to them, if the Bill becomes law, will be very great indeed, because they will find it very difficult, in the first place, to get a licence. It is quite easy for the Government to say that a licence will be issued by the Superintendent of Police, but we know how difficult it will be for a poor man to get a licence. It is only those who live outside Colombo who know the difficulty that would be experienced by these people should they want a licence from the authorities.

Take the Excise Department, for example. It was generally believed that it was an easy thing for a man to get a licence for tapping a kital tree for sweet toddy; but the villagers in the district which I represent will be able to say that a man has to spend money to get a licence. He has to go to the police officer and the Vidane Arachchi, and, after making some payment to them, get a licence. Perhaps, also, he will have to keep them supplied with jaggery in order that they may not enter prosecutions against him. It is in this way that the proposed Ordinance will work hardship in the villages.

In the second place, the villagers cannot afford to pay a fee of Rs. 10. The imposition of that fee will also work hardship on the people. Therefore, the licence fee of Rs. 10 should be done away with. Next, how are illiterate people to keep registers and signboards printed in English, Sinhalese, and Tamil? If they are to do this they will have to keep a clerk, who will probably cost them Rs. 30 a month. This amount will probably be their income for the month. A large amount of brasswork is done in the villages I mentioned, and I therefore say that the villagers should be taken into consideration in dealing with this Bill. These people are very poor. They buy small quantities of metal, and if they have to wait for ten days before they are allowed to convert it they will not be able to earn even Rs. 5 a month. In many cases they perhaps buy Rs. 5 or Rs. 10 worth of metal, do some work, sell it, and then make another purchase. This regulation, therefore, will also work a great hardship on them.

Another point touched on by the Honourable Mr. Jayatilaka, namely, the power of entry and inspection by police officers, Vidane

arachchies, korallas, and so on, will also work great hardship in the villages. There are good headmen, and mostly bad headmen. The bad headmen will harass the people and thus prevent brasswork from going on. On this point the present Ordinance of 1905 is better, because it only gave this power of entry and inspection to inspectors and sergeants of police, and that too after obtaining an order in writing from a Magistrate. There are great objections to this Bill, and I would, therefore, suggest that the Bill should be enforced only in places proclaimed, after sanction by this House. The Ordinance will perhaps work all right in a place like Colombo or Galle, but in villages and in the country it will work great hardship. I therefore oppose the Bill.

THE HON. MR. H. M. MACAN MARKAR (First Muslim Member):—I rise, Sir, to make a few observations on this Bill. My honourable friend for the Colombo District has given a very clear explanation of the metal business. This business is one which does not require a big Bill. It is a hand-to-mouth existence with those who work in it. Men with a capital of Rs. 100, or even Rs. 50, are carrying on a successful business, and if we are to tax them by imposing a licence fee of Rs. 10, I say that it is going to cost them more than that amount to obtain a licence.

The Ordinance of 1905 is ample for all purposes. There it is provided that only when a man has been convicted is he liable to be registered and to keep accounts. I agree with that provision; but if you are going to impose this provision on every man who is carrying on this trade, even in the villages, it will be a great hardship. It will be an equal hardship in the towns, and prosperity in the trade would be really impossible.

Further, those who carry on this trade are to keep accounts. Honourable Members are aware that dealers in this line are illiterate. Then, how can they be expected to keep accounts? They are also expected to have signboards in three languages—English, Sinhalese, and Tamil. If these requirements are to be complied with, I am sure that it will add in a great measure to the already large number of unemployed. There are men with a capital of Rs. 10 or Rs. 15 who earn Rs. 30 a month. They buy metal for, say, Rs. 5 and sell the article produced for Rs. 6. This is how they go on from day to day, and it will be unfair to interfere with them by imposing all these restrictions. The metal business is not like the rubber business; it does not represent millions of rupees. Personally, I do not think that the Bill should go through. I oppose it.

THE HON. MR. E. W. PERERA (Kalutara Revenue District):—I should like to say a word in opposition to the Bill. A similar measure was introduced into this House a few years ago and strong objection was taken to some of its provisions. I find from the remarks made that, in comparison, this measure goes one step better—worse from the point of view of the people. I would invite the attention of the Honourable the Attorney-General to the remarks of the Honourable Mr. Rajapakse in this Council on the occasion of the debate in 1921. He stated: "I rise, Sir, to oppose this Bill. I object to it on the ground that it is wholly unnecessary; that it tends to hamper and kill several minor trades; that its terms are very oppressive and harsh; that its provisions are unworkable; and that it will be a perpetual menace in the hands of the police to traders."

That summarized in an intensive form the objections to the Bill. I, therefore, urge with all the emphasis at my command that the Honourable the Attorney-General should withdraw this Bill and make a third attempt—not to make it worse, but to remove all the objections to the first Bill and to this draft Ordinance. I oppose the second reading of the Bill, and I say that we will not be doing right by the public if we do not see that it is withdrawn and a fresh Bill submitted to us. I have objections to the Bill on point of principle, such, for instance, as the right of search by the police and the wide sweep of its orbit.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalee Revenue District):—Sir, we who are interested in the reduction of taxation should consider how far this Ordinance would affect people. If this Ordinance is passed a sum of two lakhs will be added to the revenue as licence fees. There is another point on which I would like to touch. By the introduction of this Bill we would be giving additional powers to the police. We must try our best to reduce the power of the police. I think, Sir, we should not place poor and illiterate people under the yoke of the police. As Honourable Members will see, section 7 of the proposed Ordinance says: "It shall be lawful for any officer of police not below the rank of sub-inspector, for any officer of police below the rank of sub-inspector, who has with him an authority in writing from a local authority or from an officer of police not below the rank of assistant superintendent, or for any peace officer not below the rank of vidane arachchi, korala, or udaiyar, at any time when the licensed premises are open for business, to inspect any such book as is required to be kept under this Ordinance, or the old metal lying in the premises of any licensee under this Ordinance," and so on. If this Ordinance is passed, an ordinary vidane arachchi, when he had provided himself with a search warrant, would have the power of entering the premises of these people at any time during business hours and giving them trouble. I submit this would be a menace to the trade. As far as I see there is no necessity whatever for the introduction of this Bill. The Ordinance of 1905 is sufficient for all intents and purposes. If there are petty thefts, what we should do is to have intelligent police officers to detect such petty thefts and bring the offenders to book. Instead of doing that, we should not introduce a Bill which would affect the liberty of the subject.

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member):—The public, I think, need a greater measure of protection in the traffic of metal than they have had, but I should not like Honourable Members to think that the passing of this Bill is the best way of providing that protection. There is the Ordinance of 1905, which deals with the matter, it is, however, evident that either that Ordinance is not sufficient, or that it has not been properly worked. The further protection which is necessary might perhaps be more easily obtained by making certain amendments to that Ordinance of 1905 than by the introduction of an entirely new Ordinance. There is systematic thieving of metal going on the whole time—I am speaking for Colombo—of such valuable metals as brass, tin, copper, aluminium, and lead. In spite of the most careful watch, this class of metal is being stolen, and the reason is that there are so many receivers. It is these receivers of what

must be known to be stolen metal that we want to get at. So I do not agree with the last speaker that we have already sufficient protection and that no further legislation is necessary. Something is necessary, but I agree that this draft Bill goes, perhaps, rather too far.

THE HON. THE ATTORNEY-GENERAL:—Perhaps it will be convenient if at this stage I were to explain a few of the matters that have arisen, because I cannot help thinking that some Honourable Members are tilting at windmills. The present draft Bill is merely a modification of the Bill which was referred to and accepted by the Select Committee of the old Council. It was urged in objection to that Bill on the second reading, just as it has been urged to-day, that it would make it impossible for dealers—they were particularly indicated—who bought old metal with a view to its being re-manufactured. My predecessor, if I remember rightly, replied that that certainly was not intended, and that they were not affected by the Ordinance. On looking into it, I came to the conclusion that it was at any rate doubtful whether the old Ordinance would not apply to these people—jewellers and blacksmiths—who re-manufactured old metal. In the re-draft I have, therefore, made it sufficiently clear that it does not apply to them. Nothing would be more absurd to suggest than that we should want to include them. As I have said, seeing that there was a possibility of concluding that jewellers and blacksmiths would come under the definition, I accordingly altered the definition, and it now reads “dealers in old metal’ means any person carrying on the business of buying, or buying with a view to re-sale or use in any manufacture or industry,” and so on. That is the difference. This Ordinance only deals with the person who carries on the business of buying, and not the person who merely buys in a casual way a gold medal or a coin. I am willing to make it clear that these people are not intended.

The suggestion of one Honourable Member that this Ordinance should be proclaimed in big towns only is a good one. There is no intention to apply it to small villages. Some Honourable Members have asked why the existing law is not sufficient. The reason is this. The Honourable the Commercial Member has explained, and it undoubtedly is a fact, that there is a large amount of thieving at present. It is reported to the police, let us say, that there has been the theft of old metal from a garage. The difficulty is, where to search for it. If the thief has, to sell the old metal, to go to one of these licensed people, he can be traced. The object of the Ordinance is not to interfere with the perfectly innocent dealer in old metal; but if an obligation is put on the buyer of old metal to take out a licence or to register himself—which are the same thing—and to keep a record of where he buys from, then the police have a very reasonable chance of recovering stolen property and also of catching the thief.

There are a few other minor points dealt with by the Honourable Member for the Colombo District. The Honourable Member said that the present measure went further than the English Act, under which the registration of sales is not required. I will read from the English Act, which I think is reproduced verbatim in the local Ordinance of 1905 “shall keep a book or books

fairly written, and shall enter there an account of
of such old metal as he may from time to time become possessed
of ”

THE HON. MR. D. B. JAYATILAKA (Colombo District):—I referred to the Public Health Amendment Act.

THE HON. THE ATTORNEY-GENERAL:—The Honourable Member has looked up one Act and not the other.

THE HON. MR. D. B. JAYATILAKA (Colombo District):—I referred to the amending Act.

THE HON. THE ATTORNEY-GENERAL:—Both Acts are in force. Honourable Members say “Scrap the old Ordinance and introduce the new Ordinance.” If they will compare the two Ordinances, they will find that with a few verbal amendments the two are identical. The old Ordinance required the registration of only those persons who had been convicted; the new Ordinance requires the registration of all dealers, whether convicted or not.

Again, Sir, a good deal of play has been made on the idea that the police can refuse a licence, and so on. Honourable Members are entirely mistaken in their conclusions. If they will look at section 4 they will find: “A licence may be refused if the applicant has been convicted of an offence against this Ordinance or of any offence involving dishonesty, or if the applicant has previously held a licence under this Ordinance and such licence has been cancelled.” Again, in the same section Honourable Members will find: “Licences under this Ordinance shall be granted by the local authority within whose administrative limits the premises to be licensed are situate.” It is perfectly clear, therefore, that the licensing authority has no option in this matter. The only reason for requiring a report from the police is to see whether an applicant has been convicted previously.

As regards the fee, I confess that I took on the old fee which had been passed by the previous Select Committee, but my own view is that the fee should not extend beyond the reasonable cost to Government of granting the licence. I rather think that Rs. 10 is too high. Honourable Members will now realize that it is not the idea that this Ordinance is intended to apply to the poor villager living in the jungle.

There was one other point that was raised, and that is, that the Ordinance excludes lead foil. Apparently the Honourable Member who referred to this has not read the Ordinance with the care I expected of him. The Ordinance says: “Provided always that the local authority issuing a licence shall, if he is satisfied that the licensee intends to carry on the business of buying unserviceable lead foil or scrap lead foil or lead foil clippings for the purpose of re-manufacture, exempt the licensee from the provisions of paragraph (d) so far as concerns such lead foil.” Paragraph (d) requires a dealer to keep all old metal purchased or received by him without changing its form for a period of ten days. Lead foil takes up a large amount of room, and it is impossible to find space to keep it for so long a period.

Whether ten days is too long or not is a matter which might be considered in Select Committee. Information given to me was that originally fifteen days was proposed, but the Select Committee on the proposed Bill reduced it to five days. I was informed—rightly or wrongly—that that was not enough for the police to get on to the track of a thief. It is a matter, however, on which Honourable Members who will be on the Select Committee may be able to form a better opinion. It is not one of the essential parts of the Bill. In England the period is only forty-eight hours, but conditions are different in some respects out here.

Again, with regard to the power of the police, I think that Honourable Members will agree with me that it is absolutely necessary that some authority must have power to inspect the books, otherwise how are thefts to be traced? It is said that the powers are too comprehensive, but if Honourable Members will look at the Ordinance, they will find that they are no unreasonable powers to give a sub-inspector or an inspector. One of these officers, for instance, enters a dealer's premises with the information that some old metal has been stolen. He finds an entry in the book about some old metal which appears to him may be stolen metal, and that helps him both to trace the stolen metal and the thief. The provision, therefore, is not an unreasonable one; but whether we are going too far in allowing minor officials the right of entry and examination I leave to gentlemen with wider knowledge of the Island than I have to decide in Select Committee.

THE HON. THE VICE-PRESIDENT:—I put it to the House that "An Ordinance to regulate the Business of Dealing in Old Metal" be read a second time. (After a pause.) I think the Ayes have it.

THE HON. MR. D. B. JAYATILAKA (Colombo District):—Divide.

The Council divided as follows:—

Ayes—16.

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

Noes—26.

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

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

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

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

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. G. E. Madawala (North-Western Province, Eastern Division).

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

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

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

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

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

The Hon. Mr. 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).

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

The motion was accordingly not agreed to.

The Maintenance Ordinance.

THE HON. THE ATTORNEY-GENERAL:—I beg, Sir, to move that "An Ordinance to amend 'The Maintenance Ordinance, 1889,'" be read a second time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded.

THE HON. MR. E. W. PERERA (Kalutara Revenue District):—I should like to say a word or two about this amending Ordinance. I believe it is a necessary amendment, but I wish the Honourable the Attorney-General will go a step further and further amend section 3. I do not know whether he can bring it within the scope of an amendment, but I would make the suggestion that he should. Under present-day conditions the maximum maintenance allowable is Rs. 50. This amount is too little, and I think that the right should be given to Magistrates to order the payment of a sum, for instance in the case of a wealthy father, of more than Rs. 50.

With regard to the provisions of the Ordinance, I might say that it is within my knowledge that in spite of the absence of the necessary provision appeals were lodged until the position was challenged. I heartily support the amending Bill.

THE HON. THE ATTORNEY-GENERAL :—I move that the House do go into Committee to consider the Bill clause by clause.

Council in Committee.

The Clerk read clause 1, which was agreed to.

THE HON. THE ATTORNEY-GENERAL :—Before proceeding to clause 2, with reference to the suggestion made by the Honourable Member for the Kalutara District, here will be the appropriate place if any amendment is to be made. I will read what the existing Ordinance says on the point: "If any person having sufficient means neglects or refuses to maintain his wife, or his legitimate or illegitimate child unable to maintain itself, the Police Magistrate may, upon proof of such neglect or refusal, order such person to make a monthly allowance for the maintenance of his wife or such child at such monthly rate, not exceeding fifty rupees, as the Magistrate thinks fit" The question is whether that amount should be raised, and, if so, to how much? If any Honourable Member wishes to suggest any sum the Council will consider it. To put us in order I will, with the indulgence of the House, move an amendment.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :—I move that the maximum be raised to Rs. 100.

THE HON. MR. A. CANAGARATNAM (Northern Province, Southern Division) :—Civil proceedings are available if the wife and children wish to sue for maintenance. Police Court proceedings are intended for poor people, and not for rich people. It is beyond the means of an ordinary man to pay more than Rs. 50. For people in a higher station of life civil proceedings are available.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :—I might say, Sir, that nobody need be frightened at the sum being raised from Rs. 50 to Rs. 100, because the Magistrate will always have the discretion. Certain cases have been brought to my notice, and I believe a good many of my friends who can speak to the point will bear me out, where a poor wife has been deserving of more than she has been given. But the Magistrate has not the chance of giving more even if he is convinced that the wife is deserving of more. To-day a colleague recently holding high judicial office called my attention to a case where a father and husband, who is in receipt of about Rs. 1,000 a month, was brought into court. The Police Magistrate had, very reluctantly, to award only Rs. 50. To give Police Magistrates the discretion of raising the sum to Rs. 100 would be, I think, a very fair solution of the difficulty.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—When a child is over 14 years of age her maintenance falls very heavily on the shoulders of her poor mother, who is only entitled to Rs. 50 a month. A case was recently brought to my

notice of a very wealthy man, not far from Colombo, who keeps all his income to himself and does not help his wife and grown-up children. The wife is willing to go to court, but she does not do so because she cannot be awarded more than Rs. 50 a month. Even Rs. 100 would not be too much. I suggest that the maximum be raised to Rs. 100.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General):—With regard to the point of law raised by the Honourable Mr. Canagaratnam, I do not think that he is right in saying that civil proceedings are still open to a wife or a child who claims maintenance. The Supreme Court has held that a civil case does not lie. It is different where there is a divorce. It has been brought to my notice that there is a general feeling of dissatisfaction at the low limit of the sum that can be awarded, and many people have expressed the opinion that the limit should be raised. Owing to the limit being placed at Rs. 50 poor people have suffered, because what they get is nothing more than the rate of Rs. 2·50 a child. Magistrates naturally think that they should limit the amount according to the wealth of the parent. I think that the amount should be raised, and I think that that desire has been reflected by the Supreme Court.

THE HON. MR. M. M. SUBRAMANIAM (Trincomalce Revenue District):—This is a quasi-civil matter, and there should be no objection to granting a sum over Rs. 100. I suggest that the amount be raised to Rs. 150.

THE HON. MR. D. B. JAYATILAKA (Colombo District):—With regard to the age limit of children, I think it ought to be raised. It is when a child is between 14 and 16 that a great deal of expense has to be incurred on its education. A father who abandons his family ought surely not to be let off lightly.

THE HON. MR. G. A. H. WILLE (First Burgher Member):—There is a proviso which says that the payments may be continued until the child is 18 years of age.

THE HON. THE ATTORNEY-GENERAL:—I will put Council in order by moving the insertion, after section 2, of the following new section 3: "In section 3 of the principal Ordinance the words one hundred rupees shall be substituted for fifty rupees."

THE HON. MR. D. S. SENANAYAKE (Negombo District):—I would suggest Rs. 250.

THE HON. THE ACTING COLONIAL SECRETARY:—I do not think we will ever reach unanimity. Rs. 500 would not be sufficient in some cases.

THE HON. THE VICE-PRESIDENT:—If the amendment is agreed to, will it have to be a new section?

THE HON. THE ATTORNEY-GENERAL:—It should be under section 2.

Section 2 with the amendment was agreed to.

THE HON. THE ATTORNEY-GENERAL :—I beg to move that the following sections be re-numbered.

The Clerk read clause 3.

THE HON. MR. D. B. JAYATILAKA (Colombo District) :—I would suggest the substitution of 16 years for 14 years.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District) :—I would suggest the addition of the words “ If the said child remains unmarried.”

THE HON. THE ATTORNEY-GENERAL :—I had better read the section in the existing Ordinance : “ No order for an allowance for the maintenance of any child, legitimate or illegitimate, made in pursuance of this Ordinance shall, except for the purpose of recovering money previously due under such order, be of any force or validity after the child in respect of whom it was made has attained the age of fourteen years, or after the death of such a child. Provided that the Police Magistrate may in the order direct that the payments to be made under it in respect of the child shall continue until the child attains the age of eighteen years, in which case such order shall be in force until that period.” As the section at present stands, *primâ facie* it remains up to 14 years of age, but the Magistrate can, in the original order, not subsequently, order that it shall continue until the age of 18. I understand that the Honourable Member for the Colombo District presses his amendment to raise the age from 14 to 16. The amendment would be that in section 8 of the principal Ordinance the words “ sixteen years ” shall be substituted for the words “ fourteen years,” and also the substitution of the words “ twenty-one years ” for the words “ eighteen years.”

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—I think that will lead to some difficulties. In the case of a boy he should be able to earn at the age of 18. If his father is paying maintenance under this Ordinance, it is not likely that he would be educating his son for a profession, and therefore be compelled to support him until he is 21. I would suggest the age of 21 in the case of a female if she remains unmarried. I oppose the amendment proposed.

THE HON. MR. G. A. H. WILLE (First Burgher Member) :—I believe that Magistrates make no order under the proviso, because at the time they make order it is impossible to foresee whether the case is one to be extended to 18 years. I suggest that instead of legislating in a hurry the Honourable the Attorney-General should take time to consider these points.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :—Some of these matters have been considered for a long, long time, and I think that this is a suitable opportunity for bringing them before Council. There will be no danger to anybody if we accept the suggestion of the Honourable Member for the Colombo District to raise the age from 14 to 16.

THE HON. MR. G. A. H. WILLE (First Burgher Member) :— I only want the Honourable the Attorney-General to consider all these amendments. We are all aware that hasty legislation leads to difficulties hereafter.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—The Police Magistrate may be authorized while making order to state that when the child attains the age of 16 the matter may be brought up again. At present no further application can be made.

THE HON. THE ATTORNEY-GENERAL :—I think it will be better if we move these as separate amendments; and I would withdraw the amendment moved, and move the following: To insert a new section as section 3 between section 3 and section 4 as follows:—"In section 8 of the principal Ordinance the words sixteen years be substituted for fourteen years." That seems to be a simple matter which Council might accept. We will then consider the other amendments.

The amendment was agreed to.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—I move as an amendment, Sir, to add "Provided that the Police Magistrate may in the order itself order a subsequent application, and, on being satisfied that the child requires further maintenance, direct that payments be made in respect of the child until the child enters the age of eighteen years."

THE HON. THE ATTORNEY-GENERAL :—I think it will be simpler to add the words "or subsequently" after the words "Provided that the Police Magistrate may in the order."

THE HON. MR. A. MAHADEVA (Western Province, Ceylon Tamil) :—I would like to know, Sir, whether under the proposed amendment a Magistrate could, after awarding Rs. 10 to a child of 5 years of age, raise it to Rs. 15 ten years hence?

THE HON. THE VICE-PRESIDENT :—I do not think that this amendment touches that point. I will now put the amendment to the vote. (After a pause.) I think the amendment is agreed to.

The Clerk read new clause 3, which was agreed to.

The Clerk read new clause 4, which was agreed to.

The Clerk read the preamble, which was agreed to.

The Clerk read the title, which was agreed to.

THE HON. THE ATTORNEY-GENERAL :—I move, Sir, that Council do now resume.

Perhaps I might point out in connection with the point raised by the Honourable Member for the Western Province, Ceylon Tamil, that there is already power under the Ordinance for a Magistrate to vary the amount of payment from time to time.

Council resumed.

THE HON. THE ATTORNEY-GENERAL :—I move that the Bill be read a third time and do pass.

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

The Bill was read a third time and passed.

The Notaries Ordinance.

THE HON. THE ATTORNEY-GENERAL :—In moving the second reading of "An Ordinance to amend 'The Notaries Ordinance, 1889,'" there is one remark I should like to make. It is this, that there is nothing in the Ordinance which is intended to lower, or will in any way have the effect of lowering, the standard prescribed for notaries. Every applicant will have to pass an examination prescribed by the Director of Education, and there is nothing in this Ordinance which will in the slightest degree authorize that standard to be reduced. The only thing that the Ordinance does is this. Although it is not required by the Ordinance that the examination should be competitive, yet, owing to the large number of applicants, the Governor in choosing these article clerks has had in the past in practice to exercise his discretion as a result of what is shown by the examination; in other words, a competitive examination has been instituted, but it is not required by the Ordinance, and it comes out of this. There may be a dozen vacancies, and, let us say, there are fifteen candidates. They may be out by fifteen marks of one another. In order to provide some method of selection, at present, those who have the twelve highest marks are selected. What this Ordinance proposes is, that instead of taking the first twelve in order of merit, if necessary, any candidate coming below those twelve may be taken. I move the second reading of the Bill.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General), seconded.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) :—I oppose this Ordinance, because it breaks an important principle. Hitherto notaries have been appointed after competitive examination, but it is now suggested that the competitive examination shall be replaced by a qualifying examination, and also that special favours should be shown to people living in particular localities. I consider this as rather a serious matter. Where is it going to end? Is it going to end in the case of notaries only, or will it be extended to the case of teachers, Civil Servants, and others? A man who has passed the Civil Service Examination may say: "I am qualified, and I must be appointed to my town as Magistrate." The teacher who passes his examination would insist on the Director of Education appointing him to his district.

This will lead to no end of trouble, and also give openings to those who are not quite efficient to perform their duties.

There was a time, Sir, about fifty or sixty years ago, when we had in Ceylon people known as "jungle proctors," and I am afraid if this measure passes we shall be letting lose "jungle notaries" on the public. This will not be conducive to the good of the country.

There is provision in the old Ordinance, under section 6, which can be availed of in cases where there is special necessity, and I do not see any reason why local option should be allowed in each district in regard to the appointment of notaries.

THE HON. MR. A. C. G. WIJEYEKOON (Nominated Unofficial Member) :—Sir, I am inclined to agree with the Honourable Member for the Central Province, Urban Division. The object of the Ordinance as stated in the Statement of Objects and Reasons is to give facilities to local men. I would refer Honourable Members to section 7, sub-section (2), of the Ordinance as amended by this Bill. It reads thus—

(2) A Proclamation under this section may provide that a specified number not exceeding half of 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, viz. :—

- (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; or
- (b) Birth in the district; or
- (c) Residence in the district for at least ten years, whether continuous or discontinuous.

Take a young man from Colombo who wishes to practise, say, in Mullaittivu, as a notary. He can go to Mullaittivu and there marry a young lady with some property, and then within a week's or a month's time he can ask for this concession.

THE HON. THE ATTORNEY-GENERAL :—No, Sir. It must be beneficial ownership for the past ten years.

THE HON. MR. A. C. G. WIJEYEKOON (Nominated Unofficial Member) :—Ten years' beneficial ownership by himself or by one of his parents or by his wife.

THE HON. THE ATTORNEY-GENERAL :—If you read the wording carefully you will see that it must be beneficial ownership for the past ten years by right of himself or his wife. Supposing one marries a spinster who had beneficial ownership of property for ten years, one acquires beneficial ownership, not for ten years, but for one day.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District) :—Are we in Committee, Sir ?

THE HON. THE VICE-PRESIDENT :—This is merely an explanation by the Honourable the Attorney-General. It is sometimes convenient to explain a matter immediately it is mentioned.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District) :—Even for the matter of convenience I do not think that we should break the rules of debate.

THE HON. THE ATTORNEY-GENERAL :—I only do these things to try and help on Honourable Members.

THE HON. MR. A. C. G. WIJEYEKOON (Nominated Unofficial Member):—I will not press the point. I do not think that the amendment of the Ordinance in this respect is very desirable. In these days when appointments in Government Service and outside are given by test of examination, I do not see why in the case of notaries alone this concession asked for should be granted.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District):—I wish, Sir, to say something on this Bill, having been practically the author of it. I am sorry that opposition from two of my honourable friends has arisen from misconception of existing circumstances. Every man is entitled to take to any profession he likes. A young man can take up law and practise anywhere; but for some reason or other Government decided that in the case of notaries the number shall be limited, and only a certain number shall be allowed to qualify themselves. A young man may be quite fit, but he has to go in for a competitive examination, and having passed it he will have to go to some place or another to which the Registrar-General shall appoint him. In the case of a proctor-notary, he can go and practise wherever he likes. In the old days men of respectability and sufficient education passed the examination and became notaries. There was no prosecution of notaries in those days; at least, prosecutions were not so frequent as they are now. The Honourable Mr. Wijeyekoon was wrong in saying that if a man married a woman of Mullaittivu, he could apply to become a notary and get a warrant to practise there. The residential provision applies only to the preliminary qualification to become a notary. What happens now is this. A man has to enter for a preliminary examination—I am referring to the examination which candidates who wish to practise in Sinhalese and Tamil have to take up. Now, there is a class of men whose only qualification is their education, and against whom it is difficult for others to compete. They are usually teachers on Rs. 30 or Rs. 40; men very often without substance and men who are prepared to go to any place. Young men of the district, whose parents have been notaries and who have a stake in the district, find it hard to compete with these men. The result will be that one day notaryships will be filled by competition *wallahs*. For instance, in the case of Batticaloa, not one candidate has, for many years, been able to qualify, for the reason that candidates from there cannot compete with others who have had better opportunities of studying higher Tamil. However, these candidates have sufficient knowledge to get the minimum number of marks necessary to qualify themselves. In some places all the notaryships are held by people not of the place and who have no standing in that place. Especially in the case of a notary it is necessary that he should be a respectable man and one to be depended on.

This Bill is the outcome of my representations to the Registrar-General. We are taking no violent step. All that is proposed is that half the number of notary students should be filled by competitive examination, and the other half by men who stand the examination and reach the standard of learning required, and in addition are men of the place in which they desire to practise. Take the Eastern Province, for instance, and suppose that there are four vacancies there. Two of the candidates will be chosen from among the men of the place, while the other two will be chosen from the

whole Island. Similarly in the other districts of the Island. This is a wise provision, and it will give a great deal of satisfaction; and Council, if it accepts it, will be doing the right thing for our young men.

THE HON. MR. G. A. H. WILLE (First Burgher Member):—I beg to differ from the Honourable Member for Batticaloa; and I do not think that he has looked at this amending Ordinance from the point of view of the public interest. Those whom he referred to as deserving of special consideration are men who have to be licensed as articled clerks merely on a petition. There is no examination worth speaking of that they have to submit to till they have served their apprenticeship. The objection to the amending Ordinance is that the number of those who apply to be admitted as articled clerks and to be licensed as such shall be limited as regards any particular district to those residing in that district in respect of at least half the number.

This amending Ordinance is opposed to the whole tenor of the present Ordinance, which looks at the licensing of notaries from the public interest. If Honourable Members will read that Ordinance, they will find that qualified lawyers are said to be entitled to be licensed as notaries. The Ordinance goes on to provide, because there are many parts of the country in which qualified lawyers do not practise, that the Governor may appoint as notaries persons other than advocates and proctors of the Supreme Court, that is, those who "have been articled clerks, licensed as hereinafter provided . . . and have served as such for three years; and . . . have passed an examination prescribed by the Governor and are reported to be duly qualified by the Registrar-General." Then, there is also a class which I referred to when we were discussing the question of apothecaries. The Ordinance provides that where there is a paucity of notaries in any particular area, then, for the benefit of the inhabitants, the Governor may license any person with whose ordinary qualifications he is satisfied. You will see, Sir, that the tenor of this Ordinance is to give the best notarial assistance available to the inhabitants of any particular place and to provide a less qualified class of notaries only where duly qualified notaries are not available. The argument in this case seems to be that better qualified men, men who have better educational qualifications, come into a particular district, and those of the district who are less qualified have no chance of succeeding against them. Surely it is not for us to think of the protection of these less qualified people; it is for us to think of the interests of the public whom they will have to serve. If there is anything in a residential qualification which would make a notary a better notary, one can understand the object of this amending Ordinance, but, admittedly, these persons, for the benefit of whom this Ordinance is intended, are educationally less qualified than others who may come in.

On the occasion on which we discussed the question of apothecaries, the attitude of Government was that apothecaries should not be registered to practise medicine because it might lower the standard of the medical profession. Now, what is attempted to be done in this Ordinance represents quite a contrary policy. In the case of the apothecaries for whom we pleaded, we said that there were districts where there was no qualified medical assistance available, and we asked that under special regulations and restrictions apothecaries

be allowed to practise medicine and surgery. Here we are told that better qualified men, educationally, are available, and yet, by way of keeping them out and attracting less qualified men, this amendment of the Ordinance is being brought in. I do not think that the principle underlying the Ordinance is a right one if the object of the main Ordinance is kept in view, that is, to provide the best legal assistance to the public.

Another point about this Ordinance is that these provisions with regard to residential qualification seem to me to be too vague to be of effect. I am sure they will be altogether nugatory. For instance, a man who claims residence for ten years has to be articulated in preference to an outsider, although his residence may not have been continuous. That may mean anything. Again, a man by having been born in the district may claim preference over an outsider; but a man may merely have been born in the district, but he may be at the time of applying a rank outsider. Again, in regard to ownership of land. I will not refer to the disputed point with regard to a man having a beneficial ownership in right of his wife. The phrase is really not quite intelligible. I do not know whether it is known to our law. But the clause says that if a man's father or mother owned land for ten years, or his wife owned land for ten years, then he may claim this preference. These are not qualifications which will serve the purpose contemplated in this Ordinance even if that purpose is one to be commended. As I have shown Honourable Members, this amending Ordinance goes right in the teeth of the policy of the Notaries Ordinance, and I, therefore, do not think that we should pass it.

THE HON. MR. A. MAHADEVA (Western Province, Ceylon Tamil):—In the interests of the public the Honourable the First Burgher Member opposed the Ordinance. In the name of the same interest I should like to support it. The Honourable Member talked of people who are superior and inferior intellectually, and he said that this Ordinance was going to let loose on country districts people who were intellectually inferior to others. I know that if we were to introduce competitive examinations amongst advocates and proctors what a howl of indignation there would be. They will turn round and say that he who tops the examination does not make the most successful lawyer. Does not the same principle apply in this case? Unfortunately, it has been thought necessary to limit the number of notaries, but what is wanted is that people who are not merely intellectually superior, but people who can command the confidence of their clientele should be allowed to practise in their districts; and I can think of no one more likely to command it than the people who by themselves or by right of connections have been there for generations. The Ordinance limits residence in the district to ten years. I feel from my own knowledge that people in country districts would far sooner have one in whom they have confidence practising there than others coming into that part. I can conceive of a large number of people who are kept out of competing for notaries examinations because at the will of the Registrar-General or the Governor they can be transferred from district to district. For the reasons I have stated, I think that the interest of the public, which has to be considered first, demands that this concession which is sought to be granted to residents in certain districts should be passed by this Council.

THE HON. MR. D. B. JAYATILAKA (Colombo District) :— I have listened to the discussion very carefully, and I have come to the conclusion that those who support the amending Ordinance base their conclusions on too large assumptions. In the first place, they state that a resident of a particular place will win the confidence of the people. In the second place, they suggest that if a man comes from outside he cannot win the confidence of the people. I do not think that we should make laws or amend laws on such assumptions. Hitherto the selection of notaries has proceeded on the results of examinations, and I do not think that there has been any complaint that unworthy people have been selected by this means. I do not know that the mere fact that a person belongs to a particular locality invests him with any additional importance. The Honourable Member who spoke last said that a man who belongs to a family who has lived in a district for generations will command respect and confidence. No doubt he will ; but nominations are not confined to such persons. Nominations will be given to any person who possesses the necessary qualifications, not because the applicant was born in a particular family with generations behind him. I do not think that the Honourable Members who supported this amendment have made out a case for it. I feel that I cannot vote for it.

THE HON. THE ATTORNEY-GENERAL :—If I may say a word or two in reply, I would first like to deny very strongly that the proposed amending Ordinance does infringe on one of the fundamental principles of the Notaries Ordinance. Let me explain what the present law is in this respect. Before a person can be admitted as an articled clerk, he must pass an examination to the satisfaction of the Director of Education. That is all. It would, in fact, have been competent for the Government, instead of coming before Honourable Members for an Ordinance, simply to tell the Director of Education : “ Hold an examination and let us know the result,” and, instead of selecting according to results of competition, the Governor or the Registrar-General would have selected them as he desired. I, however, advised—and I am sure that Honourable Members will agree with me that I was right—that although we had the power we should not do this by an executive act. It is a fact that the competitive selection of notaries is not prescribed by the Ordinance in any way. All that it does, as has been pointed out—and it is the same law in all civilized countries that any person can become a lawyer who can pass the prescribed examination—is this. At present, rightly or wrongly, there is a provision limiting notaries who can practise in any individual place. All we want to do is to get away from this rule which has been acted on for so long.

The suggestion that the standard will be lowered is a fallacy. Even if this amendment is passed, every successful candidate will have to reach the required standard of education. Say, for instance, we have six vacancies for Kalutara and six for Batticaloa. It may happen that twelve candidates come up for Kalutara and twelve for Batticaloa. Six for the Batticaloa District and six for the Kalutara District will necessarily fail owing to the competition, but it may well happen that those who fail for Batticaloa or for Kalutara have scored more marks than the whole of those for the other districts. The idea that what is proposed will lower the standard is, therefore, an entire fallacy. At present it is pure luck—whether

there happens to be a large number of candidates coming from other districts to one district or not. However that may be, I would appeal to this Council to allow this Ordinance to go to a Select Committee on grounds of generosity. There is no doubt that some districts for some reason or other are more advanced than other districts. Is it not a generous act for this Council to give these backward districts a chance of getting on? I would put it in this way, that it is desirable to encourage residents of backward districts to become notaries in their own districts, not necessarily because they command more confidence of the villagers—that is a matter which depends on the personality of the individual—although if a man has a reputation of being straight and comes of a straight and good family it will help him to begin well; but his practice will not continue unless he is a good man. It is for the good of the country, I think, that the sons of the small squirearchy should be able to enter the profession in which their forefathers were born and bred.

As to whether the residential qualification is correct in detail or not might be left to the Select Committee; but I would point out in answer to criticisms that I do not claim perfection for it, and however much the Select Committee might consider it, I think it will be impossible to get a provision which is absolutely proof against all criticism. What I do say is that a provision in the form drafted, or in substantially the same form or having the same intention, will, in the places where it is intended to apply, satisfy a considerable proportion of the people who have their interests well settled in those places.

THE HON. MR. E. W. PERERA (Kalutara Revenue District):—Is the Honourable the Attorney-General willing that the Bill should be sent to a Select Committee?

THE HON. THE VICE-PRESIDENT:—Yes. The motion for the second reading is now before the House.

The motion was agreed to.

The Bill was read a second time.

THE HON. THE ATTORNEY-GENERAL:—In moving for a Select Committee I would like to make a remark which is really of general application. It is very difficult for me to know which Honourable Members are interested in a specific Bill, and I would therefore wish that any Honourable Members who are interested will let me know beforehand, and if it is possible for me to meet their wishes it shall be done. I feel that it is very important to get on these Committees what I may call new blood. Many Honourable Members are sitting in this Council for the first time, and it is very difficult for me to know whether they would like to undertake the trouble and great work involved in sitting on these Committees. One naturally resorts to old and familiar faces and trusted and tried men whom we know all about; but I am sure that those who have had experience know that it is highly desirable that other Members, assuming that they are willing, should take their places on these Committees. I make this suggestion for the future.

THE HON. MR. E. W. PERERA (Kalutara Revenue District) :—
In view of the remarks of the Honourable the Attorney-General,
might we talk over the composition of the Select Committee
during tea ?

This was agreed to.
Council adjourned for tea.
On resuming—

THE HON. THE ATTORNEY-GENERAL :—I beg to propose
that the following Members should be on the Select Committee to
consider the Notaries Ordinance, namely, the Attorney-General, the
Hon. Mr. E. R. Tambimuttu, the Hon. Mr. W. A. de Silva, the
Hon. Mr. D. B. Jayatilaka, the Hon. Mr. M. M. Subramaniam, the
Hon. Mr. P. B. Rambukwelle, the Hon. Mr. V. S. de S.
Wikremanayake, and the Hon. Mr. A. C. G. Wijeyekoon.

The Committee was agreed to.

THE HON. THE VICE-PRESIDENT :—The Bill is referred to a
Committee composed of the Members mentioned.

The Boy Scouts Association of Ceylon.

THE HON. SIR PONNAMBALAM RAMANATHAN, KT., K.C.,
C.M.G. (Northern Province, Northern Division) :—In view of my
having to catch the evening train to Jaffna, may I ask the
indulgence of the House to take up the second reading of the Bill
for the incorporation of the Boy Scouts Association of Ceylon at
this stage ? *

Permission was granted.

THE HON. SIR PONNAMBALAM RAMANATHAN, KT., K.C.,
C.M.G. (Northern Province, Northern Division) :—I have already
explained the Ordinance, and I have nothing more to add. I am
afraid that some alterations are necessary in the Ordinance, and
the Attorney-General, with whom I have talked over the matter,
thinks that the Bill should go before a Select Committee. After the
second reading I propose that the Bill should go before a Select
Committee. I move the second reading of "An Ordinance to
incorporate the Boy Scouts Association of Ceylon." *

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

The Bill was read a second time.

THE HON. SIR PONNAMBALAM RAMANATHAN, KT., K.C.,
C.M.G. (Northern Province, Northern Division) :—I now move,
Sir, that this Bill be referred to a Select Committee consisting of the
Hon. Mr. L. Macrae, the Hon. Mr. T. Y. Wright, the Hon. Mr. T. B.
Jayah, the Hon. Mr. G. A. H. Wille, the Hon. Mr. W. A. de Silva,
and myself.*

The motion was agreed to.

* Not revised by the speaker.

More Effectual Prevention of Crime.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General):—I beg to move the second reading of "An Ordinance for the more Effectual Prevention of Crime." As I indicated when moving the first reading, I intend, after the second reading, to refer the Bill to the same Select Committee which was appointed to consider the Evidence Ordinance.

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

The Bill was read a second time.

THE HON. MR. M. T. AKBAR, K.C. (Solicitor-General):—I move, Sir, that the Bill be referred to the same Select Committee which was appointed to consider the Evidence Ordinance.

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

Collection of Revenue in Money.

THE HON. THE ATTORNEY-GENERAL:—I move, Sir, that "An Ordinance to authorize the collection of Revenue in Money instead of by Stamps" be read a second time.

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

The Bill was read a second time.

THE HON. THE ATTORNEY-GENERAL:—I beg to move, Sir, that the Council do resolve itself into a Committee of the whole House to consider the Bill clause by clause.

Council in Committee.

The Clerk read clause 1, which was agreed to.

The Clerk read clause 2, which was agreed to.

The Clerk read clause 3.

THE HON. THE ATTORNEY-GENERAL:—I should like to move an amendment to the clause, namely, to insert in the third line the words "or authorized" after the word "required."

The amendment was agreed to.

Clause 3 as amended was agreed to.

The Clerk read the preamble, which was agreed to.

The Clerk read the title, which was agreed to.

THE HON. THE ATTORNEY-GENERAL:—I move that the Council do now resume.

Council resumed.

THE HON. THE ATTORNEY-GENERAL:—I beg to move that the Bill be read a third time and do pass.

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

The Bill was read a third time and passed.

Muslims in the Public Service.

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:—On this point I wish to make a statement which has had the approval of Government and which meets the views of the Muslim Members of this House. The statement is to the following effect, and an instruction on these lines will be issued to Heads of Departments:—

The percentage of Muslims, other than daily paid labourers, employed in the Government Service is only 5 per cent. Any concessions granted to them must, therefore, be regarded from the point of view of their effect on the remaining 95 per cent. of Government employees.

The Government is, however, anxious that Muslim employees should be granted facilities for attending Jumma. For this purpose Heads of Departments have discretion to grant leave from 12.15 to 1.15 P.M., or thereabout, on Fridays, whenever possible, to their Muslim employees to attend Jumma, on the understanding that they will, if necessary, be required to attend office out of hours to make up for the time spent on such absence from their ordinary duties.

THE HON. THE VICE-PRESIDENT:—Is that reply acceptable to the Honourable Member?

THE HON. MR. T. B. JAYAH (Third Muslim Member):—I am satisfied with the concession for the present, Sir. I am sure that Muslims both in and out of the Public Service would be glad that Government is more accommodating in this matter than previously; and I only hope that definite instructions will be issued and that they will be properly carried out.*

Motions postponed.

THE HON. THE VICE-PRESIDENT:—I understand that the other two motions will not be proceeded with to-day. Before going to the other motions, I may say that it is not possible or convenient to fix a day in the near future for Council to meet again, and therefore it is desired that we should adjourn *sine die* this evening after getting through as much work as we can. I would, therefore, ask those Honourable Members who would like to have their motions taken up at a subsequent sitting to say so in order that we may consider the other motions.

To make Adultery a Criminal Offence.

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District):—I should like to mention that as certain Honourable Members have expressed a wish, I should like to postpone the first motion standing in my name for the next meeting of Council. The Honourable Members who were to second and support the motion have left.

The motion was postponed.

* Not revised by the speaker.

Allowances to Public Servants.

THE HON. THE ACTING COLONIAL SECRETARY :—With regard to the motion immediately after that, the Government consents to the appointment of a Committee, the names of which are as follows

THE HON. MR. A. F. MOLAMURE (Kegalla Revenue District) :—I will formally move the motion standing in my name—That the Government do appoint a Select Committee of this House to consider the existing practice of giving allowances to Public Servants apart from their salaries, and to report as to what allowances should or should not be given.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) seconded.

THE HON. THE ACTING COLONIAL SECRETARY :—The Committee will be as follows :—The Hon. the Treasurer (Chairman), the Director of Medical and Sanitary Services, the Hon. Mr. A. F. Molamure, the Hon. Mr. D. B. Jayatilaka, the Hon. Mr. W. Duraiswamy, and the Hon. Mr. H. M. Macan Markar.

The Committee was agreed to.

Advisory Committee on Teachers' Salaries and Pensions.

The following motion stood in the name of the Hon. Sir P. Ramanathan, Kt., K.C., C.M.G. (Northern Province, Northern Division) :—

That the duties of the Advisory Committee referred to in paragraph 22 of Sessional Paper XXI. of 1925 be supplemented by empowering it to submit a report to the Government (for publication as a Sessional Paper) on the working of the proposals of the Board of Education contained in Sessional Paper XXI. of 1925 as amended by Appendix C attached to the Report of the Select Committee on the Budget 1925-26.

THE HON. THE ACTING COLONIAL SECRETARY :—I have come to an agreement with the Honourable Sir P. Ramanathan with regard to his motion.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) :—I formally move the motion standing in the name of the Honourable Sir P. Ramanathan.

THE HON. THE ACTING COLONIAL SECRETARY :—Government accepts the motion.

The motion was agreed to.

THE HON. THE VICE-PRESIDENT :—The Honourable Sir Thomson Broom mentioned that he had to leave on some urgent business and that he would be here shortly. His motion might be postponed for a while.

Advisory Board in connection with the Hydro-Electric Scheme.

The following motion stood in the name of the Hon. Mr. E. J. Hayward, C.B.E., V.D. (Commercial Member) :—

That the Government be pleased to appoint an Advisory Board in connection with the Hydro-Electric Scheme as asked for in the debate on the scheme in this Council which took place on January 24, 1924.

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member) :—I would ask the permission of the House to postpone my motion, at the request of the Government, until after the arrival of Sir Hugh Clifford.

Permission was granted.

Resolution No. 2 in Select Committee's Report.

THE HON. THE ACTING COLONIAL SECRETARY :—I informed the Honourable Sir James Broom that Government has sent on the correspondence, and he said that he was perfectly satisfied with that. Will the Honourable Mr. Hayward formally move the motion ?

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member) :—I move the motion standing in the name of the Honourable Sir J. Thomson Broom—That a copy of the resolution numbered 2 on the first page of the Select Committee's Report as passed without dissent by the Unofficial Members, together with the copy of the reply thereto from Government, be forwarded to the Secretary of State for the Colonies.

THE HON. MR. G. A. H. WILLE (First Burgher Member) seconded, and the motion was agreed to.

Muhammadan Law of Marriages.

The following motion stood in the name of the Hon. Mr. N. H. M. Abdul Cader (Second Muslim Member) :—

That a Committee of the Legislative Council be appointed to consider and report on the Muhammadan Law of Marriages.

THE HON. MR. N. H. M. ABDUL CADER (Second Muslim Member) :—I should like to say, Sir, that I shall have to deal at length with this motion, although I think that Government is inclined to accept it. I therefore ask that it be postponed.

The motion was postponed.

Period of Service of Vel-Vidanes.

The following motion stood in the name of the Hon. Mr. V. S. de S. Wikremanayake (Southern Province, Eastern Division) :—

That in the opinion of this Council the Government should take early steps to amend Irrigation Ordinance, No. 45 of 1917, so as to limit the period of service of Vel-Vidanes on their appointment by election to a period of two years.

THE HON. MR. V. S. DE S. WIKREMANAYAKE (Southern Province, Eastern Division):—I understand from the Honourable the Attorney-General that he is taking steps to amend the Irrigation Ordinance giving the right to proprietors to limit the period of service of Vel-Vidanes or Irrigation Headmen. With that assurance I am prepared to withdraw my motion.

THE HON. THE ATTORNEY-GENERAL:—The Ordinance is being prepared.

The motion was withdrawn.

Indigenous Systems of Medicine.

THE HON. MR. K. BALASINGHAM (Nominated Unofficial Member):—I beg, Sir, to move the following motion standing in my name:—

This Council strongly urges on Government *either* to make provision for the proper training of those who are seeking to qualify themselves to practise the indigenous systems of medicine, *or* to render adequate assistance to societies, institutions, and physicians who are prepared to do so, and for this purpose requests Government to appoint a Committee to advise Government as to how effect might best be given to this recommendation.

THE HON. MR. T. B. JAYAH (Third Muslim Member) seconded.

THE HON. THE ACTING COLONIAL SECRETARY:—I have a statement to which the Honourable Member agrees. I will read it to the House:—

This matter has already been discussed in Select Committee during the consideration of the Estimates for 1925-26. I stated then that the Government would not be prepared to ask the Legislative Council to make any grant until a well-considered scheme had been submitted setting out how and where students can be adequately trained and properly qualified for the practice of indigenous systems of medicine. It was agreed that the honourable the mover of this motion should prepare such a scheme.

Not many years ago Government offered a site for the establishment of an Ayurvedic College in Colombo, but its establishment failed owing to a lack of public support. That failure and the growing demand throughout the length and breadth of the country for more hospitals and dispensaries on modern lines have made the Government somewhat sceptical. The Government is, however, perfectly willing to assent to the appointment of an Unofficial Committee of this Council to make another attempt to devise a workable scheme to which financial assistance might properly be granted. The Government suggests that the Committee should consider whether such assistance might also with most advantage be given towards a pharmacological investigation of the indigenous drugs in Ceylon.

The motion was agreed to.

Restoration of a Lease of Lands at Anuradhapura.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I rise, Sir, to move—That this Council is of opinion that the Government should restore to A. Velupillei the lease of lands at Anuradhapura cancelled in 1921 without reasonable cause or by error of judgment, and desires that the Government will take action accordingly. The facts are that in 1914 Velupillei was given the lease of some land by the then Government Agent—undeveloped land just outside the town of Anuradhapura. In 1915, after I became Government Agent, I had the land measured up, and it was found

to be 11 acres in extent. I gave Velupillei a further lease for the 11 acres. Velupillei is a pioneer agriculturist from Jaffna, and he put a great deal of money into the opening up of this land, and he also paid water rate and other taxes for the land. In 1916, without the knowledge or authority of myself as Government Agent, the Forest Department prosecuted him for felling some trees on the leased land, and he was fined Rs. 40 in the Police Court of Anuradhapura. I made representation at the time to Government, and the fine was remitted. Velupillei continued in occupation of the land and went on improving it until 1919, when I left Anuradhapura. Shortly after my back was turned, some enemies of Velupillei got up a petition and misled the then Government Agent, and the lease in his favour was cancelled on the uncorroborated statement of a single witness, a statement which certainly would not have been considered of any probative value in a court of law. The witness, who was a headman, afterwards acquired some interest in the leased land. Velupillei then tried to get redress but failed.

In 1922, on my return to Ceylon, Velupillei asked me to get him back his land, and I have been trying to do so ever since. In 1924 I myself became the lessee of a piece of Crown land in the Nachchaduwa Colonization Scheme; I had put up some rooms, and I paid a year's rent in advance, and after a month's holding of the lease I got notice to quit. About the same time a neighbour of mine at the third mile on the Anuradhapura-Kurunegala road—I was near the fourth mile—who held a piece of land on a lease permit given by me some years before as Government Agent was put out of his land, which was sold over his head to an outsider. I had given some hundreds of these lease permits while I was Government Agent, because in Anuradhapura the Government would not, during those years, sell any land, so that this was the only way of getting on with development. There are some hundreds of people who are very much concerned about this, and they asked me what was going to happen to them now that I had been put out and my neighbour had been put out. I told them to sit tight, and that if they could not get redress locally, I would take up their cases in this Council. Thereafter I asked in Council, by questions Nos. 52 and 54 of 1924, whether the Government would be pleased to lay on the table the papers concerning the ejection of Velupillei and the third-mile man from the lands granted them on lease permits. The papers about the third-mile man were not laid on the table. The fact is there was too much of what may be called error of judgment in that case for it to be possible for the Government to be able to lay the papers on the table or to show them to me. Government evidently did not wish to face a resolution in Council about that matter, and so in the end the sale was cancelled and the land given back.

THE HON. THE ACTING COLONIAL SECRETARY:—It was cancelled on the ground of justice, not on the ground that we anticipated a resolution by the Honourable Mr. Freeman and that we would be defeated.

THE HON. MR. H. R. FREEMAN (North-Central Province):—In Velupillei's case a number of irrelevant papers were given to me, but the Government have finally refused to reinstate him in the leased land, and I therefore brought forward this motion. I now formally move the resolution standing in my name.

THE HON. MR. W. A. DE SILVA (Central Province, Urban) :— There is a great deal of injustice being done in the outlying parts of the country. However much the chief officials try to do justice to the people, the latter are placed in such a situation that they find it very difficult to place their cases before the authorities. I believe that it is for this reason there has been such an amount of apparent heartburning among the people. The Anuradhapura District is so far away, and it is so infested with wild animals and mosquitoes that the people sometimes take the character of wild animals, while other small fry, like the mosquitoes, try to live on the unfortunate villagers. Once matters are ventilated and brought to the notice of Government, I am sure, as the Honourable the Acting Colonial Secretary mentioned a little while ago, justice will be done. In my own case justice was done by the Honourable the Acting Colonial Secretary when matters were represented to him. I second the motion.

THE HON. THE ACTING CONTROLLER OF REVENUE :— Sir, I am rather glad that the Honourable Member for the North-Central Province has raised this question. We have had many attacks on the administration since he left Government. The facts of this case are as follows :—In 1914 this man Velupillei, who had sold all his properties, applied to the Government Agent for 4 acres of land to protect his paddy fields. He got that permit on the usual small permit form, which is terminable on a month's notice, and on which he paid Rs. 4 per acre. A condition was that he should not fell any trees on the land except the small ones. In 1916 it was found that Velupillei was busily engaged in selling and felling timber. The Honourable Member said that the man was prosecuted for felling timber on the land leased. That is not so on his own statement which I have in the file. He said he felled timber outside the land, and he was then fined Rs. 40. The Honourable Member, then Government Agent, addressed an appeal to let him off this time on the ground that he was more or less of unsound mind. I have as a matter of fact three minutes of that year by the Honourable Member in which he described the man as "a three-quarter lunatic," "*non compos mentis*," and "mad." The man was let off the fine. It was then discovered next year that Velupillei had encroached on 7 acres in excess, and this "lunatic" was then given a permit for 11 acres on precisely the same terms—terminable on a month's notice without compensation. Velupillei refused to pay first of all the rent of Rs. 6, and the Honourable Member's minute on August 24, 1917, said "Then let the occupants," that is to say, the sub-tenants "have the land." Velupillei transferred the land to various people either by tenancy or otherwise. He was paying Rs. 6 to Government, but he charged one of these people Rs. 18 per acre. He also mortgaged the rest of the land, 9 acres, to one Visvalingam, and that was alleged to have been done with the consent of the Government Agent. But there is nothing in the file whatsoever to show that. The Honourable Member having left the Province, one of these people who were interested in the land petitioned the then Government Agent, who held an inquiry, at which Velupillei, uncorroborated by any witness, claims to have spent a sum of money over clearing, but nothing more. He was unable to produce a single witness to corroborate him at the time. The Government Agent disbelieved

Velupillei and cancelled the permit for three reasons, the first of which was that it was an abuse of the ticket of occupancy system that a man who pays to Government Rs. 6 should recover from a sub-tenant Rs. 18. In the second place, the Government Agent held that it was not fair to the sub-tenants, because the man was in and out of the debtor's jail, and the creditors were always coming down on the sub-tenants, or could come down on them. In the third place, he was always in arrears of rent. This was the identical position which the Honourable Member found for himself when he said "Then let the occupants have the land." This was what the Government Agent did, and he went so far as to propose that the sub-tenants should pay Velupillei a small sum, Rs. 52, for his trouble. Velupillei refused to draw this. Then we had various petitions from these men, and the Honourable Member finally tried to settle these disputes, but failed. The Government Agent proposed that the permit should be recalled and new ones issued with Velupillei's name added to them. There were serious objections to that, the first being that the Honourable Member himself had failed to settle the disputes, and it was not at all likely that proposed permits would lead to any settlement. The second objection was a more important one, namely, that the tenants were not in all cases original people. These had transferred for valuable consideration, and it was not at all fair on the new men that Velupillei's name should be put in the permits. The third objection was that Velupillei had already had opportunities, if he had wished to avail himself of them, to have his legal remedy against the original sub-tenants; and it was for that reason that the Government could not see its way to restore the permit to this "three-quarter lunatic."

THE HON. THE ACTING COLONIAL SECRETARY :—The only remark I have to add is this. I think the honourable the mover said that he had a number of irrelevant papers sent to him. That is not the fact. He had the Colonial Secretary's file, which goes back several years, on the subject, and those are the relevant papers. The Honourable Member has, therefore, seen everything that there is to be seen. We said "You can have everything we have got, and we shall be only too delighted if you will settle this case for us." We felt that we could not do justice to it ourselves. It is a very complicated case. When the Honourable Member could not settle the case he came back and said he could not do it. We did our best to settle it; and if our officers cannot settle it, then all we can do is to tell the aggrieved parties to go to the courts, where they can get adjudication.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—It is a most astonishing statement of the Honourable the Acting Colonial Secretary that he has given me the relevant papers and not the irrelevant papers. I was hoping that the Government would reinstate this man, and I did not think that the case would have ended on these lines. Going back to a year ago, I had great difficulty in getting the papers. I wrote in to Government, and Government referred me to the Government Agent. I then applied to the Government Agent for these papers, and he informed me that he regretted he could not give me the record of the case, and that if I wanted it I would have to go to the Government for it. I, therefore, say that I have not got the relevant papers. The relevant

papers are the papers in the Kachcheri file. There are a great many papers which the Honourable the Acting Colonial Secretary knows I have not seen at all. I specified the papers on one point, for instance, the report of the Kachcheri Mudaliyar, and I said "other papers." I know that Mr. Bartlett took a lot of trouble over the matter.

THE HON. THE ACTING COLONIAL SECRETARY :—Here is my minute in the office file suggesting to His Excellency the Officer Administering the Government that the Honourable Mr. Freeman should have the papers and endeavour to settle the matter.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—I am sorry you do not understand the point. I asked long ago for the Mudaliyar's report and the papers on which the Government Agent must have based his opinion in dealing with this matter. Those were not given to me. The Government Agent himself told me that he could not hand over the file to me. The paper in connection with the inquiry is marked "Statement of a public inquiry held by the Government Agent," at which Velupillei was present. The statement is a matter of fourteen lines, and, as I have said, it was uncorroborated, hearsay, and not the sort of stuff that can be accepted in a court of law. There must have been other papers. The Honourable the Acting Colonial Secretary will find that there are lots of papers in the Kachcheri file.

THE HON. THE ACTING COLONIAL SECRETARY :—I thought the Honourable Member was talking about my file.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—I said all along that I wanted the Kachcheri file. I wrote a letter asking the Government Agent to show me the Kachcheri file. That file will show how this matter came about. I repeat that there was nothing more than fourteen lines of uncorroborated evidence of a headman, who later bought a share in this land, and when he found that I was trying to get back the land for the original lessee he passed it on to other people.

Velupillei was a pioneer, and he opened up more than 4 acres of land. The land had not been surveyed. It is the normal way of developing a place like that. We had no survey, and did not know the extent of the land. The man was, however, put in possession, and he went on cultivating. Then I had it measured, and it was found that it was 11 acres and not 4. But we gave him a deed to cover that. If that policy had been followed in the North-Central Province, instead of adopting the Kachcheri policy of giving only half an acre or an acre, there would have been much less difficulty in other parts of the country about food supplies.

The Honourable the Acting Controller of Revenue said that the man was allowed to fell only small trees. Anuradhapura is all jungle. You cannot see through it, and I cannot see how a man can do anything without cutting down the jungle. It is a mad idea. You want food production, and you keep shouting to us to produce.

THE HON. THE ACTING CONTROLLER OF REVENUE :—
This land was not given for food production, but for the protection of his paddy field from buffaloes.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—
Might I move the Council into Committee, Sir, to talk this matter over with the Honourable the Acting Controller of Revenue ?

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :—I would second that motion, Sir.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—
I am sorry to trouble the House in this way, but the whole matter has been precipitated by the absurd and hostile line taken by the Government. The whole fact is that they do not know what they are talking about.

THE HON. THE VICE-PRESIDENT :—Cannot the Honourable Member have a talk with the Honourable the Acting Controller of Revenue and postpone the motion for another day ? I would suggest to the Honourable Member to withdraw his motion and have a talk with the Controller.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—
I will not do that, Sir.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :—We should like the Council to go into Committee, Sir. The matter might seem a small one because it refers to a small man, but it is really important.*

THE HON. THE VICE-PRESIDENT :—I do not know whether it is usual to go into Committee on a motion.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—The House has a right to ask to go into Committee.

THE HON. THE VICE-PRESIDENT :—Under what rule is that ? There is provision to go into Committee on Bills.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—Council can go into Committee on any motion.

THE HON. THE ATTORNEY-GENERAL :—Ever since I have been here, in motions of this sort the House has been allowed to go into Committee. It is rather useful sometimes to allow it in motions of this sort. Personally, I do not see any objection to it. If Council wishes it, it can have Standing Orders suspended.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—I propose the suspension of Standing Orders.

* Not revised by the speaker.

THE HON. MR. V. S. DE S. WIKREMANAYAKE. (Southern Province, Eastern Division) seconded, and the motion was agreed to.

Council in Committee.

THE HON. MR. H. R. FREEMAN (North-Central Province):—When you were shouting out for food to be grown by us, there was a man who received a permit for 3 acres, which turned out on survey to be 4 acres, and he was prosecuted and fined Rs. 12. I have been trying to get him off, but Government refuses to do anything, and at the same time shouts to us to produce more food. When there are no surveys, how is developmnet to take place? All undeveloped countries in the world have proceeded on the lines which I have indicated, and development on these lines in this country has to my personal knowledge been going on for the past forty years.

Coming to the point of the felling of the trees, I do not know whether my honourable friend the Acting Controller of Revenue, who is in charge of all such matters, can mention any place where you can grow anything in the jungle without cutting down the trees. In one case the Government Agent gave a permit to a man to settle on a land and restore a tank; there was a good deal of parade about restoring "palu" tanks, made at the second reading of the Budget; but as soon as the man settled down he was prosecuted by the Forest Department and fined Rs. 300—or rather he was told to pay the Government Agent Rs. 300. I intervened, Sir, in that case and, unhappily, without very much success, because we only succeeded in getting the fine reduced to Rs. 100. How is a man to develop land in the North-Central Province, if, as soon as he gets authority to cultivate, another water-tight department steps in and prosecutes him? The same thing took place in the case of Velupillei.

It is true that I said in my report—I am not sure what the exact words were—that he was a bit "heady," or something to that effect. In one of his petitions he states that he is light-headed and mad owing to his many "troubles and cruelties experienced from the cruel Government servants." That is what happens in a wild place like ours. We are very much troubled by errors of judgment, or whatever you like to call them. I do not say that your intentions are not good, but they are not carried out well. It is simply abominable. This man Velupillei has been several times called a "lunatic" and "half a lunatic," but he is as sensible as the Honourable the Colonial Secretary or any of us here, and if he were here he would talk sensibly about his land and why he should get it back.

Well, this "lunatic" was given 11 acres of land. It is now a fine piece of land, and you now find coconuts and fruit trees there. It is one of the finest lands about there, and was developed by Velupillei, who placed four sets of tenants on it. He was put in gaol because he spent a lot of money on this land, and his tenants bolted with a lot of his money, among other things. He got very hard-up, as is the case with pioneers there, and had to stay in gaol for six months. It is said that he refused to pay the rent, but the truth is that the rent was not accepted. It is also said that he transferred the land to various people. That is not the fact. He alone was responsible for the water rate and the other

taxes. I have a letter in my possession, a report by the Mudaliyar. It states: "I do not know exactly what happened during my predecessor's time, but from the time I took up charge Velupillei was responsible for us to pay rent yearly. It is true that petitioner has improved the land on a sub-lease from Velupillei, and not of his own as he states. If petitioner wants the land for himself, the only best thing to do is for him to approach Velupillei or Viswalingam and come to some amicable settlement with them."

It was stated, Sir, that this man Viswalingam took over the land, but that he was not authorized to be there. That is absolutely incorrect.

THE HON. THE ACTING CONTROLLER OF REVENUE :—I did not say that. I said that there was no record in the file.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—My honourable friend might have had imagination to know that in the lease permit book you will find Viswalingam's name endorsed there, and my approval signed by myself; he ought to know the practice of kachcheries.

With regard to charging high rent, I am sorry that my honourable friend the Controller of Revenue does not seem to understand how we cultivate land. In 1914 Velupillei was given jungle land. That is confirmed by the Forest Department having prosecuted him for felling the jungle. In 1917 he gave the land to another person to improve, and the land was further improved in 1920, when a certain man was put up to present a petition to the Government Agent. Was it to be expected that the land would be worth the same amount all the time? It was also alleged by the Honourable the Acting Controller of Revenue that I have been harassing the Government about it for a long time. I am aiming at getting justice in this case.

The man who petitioned against Velupillei was a tool in the hands of others. He is what is called a Poosari person, a mendicant; he is now working on the railway on the Mannar line. He was put up by influential people, who afterwards annexed one of the shares of this land, and he, as soon as he saw that the game was up, transferred to these people who are now in possession.

To sum up, Sir. The Honourable the Acting Controller of Revenue said that what Velupillei had done was an abuse of the system. As to this, I say that my predecessor, Mr. Constantine, was the Government Agent who started this man on the enterprise. I was in Anuradhapura for four and a half years and I supported him. Then came two Government Agents who have not been in support of what my predecessor and myself did. Then came Mr. Bartlett, and he did really inquire into the matter. In about four pages he summed up the whole case well and concisely, and he wrote to the Government making a proposal. It is quite true that certain papers were referred to me after that proposal was made. His proposal was that the lease should be cancelled; that the present people should stay in and Velupillei should also go in. Then the relationship would be as it was when he went out; he would get a one-third share as original tenant under the Crown, and they would find their own buffaloes and seed paddy and get one-third for that and one-third as cultivators. That proposal was referred to me,

and I was asked to try and settle the matter. I did my best, and asked the present people to agree to those terms. I have got all their replies. They would not consent. It is a common affair in life that most people would yield only to force. They are snug there. Why should they suddenly turn philanthropists and let this man in?

The Government have got to admit that they were wrong; or that there was an error of judgment, I do not know which it is, because I have not seen the papers. So, in the end, Sir, I reported that I could not settle the matter, and asked Government to do as Mr. Bartlett had suggested. You will see, therefore, that when the Government regards me as a sort of Bolshevik about this business, I have on my side two other Government Agents, that is, three on one side and two on the other. Two knocked this man out and three put him in there. It is not a fair thing to say that we are Bolsheviks in this matter. We acted with authority as Government officials.

Finally, when I found that Government would not do anything in the matter, I asked them for a copy of Mr. Bartlett's letter to Government which I had seen. I thought I could make the matter simple. Mr. Bartlett has put the matter very well—far better than I have stated it, and Government said that they would not let me have a copy of the letter.

About being unfair to the tenants, we do not want to interfere with them. They are, with two or three exceptions, new people. They bought speculatively. It is proposed to let them have their old rights, namely, two-thirds; one-third to go to Velupillei when he gets back. A point has been made about some compensation, namely, that he was told to take Rs. 52 for his trouble, that is for becoming a pioneer. I should like to know how that calculation was arrived at. There was nothing about that in the papers submitted to me. That is one of the peculiarities of this case.

THE HON. THE ACTING COLONIAL SECRETARY :—Because all that was asked for at the time was submitted.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—You may have thought it all of no importance, but it was of importance to me.

THE HON. MR. G. A. H. WILLE (First Burgher Member) :—May I make a request of the Honourable Member for the North-Central Province. As this matter involves a very complicated state of facts, and we cannot arrive at the truth of the matter without inquiring into it, will he kindly spare us the delicate duty of voting on the motion by withdrawing it? That will leave it open to Government to make any redress the case deserves.

THE HON. MR. C. E. VICTOR COREA (Colombo Town, North) :—I was just about to ask the Honourable Member for the North-Central Province to permit me to suggest an amendment, in view of the fact that some of my honourable friends do not seem to be able to understand all the facts, and as Mr. Bartlett has made a thorough inquiry into the matter, that the Government be asked to give effect to Mr. Bartlett's recommendations.*

* Not revised by the speaker.

THE HON. MR. H. R. FREEMAN (North-Central Province) :— There are matters like this in the North-Central Province which no one will understand. We cannot get understood. We are strangers down here. No one takes the trouble to come there and see and understand things there. It is like being strangers in a strange country. The Government cuts us off by correspondence and by evading the point. I did ask for the Mudaliyar's report and other papers connected with the inquiry. I am sure they are there. I could not have asked for anything else. These papers will very likely show how this matter of compensation was dealt with.

THE HON. THE ACTING COLONIAL SECRETARY :— Perhaps I might cut proceedings short if I made a suggestion to the Honourable Member. We feel ourselves that what we would like to have is justice done. We have not the slightest feeling against Velupillei, but we feel that legally we cannot do what Mr. Freeman asks us to do. He seems to think that Government officials have strange mentalities. I am perfectly willing to have a small Committee of three Members of the House appointed to go into the matter and see whether the Government can do anything, and how it can possibly do what is just in such a case as this without being unjust to anybody.

We have all the papers here, and I am perfectly willing to put them before the Committee.

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :— Council might go one step further and decide that, instead of coming to a decision on these papers, a Commission should be appointed to hold an inquiry on the spot and see whether justice has been done to this man. We know that some Government Agents depend on reports made by their subordinates. The Honourable Mr. Freeman speaks of his own personal knowledge. The papers may contain things written on the statements of others. Recently we had a case of a villager being turned out of his holding to make room for a motor car garage for a planter. It may be that the Government Agent concerned had himself no personal knowledge of the matter. We cannot decide a matter like this on papers and files. Since there is a division of opinion among high officials— three on one side and two on the other— Government will be dealing fairly in the matter by appointing an impartial outsider to see whether injustice has been done to this man.

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member) :— This is certainly a matter upon which we cannot vote. One side says one thing, and the other side another. I do not think it will be fair to ask Members to vote on the motion.

THE HON. MR. H. R. FREEMAN (North-Central Province) :— That is to say, in matters of this kind we cannot get anything done for the jungle regions, and it is therefore useless to come here.

THE HON. MR. F. A. OBEYESEKERE (Southern Province, Central Division) :— I submit, Sir, that the whole Council owes a debt of gratitude to the Honourable Mr. Freeman for ventilating

this particular subject in the way he has done. He has paved the way for creating a very valuable precedent, which I hope will be fully understood by our Official brethren—I mean to enable matters of this description to be brought forward and ventilated in the way this subject has been done in a Committee of the whole House. That is what the country has been wanting for a long time. We have now secured a method for ventilating matters that come from different parts of the country. The motion says that the lease to Velupillei should be restored. It may be impossible to do this, and I therefore say that we cannot be expected to vote upon the motion. It is a delicate matter, which cannot be settled by the vote of this Council. We certainly thank the Honourable Mr. Freeman for ventilating the matter in the way he has done it.

THE HON. THE VICE-PRESIDENT :—What is the suggestion before Council ?

THE HON. MR. E. R. TAMBIMUTTU (Batticaloa Revenue District) :—That a Commissioner should go to Anuradhapura and examine the documents on the spot and take any evidence that can be given on behalf of this “lunatic” and any other persons interested.

THE HON. THE ACTING COLONIAL SECRETARY :—The question of expense has to be taken into consideration. The Government Agent who made the order went personally into the case and took evidence himself. The papers are here, and there is also the Kachcheri file. If the House will agree to a Committee I am prepared to grant one.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—“This is a matter that cannot be settled by the vote of Council.” I opened mildly with the facts, after a year of negative answers from Government. The Controller opens by saying I have been attacking Government for some time. Where am I ?

THE HON. THE VICE-PRESIDENT :—Is the Honourable Member agreeable to the appointment of a Committee of three Members to look into the matter and report ?

THE HON. MR. H. R. FREEMAN (North-Central Province) :—I do not see how I can withdraw this motion.

THE HON. THE VICE-PRESIDENT :—The motion might be adjourned pending the report of this Committee. If the Honourable Member is not satisfied with the report, he can bring up his motion again.

THE HON. MR. H. R. FREEMAN (North-Central Province) :—I will not let it go, Sir ; I will stick to it. I do not like troubling Honourable Members to look into the matter. In opposing this motion the Government are taking advantage of a serious error of judgment.

THE HON. MR. W. L. KINDERSLEY (Government Agent, Central Province):—What is the Government getting out of this ?

THE HON. THE VICE-PRESIDENT:—The time to further consider the matter will be after the Committee has reported. The Honourable Member must see that quite a number of Honourable Members find themselves unable to vote on the motion.

THE HON. MR. H. R. FREEMAN (North-Central Province):—Thank you very much, Sir. I will agree to the Committee, and I would suggest the names of the Honourable Messrs. Subramaniam, Senanayake, and Molamure.

THE HON. THE ACTING COLONIAL SECRETARY:—I would like to suggest the name of the Honourable Mr. de Silva, who has knowledge of Anuradhapura.

THE HON. THE ATTORNEY-GENERAL:—I would suggest that the learned Solicitor-General should be Chairman of this Committee. It is a tradition of this House that when a Committee of this sort is appointed a lawyer should be Chairman, as Government regards a legal member as absolutely impartial. I have not read the papers, and I am sure the Solicitor-General has not seen them. I suggest that it will be of great use to this Committee to have a lawyer as Chairman, and I further suggest that the Solicitor-General should be the Chairman and that there should be three Unofficial Members.

THE HON. MR. H. R. FREEMAN (North-Central Province):—I quite agree with what my honourable friend says.

THE HON. THE ATTORNEY-GENERAL:—Perhaps the Honourable Mr. E. W. Perera would not mind serving on the Committee.

THE HON. MR. E. W. PERERA (Kālutara Revenue District):—This is a very important matter, Sir, and I will not be able to afford the time to go to Anuradhapura. I really do not think that without going to the spot the Committee could get the true perspective and do justice to the matter. I am greatly flattered by the invitation.

THE HON. THE VICE-PRESIDENT:—I put it to the House that the Committee be composed of the Solicitor-General as Chairman, and the Honourable Messrs. Subramaniam, Senanayake, and Molamure, and that this motion be adjourned pending the report of the Committee.

This was agreed to.

THE HON. THE ATTORNEY-GENERAL:—I move, Sir, that the Council do now resume.

Council resumed.

THE HON. THE VICE-PRESIDENT :—It is proposed to appoint a Committee composed of the Members whose names have been mentioned, and that in the meantime the motion of the Honourable Member be adjourned.

This was agreed to.

THE HON. THE VICE-PRESIDENT :—The motion is adjourned pending the report of this Committee.

The Loan Policy of Government.

THE HON. SIR J. THOMSON BROOM, KT. (European Urban Member) :—I rise, Sir, to move the motion standing in my name, namely—That Government do disclose its loan policy in view of the fact that the proceeds of the 1922 loan are now exhausted, and also that large loan works are now in hand and are far from completion.

I make no apology for submitting the motion standing against my name, and consider it is made at a time when it is most opportune. During the years I have sat on the Finance Committee of this House, I have often wondered, and am still wondering, how that body first came to derive its name. The work done by the Finance Committee during my time has been to pass votes of expenditure put up by Government. On occasions items have been turned down, but the cat comes back later on, and the claims of this or that vote are re-urged by Government on Members with a tenacity and persistency which has come to be proverbial. At the moment the sun is shining on the Island's chief staple products, but I have seen the other side of the lantern, and the pendulum will swing back again some day. The tea and rubber industries went through their Valley of Achor alone, and when bread was asked from Government the industries were given stones. Both industries fully deserve the prosperity they now enjoy, and Government very fully shares in it. I have never yet heard of Members being consulted about the finances of the Colony generally, for example, as to its investments, or as to the best time to make remittances to London to extinguish debts contracted there, or to meet contingent liabilities and get the full advantage of favourable exchange. Statements appear from time to time in the *Government Gazette* as to the investments of the Colony. One sees shrinkages in the cost at which certain stocks were bought and accretions in others, but my point is that this House or the Finance Committee are never consulted in regard to the position. "Finance" Committee is truly a misnomer. The Legislative Council decides on certain taxation, the proceeds of which invariably bring in more than the estimated amounts. *Per contra*, Council passes certain expenditure as put up by Government each year. The receipts and disbursements are handled by the Treasurer's Department in the same manner Tellers would do in a London Bank, that's all.

The most important matter at the present time is what is Government's loan policy? You have enormous loan commitments

ahead. This House is entitled to know, and I cannot think but that the few Members still present, including yourself, Sir, of the old Council can have forgotten the last loan and the heated discussion which arose over it. It is sometimes well to refresh one's memory in such matters. Our present Treasurer was not a Member of this House then. But he has familiarized himself with the terms of the last loan; the manner in which it was raised and how the proceeds were disposed of. I see from the recently issued report of the Public Accounts Committee, the Honourable the Treasurer is reported (page 28) to have stated that the last loan cost about $6\frac{1}{2}$ per cent.—I will not argue with him, but I make it even more costly, from first to last—but that he hoped the next would not be more than 5 per cent. Our hopes go with him.

Now I will briefly refer to the flotation of the last loan. Money was required to push on with the railway extensions in the east, and large sums were put up for the purpose out of revenue, pending the flotation of the loan. For one cause or another the flotation was unduly delayed. Considerable sums were also due to the Crown Agents for the Colonies, while large amounts were subsequently due for railway material, including rails, costing £27 per ton.

A considerable sum was retained in London, and when lying there unemployed bore interest at a rate less than one-half of what the money cost. Good finance I do not think, but, fortunately, this was not for a lengthy period. Then out of the portion of the proceeds of the loan transferred to Ceylon, revenue was repaid and the amount of free money very much whittled down. As has been recently shown, the railway extensions in the east have already cost double the amount given in the last loan schedule. A tacit understanding was come to when the last loan was discussed, that there would be no recurrence of the policy which has been adopted of advancing money out of revenue for loan works, pending the flotation of a loan.

There is nothing mysterious about negotiating a loan through the Crown Agents for the Colonies. They are not financiers, but they get in touch with recognized financiers and underwriters in London, and it is really these latter gentlemen who put the loans through for the Crown Agents. Does this Government again intend to negotiate a loan through the Crown Agents for the Colonies, or will the loan be partially raised locally? These are questions upon which this House would like information. Money is cheap at present in London with a Bank rate of 4 per cent. against good security, and I hope the local Government will not, as in the case of the last loan muddle—I cannot call it anything else—let things drift on too long.

THE HON. MR. E. J. HAYWARD, C.B.E., V.D. (Commercial Member), seconded.

THE HON. THE TREASURER:—Sir, there is a statement in the motion which is not literally accurate, and which I would like to correct for purposes of record. The present loan, described as the 1922 loan, was raised in 1921, and it is not yet exhausted. As a matter of fact there are still Rs. 5,000,000 in that account, and of this about Rs. 680,000 are not only unexpended, but also unallocated.

THE HON. SIR J. THOMSON BROOM, KT. (European Urban Member):—I cannot accept that. The fact remains that the whole of the sum of Rs. 680,000 and more is wanted for the railway extensions.

THE HON. THE TREASURER:—I merely stated what is the fact—that there is at present unexpended Rs. 5,000,000 and that Rs. 680,000 of this are unallocated. With regard to the statement that there are many works yet to be provided for out of loan funds, and also that large loan works are still far from completion, the position is that the Government hopes, in the absence of any unexpected development in connection with the Batticaloa-Trincomalee railway, that all the large works specified in items 1 to 9 of the loan schedule will be completed out of the present loan account. That is their information as at present advised.

There is in the loan schedule the further item No. 10, which contains a number of works and services which are in a somewhat peculiar category. I refer to such items as the Government Housing Scheme, development of telephone exchanges and trunk and junction lines, reorganization of the Salt Department, dredging of Colombo Harbour, provision of rolling stock for the Railway, cooly lines for the Public Works Department, strengthening bridges, new machinery for the Way and Works Department, and so on. These are items of a peculiar character, because they are not complete works with specified limits, but are continuing works whose limits cannot be specified at the present moment. Ordinarily works of this character would not figure in the loan account, and, moreover, it was never intended when they were made chargeable to loan account that such expenditure should, as a matter of future policy, be always provided for in that way. As a matter of fact these items came into loan account in relief of revenue when the Budget of 1922-23 was being prepared. As Honourable Members will recall, this was a time of considerable financial stress. The circumstances under which the items were put into loan account have been explained in a despatch written by Sir William Manning in October, 1922, after the passing of the Budget of that year. With the leave of Council I will read the relevant paragraph. It reads as follows:—

Unofficial Members of the Select Committee have frequently pointed out that during the last ten years a great deal of expenditure which might properly have been met from loan funds has been charged to revenue account, although the Government had unexercised borrowing powers at its disposal, and that when such a loan was raised no part of this expenditure was restored to revenue. This, of course, is perfectly true, and it was partly because no such refund was contemplated that the item "other works of development" was included in the schedule of the last Loan Ordinance. My intention was that funds available under this item should be used to meet necessary but extraordinary expenditure from which funds cannot be found from ordinary revenue. In these circumstances I feel that I cannot oppose the wish of the Select Committee that the above-mentioned item should be transferred to loan account though they are items which, in ordinary circumstances, would be charged against revenue.

Now that the financial position of the Colony has so completely changed, and now that revenue is well able to bear such expenditure, I see no reason why revenue should not resume a burden which it obviously ought to bear. It is perfectly clear that future expenditure of this character cannot be charged to the present loan account. As regards the other works included under item 10—works of a

finite nature to which a fixed limit of expenditure could be placed—the same remarks apply as those which I have made concerning items 1 to 9. These works in item 10 have been either already completed, or, as Government believes, will be completed out of present loan funds. As regards the future, it is perfectly obvious that a new loan policy could only be formulated in conjunction with the formulation of a general expenditure policy on major works, and the settlement of that policy must quite obviously await the arrival of the new Governor.

When His Excellency Sir Hugh Clifford arrives he will find the Colony already committed to two large works which have been put in hand on the assumption that their cost would be met out of the proceeds of a new loan. I refer, of course, to the Aberdeen-Laxapana Hydro-Electric Scheme and the Railway Workshops at Ratmalana. It is estimated that these two works will together cost, approximately, Rs. 15,000,000, and, sooner or later, it will become necessary to raise a loan to meet the cost of these works. At present, as the House is well aware, the cost is being financed from the general balances of the Colony, and, at present, about Rs. 1,500,000 has been expended in that way. Obviously so long as Ceylon has surplus balances which are not otherwise employed, it is the best policy to use them rather than to raise a loan upon which interest will have to be paid. But as soon as the available surplus balances fall—for whatever reason it might be—to anything in the neighbourhood of Rs. 10,000,000, then the time will have come to consider the raising of a loan, and, in considering that question, the Government will, of course, naturally think of the various points to which the Honourable the European Urban Member has called the attention of the House, namely, the best time to borrow money, how to raise it most cheaply, whether to raise it entirely at Home or partly in Ceylon, and so forth. All these matters will be very carefully considered.

As regards the more specific proposals for the future, I am afraid that Government is not in a position to give any information to Council, for the simple reason that it does not itself possess it. I think that it will obviously be the duty of Government and this Council to exercise the utmost caution in embarking upon any policy which is calculated to increase the public debt of the Colony. I certainly hope that no encouragement whatsoever, from any quarter, will be given to any suggestion or proposal that the only path to the full development of the resources of the Colony is the primrose path of wholesale borrowing. I do not wish to dogmatize as to what works should be chargeable to loan account and what should not, and I think that everyone will admit that there are cases and times in which expenditure on both productive and non-productive projects could quite properly find a place in a loan scheme. But if the revenues of the Colony are, for any reason, to be so restricted that only sufficient money is available to meet the current expenditure, and if all expenditure on major works of development which can conceivably be charged to capital expenditure are, to quote the words of Lord Chalmers, to be "relegated to the loan category and to liquidation by posterity," we shall soon arrive at the stage when further development would become impracticable, because loan debt charges would prohibit the Colony from borrowing further, and revenue would provide no margin to meet such expenditure.

If the development of the Colony is to proceed on sound and healthy lines, and if we are going to deal fairly by posterity in the matter of forcing upon them burdens of our own creation, we must look to current revenue as well as to borrowed money to carry out major works of development.

With regard to the criticisms contained in the earlier part of the Honourable Member's remarks, the reason why the last loan proved an expensive one to float is too lengthy a matter to explain fully at this late hour. If Honourable Members will look at the Sessional Paper which was published before the raising of the last loan, they will see a report which I wrote myself as Acting Colonial Treasurer, in which it was quite plainly stated that the loan raised at that time was certain to be an expensive one. I think the actual figure I gave in that report was $6\frac{1}{4}$ or $6\frac{1}{2}$ per cent. That prognostication of mine was realized, but there was no help for it. The Colony had to choose then between delaying works of development and going into the market to float a loan at a time when borrowing was a very expensive business. That Sessional Paper was published, and as far as I can remember, both in this Council and outside—at that time—the general opinion was that it was desirable that a loan should be raised, and it is therefore useless now to go into past history and to criticise what Government had done.

THE HON. SIR J. THOMSON BROOM, Kt. (European Urban Member):—It is quite obvious to me, Sir, that the policy which the Honourable the Treasurer has indicated as that which the Government is following, namely, the temporary financing of projects, which it is intended to charge to a future loan, out of surplus balances, is not a wise one. What happened on the last occasion was that Ceylon had continually postponed the raising of a loan in London. Money was tight, other Colonies got in ahead and raised their loans, and every loan raised in London made it more difficult for Ceylon to borrow. Had we got into the market earlier, we would have been able to raise the loan on much more favourable terms than we actually did.

The Honourable the Treasurer has said that the Government hopes to be able to raise the next loan at not more than 5 per cent.; but I do not think that the Government will be able to raise a loan at 5 per cent. if it waits too long. Money is now cheap in London; but we have no guarantee that it will continue to be cheap. If the Government continue their present policy of waiting and financing loan projects to which they are already committed out of surplus balances, they will run a serious risk of falling into the same trap as that into which the present Treasurer's predecessor fell.

Now is the time to raise a loan in London. If we do not act promptly, others will enter the market, and when we come in later on we shall have to pay a much higher rate. The complaint which I desire to make is that in matters like this the Finance Committee is never consulted. I think that the Finance Committee ought certainly to have some say in such matters, and also on such questions as the utilization of surplus balances for purposes such as those indicated by the Honourable the Treasurer.

THE HON. THE VICE-PRESIDENT:—Is the Honourable Member prepared to withdraw his motion?

THE HON. SIR J. THOMSON BROOM, Kt. (European Urban Member):—No.

THE HON. MR. G. A. H. WILLE (First Burgher Member) :—
Such loan policy as there is has been disclosed by the Honourable
the Treasurer.

THE HON. SIR J. THOMSON BROOM, KT. (European Urban
Member) :—I dispute that.

THE HON. THE VICE-PRESIDENT :—I put the motion of the
Honourable Member to the House.

The motion was accepted.

Adjournment.

THE HON. THE VICE-PRESIDENT :—The other motions will
be put on the Agenda Paper for the next meeting.
Council will now adjourn *sine die*.