



















# THE CEYLON "HANSARD."

THE DEBATES

OF THE

Ceylon Legislative Council

FOR THE EXTRAORDINARY AND ORDINARY SESSIONS, 1873.

[WHICH COMMENCED—THE EXTRAORDINARY SESSION ON 2ND JUNE, 1873, AND WAS  
CLOSED ON THE 4TH JUNE, 1873; THE ORDINARY SESSION ON 30TH JULY, 1873,  
AND ENDED ON THE 21ST DECEMBER, 1873.]

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1874.





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# Members of the Ceylon Legislative Council.

DURING THE SESSIONS OF 1873.

## PRESIDENT.

HIS EXCELLENCY THE RIGHT HON. WM. H. GREGORY, GOVERNOR OF CEYLON.

## OFFICIAL MEMBERS.

The Hon. HENRY RENNY, C. S. I., Major General Commanding the Forces.

The Hon. ARTHUR N. BIRCH, Colonial Secretary.

The Hon. R. F. MORGAN, Queen's Advocate.

The Hon. J. DOUGLAS, Auditor General.

The Hon. G. VANE, Treasurer.

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WM. MARTIN LEAKE, Esq., (Planting Representative) Colombo [Resigned  
September 10.]

WM. ROSE, Esq., (Commercial Interests) Colombo [Resigned Oct. 1.]



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# Extraordinary Session.

—◆—  
COMMENCED 2ND JUNE, 1873;

CLOSED 4TH JUNE, 1873.



# CEYLON LEGISLATIVE COUNCIL:

## EXTRAORDINARY SESSION.

MONDAY, JUNE 2.

An Extraordinary Session of the Legislative Council commenced this afternoon in the Council Chamber, for the purpose of passing an Ordinance authorising Government to expend the sum of Rs. 561,700. His Excellency the Governor presided, and the members present included the Major General, the Acting Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent, Western Province, the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Rose, Mr. Leake, Mr. Ferdinands and Mr. Ondaatjee.

### NEW MEMBERS.

THE CLERK OF THE COUNCIL, "swore in" the Collector of Customs (Mr. W. D. Wright), Mr. Ferdinands and Mr. Ondaatjee, on taking their seats for the first time.

### THE GOVERNOR'S SPEECH.

*Gentlemen of the Legislative Council,*

I am constrained to call you together at this unusual period, in order that I may redeem a pledge which I gave the Legislative Council at the close of the late Session.

You will remember that in view of the large balances available for appropriation, the Government considered it advisable that a sum of Rupees 680,000, instead of being allowed to lie idle, should be expended on works of acknowledged public utility, to be covered in the following Session by a Surplus Funds Ordinance, and the late Colonial Secretary proposed a resolution to that effect.

This resolution was unanimously adopted, with the proviso that before the contemplated expenditure was incurred details of estimates of the different works should be submitted to a Select Committee of the Council for its consideration.—Three were to form the quorum of the Committee.

The estimates for the proposed works were not ready to be submitted to the committee before the departure of the late Colonial Secretary and Mr. Coomaraswamy, and as by some misunderstanding the quorum is entered on the Minutes of our

proceedings as consisting of four members, it became necessary to suspend the commencement of the very important works recommended to you, or to break faith with you by proceeding with them without previously submitting to you the estimates.

To suspend these works would be a serious evil, and the alternative could not even be contemplated.

I have therefore prepared a Surplus Funds Bill to provide for these works, and the estimates will be laid to-morrow before a committee of the whole Council.

It will be observed that the proposed sum to be expended on the Lemastota and Wellawaya road has been reduced from Rupees 100,000 to Rupees 65,000—the reason being, that the trace has as yet only been completed for the grant-in-aid portion of the road, estimated to cost the Government about the reduced amount, and that definite information could therefore be afforded to the Council as regards only this portion of the road.

I have taken advantage of the saving thus effected and of the financial results of the past year having turned out even more favourably than was anticipated, to introduce into the Ordinance a sum of Rs. 100,000 for the construction of new Gaols at Nuwara Ellia, Badulla, Batticaloa, and Puttalam, and of a Lock-up at Haldumulla. All these works are urgently required, the existing gaol accommodation at each of these localities being a discredit to the Colony.

I have thought it right to ask your sanction to enable me to give a gratuity to the men of the Ceylon Rifle Regiment, about to be disbanded, who are not entitled to pension. I trust you will concur with me that it would be unjust and harsh to throw at once upon the world, without giving them time to look out for fresh employment, a large number of men whose general conduct has been exemplary. It is the intention of the Government to offer service in the Police to a considerable number of meritorious men of this Regiment, and the Straits Government is also ready to take a portion into its employment. I have every hope, as private situations will

be offered to others, that the disbandment will be rendered in a great measure devoid of hardship.

As this is an extraordinary Session, convened solely for a special purpose, it would be out of place for me to refer to topics which will be fully treated in my opening Address at the regular meeting of the Legislative Council. I may, however, mention that I expect the arrival of Mr. Kyle, the future Managing Engineer of the Breakwater, under whose advice we shall be able to commence without delay the preliminary works, and no efforts on the part of Government will be wanting to push on this great and useful undertaking to its completion.

*Gentlemen of the Legislative Council,*

After the notices of motion are disposed of, the Colonial Secretary will propose the first reading of the Surplus Fund Bill.

PAPERS, &c.

The COLONIAL SECRETARY laid on the table the Report of the Floods Commission; and a Statement of the Cash Balances available for appropriation on the 31st December last.

THE DANGER OF THE COLOMBO LAKE DURING THE DRY SEASON.

Mr. WILSON moved

That the filthy and offensive state of the Colombo Lake is a recurring and increasing source of sickness, annoyance, and anxiety at the end of each dry season, and would probably cause some serious epidemic, if any monsoon rains were to fail or be delayed longer than usual.

Also,

That a most serious responsibility will rest on the Government, if it further delays taking the necessary steps for putting and keeping the Lake in a proper state of sanitary conservancy; particularly as it has ample funds in hand, has admitted the defective and unwholesome condition of the Lake, and has been frequently memorialized by the inhabitants on the subject, praying for relief.

The hon. member said he thought the matter referred to in the motion he had just read was of very great importance, much greater perhaps than many people were disposed to believe. He had put the motion in the book on the very first opening of Council with the view of preventing Government saying, when the regular Session came on, they had no estimates or plans to enable them to go on with the work. At the end of last Session there were surplus funds in hand, and he (Mr. Wilson) had suggested that a portion should be expended on this work, but the answer given by the Colonial Secretary was that nothing could be done without plans or estimates, and he (the Colonial Secretary) supposed these would be forthcoming in due course. That sort of thing had been going on for the last twenty years—promises had been made but not performed. He (Mr. Wilson) was appointed by the late Sir Henry Ward in 1864—(when there was a great deal of sickness and fever, owing to the bad state of the Lake)—on a Sanitary Commission. Fortunately the rains came, as they always seemed to come,—(though Government might be negligent in its duties)—and made the town healthy again. If His Excellency were to take a drive now by the Lake he would find it full, and the water, probably, clean. But if His Excellency had journeyed round its shores a month since, he would have found that the Lake was neither more nor less than a stagnant cesspool, as it had been for many years past. There was no reason why, with an overflowing exchequer, it should be so. Everybody who came to the Island from India noticed the disgraceful state of the "tank," as they called it, and wondered all the people in Colombo had not

been swept away by a pestilence. Buenos Ayres, through its neglect of sanitary measures, had been half swept away, and that might have been their fate in Colombo. Medical men thought its state very serious, and believed it was the source of sickness and fever. Dr. Roe, one of the principal medical men in the Island, was nearly dying of fever caught from the Lake, and he had to remove his wife and family from the Rifles Quarters to a more healthy spot. And Dr. Roe had to move his patients also. He had ordered Mrs. Mercer and Mrs. Leechman to move from their residences near the Lake because of the unhealthiness during the dry season. Drs. Roe, Thwaites, and Coghill had all united in signing a petition which stated that the Lake was a most serious danger to the people. He would say no more than that he trusted the question would be looked into, plans and estimates called for, and some efforts made to thoroughly cleanse the Lake. Besides the advantage which would accrue to the town in a sanitary sense such a course would render the Lake more useful as a means of water communication between many Stores and the Harbour, would change it from its present ineffective state by which boats stuck in the mud. Indeed it would be of the greatest advantage to have the Lake taken in hand.

Mr. ROSE seconded the motion. He thought Government should take this matter in hand, as they alone could do it well, but in saying this he did not wish to justify the Colombo Municipal Council for having done nothing. But still, while he thought the cleaning out of the Lake was very necessary, the roads of Colombo were in a much worse state, and ought to be taken in hand first. He hoped that Government would put the roads in proper order before they touched the Lake, but the roads once in order then he thought the Lake demanded their attention.

The ACTING COLONIAL SECRETARY, in reply, said that if the hon. member, who had put the motion had confined himself to merely asking a question as to the intentions of Government on this subject he thought he might have been able to give the hon. member a much more satisfactory answer than he was likely to do now. What the hon. member really asked was, before Government had framed its budget, that the Council should pledge itself to an expenditure on this matter. And in a case, too, where no plans or estimates were forthcoming which would be likely to give any idea as to the cost. The hon. member spoke of an overflowing exchequer, but if he were to do a little amateur budget-making, and became aware of the many things that were pressed upon Government, as urgently requiring attention, he would find how impossible it was to satisfy all demands, and yet make both ends meet. The Government could not for a moment think of devolving the responsibility of framing its Budget, a responsibility secured to it by the Constitution, on any person or any body of persons, and therefore, he should have to meet the motion with a decided negative as it stood upon the paper. For this reason—that the Government could not have the Budget framed for it—he was compelled to meet the motion, as he had said, with a decided negative.

Mr. LEAKE said he felt bound to support the motion, not only on account of its importance—for cleansing out the Colombo Lake was surely an important matter to the people of the city, whose sanitary condition would be benefitted, but also because last year the Council voted a sum of money for the improvement of the Kandy Lake

(Hear, hear, by Mr. Wilson.) His hon. friend, the Acting Colonial Secretary, had just said that it would be impossible to agree with his hon. friend's (Mr. Wilson) motion, because no plans or estimates were forthcoming. The vote for Kandy Lake was taken some time ago, and he (Mr. Leake) did not think that any estimates or plans were submitted.

Mr. WILSON: No: none were submitted.

Mr. LEAKE added that if such had been submitted hon. members and himself would have been glad to see them.

Mr. WILSON said he should like to say a few words in reply. When the vote to which his hon. friend, referred was taken, there were no estimates submitted—neither for the Kandy Lake nor the Newera Ellia Lake (hear, hear, and a laugh). His hon. friend, the Acting Colonial Secretary, in his reply to the motion, said Government had great difficulty in providing funds for necessary works. There seemed to have been no difficulty in providing funds for the ornamental lake at Newera Ellia (a laugh.) There were no plans for that, and the money was voted at the end of the session. He happened to come across a newspaper, which contained a very flourishing account of what was going on at Newera Ellia. He begged to be allowed to read it, for the extract was very short. It said:—

NEWERA ELLIA, 14th May.—Some little delay must take place in the completion of the masonry works about the proposed Lake, but before next season comes round there can be no doubt that Newera Ellia will have put on quite a different appearance. The drive round the margin of the Lake, with ornamental trees planted on each side, will be a vast improvement and greatly add to the beauty of the place. The Governor's residence and grounds are vastly improved, but much more remains to be done in the 20 to 30 acres attached to "The (vice-regal) Cottage;" a fine garden and fountain are now being arranged for.\* Just before that time the Colombo Lake was a perfectly stagnant cesspool, and a great deal of fever existed in the town. He thought people should compare these two things together, and they could not fail to draw their own conclusions.

The ACTING COLONIAL SECRETARY: There were no plans or estimates required for the work at Newera Ellia to which the hon. member refers. As regards the planting of trees and ornamenting the grounds of "The Cottage," all the money spent upon these works came out of the Governor's pockets (a laugh.) I wish to say before I sit down, that in meeting the hon. member's motion with a direct negative as it stood, I did not say that Government would not take up the question.

The GOVERNOR then put the motion to the Council, and declared the "Noes" had it.

Mr. WILSON challenged the decision, and a division took place with the following result:—

AYES.	NOES.
Mr. Leake	Mr. Ondaatje
Mr. Rose	Mr. Ferdinands
Mr. Wilson.	The Collector of Customs
	The Surveyor General
	The Government Agent, W. P.
	The Treasurer
	The Queen's Advocate
	The Acting Colonial Secretary
	The Major General
	The Governor.

For the motion 3; against 10. The motion was, therefore, lost.

**DRAINAGE OF THE CINNAMON GARDENS.**

Mr. WILSON moved:—

That it is desirable that Government should carry out a system of drainage in the Cinnamon Gardens as a sanitary measure, to remove the stagnant water close

under the surface; and also to afford an additional Water supply to the Colombo Lake.

The hon. member said that it was well known that there was a sub-stratum of sandstone under the porous shifting sand which formed the soil of the Cinnamon Gardens, and which prevented the water escaping in the usual way. It collected in pools, became stagnant, and rendered insecure and dangerous the houses now being built in the neighbourhood, which had water all round them. The question was a serious one for those gentlemen who had recently purchased land from Government, around the Circular Walk and other places. By a proper system of drainage, which need not be very expensive, all this water could be drawn off, and taken to supply the Lake where it was so much wanted. The people who had recently bought the land could not be expected to be at the cost of the main drainage. There was now no system at all. £100 was spent last year by the Colombo Municipal Council without any authority, and all that was then done was to dig some surface drains without any outlet whatever. It was felt to be a very serious matter, and a petition on the subject, signed by the aggrieved householders, would soon be presented to His Excellency, in which it would be prayed that the drainage should be undertaken.

Mr. ONDAATJE seconded the motion, believing that the inconvenience felt by residents in the Cinnamon Gardens would be removed by proper drainage. From his own observation and knowledge he could assert that much of the land in the Cinnamon Gardens was liable to get under water after a few showers of rain, which water stagnated and was the cause of epidemics, and that it was, therefore, desirable that prompt measures should be adopted for a proper system of drainage.

The ACTING COLONIAL SECRETARY said that neither the Legislative Council nor the Government could be expected to take up the work of the Colombo Municipality, nor indeed consider it in any way, until they knew that the Municipality were unable or unwilling to undertake it. Nothing had been said as to their unwillingness or inability, and, indeed, he (the Acting Colonial Secretary) believed the Municipality were actually now considering how they could best set about the work.

Mr. WILSON said as for that, he knew that the late Colonial Secretary, towards the close of the Session, said that the Government were aware that the income of the Municipality was sufficient to enable them to keep the roads in complete repair, and so on. The hon. the Acting Colonial Secretary said that the Municipality were going to do the work, but really that was no answer at all.

The GOVERNMENT AGENT, W. P., (Chairman, Colombo Municipality) could not see that there was any occasion for the motion. There was no necessity to call upon the Government to do this work, as the Municipality had it now under their consideration. As to the drainage question generally and the Lake, he might say that these subjects were now attracting the attention of His Excellency. But for the fact of the Governor's enquiries into this matter he (Mr. Layard) would like to have voted in favour of the last motion, on which the hon. member had divided the Council, but that really there was no necessity for it.

The motion was then withdrawn, by consent.

**THE BRIDGING OF THE NORTH ROAD, AND THE LABOUR QUESTION.**

Mr. WILSON moved:—

That instead of erecting expensive permanent bridges along the North Road, it is desirable that wooden pile

\* Correspondent of Observer, May 16,

bridges be erected to provide for the present Coolie and Cart traffic.

In explaining his motion Mr. WILSON said that he had no wish whatever to stand in the way of permanent improvements on the Road, for crossing the rivers, in which coolies were interested. But the question of the North Road seemed to him in an unsatisfactory state at that moment. There was some talk just now—he did not know how much there might be in it—of a connection by railway from Polgahawella via Kornegalle to Manaar. Perhaps the large district which would then be opened up would be available for cotton-growing, but that was altogether another question. Still he thought the fact of the Tuticorin Railway being almost in existence, the embankments being made, and the property being purchased for the terminus in the town of Tuticorin, put quite a different aspect upon this question. He made an enquiry the other day of a friend who had just come from Tuticorin, as to when the railway was likely to be completed, and the reply was that it would be completed within two years. Then came the question, the railway running through a populous country which supplied Ceylon with labour, what were the best means to bring the coolies, thus rendered more accessible, across to Ceylon? He had spoken to Captain Donnan on the subject, asking him if they could depend upon having smooth water on one or the other side of the Manaar bar, all the year round. He (Captain Donnan) replied "Yes," and further added that he was convinced Colombo would be the port to which the coolies would come, in preference to any other, when the railway was completed to Tuticorin. No doubt when the Colombo Harbour was completed, they ought to have a steam ferry across, very cheap, if not perfectly free. He considered the labour question was the most serious one for the island at the present moment, and in every way that was possible Government should facilitate the introduction of labour. In Sir Henry Ward's time it was proposed to bring the coolies over free, and he (Mr. Wilson) thought that some plan might be adopted now to bring them and send them back free, or at least bring them here for nothing. He thought it would be injudicious—in a country where so much timber was available—to go to the expense of heavy, permanent structures, that it would be well to wait for permanent bridges until they knew what would be best to adopt, when the railway to Tuticorin was finished. But he wished to repeat, in conclusion, that he had no desire to stop a good work.

Mr. ROSE had great pleasure in seconding the hon. gentleman's motion, not however on the ground that it was desirable to erect temporary bridges on the North Road, as it might be found that permanent iron bridges would be cheaper in the end, and the wood procurable in that district was not of the best quality. The other scheme, however, referred to by his hon. friend deserved the most serious consideration at the hands of the Government. About twenty years ago it was first proposed to establish a system of transport for coolies between Tuticorin and Colombo; an immigration scheme was established, which, after wasting upwards of £20,000 turned out a failure, and that rather alarmed the Government and probably prevented the establishment of regular sea communication for coolies. He believed the subject could not be delayed much longer, and that Government would

have to take it up, and he hoped when it was taken up, it would be well and properly done, though the expense would be considerable, for it would benefit the Island more than any other which could be undertaken. In less than two years more the railway would be finished to Tuticorin, and if a regular line of steamers and schooners were established thence to Colombo the coolies could get to the estates in about three days instead of spending fully twenty days on the journey, which they did at present, and many more would come. A great many coolies came that way now, and many more would, but the native dhony-men cheated them and sometimes charged them exorbitant sums for the passage. If His Excellency would establish a scheme of this kind, and set it into proper working order it would for many years to come be looked upon as the greatest boon any Governor had ever bestowed on the Island, and he hoped our present ruler was the man to do it.

Mr. LEAKE was sorry that he had had such little notice of this motion. The subject to which it referred was second to none in importance to the planting community. He had only seen the motion after he had entered the Council Chamber, and, therefore, had not had time for considering it as he should like to have done before expressing an opinion upon it. He must say that he did not feel able to support the motion. He quite felt with his hon. friend on his right (Mr. ROSE) that a good system of conveyance by steam would be a great improvement over the journey along the North Road,—if it could be carried out. As his hon. friend had said the subject was talked about twenty years ago, and was beginning to be talked about again. He believed some papers were passing from hand to hand referring to some such scheme as had been explained, but as he had not seen them, he could not say what was the exact scheme proposed. It was seven or eight years since the talk of the last proposal of the kind had died out. He was not sure that, with respect to some of the schemes, a Government Steamer was not purchased. But, whatever these talked-of schemes might be, it would not be safe for them in any way to neglect what was at present the means of communication which suited the coolies admirably, and which had served their turn very well so far. Apart from the question of the alternative routes of immigration however he held as a general principle, good in any country, that permanent works were better and cheaper in the end than those of a less lasting description. More especially was this true in a tropical climate such as Ceylon.

The ACTING COLONIAL SECRETARY said he was very sorry that the hon. member who had just sat down had had no earlier intimation of the motion to be submitted on this subject, but the fact was it was not customary to take up any business on the Opening day of a Session; still as this was to be a very short Session, and there was no desire on the part of Government to stand in the way of hon. members in their wish to ventilate questions he had thought it better, with His Excellency's sanction, that notices of motion should appear on the "order of the day" for the first sitting. He was glad that his hon. friends had spoken to the motion in the way that they had. Hon. members must remember that this North Road was no ordinary thoroughfare, but the one means of communication between the Northern Province, and the other parts of the Island. It was an important road for coolies

travelling to and from the Coast, and would be for many years to come. It was also a road greatly used for the conveyance of traffic, as he could testify from personal experience, having recently visited it. He thought, therefore, under all these circumstances, that Government, when once it dealt with its improvement, was bound to do the work in a good substantial manner. He would not enter into the labour question, as it formed no part of the subject before the Council, but would simply reiterate that Government in doing the work would do it substantially.

The motion was withdrawn.

#### ESCAPE OF FLOOD WATERS TO THE SEA.

Mr. WILSON moved:—

That it is desirable that Government should, without delay, make provision for the better escape of flood-waters to the Sea, as the Commissioners have sent in their Report.

This, said the hon. member, was a matter which had been talked about ever since he had been in the Island. Everything had been promised, but comparatively nothing had been done. He passed along the Negombo Road on the previous Saturday, and just near the fourth mile-stone, the road was a practical illustration of the bar that was formed preventing the escape of flood waters to the sea. The Road Officer was near making some repairs, and he (Mr. Wilson) induced him to measure the water on each side, and it was found that on the side where the flood was, the water was higher by one foot and ten inches. During the flood in September last the water was two or three feet higher on that side than the other. If a waterway two hundred yards wide were made at that spot, which might very easily be done, there would be an immense reduction in the flood waters. From that spot it would go in a straight line to the mouth of the river, and so benefit the Bridge of Boats immensely. He had read the Report of the members of the Floods Commission, and they said he was under a misapprehension about Dandegama river. But the Commissioners must have misunderstood what he actually said. After travelling over the country and observing carefully he thought there was a ridge beyond Jayella to Veyangodde, where the late washaway occurred, so that there was formed one wide sheet of water. The Government Agent for the Western Province could say whether this was so or not.

The GOVERNMENT AGENT, W. P.: No, there is not.

Mr. WILSON: Is there not a ridge which stops the flood waters?

The GOVERNMENT AGENT, W. P.: There is a ridge between the Dandegama River and the eighth mile-post on the Negombo Road.

Mr. WILSON: If it is so I am wrong, but I meant the rise of the Dandegama river. It was thought that the floods extended from the Dandegama river to Veyangodde, and to prevent this I would make a clear path, as I said to the mouth of the river.

Mr. ROSE (there having been a pause, and no one appearing ready to second the motion) said he would second his hon. friend's motion, though really he knew nothing about the subject (laughter.)

The ACTING COLONIAL SECRETARY said he agreed with the hon. member (Mr. Wilson) in theory, but not in practice. He quite agreed that floods should be done away with, but could not altogether approve of the suggestions which had been made. Perhaps they might come to the root of the matter more quickly if the Council would resolve that there should never be a flood again (a laugh). If the Government could find any

feasible plan by which they could act upon the recommendations of the able Report he had had the honour to lay upon the table that day, hon. members might depend upon the Government losing no time in the matter. But there was nothing before them on which Government could act—no definite plan, no estimate; in fact Government was quite unable to deal with the subject by such a resolution as that which was now before them, and which, therefore, it would resist.

The hon. member who proposed the motion, insisting on a vote, a division took place as follows:—

AYES.	NOES.
Mr. Leake	Mr. Ondaatje
Mr. Rose	Mr. Ferdinands
Mr. Wilson	The Collector of Customs
The Surveyor General	The Govt. Agent, W. P.
	The Treasurer
	The Queen's Advocate
	The Colonial Secretary
	The Major General
	The Governor.

Ayes 4; Noes 9.—

Motion lost.

#### APPROPRIATION OF SURPLUS REVENUES.

The ACTING COLONIAL SECRETARY moved the first reading of "An Ordinance to apply a portion of the Surplus Revenues of past years to works and services of acknowledged public utility." He said that in introducing this Ordinance he need not detain the Council very long, because the principle of the bill had been adopted already during a previous Session of the Council. He should, however, have to refer to one alteration in the bill. The sum of Rs 100,000 had been added for the propose of improving prison accommodation. The reason for this had been twofold, as His Excellency had already explained to the Council. In the first place Government was not prepared to ask for so large a grant as was at first arranged for the Lemas tota-Wellawaya road, because the trace had only been prepared for a certain part of the road. A saving was thus effected in that item, and further sums were available for appropriation, as would be found in the statement of Cash balances he had laid on the table that day. The amount thus made available for appropriation was ... .. Es. 1,254,255

Deducting from this the amount which must be kept in hand by Government ... .. „ 500,000

There was left for appropriation ... Rs. 754,255

It had, therefore, been thought desirable to expend a portion in improving the state of some of the minor gaols which were anything but creditable to the country. In 1869 the Report of the Prisons Commission was laid before the Council, and in it was a scheme which proposed largely increasing the size of Welikada Jail, and therefore curtailing expenditure on prisons in distant districts. Recent experience had shown Government that it was not desirable to bring so large a number as was then contemplated into one jail. It had been shown that prisoners from Kornegalle, Kalgalle, and other places, brought fever into the establishment, and not only went there themselves to die, but introduced disease and infection into the place. It had, therefore, been found necessary to fix upon some outstations as needed jails, and these were Newera Ellia, Badulla, Batticaloa, Putlam, and a lock-up at Haidumulla. At Putlam the prisoners were very useful, being employed in the Government Salt Lagoons. The money would be appropriated as follows:—

Newera Eliya .....	Rs.18,682
Batticaloa.....	16,884
Badulla.....	35,136
Puttalam .....	23,734
Haldumulla .....	7,500

Total. Rs. 101,886

Plans and estimates of these works would be laid on the table to-morrow. The Inspector General of Prisons and the Director of Public Works would also be present to give any explanations that might be required respecting these works.

The QUEEN'S ADVOCATE seconded the motion, which was agreed to.

The ACTING COLONIAL SECRETARY moved that the Standing Orders be suspended, and that the second reading of the Ordinance be agreed to.

Mr. WILSON had some objections to this course being adopted. He had seen no plans or estimates of the proposed buildings. When, during the last Session, unofficial members asked for particulars respecting the jails the particulars were refused, and now they found that the money then voted was gone, and a fresh lot asked for. They ought not to agree to a second reading until all these points were cleared up.

Mr. LEAKE said that his strong impression was that when the vote was taken for the Lemastota and Wellawaya road, it was on the understanding that it was to be a Government road, but he learned only on the previous night that it was to be a grant-in-aid road.

The GOVERNOR: No; only portions of it grant-in-aid.

Mr. LEAKE: I have taken great interest in this road, and cannot understand all that has been done.

The ACTING COLONIAL SECRETARY: As to the hon. member who first objected to the suspension of the standing orders on the ground of want of plans and estimates, I may remind him that it is never customary to lay plans on the table before the whole Council. Such are never laid on the table, except in committee, and it was for this reason—to give hon. members every facility for seeing plans and estimates to-morrow, that I wanted the second reading agreed to to-day. As regards the Wellawaya and Lemastota road I should explain that the road is not a grant-in-aid road, except for about seven miles. A portion has been constructed by the neighbouring planters. They have no objection at all to contribute towards its upkeep. Government is acting very liberally with them, repaying the cost of construction of a part of the road which they have made. When, with His Excellency, I passed over it the other day, the planters were quite satisfied that seven miles should be grant-in-aid, and the remainder Government road.

Mr. LEAKE said that if the planters interested were satisfied he had nothing to say against it. Only when it came before him in the first instance the Provincial Road Committee refused to make it a grant-in-aid road, for this reason—Government was going to make the road from Lemastota to Wellawaya, as it considered that was a main thoroughfare. There certainly was something about the change of plan which he could not understand.

Mr. WILSON also said that it was clearly understood when the vote was agreed to that the road was to be a Government Road.

Mr. ROSE explained that it was formerly intended to carry the road below the Estates, which would have rendered it useless so far as they were concerned. Government, on representations being made to it, sent an officer to make such a trace as would

be suitable to the planters. That was adopted and both planters and Government were satisfied, excepted that the former were called upon to pay one-half whereas they had only expected to pay one-third.

After some further conversation, in which the ACTING COLONIAL SECRETARY pointed out that the original vote was not for the completion, but only "towards" making the road,

His EXCELLENCY said: It is in my power to explain this matter. Hon. members, perhaps, are not aware that for some considerable time communications were passing between the district around Lemastota and the Government on this subject. Several questions arose with regard to the matter. The planters argued that it would be better that the road should be made convenient for them. Two traces were proposed as my hon. friend (Mr. ROSE) has stated—one suitable to the planting community, and the other, which would have been of little benefit to them. Government, subsequently, on the application of the planters in that part of the country, consented to have the trace made which would be most convenient to them. When last at Lemastota so far as I understood, the proposal to make the seven miles portion a grant-in-aid road was clearly accepted. Then it was pointed out to me that a considerable expenditure had been incurred, and that Government should refund, on a fair valuation, the money that had been expended. Seeing a good deal had been done, I was favourable to this proposal, and expressed my wish that the cost of the part the planters had done should be credited to them. That I considered as an act of duty on the part of Government (hear, hear).

The ACTING COLONIAL SECRETARY said he should like to proceed with the second reading, if hon. members would not persist in their objection. Having quoted the Rules of the Council on the point the hon'ble gentleman proceeded to state that in Committee on the morrow he should ask permission to add a sum of Rs. 23,000 for appropriation for gratuities to the men of the Ceylon Rifles. The Council was doubtless aware that by the decision of the Home Government the disbandment of this regiment must take place and those who had only served 17 years would be literally turned adrift, only those who had served over 18 years getting pensions. It was thought hard that a Regiment which had done long and gallant services in the island, services creditable to themselves and the Island, should be turned adrift in this unceremonious way. He should ask the consent of the Council to give gratuities of a month's pay to those who had served under one year, one month and five days' to those who had served more than a year, and so on till the men who had served 17 years would get pay for three months and three weeks. A special sum (extra) would be required for batta for the Sepoys, as according to the rules of the service a man could only have batta to the place where he was enlisted, so that, for instance, if a Sepoy now stationed at Trincomalie were enlisted at Colombo, he could get batta only to Colombo. Government, however, proposed to grant them batta to India. Altogether a sum of about Rs. 23,000 would be required.

Mr. WILSON still persisting in his objections,

The ACTING COLONIAL SECRETARY said: The hon. member can object to-morrow.

Mr. WILSON: Oh, then the hon. gentleman will leave the matter open?

The ACTING COLONIAL SECRETARY: Certainly. The second reading was then agreed to.

The Council adjourned.



TUESDAY, JUNE 3.

His Excellency the Governor presided at the meeting held this afternoon. There were also present:—The Major General, the Acting Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent (W. P.), the Collector of Customs, the Surveyor General, Mr. Wilson, Mr. Leake, Mr. Ferdinands, and Mr. Ondaatje.

THE SURPLUS FUNDS ORDINANCE.

The Council resolved itself into Committee, and proceeded with the items in the Surplus Funds Ordinance one by one. The first item was "Nawalapitiya Railway Extension, Rs. 150,000." Agreed to without discussion.

With respect to the vote of Rs. 120,000 for Customs premises,

Mr. WILSON said he thought it would be very inconvenient to have two Departments located in the same building as was proposed—the Customs on the ground floor, and the Public Works Department upstairs. Considering how much, with the new Harbour, the trade of the port was likely to increase he thought the entire building should be kept for the Customs; if it were too large, room would be allowed for expansion. If a place were wanted for the Public Works Department there were the Barracks by the Lake side, which would shortly be vacated. He did not think £12,000 for good Customs premises at all excessive.

The ACTING COLONIAL SECRETARY said the Government had had the idea which was mooted by the hon'ble member under their consideration, and that morning His Excellency, the Director of Public Works, and himself had visited the Barracks, with a view to their being rendered fit for the Public Works Department.

Some desultory conversation ensued on the subject, and though no definite pledge was given it was understood that the Customs authorities would have the new building entirely to themselves.

The third item was Rs. 126,701 for bridging the Northern and Trincomalee Roads.

The ACTING COLONIAL SECRETARY said that since the sitting of the Council on the previous day he had applied to the Director of Public Works, who had given him a rough estimate of the cost of bridging the whole of the North Road. The entire cost would be Rs. 212,000, which he thought a very reasonable sum for so great a throughfare as was the North Road, extending to about 150 miles.

In reply to a question Mr. MOSSÉ said that the bridges would be generally of iron, with stone culverts.

The vote was passed unanimously.

With respect to the item of Rs. 65,000 towards the construction of a road from Lemastota to Wellaway, a discussion arose, in which the points debated on the previous day were again mooted with the imported question as to the width of the road. The estimate was framed for a wide, strongly-made road.

The GOVERNOR said: The reason why this estimate was framed for a wide strong road was in consequence of the representations urged upon me recently in Dimboola, when the planters there expressed a strong opinion as to the advantage of making the road wide and very strong in the first instance, a course which ultimately would prove most economical. The consequence of making narrow roads with a comparatively small quantity of metal, and at a proportionately low first cost was, that when heavy rains fell the road became surcharged with moisture, the wheels of the carts sank into the yielding material, and

once formed. It was then discovered that a great many repairs were required before the road could be used. I determined henceforth that when applications came to Government for a road I would invariably give gentlemen applying the opportunity of deciding whether they would have a good road in the first instance at a larger expenditure, which would be recouped I hope by the saving of upkeep. I shall make the proposal, leaving it for the planters interested, who are the best judges, to decide. So far as purely Government roads are concerned in the future I should not think of sanctioning anything but wider roads and a larger extent of metal. In India there are three classes of roads, respectively 30 feet, 25 feet, and 18 feet wide, so that the third class in India is nearly equal to the first class in Ceylon, which is about 20 feet. In the case before us therefore, the option will be given to the planters to decide as to the width and construction of the road.

The vote for the Lemastotta-Wellaway road was then agreed to.

In regard to the last item, Rs. 100,000 for prisons, the ACTING COLONIAL SECRETARY said he should like to explain that so far as his knowledge went the Government had never refused to give an account of the expenditure on prisons of money obtained from the Loan Board, and if such a return had been asked for by hon. members it would have been at once accorded, and most willingly. As soon as he heard the hon. member's objections on the previous day he sent to the Director of Public Works to beg him to bring with him a statement of the expenditure under the Loan Board Ordinance, and that statement was now available, though rather in a rough state. It showed a balance still unappropriated of Rs. 50,000, but this would be required to improve the gaol at Kornegalle, and erect a structure for the prisoners to be employed on the Breakwater at Colombo. Different definite sums being wanted, instead of taking a lump sum, he asked the Council's assent to definite sums and had separate plans and estimates prepared, and these were now before Council.

Mr. WILSON said he should oppose the sum altogether, and, first, for this reason, that the unofficial members had been ignored altogether. They had asked for information, and had got none. The money was taken from the Loan Board, and no attempt whatever made by Government to show how it was expended, or upon what prisons. The Council was now called upon to hark back to what was the state of things prior to 1869, without being told why. The unofficial members ought not to be called upon to look at plans one minute and decide upon them the next. From all he had heard the plan of dealing with prisoners at Welikada had been most economical, for they were not only brought to prison for punishment, but also to die there.

The ACTING COLONIAL SECRETARY pointed out the disgraceful state in which many of the prisons were, some mere cadjan structures, with no separate wards for the sick, so that men suffering from disease were treated in the ordinary cells, and infection soon spread. The state of some of the gaols of the colony, including that at Newera Ellia, was most discreditable. As for the charge of the hon'ble member that Government was "harking back" to carry out the recommendations of the Prisons' Commission in 1869, which were then though so expensive, he (Mr. Douglas) pointed out that it was not the case, quoting several instances to his proof.

Mr. WILSON reiterated his objection that the unofficial members had been ignored in this mat-

ter. Last year when he asked for information about Welikada jail he was told the matter was still under consideration, but since then no information had been vouchsafed to hon. members on this subject.

The ACTING COLONIAL SECRETARY failed to see anything in common between the refusal of Government to give the information asked for, and declining to pass the vote now before Council. A great point was made by the hon. member as to the non-production of the proceedings of a Special Commission which the Government could not then furnish as they had not come before the Executive, and which even now they were compelled to keep back as the Secretary of State had not decided upon them. It would not be fair to officers whose conduct was called into question if the proceedings were published now.

Mr. WILSON : I move, then, that the amount be struck out.

Mr. FERDINANDS was strongly of opinion that the vote should be agreed to, as, from his own observation, he could bear out the statement that the gaol at Newera Ellia was a disgrace to the Colony. It was a great hardship to the prisoners that the gaols should be kept in their present state, and whatever the result of the inquiry, to which his hon. friend (Mr. Wilson) had referred, the sooner the money asked for by Government was spent, the better.

The plans were here laid upon the table, but Mr. WILSON said it was impossible to examine them then, and pressed his motion to a division with the following result, on the question "that the words stand part of the bill":—

<p>AYES.</p> <p>Mr. Ondaatje Mr. Ferdinands Mr. Rose The Collector of Customs The Surveyor General The Govt. Agent W. P. The Treasurer The Queen's Advocate The Acting Colonial Secretary The Major General The Governor.</p>	<p>NOES.</p> <p>Mr. Leake Mr. Wilson.</p>
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The motion was, therefore lost.  
The bill then passed through Committee.

NOTICES OF MOTIONS.

Mr. Leake and Mr. Rose respectively gave notices of motions for the meeting on the following day.

HOUR OF MEETING.

A conversation, initiated by Mr. WILSON, as to the hour of meeting took place, the almost unanimous opinion being against Mr. Wilson's suggestion to meet at one o'clock, and it was, therefore, agreed that the hour of meeting should be three o'clock, as heretofore, unless special business demanded an earlier hour for assembling.

The Council adjourned.

WEDNESDAY, JUNE 4.

The Governor presided, and there were present : — The Major General, the Acting Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent (W. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Rose, Mr. Leake, Mr. Ferdinands, and Mr. Ondaatje.

THE REORGANIZATION OF THE POLICE FORCE.

The ACTING COLONIAL SECRETARY, in laying on the table a Report drawn up by the Inspector General of Police on the changes necessary in the Police Department, owing to the strengthening of that force on the disbandment of the Ceylon Rifles, craved the indulgence of the Council whi t he

made a short explanation on this subject. The Council was aware that it was always contemplated to strengthen the Police Force on the disbandment of the Rifles Regiment. His Excellency and the Government strongly desired not to make this change without the previous sanction of the Legislature, as the matter was one of considerable importance. But, unfortunately for this intention, the scheme could not be got ready in time for a formal vote at the Extraordinary Session, from the simple reason that Mr. Campbell, the permanent head of the Police, had been expected to return to the Island, and Mr. Saunders, his *locum tenens* felt unable to bring forward a scheme of this magnitude at a time when the return of the permanent Head of the Department was imminent. The scheme had, however, now been drawn out, but had only been received the day before. The Government, therefore, were in this position—that if it were intended to increase the force, that increase must take place at once, as the great object was to take the best-conducted men of the Rifles. The men would join the Police Force willingly, and there would be no difficulty in Government getting the pick of the men. The statement he had laid on the table would be printed as quickly as possible, and sent to hon. members and the local newspapers.

BRIBERY AT NEWERA ELLIA.

Mr. LEAKE asked

"If it be the case that the clerk of the Newera Eliya Court having been detected in receiving a bribe in respect of the service of a Warrant, has been allowed to retire on pension?"

The hon. member said he had a very brief statement to make with respect to the question he had asked. The statement was drawn up by Mr. Shelly, the Justice of the Peace who issued the warrant, and attested by Mr. Forrest of Dodangalla Estate, at whose instance it was issued. It was as follows:—"In March last Mr. Forrest had occasion to get a warrant to apprehend a man, Rayapen, for obtaining money under false pretences. This man Rayapen was in jail in Newera Ellia. Mr. Forrest sent a cangany up with the warrant to point out Rayapen. When the cangany got to Newera Ellia, the Clerk of the Court there refused to shew him the man Rayapen, who was at the time in prison at Newera Ellia, unless he gave him Rs. 5. The Cangany had no money so he came back to Dodangalla. Mr. Forrest then wrote to the Magistrate telling him that his clerk had demanded Rs. 5 before he would shew the man Rayapen. The Magistrate wrote to Mr. Forrest telling him to send up the cangany again and to give him a note for Rs. 5 taking the number of the note and also sending the number to the Magistrate. This was done. The clerk at Newera Ellia when asked to shew Rayapen again asked for Rs. 5, and Mr. Forrest's cangany gave him the note. He (Mr. F.) then sent and told the Magistrate that the clerk had accepted the note. The clerk was examined and confessed his guilt, saying that the cangany had offered him the money." Mr. Leake added that Mr. Forrest had since been informed by the Magistrate that the clerk had been allowed to retire on a pension in consideration of his large family and service of thirty-six years.

The ACTING COLONIAL SECRETARY said that the facts of the case as related by the hon'ble member were substantially correct, with the exception of one item, namely, that though the clerk had been removed from the service of Government he had received no pension. He would explain what he believed was the cause of the misapprehension

which led to the information being furnished to the hon. member. The clerk had formerly been employed in a similar capacity in one of the military departments, and on the post he occupied being abolished he had been awarded a retiring pension of £90 a year. He was subsequently employed by the Civil Government, and had since been discharged on account of the circumstance to which the hon. member had alluded. This, however, did not affect the pension from the military authorities. Any pension he might have been entitled to from the Civil Government he had, of course, forfeited by his discharge.

#### THE RIFLES BAND.

Mr. ROSE moved

"That it being now settled that the Ceylon Rifle Regiment is to be disbanded, it is most desirable that the Rifle Band should be kept up at the expense of Government and be available to the public; that His Excellency the Governor be authorized and requested to include the expenses of the Band in the sum to be voted for the disbandment of the Regiment; and that the necessary vote for upkeep of the Band be afterwards taken annually."

The hon. member said: I believe I am correct in stating that a Band is kept up in each of the Indian Presidencies at the cost of Government, and the disbanding of the Rifle Regiment gives us a good opportunity of doing so also, and as the country is extending so much, the expense of keeping up a good Band would not be felt while the benefit to Society and the public at large here in Kandy, Newera Ellia, and other places would be great. It may be if this Band is not kept on that Colombo may be left without one altogether, as some of the foot regiments now I understand have no Bands worthy of the name. The Rifle Band could advantageously be attached to and compose part of the Police Force and would thereby be kept in some kind of discipline and would not cost so much. I might, however, appeal to your Excellency and this Council in vain were I not authorized to state that the ladies of Ceylon are all very anxious on this subject, and look with confidence to this Council that they will not be deprived of the innocent amusements of the season in Ceylon for want of music, amusements so desirable in a country like this where exercise is so necessary to health. (A laugh) I am sure it is only necessary to make this statement to get this motion carried unanimously by this Council. I also take the liberty of asking Your Excellency to make this an open question before the Council so that all the Government members may vote as they please and as they are all married men I am sure none of them would dare to vote against me. (Laughter.)

Mr. FERDINANDS seconded the motion, and said that the Rifle Band, apart from the Regiment, was looked upon as an Institution of the colony, which conducted greatly to the entertainment of the community and the rather sudden announcement that it was to be disbanded took the community by surprise. They were, therefore, unprepared with any scheme for taking up the Band at present. He thought that if the Government retained the Band as an experimental measure for a year, and placed the men under the Police for the purposes of discipline, making them available to the public at certain prescribed fees, the Government contribution would not be very great. If the experiment proved a costly one at the end of the year, it need not be repeated. He was aware of the objection that the island revenue was in this case being diverted for the benefit of a section of the community, but this was an exceptional case, and he

believed the Government contribution would not be great, as the Band would be often employed at native weddings, and other rejoicings.

Mr. ONDAATJE said he had great pleasure in supporting the motion, and begged to say a few words on the subject, as he thought it was one of importance, and he was unwilling to give a silent vote. The question was, as far he apprehended it, whether it would be for the public good to keep up the Band, and whether the advantages would be commensurate with the expenses of the upkeep. He believed that it would not be denied, in this age of culture and progress, that whatever tended to the amusement, recreation, and enjoyment in a rational manner of the public, might be viewed as conducive to the general good. In this instance the advantages would not be limited to the public of Colombo, but would extend to outstation residents, for, with the easy means of communication at present existing, people from all parts of the Island frequently come to the metropolis. Besides, Natives of the better class were rapidly acquiring European tastes and habits, and it was likely they would largely avail themselves of the services of the Band, and it would be a pity to throw that class of Her Majesty's subjects back as it were, in the march of civilization and refinement. He believed that European music, such as the Band could place at their command, would soften their manners and refine their tastes.

Mr. WILSON had great pleasure in supporting the motion, and he thought Government might fairly take upon themselves the cost of keeping up the Band. At the same time the public ought to be very grateful to the officers of the Regiment for having given them the benefits of the Band without contributing to its support in any way.

The ACTING COLONIAL SECRETARY said this was a question on which every member of the Council could give an unrestricted vote, each being at liberty to express his opinion as he liked. He ought, however, to state that His Excellency the Governor felt unable to record his vote in favour of the motion without the previous sanction of the Secretary of State, because the Government were undoubtedly taking money out of the general revenue which was only for the benefit of one part of the Island. There was no doubt a great deal of truth in what had been urged by the hon'ble member (Mr. Ondaatje) as to the civilising influences of music, but he felt compelled to state that the same reason which he had mentioned as preventing His Excellency voting in favour of the motion, would also cause him to vote against it. The annual expenses of the Band were about £1800, and he (Mr. Douglas) was very doubtful that any large proportion of this would be returned to Government in the shape of hiring fees, &c.

Mr. ROSE pressed his motion to a division, with the following result:—

#### AYES.

Mr. Ondaatje  
Mr. Ferdinand  
Mr. Leake  
Mr. Rose  
Mr. Wilson  
The Collector of Customs  
The Surveyor General  
The Govt. Agent, W. P.  
The Treasurer  
The Major General.

Ayes, 10; Noes 3—Majority in favour of motion 7.

The GOVERNOR stated that he would accept the decision of the Council, and communicate at once with the Secretary of State on the subject.

After a few words from Mr. ROSE, the subject dropped.

#### NOES.

The Queen's Advocate  
The Acting Col. Secretary  
The Governor.

## SURPLUS REVENUES ORDINANCE .

The ACTING COLONIAL SECRETARY moved the third reading of the Ordinance to provide for the expenditure of surplus funds.

The QUEEN'S ADVOCATE seconded.

Mr. WILSON said he must beg leave to protest against the sum asked for on account of prisons. His chief reason was because of the mystery which marked the whole proceedings respecting the late Goal Expenditure, which the unofficial members were able to squeeze out of Government. They were promised in a previous session, in answer to a motion, that all plans and estimates should be submitted to Council before votes of money were asked for. But unofficial members had received none of them. For his own part he did not know the cause of the alterations to be made in the gaol nor what were the suggestions of the Sanitary Commission in reference thereto. He did not see any great hardship in Government acceding to his suggestion that this item be put off for a few months, until the regular session.

The ACTING COLONIAL SECRETARY : There is one statement made by the hon'ble member which I cannot allow to pass uncontradicted. He says that there is a "mystery" on the part of the Government. There is nothing of the kind. It was only on Monday that the hon'ble member was complaining for want of details of expenditure. We did all we could to get that information, and the Director of Public Works was here yesterday with the information in his pocket. I announced this, but the hon'ble member did not ask for the information. Where is the "mystery" on the part of Government ?

Mr. WILSON ; I did not understand the hon'ble gentleman to say that yesterday.

The ACTING COLONIAL SECRETARY : I informed the Council that the Director of Public Works was here, and the object for which he had come. Government has no wish or desire of any kind to keep anything a "mystery." I cannot allow, therefore, the hon'ble member to charge the Government with "mystery." As to the reference to alterations in Welikada jail, to which the hon. member alluded, no alterations were suggested by the Sanitary Commission, in the rural jails, nor are any necessary.

Mr. WILSON : It's very odd that I should have misunderstood the hon. gentleman with reference to particulars of former expenditure. I said at the time there was no sufficient opportunity to examine plans or look into estimates. We saw in last Session estimates for a Museum cut down by one-third. Possibly, had time been given us to examine these estimates a similar result might have followed.

Mr. LEAKE said he did not understand that information respecting former expenditure was available. It might have been his own fault and the fault of his hon. friend that they did not understand this, for understand it they certainly did not. As to the "mystery" there had been to his mind a change of policy on the part of Government since the enquiry had been going on. He might be wrong, but he thought so. He did not wish to oppose the vote as he thought the alterations provided for were needed.

Mr. WILSON handed in his protest, and the Ordinance was read a third time.

The GOVERNOR gave his assent to the measure.

The Session then came to an end, without any formalities.

# Ordinary Session.

COMMENCED 30TH JULY, 1873;

CLOSED 21ST DECEMBER, 1873.



## LEGISLATIVE COUNCIL.

PROCEEDINGS.—*Wednesday, 30th July, 1873.*

### PRESENT.

HIS EXCELLENCY THE RIGHT HON'BLE W. H. GREGORY, President.

The HON. MAJOR-GENERAL H. RENNY, C.S.I.  
The HON. ARTHUR N. BIRCH,  
The HON. R. F. MORGAN,  
The HON. J. DOUGLAS,  
The HON. G. VANE,  
C. P. LAYARD, ESQ., C.M.G.,  
J. PARSONS, ESQ.,

MAJOR A. B. FYERS, R.E.  
W. D. WRIGHT, ESQ.,  
E. J. DEHIGAME, ESQ.,  
W. ROSE, ESQ.,  
W. M. LEAKE, ESQ.,  
C. L. FERDINANDS, ESQ.,  
P. D'M. J. ONDAATJIE, ESQ.

1. MEMBERS SWORN.—The necessary Oath was taken by the Hon'ble A. N. Birch.
2. OPENING OF THE SESSION.—His Excellency the Governor opened the Session with the following address:—

GENTLEMEN,

IN compliance with the wishes of the majority of the Legislative Council, as expressed by their votes last year, I have called you together at an early period, which will give you ample time to consider the very few Bills which I have to lay before you.

The financial position of the Colony is one of unqualified prosperity. As the Council are already aware from the returns laid before them at the Extraordinary Session held at the beginning of June, the revenue of the year 1872 exceeded the estimate by Rs. 696,980; while its excess over the expenditure of that year amounted to Rs. 729,591. The greater portion of this surplus has been disposed of by Ordinance No. 8 of 1873 passed during the short Session.

It is now my pleasing duty to announce to you that the progressive increase of the revenue of the current year bids fair to surpass even that of the year 1872, inasmuch as the receipts of the first half of the present year have exceeded those of the corresponding period of the preceding year by no less a sum than Rs. 815,733. The main items of increase have been those of "Railway Receipts," "Sale of Government Property," "Stamps," "Licenses," and "Land Revenue," which shew an excess of Rs. 709,394 over the aggregate collections under the same heads for the first half of the year 1872.

Although owing to the anticipated shortness of the coming crop, and to a falling off in the arrack farms, a subject to which I shall refer hereafter, the prospects of the present half year are not so favourable, still a revenue in excess of the estimate by at least Rs. 800,000 may with confidence be relied on. I am thus enabled to bring before you in the Supplementary Supply Bill appropriations for various works of public utility, which would otherwise have had to stand over for the Budget of the ensuing year, if not indeed until a far more remote period.

Several of these works, although their utility—I may almost say necessity—have been acknowledged for years, have constantly been postponed from want of means to execute them.

First, in order of magnitude, stands a new bridge over the Kalutara river. You are aware that this bridge was originally constructed by certain inhabitants of Kalutara, on the strength of receiving the tolls for ten years. The engagement expired in 1858, and since that period the annual cost of upkeep, owing to the nature of the structure—wooden piles—has averaged no less a sum than Rs. 5,589 per annum; in fact, over Rs. 83,000 have been expended upon it. An iron bridge would, after the first outlay, involve but small expense of upkeep, and the great traffic over the southern road renders the work necessary. I propose that it shall be constructed of sufficient solidity to admit of a tramway being laid down upon it.

I propose to apply a sum of money to the deepening and improving of the shores of Colombo lake, a work which the financial position of the Municipality does not enable it to undertake, but which is one of urgent necessity, in view of the danger to the health of the town, from the muddy and swampy condition of a part of the shore during the dry season.

Another item of expenditure, for which I shall ask your sanction, is to provide additional waterway and outlet for floods in the neighbourhood of Colombo. The lamentable effects of the inundation of last year will be fresh in your memory, and the Government will be prepared to give effect to some of the recommendations of the Flood Commission which was appointed to report upon this subject.

I shall ask you to sanction an additional estimate for the bridging of the Northern and Trincomalee roads.

I have ordered plans and estimates to be prepared for the extension of the road which now ends at the Bilhuloya bridge, into Uda Pussellawa. As a portion of this road will in no degree benefit the planters, but will traverse a rich and thickly populated country, it is my intention, while constructing the main portion of it on the Grant-in-aid principle, to ask you for the means of wholly executing the smaller part.

#### BREAKWATER.

The arrival of the Directing Engineer has enabled the Government to decide on the preliminary works for the conveying of materials for the construction of the Breakwater. It is my pleasant duty to announce to you that the cordial co-operation of the Military authorities has enabled the Engineer to overcome many formidable difficulties, and I trust that in a very short time the commencement of this important undertaking will be fairly set on foot.

The tramway and works for the Breakwater will necessitate the removal of the Colonial Storekeeper's buildings, and their re-erection elsewhere. This will involve considerable expenditure, but it must be borne in mind that the Stores are in that condition as to require immediate and extensive alterations and repairs. Moreover, they are so ill-adapted to their purpose, that it is hopeless, in their present condition, to take stock annually, as should invariably be done. It would have been in the power of the Department of Works to make the necessary alterations at much less expense than total reconstruction involves. I therefore consider that one-half of the expense of this work should be debited to the Breakwater, and the other half defrayed out of the surplus revenue.

A proposal to establish and maintain, at a reasonable cost to each Colony, a permanent exhibition of Colonial products in connection with the exhibition building at South Kensington, has been transmitted to me by the Secretary of State. Her Majesty's Government, it is intimated, will view with much pleasure that this attempt to provide for the collective illustration, on an adequate scale, of the special characteristics of all the Colonies, has been met with approval in Ceylon. It is proposed that each Colony should contribute in the ratio which its revenue bears to the sum required for the erection of the building, and corresponding space will be allotted to it. The contribution of Ceylon will be rupees 15,189.67, and its annual subscription, for maintenance, rupees 794.50. All the papers connected with this subject will be laid before you, and I invite you to accede to the proposal, which will make more generally known than they are at present the various products of this Island.

These are the principal works which I at present purpose to deal with in the Supplementary Supply Bill. The policy of the Government is to apply this surplus to the execution of large undertakings, calculated to improve permanently the condition of the country. There is however, at present, no work of great magnitude which I am in a position to recommend to you. I therefore trust you will sanction the works I have indicated, all of which are in my opinion of primary utility.

#### RAILWAY EXTENSION.

I should have been gratified had it been in my power to make to you any definite announcement on this most important subject. Last year I informed you, that should the returns which might be fairly expected from two proposed lines of Railway to connect the district of Uva with Colombo,



be sufficiently favourable, I should request your sanction for the expenses of a trace in both directions. The report of the Commission appointed to enquire into this subject warranted the traces being made. Up to the present time surveyors have been engaged in making a trace, both on the broad gauge and narrow gauge principles, to extend the present line from Návalapitiya, so as to accommodate the districts of Dimbula, Dikoya, and Maskeliya. The first trace to Hatton, and thence into Dimbula, has been met by difficulties of so serious a nature that it has been considered expedient to ascertain if an easier line may not be constructed—running into Dimbula up the Kotnalé Oya, and thence into Dikoya. The unfavourable state of the weather has interfered materially with the prosecution of this work.

I consider that an extension of railway accommodation to these great coffee districts stands on its own merits, apart from any future prolongation of the line; and I trust in a short time, when the surveys are completed, and have been again referred to the Railway Commission, to address you by Message on this subject. Should the report of the Commission be favourable to the undertaking, it may be in my power during the present Session to lay before you a Bill to enable the work to be at once set on foot.

The other traces, for further extension to U'va, will be continued, both as regards a southern route by Ratnapura and as regards a continuation of the present line.

During the last Session no less than twenty-one Bills, several of them of the greatest importance, were passed by you, and it speaks well for the judgment and accuracy of the Law adviser of the Government, and for the careful attention bestowed by you upon them, that all have received Her Majesty's sanction, except the Kandy Criminal Sessions Bill, which has been disallowed; and experience convinces me that the home authorities were fully justified in the disallowance. The Bills which I am about to lay before you this Session are few and of no very great importance. There are still, unquestionably, many subjects to which legislation may be usefully applied, but, on the whole, in dealing with an Eastern community, it is wise to deal cautiously and gently with long-established customs, which, though faulty, are understood and, as it were, consecrated by time. Far better, in my opinion, is it to await, if the subject be not one of pressing necessity, the rapidly advancing progress of education in the Island, and in matters affecting the habits and usages of the people, to allow the necessity of beneficial changes to be recognised and advocated by them. Long before my arrival in Ceylon I watched with deep interest the progress of events in India, and I felt satisfied that more dissatisfaction than advantage has arisen from constant legislation and interference with the habits of the people, however able and beneficent in intention has been the general course of legislation in that country. To uproot old ideas before the soil is fitted for the reception of new, is to leave a barren waste. To change institutions, except in the most manifestly urgent cases, until the mind of the people is in some degree prepared for change, is not to conciliate their confidence and attachment, but to perplex and irritate them. To borrow the words of the present Governor-General of India, "A little done voluntarily is preferable to a great deal done unwillingly and in a discontented spirit." These remarks solely apply to legislation affecting the usages of the people.

#### ORDINANCE FOR THE ADMINISTRATION OF ESTATES.

It may appear to you that I am somewhat departing from the spirit of these remarks in laying before you an Ordinance for the administration of estates; but it is not my intention to press the measure beyond the second reading. I am desirous that it should be thoroughly discussed throughout the Island before it becomes law. It is not intended by this Bill to interfere in any essential particular with the provisions of the Roman-Dutch Law as to succession of estates, which are equitable, well understood, and acquiesced in by the community; but I am advised that there are one or two matters connected therewith which can with advantage be amended and adjusted.

*First.*—The machinery for winding up estates, and distributing their respective shares among the heirs, is not satisfactory, particularly in the case of small estates.—It seems hard to require administration to be sued out when the majority of the heirs are unwilling to subject an estate to the expense which such a process must necessarily entail, and are further in a condition to dispense with it. A less expensive and more expeditious mode of settling such estates might with advantage be adopted.

*Secondly.*—The system of entail, or *Fidei Commissum*, is unsatisfactory as it prevails at present. A person may encumber his estate, and render it inalienable for four generations, or even longer, if such be clearly his intention. The way in which this right is commonly exercised in this country, is for a man to entail the same property among several persons, generally all his descendants. It so happens that in a series of years a miserable piece of land or a building devolves upon some twenty or thirty heirs. No one in particular is interested in looking after the property; permanent improve-

ment is simply out of the question; and wranglings and litigations among the heirs—each anxious to snatch at what he can get—take the place of the concord which the parents vainly strove to secure by the provision in question.

It is well deserving of consideration whether some restriction may not be introduced so as to secure that the entail of any property should only be in favour of one person, and that the entail of any one plot of land or house in favour of several heirs, in undivided shares, should be forbidden.

I am advised also that the process to get an entailed property released from the trust, when the heirs are unable to keep the same in good order, or where it is obviously to the interest of all parties that the property should be sold, and the proceeds made liable to the object of the trust, may safely be rendered more easy than it is at present.

*Thirdly.*—It is desirable to ascertain and define the nature and extent of the interest which children have in the property left by deceased parents, so as to protect the rights of purchasers for valuable consideration.

I trust the provisions of this Bill will be thoroughly ventilated within these walls and out of doors, and that the Government may arrive at the views of the educated and intelligent portion of the native community on the subject.

#### REGISTRATION OF TRADERS.

The Chamber of Commerce applied some time ago to the Government to legislate for the enactment of a measure which will render compulsory the registration of all parties trading alone or in partnership, and of all powers of attorney. Differences of opinion as to the expediency of such a measure as respects partnerships led to this measure being delayed, but the question is now under consideration, and I trust to be able to lay before you during the present Session the draft of an enactment on the subject.

#### EVIDENCE BILL.

I had intended to bring forward another Bill to consolidate and amend the Law of Evidence, on the basis of the admirable Indian Act. But a Bill on the law of evidence is likely to be brought forward shortly in the Imperial Parliament, and, if so, that law will come in force here under the provision of Ordinance No. 3 of 1846. It may therefore be well to abstain from action in this matter till we ascertain the exact nature and extent of the changes which the Imperial Act of Parliament will produce.

#### LICENSING BILL AMENDMENT.

One Bill of considerable length, and fraught with difficulty, did not receive, owing to the lateness of the time when it was brought in, the amount of close investigation which it required, and I shall accordingly present to you a Bill for the emendation in a few minor respects of the Licensing Ordinance. Inconvenient as it may be to have to amend an Ordinance so shortly after its enactment, yet that inconvenience is as nothing in comparison with the effect that is likely to be produced on the minds of the people when they see that it is the determined policy of the Government to regulate and restrict the sale of intoxicating liquors.

I am able to inform you, while on this subject, that no less than 272 arrack taverns have been suppressed during the year: viz., Eastern Province, 4; Western Province, 160; Central Province, 1; Southern Province, 64; North-Western Province, 43. There has been no reduction in the Northern Province.

I am not able to give you any account as yet as to the diminution of the other class of licensed drinking shops; but as the Government Agents are well aware of the policy of the Government on this subject, I have no doubt that the decrease will be considerable, and will be attended by a decrease of drunkenness and crime.

I warned you that the measures of the Government for the restriction of the number of arrack taverns would be accompanied by a loss of revenue, and the sale of the arrack rents for 1873-74 has been less by rupees 112,050 than the rents for 1872-73, although above 1871-72 by rupees 147,485.

I wish I could feel confident that the loss of revenue indicates a less consumption of spirits to the same extent. That I am not prepared to assert; but I still maintain that the fewer the arrack taverns and shops for the sale and consumption of intoxicating liquors in the rural districts, the less will be the drunkenness and concomitant crime. There must be less drinking where there is less exposed temptation, and it is notorious that, so far as the estate coolies are implicated in the crime of coffee-stealing, the hope of obtaining arrack from the low grog-shop proprietors is the chief incentive.

## COFFEE STEALING.

Another Bill, which I am prepared to lay before you, is aimed at the suppression of coffee-stealing.

The prevalence of this crime, which is strongly complained of by the Planting Community, has demanded the attention of Government. The high price of coffee has naturally stimulated this offence, until it has become a regularly organised business in some of the planting districts.

In the replies sent in to the Planters' Association from the planters throughout the Island, it is stated, and no doubt with truth, that at the time of picking, a number of Moormen and low-country Singhalese resort to the Central Province, and, under the pretext of trading, run up boutiques and either engage in coffee stealing themselves, or, more commonly, induce the coolies to pilfer and convey to them their masters' coffee.

I have endeavoured to obtain the views of persons most competent to advise the Government, how this organised system of crime may most effectually be repressed. I have received from the Chief Justice, whom I consulted in the first instance, and to whom I am indebted for them, some very valuable suggestions. I also invited the Planters' Association to furnish the Government with accurate reports as to the prevalence of this crime in the different districts; by whom the thefts are generally committed, and who are the receivers. A large amount of useful information has been received, clearly shewing its prevalence and increase. Suggestions have also been sent in by various members of the Planting Community as to the repressive measures which in their opinion should be instituted.

I cannot consent to the introduction of any measure calculated prejudicially to affect a native industry of such importance as the growing and transfer of coffee. There is hardly a native in the Central Province in the occupation of land, who has not his patch of coffee; and the magnitude of this produce may be estimated from the fact that the Planters' Association has reckoned, in calculating the produce to be relied on in case of railway extension, on 4,500 tons of native coffee for two districts alone—Hunasgiriva and Mátale East—while from Badulla it is estimated that 3,000 tons of native coffee would be carried. The main point, in my opinion, is to endeavour to get the trade in coffee into good hands, and I therefore propose, that districts where an organized system of coffee-stealing prevails should be proclaimed, and that a license of very small amount shall in such districts, but in such only, be imposed on all dealers in coffee, who shall be obliged, under penalty, to keep in a book a record of all transactions. The receivers of stolen coffee are well known in the coffee districts, and the Government Agent will be prepared to refuse a license to bad characters, and will have the power of withdrawing the license if mal-practices are proved. Convictions will be readily obtained against unlicensed purchasers of coffee, and the district will then be relieved of their presence.

Another provision appears to me to be of importance. It is notorious, that persons actually engaged in picking coffee have escaped punishment, from the fact of their having run away, and of there being no actual proof of their having been seen with coffee in their hands. I cannot see any objection to a clause making it an offence to be found in coffee grounds away from roads, without being able to give a satisfactory reason; and, lastly, I think that, in any case of emergency, in a locality where serious depredateions are occurring, an open warrant under proper restrictions may be granted for the search of all suspected houses.

The Committee of the Planters' Association have evidently felt the difficulty of dealing with this subject, as they make but three suggestions:—

- 1st.—That stringent measures should be taken to prevent Moormen and low-country Singhalese from squatting on Government grounds in the vicinity of coffee estates.—Instructions have been given to that effect, and I trust that coffee planters will set the example and supplement the efforts of Government by refusing sites on their land except to persons of known good character.
- 2ndly.—Greater caution in the licensing of arrack taverns in planting districts.—Government Agents have already been requested to reduce the number of such drinking shops, but I regret to say that constant recommendations are being sent in by Planters in favor of licenses being granted for liquor shops to various persons in their neighbourhood.
- 3rdly.—The appointment of Magistrates of greater experience and knowledge of the native character.—No doubt it would be desirable to employ Magistrates of experience and knowledge of the native character, but I can only employ the junior members of the Civil Service, and, as far as I can judge, there is no want of zeal and activity on their part.

I think that undoubtedly additional Magisterial strength is necessary for the great and rising districts of Dimbula, Dikoya, and Maskeliya, and I hope to be able to supply it.

I have dwelt at very great, perhaps inordinate length, upon this topic, but as it has engaged, and is engaging, so much of the public attention of the Island, I think it right to discuss it fully. The other Bills which I shall ask you to consider are not of such importance as to require any reference to them at present.

The reduction of the Military Expenditure will enable the Government, on obtaining the consent of the Secretary of State, to at once undertake several administrative reforms which have been postponed solely from want of funds, and for which I shall in due course apply to you for the necessary sanction.

I am unable to make any accurate statement as yet in regard to the amount of this reduction. The Government has not received information as to what is to be the future composition of the Military Staff, neither have we received any statement as to the amount of half-pay and pensions for which the Colony is liable.

We may however take for granted that for the half-year ending on the 31st December, 1873, there will fall in to the Colony for appropriation no less a sum than rupees 150,000.

#### POLICE.

This will place the Government in a position to increase the strength of the Police, which is absolutely necessary in consequence of the disbandment of the Rifle Regiment. Although no doubt the arrangement proposed will increase the strength and efficiency of the Police, still a great deal remains to be done in regard to the general question of the internal security of the Island, which can only be maintained by the native communities themselves. The anomalies which I pointed out last year as regards the Police assessment, have also to be redressed. These improvements cannot be effected without expense, but when the whole Colony receives so large an addition to its income, the benefits must be impartially distributed, and there are few boons which would be more heartily welcomed by the natives than exemption from Police assessment in places where they derive no assistance whatever from the Police, and in other places where they are able and profess to be willing to protect themselves and maintain order.

#### CLERICAL BRANCH.

The amelioration of the clerical branch of the Service will also require additional outlay. To this the Government pledged itself last year as soon as the state of its finances would permit; and a plan is now being prepared which will, I trust, remedy much of the hardship of the present system.

#### SURVEY DEPARTMENT.

No department, in my opinion, requires increase of strength more urgently than that of the Surveyor-General. A Committee of Inquiry is however sitting, and it would be premature for me to express the views I entertain as to the future composition of this department, until I receive the report of the Committee. Although the scientific and extraneous work of the department has been immensely augmented since the year 1859, the establishment has not received a proportionate increase. Railways, harbour and irrigation surveys, meteorology, and lithography have been added to its work, and though the expenditure of 1871-72 is not greater than that of 1859-60, the number of title plans issued in 1872 exceeded by 10,000 the number for 1859 and 1860 put together.

It is impossible, however, for the Surveyor-General, in spite of every exertion, to keep pace with the calls upon him. One of the questions which presses itself most urgently on the attention of the Government, is the Chena question. It has been far too long left unsettled, and the consequences are the wholesale destruction of Government forests, unfounded and fraudulent claims set up by private individuals against the Crown, and, I dare say, harshness in the case of persons who may not be able to satisfy the requirements of the Ordinance No. 12 of 1840, but who undoubtedly are fully impressed with the belief that they are the legitimate owners of land claimed by the Crown. The first step towards a final settlement of the question is the survey of disputed lands, and after that it will be necessary to survey and determine the appurtenance of high lands which, according to the custom of the district, has usually been allotted to paddy land. I have sanctioned the temporary employment of six additional hands, to be placed under an experienced surveyor, and the work will go on continuously.

There is another matter also which has forced itself on the attention of the Government, and that is the delay which occurs in obtaining surveys of small plots of land applied for by native purchasers. From every Province complaints resound,—and unfortunately these complaints are but too well founded; yet, as I pointed out to you before, every exertion has been made by the Surveyor-General; and that he has not neglected, so far as his force would admit, the interests of the small purchaser for the sake of the purchasers of large coffee blocks, I may mention that the average of

each lot disposed of in 1859 was twelve acres, in 1872 four acres. In the report of the Government Agent of the Central Province it is stated that in some cases the preliminary plans are received from the Surveyor-General's Office within a year or eighteen months after application has been made for the land, but in most cases after a far longer period. "In some cases the interval has been so great as ten years, in some it is to be feared that the application has been lost sight of altogether."

The consequence of these applications being overlooked is this,—that the applicants proceed at once to cultivate the land for which they have applied, and when at length the plans are received, after the expiration of years, and an inquiry into the title of the occupiers is instituted, the investigation is complicated by transfers to *bonâ fide* purchasers, who have often to suffer ejection, or to pay twice for their holdings, as well as by the fraudulent preparation of tax receipts of spurious antiquity. Constant instances of extreme hardship on ignorant and *bonâ fide* purchasers occur. They are under the belief that a person who has notoriously held land for many years is the undoubted owner of it. The Government loses by the delay in the reimbursement of title fees and by third parties acquiring prescriptive rights. The present state of things may therefore be said to entail great discouragement to intending native purchasers who, as wealth increases, are generally desirous of investing their savings in land,—fraud,—hardship to *bonâ fide* purchasers,—loss to the revenue,—and incalculable trouble to the officers of the revenue department in inquiring into and settling intricate claims.

I am of opinion that a superior surveying officer, with assistants, should be attached to each Province, and be in communication with the Government Agent, taking his orders, however, from the head of his department.

This increase of strength will of course increase expense, but a considerable portion of that expense will be recouped by survey fees, by the additional amount of waste land sold, and by a stop being put to fraudulent proceedings and incessant encroachments.

#### CUSTOMS.

A Committee was appointed last year to inquire into the working of this department, in consequence of the many complaints of the mercantile community. I trust that the object of the Committee—namely, to suggest in what manner any restrictions imposed by the regulations of the Customs Department under the Ordinance, which affect injuriously the trade and commerce of the Island, may be modified and removed—will be attained. The large amount of steam traffic with the port of Colombo which has sprung up since the opening of the Suez canal, renders quick despatch of business, and consequently an increase of staff, necessary. A portion of that increased staff must be European.

The amount required for this purpose will not be considerable.

#### MEDICAL DEPARTMENT.

When I addressed you last year I had only visited parts of the Island, and made myself imperfectly acquainted with its requirements.

Since then I have been in almost every district, and have been painfully struck with the want of a proper system of medical relief for the great bulk of the people. Most liberal provision has been secured for the European stations and the medical institutions connected with them; but as regards the mass of the population in outlying stations, they are still at the mercy of ignorant quacks, and devil-dancers. This state of things reflects discredit upon our Government, more especially as it is a subject of general remark, that the natives, who were formerly suspicious of European treatment, are now becoming anxious to avail themselves of it, whenever they have the opportunity. I have myself recently seen hospitals, which when first constructed contained hardly any patients, now full to overflowing, and the interesting report of Dr. Danforth, which will be laid before you, is a proof of the readiness of the natives, even in the most backward regions, to betake themselves to skilled medical relief, when once their confidence is acquired.

It was no want of discrimination on the part of my predecessor that the present state of things has been so long continued—it was want of funds; and now that we have the means to meet the medical requirements of the Island, I shall look to your liberality to enable me to do so.

Having for many years been Chairman of a Union, and having watched carefully the working of the Dispensary system in Ireland, under the Medical Charities' Act, I am desirous of applying, so far as the different circumstances of the two countries will permit, that most admirable and successful system gradually to Ceylon. It cannot be the work of a day, as it involves the establishment of a subordinate native department, which still has to be trained. I cannot more clearly lay before you the object I have in view than by making you acquainted with a portion of the letter which I caused to be directed to the Principal Civil Medical Officer:—

"In preparing such a scheme, you will bear in mind that the policy which the Government desires to keep in view is to provide a system of medical relief for the population generally. Hitherto the operations of the Medical Department appear to His Excellency to have been limited very much to the public institutions which are to be found in the large towns and other centres of population, to supplying house surgeons to the hospitals and medical attendance at the prisons, asylums, and other charitable institutions, and to the performance of duties connected with the administration of justice in general.

"In submitting a scheme for the extension of medical relief for the general population, instead of the present restricted Medical Service, it is desirable that your attention should be directed to the Irish Medical Charities' Act.

"It is acknowledged in Parliament, without dissent, that the Irish system of medical relief has now been in operation for over twenty years, and that it is impossible to overrate the amount of good which it has effected, and the satisfaction it has given to the mass of the population. Each Union in Ireland is divided into two or more medical districts, and each district contains a small dispensary at which the medical officer is bound to attend on one or more days in the week to dispense relief. The medical officer is also bound, on receipt of a ticket signed by a member of the Medical Relief Committee, to make domiciliary visits. The central hospital of the district is connected with the Union workhouse, to which all severe cases are removed.

"Such a system as this might be gradually introduced into Ceylon. It is obvious, however, that a general system of this nature could only be carried into effect by native agency under European supervision, and as this native agency has in great measure still to be created, the development of the system will necessarily be the work of many years, which can be proceeded with only as the necessary material can be procured, and as the funds at the disposal of the Government may be sufficient for the purpose. But although the extension of medical relief to the general population can only be gradually proceeded with, it is desirable that the scheme to be submitted by you should be framed with this ultimate object in view, and should be comprehensive in its character and such as to admit of progressive development."

The plan for carrying out this object appears to me to have been very ably conceived and drawn up by the Principal Civil Medical Officer. While it improves the general condition of the Medical Department, and offers inducements to young men of ability and education to enter it, it will also be the means of extending to all parts of the Island an enlightened system of medical treatment.

I invite your attention to the observations of Dr. Danforth, Medical Officer of Vavuniya Vilāṅkūlam, in his excellent report on that dreadful and mysterious disease "Parangi," which is gradually eating out the population in the wilder parts of the Island. No doubt his exertions and ability have done much to mitigate the sufferings of the very large number of patients who have come before him, but he justly remarks that no physician's skill can cope with this malady. The only means to combat it in those districts where it prevails are fresh air and water, which implies wholesome food. He points out that the villages are ensconced in thick jungle, rendered pestilential by the exclusion of the free passage of air, and that the food resorted to intensifies the disease. I have, bearing in mind the extraordinary effect produced on the sanitary condition of Anurādhapura by the clearing of jungle around it, urged on the Government Agents to give directions to the native headmen to induce the villagers to clear a space around their houses; and I look to the liberality of the Government gradually to extend the blessing of water to these unfortunate districts.

The report of the Principal Civil Medical Officer as to the high rate of mortality among the Malabar coolies, is a convincing proof of the absolute necessity for the Ordinance passed last year to provide for the medical wants of the coffee districts; and I trust ere long to hear that the provisions of the Ordinance are being universally and efficiently carried out. From the reports which have reached the Government I am glad to state that the planters have shewn a ready and praiseworthy desire to give effect to the law.

#### JAILS.

I informed you last year that in 1866 Sir H. Robinson commented on "the deplorable condition of the Jails in this Island." It is gratifying to me to be able to assure you that before the next opening of Council the Jails in this Island will be able to stand comparison with those of any one of Her Majesty's possessions. I have personally inspected every jail of any importance in the Island, except those of the Southern Province, which I hope to visit during the coming month. Many of them fully deserved the description of my predecessor. Several of the old jails are being pulled down, and are being re-built with due attention to the requirements of prison discipline and separation; others are being re-constructed. At present new jails, sorely needed, at Badulla, Batticaloa, Nuwara Eliya, and Puttalam, are being constructed, and care is being taken to enclose a sufficient area for ventilation, for exercise and drill, and for future extension if required.

The prevalence of sickness at Welikada Central Prison, which has baffled the skill and unremitting attention of the Medical authorities, has caused me much anxiety.

It will be seen from the Report of the Principal Civil Medical Officer that the sick-rate of this prison of 1873 has been 888 for the first six months, while 394 was the sick-rate for the corresponding period last year. The mortality of the current year has, however, happily been comparatively small; the ratio having been but one to every 75 treated for the first six months of 1873, as against one to 13 for 1872.

This unsatisfactory state of the health of the Central Prison determined the Government no longer to temporize with the evil, but at once to transfer the whole of the male prisoners to other jails throughout the country, where they can be employed in severe and profitable labour for a period, during which the grounds of Welikada will be dug up, exposed to the weather, and re-laid. The prison itself has been thoroughly disinfected by fumigation with Chlorine gas; the old plaster on the walls has been removed, and replaced by Portland cement; and for the last three months penal diet has been suspended.

All past work has been in vain. There is some taint in the prison which it has been found hitherto impossible to remove. The jail of Hulfsdorp, though more crowded, is free from disease, but prisoners removed from it to Welikada immediately sicken. The recently arrived prisoners from Singapore have also been affected. That this unsanitary condition of Welikada is not to be attributed to malaria arising from the locality in which it is placed, I am perfectly convinced, inasmuch as the health of the prisoners until last year was remarkably good, and up to this time the health of the female prisoners who are placed in a new part of the prison, and who are not subjected to penal discipline and cellular confinement, is most satisfactory. The season has no doubt been generally unhealthy, but the general prison death-rate of the Island diminished from 6·8 per cent. of sick in 1871 to 5·05 in 1872.

It is therefore in the prison itself that we must seek for the causes of this persistent sickness, and the only hope I have of altogether restoring its sanitary condition, is by the complete removal of the prisoners for a period.

The consideration is however forced upon the Government, that persistent and serious sickness has prevailed in the great prison of the Island, and that it has baffled the skill and attention of the medical officers; whereas in other jails, where the prescribed penal discipline has not been so rigorously carried out, owing to the want of cellular accommodation, the general health has not been unsatisfactory. I have determined therefore not to increase the number of cellular wards at Welikada, but for the present, so far as the district prisons will permit, to carry out the first stage of penal discipline in certain of them for local prisoners, who on reaching the second stage will be removed to Welikada when that jail is declared ready for use. It is thought, that if the severest portion of the sentence is carried out in the district to which the prisoner is accustomed, there will be less risk of his health being affected by his being removed to another locality during the lighter portion. This view of the case is manifestly borne out by the condition of the Kurunégala prisoners, who are not sickly in their own prison, but who sicken and propagate disease almost immediately on their transfer to Colombo.

It is the present intention of the Government, when the works of the breakwater are sufficiently advanced to admit of the employment of convict labour, to make a new arrangement of the prisons in Colombo;—to retain Hulfsdorp as the prison for civil prisoners, and for prisoners under examination; Welikada for women and prisoners undergoing the first stage of penal discipline, and for such prisoners in the second and third stage as cannot be employed elsewhere; and to place the other prisoners in contiguity with the breakwater, where they will be employed in the severe labour of its construction, far more irksome and far more healthy than confinement and prison drill.

#### HOSPITALS.

I am glad to inform you that I shall henceforth require but a small amount for the construction of new hospitals. One is required at Batticaloa; but the Island can now boast of general and excellent hospital accommodation.

It still remains necessary in many places to provide houses for the medical officers in close proximity with the hospital. Without such provision the immediate presence of the officer in emergencies cannot be obtained, and he is exposed to hardship and discomfort in having to travel constantly a considerable distance between his hospital and place of abode.

#### ROADS.

The important work of at length finishing the Northern Road is now fairly begun at the southern end, and I trust that next year it may proceed simultaneously at the northern. As the troops will in all probability be shortly removed from Trincomalee, I have not considered it neces-

sary to press on the works over that road with the same despatch as those on the Northern, the importance of which is every day increased, and the traffic on which would be enormously advanced were it bridged and supplied with proper culverts. At the same time, I consider it highly necessary that the only road to the great harbour of Trincomalee should be made passable and kept in order. Circumstances might occur, some of which we do not now foresee, which would render this road of high strategic importance. It will open moreover large tracts of fertile land for cultivation.

It is my intention to visit both these roads after the close of Council, and you may rely on my endeavour to keep down the large expense necessary for their completion within due limits, and to see that the work done is permanent and substantial.

The road between Lémastota and Wellawáya, which I consider one of the most useful works, in contemplation, and towards which you have already sanctioned the sum of Rs. 65,000, will be advanced as fast as it can be pressed on by the Department of Works. This is a work in which I already informed you the Government is deeply interested, believing, from the strong representations of the Government Agents, that its opening will not only accommodate a large coffee district, but will materially increase the traffic in salt between the Southern and Central Provinces.

I have ordered the trace of a road to be made into the Kukul Kóralé; when it is completed the surveyed lots of coffee land will be laid out in connection with the road and put up for sale.

The extension of roads in the Coffee Districts will, I trust, be pushed on with vigour. Whatever be the result of Railway extension, these roads must always be largely resorted to, and should, in my opinion, be more solidly constructed, in the first instance, than they are at present, even at an increase of expense.

#### IRRIGATION.

I regret to inform you that irrigation works have not proceeded as I could wish, owing to the inability of the Director of Public Works to carry out the necessary preliminary investigations. As irrigation implies health, progress, in some cases even existence, I have engaged the services of five gentlemen, who will be at once employed in taking careful plans and surveys of the contemplated works; and I trust that this additional strength, which will be paid for out of the irrigation vote, will enable the Government to push forward some works which have been strongly recommended by the Government Agents.

I propose to commence a series of works which will, I trust, in a few years, completely change the aspect of that fine, fertile, but neglected region of Nuwarakaláwiya. None of these works will at first be of any great magnitude or expense, the object being to restore several comparatively small tanks, and thereby at once to provide water and food to many villages, rather than restore the larger tanks, which, as valuable reservoirs for supplying the smaller tanks, may hereafter be dealt with.

The most urgent appeals to me have been made by native cultivators in poor and remote districts, to have substantial and durable sluices constructed for them in their small tanks. It is my desire to carry out their wishes, and thereby to obviate the lamentable system of annually cutting the bunds; and I shall offer them liberal terms for the repayment of the small cost, generally not exceeding Rs. 500, to be settled according to their means.

The policy of irrigation will not be confined to this district, but will be carried on in the other Provinces. A large and comprehensive scheme is now being considered for supplying an extensive irrigation system to the wild and neglected district of Walapané, in the Central Province.

There is also a scheme on hand for diverting water from the Mahaweli-ganga at Hakkinda, which will irrigate a large extent of country in Lower Dumbara. If the plans and levels now being taken prove satisfactory, and the proprietors choose to avail themselves of the terms of the Ordinance, this is a work which need not be delayed for want of labour.

The irrigation works in the Southern Province will also be pushed on.

#### EDUCATION.

I am happy to be able to give a highly satisfactory report of the progress made in the work of Education during the ten months that have elapsed since I last reviewed it.

On the 31st December last there were 200 Government schools with 10,852 scholars; there are now 229 schools, giving instruction to 11,000 scholars. There were then 402 grant-in-aid schools with 25,443; there are now 514 such schools with, in round numbers, 30,000 scholars. So that the increase in the whole number of schools in connection with the Department of Public Instruction is 141, and the additional number of children benefiting by the vote for education is 4,705.

There are numerous applications now under consideration both for grants-in-aid and for village schools, and to meet these applications the sum of Rs. 120,000 for the former, and Rs. 5,400 for the latter, has been put on the estimates for next year.



The Acting Director has carefully followed out the instructions given to him to satisfy himself that schools are not unnecessarily multiplied. Several applications for grants coming from schools in towns in which other schools were already in operation, have been refused, and a very large proportion of the new Government schools have been established in remote villages in Nuwarakaláwiya, and in districts in the Northern, Eastern, and Central Provinces, in which no schools previously existed.

It was determined last year that the policy of the Government should be to devote as large a portion as possible of the funds voted for Public Instruction to vernacular education, leaving English and Anglo-vernacular instruction mainly though not altogether to private enterprise.

On the whole, I think that there is reason to be fairly satisfied with the working of the scheme, which was adopted by the Council and elaborated only four years ago by the late Director, Mr. Sendall—whose services are now unfortunately lost to the Colony—and that there is ground to hope, that in the course of a few years vernacular education will be brought within the reach of every native community large enough to support a school.

The large increase of schools demands increase of inspection, and I shall be obliged to ask you to sanction a small annual addition under that head.

#### GANSABHÁWA ORDINANCE.

Nothing can be more gratifying than the reports which I have received from the different Provinces in which these Councils have been established. One of the most remarkable features regarding their working is the number of cases amicably settled. In the Batticaloa Village Council, between the 11th July, 1872, and the 30th June, 1873, 2,254 civil cases were instituted, and 506 criminal cases. Of these, 1,769 civil and 371 criminal cases were settled amicably. In the Central Province, 1,447 civil cases and 1,571 criminal were instituted before the tribunals of Uḍunuwara, Mátalé North, and Walapané. Of these, 275 civil and 397 criminal cases were amicably settled, and 518 dismissed. In the Western Province, 502 cases, civil and criminal, were instituted, and 94 amicably settled. The small number of appeals from the decisions of these tribunals is also deserving of remark. In the Western Province there have been only seventeen appeals out of 329 decided cases, and of these four only have been set aside. In the Central Province, out of 1,009 decided cases, there have been only eighteen appeals. In the Eastern Province 1,959 cases were decided, and but twenty appeals, and as yet but two cases reversed.

I am informed that the diminution of litigation before the Police Courts is remarkable, wherever the natives have by means of these Councils taken upon themselves the settlement of their petty disputes. The District Judge of Batticaloa reports that, as regards the Court of Requests institutions in the Circuit Court, Kalmunai, there is a reduction of fifty-eight per cent., chiefly owing to the establishment of the village tribunal.

Another most gratifying result of the working of this Ordinance is the manner in which the people have availed themselves of the administrative rules. Village paths have been cleared; school-houses erected; burial places registered and kept free from jungle; wells have been enclosed; registration of cattle, thereby checking cattle-stealing, imposed; prevention of abusive language enforced. In some districts gambling and cock-fighting have been suppressed, and nightly patrols carried on by the inhabitants.

This commencement of local self-government has proved to be so satisfactory to the people, that applications for the introduction of Village Councils into fresh districts are coming in, and the Government, fully recognizing the wisdom of the Ordinance, is prepared to give every encouragement to their extension.

#### CINCHONA.

When I addressed you last year on the subject of the cultivation of this plant, I was not prepared for the extraordinary success which has rewarded those who, a few years ago, regarded its introduction as a very problematic experiment. There is reason to believe that the soil of this Island is peculiarly fitted to it, and large sums have been realized in the course of the year by the sales of the bark on a few plantations. It may now be looked on as a firmly established article of Island produce, and some idea may be formed of the importance attached to it, from the number of orders given on Hakgalla nursery since the beginning of 1873, viz., for 781,850 plants, and fresh applications are coming in continually. These plants were formerly given gratuitously, to encourage the experiment; I now consider that the sale of them should reimburse the cost of their cultivation, and a small payment per thousand is accordingly imposed. It cannot in any way check applications, and far more care and attention will be bestowed on plants that are paid for than on those given away, which, if neglected, can be replaced without any cost.

## TEA.

I am also happy to inform you that tea planting is proceeding with success. The specimens of tea grown and cured in the Island by Mr. Jenkins of the Ceylon Company, and by Mr. Taylor of Lúlkandura, have been pronounced, both here and in England, to be of excellent quality. It was my intention to have procured from India, as I intimated to you last year, two experts to afford information as to the manipulation of tea; but I found that the difficulties overcame the advantages, and that the information was not required owing to the success that had attended the first experiments.

I am deeply interested in the cultivation of this plant, which, I am sanguine, will yet become one of our prominent exports, and I shall do all in my power to establish and promote this industry. You will bear in mind that twenty years ago not a pound of tea was exported from Calcutta, whereas during the year 1871 seventeen million pounds of Indian tea, valued at a million and a quarter sterling, were exported from Calcutta alone; and there is every reason to believe that the Ceylon tea cultivator has less difficulties to overcome on the score of labour than the planters of Assam.

## COCOA.

This is a plant the cultivation of which is adapted to the hot low lands of this Island, and I have sent home some beans to ascertain their value and quality. As it involves no great exertion, and is peculiarly fitted for native gardens, I am not without hopes of seeing it gradually introduced. It is difficult, however, to induce an Oriental race to deal with novelties, and I can only rely on the public spirit of educated and enlightened native land-owners to set an example to those around them. Those who do so may rely on the Government not overlooking their claims for distinction.

## SILK.

Though, from the information which I have received, I have no doubt that the silk-worm would thrive vigorously in this Island, yet, as I remarked last year, the rearing of the worm and the manipulation of the silk require constant care and patience—far more care and patience than can be obtained in Ceylon at present. The only chance of success for the silk grower would be to remit the dried cocoons to Europe, and I was under the impression that the winding of silk had become an established business in England. I find however by communication with Sir Thomas Bazley, that the dearthness of female labour stands in the way. I have distributed some silk-worm eggs, which I received from Japan, among gentlemen who are interested in this subject, but I am not sanguine that the culture of silk is likely for the present to add to the wealth of the Island.

I regret to state that the general health of the Colony during the past year has not been satisfactory; the total number of sick treated in the civil hospitals during the year having been 11,117, an excess over that of 1871 by 2,201, and an excess of 814 over the highest figure ever previously attained, viz., 10,303 in the year 1867. This may be accounted for partly by the increased resort of the native invalids to the hospitals, and partly, as reported by the Principal Medical Officer, to increase of sickness. Though the death-rate in 1871 reached the lowest limit of 10·78 of sick treated, whereas in 1872 it rose to 12·01, still it was below that of 1866, when it rose to the unprecedented figure of 22 per cent. The sickness of the past year was chiefly fever and bowel complaints, and may be attributed to the extensive inundations which followed an unusually dry season. Although the death-rate has exceeded that of 1870-71, still it is less than 1869, and far below that of 1866-67-68.

## GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I have entered at some length into various topics which belong to the Administrative rather than to the Legislative branch of our Government. But I have done so advisedly, being desirous to take this opportunity of annually informing the Colony of what has been done, and what are the intentions of the Government. The Ordinances to be at once brought on will be no great tax on your attention, with the exception of that which amends the Licensing Act, and I beg to bespeak your most careful consideration to it.

I trust that the blessings of God which we have so largely enjoyed during the past year may by His gracious favour be extended to us during the year to come, and that He may guide and direct our work.

MONDAY, AUGUST 4.

Present: The Major General (presiding), the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent Western Province, the Collector of Customs, Mr. Wilson, Mr. Rose, Mr. C. L. Ferdinands, and Mr. Ondaatje.

VOTE OF CONDOLENCE.

The GOVERNMENT AGENT (W. P.) said: The Committee appointed to draft an address in reply to the Governor's speech, before entering on the business of the day have deputed me to move that the Council do record a vote of their sympathy with the Right Honorable the President in the sad loss he has experienced in the death of Mrs. Gregory and that a copy of the record be communicated to His Excellency. Accordingly I do so, and I am sure that those to whom the private worth of this amiable lady was known, who were privileged to benefit by her social agreeableness and were admiring witnesses of her active benevolence in the case of the helpless and poor, will require no words from me to recommend for adoption this expression of their common sentiments.

Mr. ROSE seconded the motion, which was cordially agreed to.

REPLY TO THE GOVERNOR'S SPEECH.

The GOVERNMENT AGENT (W. P.) brought up the reply of the sub-committee to His Excellency's speech in opening Council.

The CLERK OF THE COUNCIL proceeded to read the various clauses of the reply till the following clause was reached:—

8. The disbandment of the Rifle Regiment by enabling the Government to increase the strength of the Constabulary, will, it is hoped, admit of a more general distribution of the Police Force throughout the Island.

Mr. WILSON thought this was too indefinite to be passed. If the police were stationed in the rural districts of the Island they would be a great curse. They might be increased at Kandy, Jaffna, Galle, and such places, but not introduced into the rural districts. The hon. member had been speaking to His Excellency on the subject that morning, and he (the hon. member) really believed it would be very satisfactory if the police were withdrawn from the villages.

The GOVERNMENT AGENT (W. P.) said there was no intention on the part of Government to increase the number of police in the rural districts, unless the lawless state of the inhabitants rendered such a course necessary.

The COLLECTOR OF CUSTOMS could not see that there was anything indefinite in the clause. It had only to be read in connection with His Excellency's remarks, and it conveyed the sense desired by the sub-committee.

The AUDITOR GENERAL suggested that the words "Along the main roads, and in the townships throughout the island," be inserted, as likely to express what was contended for.

Mr. ROSE said that under the Coffee Stealing Ordinance the Police would be wanted in many parts of districts away from main roads.

Some further conversation ensued, the AUDITOR GENERAL suggesting another form of words, when (a delay occurring)

The GOVERNMENT AGENT (W. P.) pointed out that the proposal was not seconded.

Mr. WILSON: I second it with pleasure.

The PRESIDENT put the amendment to the Council, but it was negatived without a division.

The CLERK OF THE COUNCIL then proceeded with the reading of the reply, and having read the last clause, as follows:—

17. The attention Your Excellency has bestowed in the matter of gaols, and your exertions to improve the sanitary condition of the Welikada Convict Establishment deserve grateful recognition.

Mr. WILSON rose, and said: Sir, I object to that clause. No doubt the Governor has gone through the gaols, and evinced much thoughtfulness as to what was best to be done for them, but I do not think this Council has anything to be grateful for in His Excellency's movements as respects the gaols generally. Everything that I have asked for in the matter has been withheld. I do not want to detract from what the Governor has done, for no doubt he has taken active steps, but that is not enough for us.

The QUEEN'S ADVOCATE felt sure that the hon. member was labouring under a misapprehension. He could not say with truth that any information which could be given had been withheld. It was distinctly stated that the report on gaols entered into questions affecting public officers, and that, after being considered by Government, the report would have to go to the Secretary of State for his decision. And his hon. friend, the late Colonial Secretary, went so far as to promise that when a decision was come to, no time should be lost in communicating that decision to Council. Therefore, the hon. member was not justified in saying that information was withheld, as if Government had been endeavouring to keep back something that ought to have been made public.

Mr. WILSON said the hon. the Queen's Advocate was quite in error as to what he (Mr. Wilson) had wanted. He did not want the report of a dispute between one officer and another. What he asked for was an account of past expenditure, and the money about to be laid out, and that information he had a right to have before he agreed to vote away any money whatever.

The AUDITOR GENERAL felt that he must rise for the purpose of correcting the hon. member again in his statement. The reason the report was withheld was, as his hon. friend (the Queen's Advocate) had stated, because the conduct of certain public officers was under consideration. Such a matter could not be published until it had been fully considered by Government and decided upon by the Imperial authorities. At the last meeting of Council, during the extraordinary Session, he (the Auditor General) had given a pledge on behalf of Government that the report should be published as soon as possible. As to the expenditure he could only refer to what he had said as Acting Colonial Secretary during that short Session. At the closing meeting the Director of Public Works was present with detailed estimates, as full and explicit as possible; this fact was stated by himself, and yet no one asked for the details. He would confess that there might have been some misunderstanding, but he could not allow the Government to be under the imputation of with-holding any information which hon. members had a right to ask for, and which could be given.

Mr. WILSON: All that was at the last moment, when no one had an opportunity to look over estimates.

The reply (unaltered) was agreed to.

The Council then adjourned for a brief space, the MAJOR-GENERAL vacating the chair.

On His Excellency's arrival, the MAJOR-GENERAL read the following reply:—

To His Excellency the President of the Legislative Council the Right Honorable W. H. GREGORY, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

MAY IT PLEASE YOUR EXCELLENCY,

1 The Legislative Council beg to offer Your Excellency their best thanks for your Address, treating as it does on so many subjects of interest to the Colony.

2 The Council rejoice to hear of the continued financial prosperity of the Colony, and concur with the Government in the policy of applying the anticipated surplus to the execution of public works of undoubted utility,—particularly the bridging of the Kalutara river; the deepening and improving of the shores of Colombo lake; the construction of additional water-ways and outlets for flood-waters in the vicinity of Colombo, as also the placing of permanent bridges on the Northern and Trincomalee roads.

3 It is satisfactory to be assured of the prospect of an early commencement of the preliminary works in connection with the Breakwater; and that, owing to the cordial co-operation of the Military authorities, all difficulties have been overcome.

4 On the subject of the great question of the day, Railway Extension—a question affecting alike European and Native interests—the Council are glad to learn that the views of the Commissioners appointed to report on the probable returns from each of the two proposed routes between Uva and Colombo are so favourable as to justify the expense of a trace in both directions.

5 The proposal to establish and maintain an Exhibition of the Products of this rich Island in the Kensington Buildings will, in the interests of the Colony, receive due consideration.

6 The Bills which may be laid before the Council by Your Excellency during the Session shall engage their earnest attention; that for the suppression of Coffee stealing will require to be wisely and cautiously dealt with.

7 The Council are glad to learn that it has been found practicable to effect a reduction of arrack taverns without public inconvenience.

8 The disbandment of the Rifle Regiment by enabling the Government to increase the strength of the Constabulary, will, it is hoped, admit of a more general distribution of the Police Force throughout the Island.

9 The long desired measure for improving the condition of the Clerical Branch of the Service will meet with universal approval.

10 The proposed increase of the staff of the Survey Department is most important and necessary.

11 It is believed that the investigation which has been made into the present state of the Customs Department will be attended with beneficial results.

12 The Council agree with Your Excellency in your views regarding irrigation, and are glad to learn that works for the restoration of Agriculture in the districts of Nuwarakalaviya are to be commenced.

13 They are gratified to find that the work of Education progresses so steadily, as is evidenced by the increase both in the number of schools and scholars.

14 It is satisfactory to learn that the Village Communities' Ordinance is working so well, and has proved beneficial to those for whom it was enacted.

15 The great and unexpected success which has attended the cultivation of Cinchona and Tea is encouraging to the inhabitants of the Island, as opening up to them new fields of industry and wealth.

16 In connection with the extension of the Medical Department and increasing its efficiency, the Council hope that the health of the country will be promoted, and that in the excellent Hospitals which have been and are being erected will be found the means of mitigating much physical suffering.

17 The attention Your Excellency has bestowed in the matter of Jails, and your exertions to improve the sanitary condition of the Welikada Convict Establishment deserve grateful recognition.

HIS EXCELLENCY replied:—

*Gentlemen of the Legislative Council,*

I am gratified to find that the various proposals for the administrative and material improvement of the Island, embodied in my address, have met with your approval; and I rely on your cordial assistance to enable me to carry out such measures as may conduce to the welfare of the Colony.

PAPERS, &c.

The COLONIAL SECRETARY presented a petition with respect to registration of marriages, &c. from persons in the Wellabodde patta, and laid on the

table a report by the Principal Civil Medical Officer on the re-organization of the Medical Department; Reports from the Secretary of State on the Harbours of India, by Mr. Robertson, Civil Engineer; and a Circular Despatch from the Secretary of State for the Colonies of 11th March, 1873, on the subject of establishing and maintaining a permanent exhibition of Colonial products in connection with the Exhibition Building at South Kensington.

THE PIONEER PENSION FUND.

The COLONIAL SECRETARY moved the first reading of—"An Ordinance to abolish the Pioneer Pension Fund, and to devote the money to the extension of the Railway to Nawalapitiya, the Pensions to Pioneers being paid out of the general revenue." The hon'ble gentleman said he found that in moving the Supply Bill of last year his predecessor stated that he had induced the Government to take up the capital of the Fund, which was now invested in the Chartered Mercantile Bank, bearing interest at the rate of five per cent. He (the Colonial Secretary) found that the disbursements had exceeded the income in 1871 by £1,400, but last year greater economy had been exercised, and the amount expended in excess was only £400. By taking over the money a saving in the management would take place equal to about £200 a year. And not only would there be that saving, but he trusted that by investing the money in the Nawalapitiya Railway they might look for a larger interest than five per cent. Therefore, the change would be an advantage to the Fund, and he did not think it would be any burden to the public. He begged to move the first reading of the Ordinance.

The AUDITOR-GENERAL seconded.

The first reading was agreed to, and the second reading fixed for Wednesday next.

THE PAYMENT FOR SICK COOLIES IN HOSPITAL.

The COLONIAL SECRETARY, in moving the first reading of "An Ordinance to provide for the recovery of the cost of treating sick Coolies in Government Hospitals," said that the preamble of the bill explained what were the intentions of Government in the matter. It seemed that much money had been lost by the neglect of Superintendents to pay for their sick coolies who had been treated in the hospitals. The amount due in 1871 was Rs. 1931; in 1872 Rs. 6439. The daily charge was only sixpence per cooly, and could not be considered a heavy charge upon Estates. It was assumed that, in passing this bill, which was framed on the same system as was adopted last year in the Medical Aid Bill, that there would be no difficulty in recovering arrears in future years. He did not expect Government would ever have to fully enforce the provisions of the bill, for when it was known that the authorities possessed such powers as would be conferred upon them by this Ordinance the money due would, doubtless, be paid up.

The QUEEN'S ADVOCATE seconded the motion, and the bill was read a first time.

The second reading was fixed for Wednesday next.

THE MUSEUM.

The COLONIAL SECRETARY moved the first reading of "An Ordinance to provide for the establishment and regulation of a Public Museum in Colombo." In looking back over the records of the Council's proceedings he observed that in the speech of His Excellency to the Council last year the question of a Public Museum had been fully entered upon, and that it had also been discussed in a full Committee of hon. members. It was, therefore, unnecessary that he should enter into particulars, or do more than say that

the Ordinance he now introduced made rules for the management of the Museum, when erected. He (the Colonial Secretary) noticed that in His Excellency's speech it was proposed to limit the collection of objects to the products of Ceylon. But since then His Excellency's opinion had somewhat changed, and he was willing to agree to the admission of objects from other countries, if thought desirable, but these must be limited to objects similar to the products, &c., of this country. Therefore, one of the clauses of the proposed bill would have to be altered to allow the Curator to receive these objects within certain limits.

The QUEEN'S ADVOCATE seconded, and the first reading was agreed to.

The second reading was fixed for Wednesday next.

#### GUNPOWDER ACCIDENTS AND THEIR PREVENTION.

The AUDITOR GENERAL moved the first reading of "An Ordinance for the prevention of Accidents by Gunpowder." The Government found, said the hon. gentleman, by lamentable experience in the earlier portion of this year that the existing Ordinance for the prevention of accidents from gunpowder was insufficient. Under the old Ordinance the keystone of the whole system was that Government should erect Magazines in certain localities, and if Magazines were erected then Government had power to regulate the sale of gunpowder in such places. But Government had no power to impose any restrictions on the sale of gunpowder where no Magazine was erected, and any person was at liberty to store as much gunpowder in his shop, or elsewhere, as he pleased. Undoubtedly in large towns like Colombo, Kandy, Galle, and Jaffna it was incumbent on Government to provide Magazines for the storage of gunpowder, but it was impossible that Government should provide them all over the Island. In Badulla, Negombo, Chilaw, and numbers of other places gunpowder was stored in a most unsafe manner, and there was no reason why restrictions should not be placed upon such storage by the issuing of licences for such places as these, licences to be granted only to those who would undertake to store gunpowder in a safe and proper manner. The principle of the bill was that in places where powder magazines were provided only 25 lbs. should be allowed to be stored in any one shop. Where no magazine was provided 50 lbs. of gunpowder would be allowed to be kept by each person holding a license, and if it were found that those 50 lbs. were kept in an unsafe manner, the license would be withdrawn, and given to some one else who would do better with it. With this explanation he moved the first reading of the Ordinance, but before sitting down he would ask the indulgence of the Council while he referred to one matter which had occurred with reference to the calamity at Kandy. It was said at the time, and the statement was repeated in the verdict of the jury at the Coroner's Inquest, that applications had been made to the Government to hand over the Magazine which had been built, to the Municipality, because of the unsafe condition of Kandy through the large storage of gunpowder in shops—that, in fact, strong representations had been made to Government on the subject. Nothing could be more untrue than that statement. The representation made by the Municipality was to the effect that they were engaged in doing certain public works by which they were losing revenue, and they asked Government to hand over to them the Magazine when it was ready, that they might receive the money which they thought could be legitimately obtained from

the storage of gunpowder. The Government, when they had found out the amount of expenditure, offered the Magazine to the Municipality on condition that they paid the cost, but as the expenditure was about five times the amount of the probable revenue, the Municipality very wisely declined to take over the Magazine. There were no representations as to Kandy being unsafe, the whole being a purely fiscal matter.

The COLONIAL SECRETARY seconded the motion, and the bill passed its first reading.

The second reading will take place on Wednesday.

#### THE COURSE OF BUSINESS

The GOVERNOR said: I think it might be as well if I were to state to hon. members the course of business I propose. We shall meet on Wednesday, and have the discussion on the second reading of the bills read a first time to-day. I shall, then, in accordance with the desire expressed by the Council last year by their vote—hon. members complaining of the great pressure and large trespass upon their time by so many bills being considered in Sub-Committee at one time—give full time for the consideration of these bills. I shall, therefore, on Wednesday, adjourn the Council for one month, as it is my intention to visit the Southern Province. By that time the select committees will have had ample opportunity of examining and reporting upon these bills. There will then be new bills—further legislation—to bring before you.

The Council adjourned till Wednesday afternoon.

#### WEDNESDAY, AUGUST 6.

PRESENT: The Governor, the Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Rose, Mr. Ferdinands, and Mr. Ondaatje.

#### SPECIAL LEGISLATION AGAINST COFFEE STEALING.

Mr. FERDINANDS moved

For a return of all cases of Coffee stealing decided in the Supreme, District, and Police Courts, during the last eighteen months, showing the result in each case, and the punishments awarded on convictions.

The hon. member said that as it was proposed to introduce exceptional legislation with regard to Coffee stealing, which had latterly much increased,—and, therefore, they might naturally expect special legislation,—he thought it would be well to ascertain how far existing means had failed to effect the object in view. That the ordinary Courts and the present means were inadequate, had been asserted, but he did not think satisfactorily proved. He believed that when the returns he asked for were furnished they would throw a great deal of fresh light upon the matter. Without saying there was no need for the proposed legislation, his own experience had been that the ordinary Courts were quite sufficient for the requirements of Coffee stealing cases. He could answer for the superior Courts—the Supreme and District Courts, for instance, as, in his experience as Public Prosecutor for eighteen months there was scarcely a case proceeded with in those Courts, which did not result in a conviction. However, as to what had taken place in the Minor Courts he could not say, but the returns he asked for, if granted, would throw a great deal of light upon the subject.

Mr. ONDAATJE, in seconding the motion, said that it would not be undesirable to have the returns

called for, in view of the exceptional legislation intended to be introduced for the suppression of Coffee stealing. He believed that existing laws were equal to meet the evil, and his impression was that in nine-tenths of the cases instituted for coffee stealing, convictions had been the result.

Mr. WILSON said he was not interested in coffee planting, but still, he thought everything should be done that could be to put down coffee stealing. But, at the same time, he was interested in the repression of cocoanut stealing. Whether he was right or wrong, he could not help saying that in the Minor Courts those who brought actions did not always get justice. Where one found an able man of experience on the Bench, who understood the native character, and was determined to enforce the full penalty on a second conviction—the penalty of three months' imprisonment and twenty lashes, such thefts would soon be lessened. In the superior Courts such thieves were, no doubt, being severely dealt with. But in some of the cases tried before young Magistrates, unused to the people, things were very different; in one case only three days' imprisonment were imposed, and one day of the sentence had passed, and there was only one more to serve. It was no wonder the prisoner went away in charge of the Sergeant, singing and rejoicing. Another case, also of cocoanut stealing from his own Estate, was where a woman was caught in the act; she was the wife of a man who was himself a notorious thief, and had been punished for theft from the Estate. When he heard of his wife's arrest he offered £2 to prevent the case being brought to Colombo. Brought, however, as the woman was, "before one of these young Magistrates, who know nothing of the character of the people, she was only asked one or two questions, and then fined five shillings." In the older days when such men as Dalziel, De Saram, Jayetilleke, and Skinner were on the bench, the fullest penalty was imposed on a second conviction. Mr. Skinner, when he first went to Negombo, said, "The rate of crime of stealing cocoanuts in this district is very high, and I shall sentence prisoners to three months' imprisonment and twenty lashes on a second conviction." The result was that robbery was put down, but now it was all over the country.

Mr. ROSE said there was one remark on this subject he should like to make. He apprehended that of all the planters who had urged special legislation on the Government, none had complained of, or called into question, the administration of justice in Ceylon. But the property was very great and valuable, and being so easily obtainable, those who suffered felt they had a claim upon Government for special protection. In many cases, too, so great was the difficulty of obtaining a conviction, that charges were not proceeded with.

The COLONIAL SECRETARY said that Government had no objection to grant the returns asked for which he believed would be ready before the Council again assembled. He quite agreed with the honorable gentleman (Mr. Rose) that there was no desire to call into question the administration of justice in any of the Courts.

#### THE ORDINANCE TO DISCOURAGE LITIGATION.

Mr. FERDINANDS moved

For a return of monies deposited and not drawn by Suitors in Police Courts under the provision of the Ordinance No. 18 of 1869.

The honorable gentleman said that the Ordinance was enacted recently with the view of stopping litigation in the Police Courts. In addition

to plaints and subpoenas requiring to be stamped a preliminary enquiry was rendered necessary, and the Magistrates were empowered at their discretion to demand deposits from suitors. Under this Ordinance several sums of money must have been thus deposited. By a Circular from the Colonial Secretary these amounts, after the lapse of fourteen days, were being absorbed into the General Revenue, under the head of "Fines and Forfeitures." The Ordinance was never intended as a source of Revenue to the Government. If the amounts by these means deposited were very large, it would be necessary to lower the scale by reducing the too exorbitant rate now imposed. These returns were therefore necessary to enable the Council to see how far the Ordinance pressed on the people, and if the rate were prohibitive.

Mr. WILSON seconded the motion, for he remembered when the Ordinance was passed it was with a view of suppressing frivolous cases, and not with a view to increasing the revenue.

The AUDITOR GENERAL said there was no objection to granting the return, which was very simple. But he should like, as the Council would not meet for a month, to remove an impression that might be created by his hon. friend who had asked for the return. It was quite true that the magistrate had discretion in a case which he thought frivolous to make the complainant deposit a sum for the *bona fides* of his action. In a Court like that at Balapity modera, for instance, and many others, there was no place provided for the keeping of money, and reference was made to him by the magistrate, asking what was to be done with the money and how the account was to be kept. If placed in deposit it would probably have been lost sight of, and when, after a length of time, perhaps, the suitor came forward it might be difficult to find the money and refund it. He (the Auditor General) then suggested that the money should be brought to revenue, and credited; then, when the money was wanted, and the claim substantiated, it could be paid. The instructions given were most definite, that when a claim was made, and the money was due, it should be paid at once (Hear hear). There was no thought of applying it to revenue.

The QUEEN'S ADVOCATE briefly explained away a misapprehension, by saying that the money to be deposited was not so much intended as a tax on litigation as it was meant to be a guarantee of expenses being paid. There was a practice amongst suitors of summoning persons as witnesses, &c., from a great distance, and at more than one Court at a time. Government had proposed that a deposit should be made when witnesses were to come five miles, but at the request of Mr. Harrison the distance was altered to ten miles.

The discussion then came to an end.

#### THE PIONEER PENSION FUND.

The COLONIAL SECRETARY moved the second reading of "An Ordinance to abolish the Pioneer Pension Fund, and to devote the money to the extension of the Railway to Nawalapitiya, the Pensions to Pioneers being paid out of the general revenue."

The bill was read a second time and referred to a Sub-Committee, consisting of the Colonial Secretary, the Auditor General, the Collector of Customs, and Mr. Ferdinands.

#### SICK COOLIES IN HOSPITAL.

The COLONIAL SECRETARY moved the second reading of "An Ordinance to provide for the recovery of the cost of treating sick coolies in Government Hospitals."

The QUEEN'S ADVOCATE seconded.

Mr. ROSE said he thought this bill was very necessary. It was a pity that similar facilities had not been included in the old Ordinance. He hoped that some limit would be placed on the time when the Government Agent could recover against Estates. He had known instances where money was recovered by the Government Agent nine years after the debt was incurred, and in some other cases his firm (G. Wall & Co.) were almost certain they had already paid bills which were again sent in and eventually paid. The new Bill ought to provide that if accounts were not sent in two years after they were incurred the debt should not be recoverable. If the Government Agent did not recover within that time he had no business to recover at all. (Hear, hear).

Mr. WILSON quite agreed with what had fallen from his hon. friend, and reminded the Council that last year he had brought to their notice a account sent in to Messrs. Robertson and Co., for a debt incurred eleven years before on an Estate which did not then belong to them.

The QUEEN'S ADVOCATE said the old Ordinance did not give power to seize Estates if debts were unpaid, and what was now intended was to make the law in this case identical with that in the Medical Aid Bill of last year. There was a great deal to be said in favour of the suggestion of his hon'ble friend (Mr. Rose), but that could be decided upon in sub-committee.

The bill was read a second time and referred to a Sub-Committee, viz, the Colonial Secretary, the Government Agent (Central Province), Mr. Leake and Mr. Rose.

#### THE MUSEUM.

The COLONIAL SECRETARY moved the second reading of "An Ordinance to provide for the establishment and regulation of a Public Museum in Colombo."

The bill was read a second time and referred to a Sub-Committee, consisting of the Queen's Advocate, the Surveyor General, Mr. Wilson, and Mr. Ferdinands.

#### GUNPOWDER REGULATION.

The AUDITOR GENERAL moved the second reading of "An Ordinance for the prevention of Accidents by Gunpowder."

The second reading was agreed to, and the bill was referred to a Sub-Committee consisting of the Auditor General, the Government Agent (Western Province), Mr. Wilson, and Mr. Ondaatje.

The Council then adjourned till September 3rd.

### WEDNESDAY, SEPTEMBER 3.

His Excellency the Governor presided. Also present:—The Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W.P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Rose, Mr. Ferdinands, and Mr. Ondaatje.

#### PAPERS AND PETITIONS.

The COLONIAL SECRETARY laid on the table a Return of cases tried in the Police Courts and other Courts of the Island, for Coffee Stealing; the Report of the Customs' Commission; and a portion of the Administration Reports for 1872.

The COLONIAL SECRETARY also presented a petition from certain inhabitants of Galle with reference to the Registration of Marriages.

Mr. ONDAATJE presented a petition from the Inhabitants of Wademorachie, in Jaffna, praying for the following amendments and modifications to be laid on the table.

the Ordinance No. 10 of 1844 relating to Arrack, Rum, and Toddy, and in the Licensing Bill of 1873: (1) For the Repeal of the 40th clause of the former Act under which licenses are granted to persons to draw Toddy for private use,—a privilege which is generally abused and opens the door to the illicit sale of fermented Toddy. (2) That provisions of the 8th clause of No. 7 of 1873 be extended to Arrack and Toddy Taverns, which it is desirable should be kept in houses facing the street and in conspicuous places. (3) That the buyer of intoxicating liquor illicitly sold should be liable to punishment, as the seller is under the present law. (4) That the number of Arrack and Toddy Taverns be reduced.

#### NOTICE OF QUESTIONS.

Mr. ROSE gave notice that at the next meeting of Council he would ask,—

"What progress has been made with the survey of the proposed Railway line to Dimboola and Ouvah, and for what gauge the line is being surveyed."

"On what principle the assessment for upkeep of roads is made by the Provincial Road Committee of the Central Province, and whether it is the intention of Government to alter and amend the law, and provide for a more equitable and fair adjustment of the assessment."

"Why certain lots of land in the Dimboola district, surveyed and advertised for sale, have been withdrawn, and whether the withdrawal has had reference to the conservation of the streams."

#### GOVERNMENT STATISTICS.

Mr. WILSON moved

"That it is desirable that Government should take measures to secure accurate returns of paddy cultivation from each district, as it is believed that the returns now furnished are, in many cases, unreliable."

The hon. member thought Government would not contend that the returns now issued were reliable, or calculated to be depended upon, especially with the great extension of irrigation works now being carried on all over the island. Such being the case he thought it would be very desirable to appoint some one to scrutinise the returns as they came in and correct inaccuracies before the returns appeared in the Blue Book. Then there was the report of the Customs'—

The GOVERNOR (interrupting): The hon. member can only put one motion at a time.

Mr. WILSON sat down.

Mr. FERDINANDS seconded the motion.

The COLONIAL SECRETARY said he was prepared to admit that the returns complained of by the hon. member were not satisfactory, though the Government had taken all the care they could in the matter. There were very great difficulties in the way, but Government were dealing with the question, and in a short time would be able to produce what, at any rate, would be much more satisfactory than those at present contained in the Blue Book.

Mr. ROSE thought that as Government insisted upon accurate returns from coffee estates—and he believed generally got very correct particulars—it ought to get equally accurate returns from its own servants. When planters could send correct returns he did not see why Civil Servants should not likewise.

The GOVERNOR: I may answer the hon. member's objection by stating that if he will obtain for us the same intelligence in the village headmen as is possessed by the coffee planters, we will then give him returns equally accurate with those from the coffee districts. Still we are endeavouring to secure greater accuracy.

#### THE CUSTOMS' COMMISSION.

Mr. WILSON moved

"That the Report of the Commissioners appointed to enquire into the working of the Customs Department be laid on the table."

He said: I believe it is some time since this Commission was closed, and the general feeling is that the Report ought to be made public. The mercantile community wish to see what is recommended.

Mr. ROSE seconded the motion.

The COLONIAL SECRETARY: I have already laid the Report of the Customs' Commission on the table, and said distinctly what it was I was placing there, but perhaps the hon. member did not hear what I said.

#### COFFEE STEALING.

The QUEEN'S ADVOCATE moved the first reading of "An Ordinance to check Coffee stealing." The grounds and reasons for bringing forward this Bill had (said the hon. and learned gentleman) been so fully explained by His Excellency in his opening speech that it was unnecessary that he should trouble the Council with any observations respecting them. It is proposed in the draft enactment now submitted to empower the Governor to proclaim any district within which there is reason to believe that Coffee stealing prevails, and that exceptional measures are necessary to check the same. When a district is so proclaimed, no person can acquire coffee therein without obtaining a license from the Government Agent, which license—and this is the main object for requiring a license—it is in the power of the Agent, with the sanction of the Governor to refuse or revoke, if he shall be satisfied that the applicant or holder is not a fit person to be entrusted with it. Every dealer so licensed is obliged, on pain of punishment, to keep a written record of all coffee acquired by him, and to produce the same whenever required to do so by a public officer. Any person loitering or looking about in a Coffee Estate at a time when he has no business to be there is also made liable to punishment. The Inspector General of Police is also authorised, upon the affidavit of two or more respectable persons, to issue open Warrants for the search of suspected houses in any proclaimed district. It will be seen, from the simple nature of these provisions that the main object aimed at is to secure the detection of the offence, and to facilitate proof thereof. When a charge is duly proved against an offender, the ordinary means provided by law are quite sufficient to secure his punishment; but, for an offence detected, there are hundreds which are committed but cannot be brought home to any person, and the high prices now paid for the produce has stimulated the offence to a very great degree. Many objections were made to the Governor by the Planters and others but some of them the Government were unable to adopt, as they might have affected prejudicially a valuable native industry, and others again were so wild and thoughtless as to be undeserving of attention. It is hoped that the few simple precautions which the Ordinance proposes will lead to the suppression of the offence.

The COLONIAL SECRETARY seconded.

The second reading was fixed for Wednesday, the 17th instant.

#### AMENDED LICENSING ORDINANCE.

The QUEEN'S ADVOCATE moved the first reading of "An Ordinance to amend the Licensing Ordinance, 1873," and said: In a late case under the English Licensing Act, Mr. Justice Blackburn expressed the wish that Mr. Bruce would take a seat on the Bench whenever Licensing came, on to assist the judges in construing its provisions. If this could be said of the model from which their enactment was framed it was not

to be wondered at that their humble ordinance should already have given rise to questions to puzzle the lawyers. But it was to him a matter of great emulation and satisfaction that almost all of the provisions which the enactment now brought forward seeks to amend were introduced in Sub-Committee or by this Council. They were principally owing to the alterations which the Sub-Committee recommended in the object of the Bill. The Government did not deem it expedient in the measures originally brought forward to do more than provide for liquor shops, but it was suggested in Sub-Committee that the penal provisions should be extended to taverns as well, and this extension, agreed to by the Government, was the cause of most of the errors and inconsistencies which have crept in. It was not necessary that he should refer to the different clauses in detail, but he would invite the attention of the Council to the 4th clause relating to the prohibition of white or methylated spirit. The great object of the Government in prohibiting the importation of the so-called "white or methylated spirit" was to prevent the manufacture of brandy in this country. It appeared to the Government, when first the measure was under consideration, that the best and most legitimate way of gaining this object was to render liable to duty spirits beyond a certain proof, according to their strength, but the Customs authorities submitted certain objections to this proposal which induced the Government reluctantly to abandon it and to prohibit the importation of the spirit into this Island. A representation had been made to the Government by a firm largely interested in the spirit trade suggesting certain objections to this measure, which were, in certain respects, well worthy of consideration. The papers would be laid before the Sub-Committee, and the Government would be glad to ascertain its views on this subject.

The COLONIAL SECRETARY seconded.

The second reading was fixed for next week.

#### THE PIONEER PENSION FUND.

The COLONIAL SECRETARY brought up the Report of the Sub-Committee on this bill, which was read by the CLERK OF THE COUNCIL as follows:—

The Sub-Committee appointed to consider the draft of "An Ordinance to abolish the Pioneer Pension Fund, and to devote the money to the extension of the Railway to Nawalapitiya, the Pensions to Pioneers being paid out of the General Revenue," have had under their careful consideration the provisions of this Bill, and now beg leave to report, that they are of opinion that, for the reasons stated, it is desirable that the Government should take upon itself the liability to pay the pensions of the pioneers in future. They also consider that the amount now standing to the credit of this Fund could not be more advantageously appropriated than to the extension of the Railway to Nawalapitiya, as proposed by this Ordinance.

ARTHUR N. BIRCH,  
W. D. WRIGHT,  
W. ROSE,  
C. L. FERDINANDS.

Legislative Council Chamber,  
Colombo, September 3rd, 1873.

The Council having resolved itself into Committee, the bill was considered clause by clause, and passed without alteration.

#### SICK COOLIES AND HOSPITALS.

The COLONIAL SECRETARY handed in the Report of the Sub-Committee on this Ordinance, as follows:—

The Sub-Committee appointed to consider the draft of "An Ordinance to provide for the recovery of the cost of treating sick Coolies in Government Hospitals," have the honour to report as follows upon the various clauses which appear to require special notice.



Clause 1.—They would suggest that after the word "hospital," in this clause, the following be added—"under the authority of the proprietor, agent, or superintendent of any estate on which such coolie has served, that estate shall be, and is hereby declared, liable," &c.

Clause 2.—That after the word "treatment," in this clause, the words "within one month after the discharge from hospital of such coolie," be inserted. That after the word "proprietor," in the same clause, the words "or agent" be added, and the words "when he took ill," in the following line, be omitted, and the words "at the time of his removal to hospital," inserted; the words "agent or," in the 10th line, be inserted before the word "superintendent," and the word "no" after the word "be" be omitted, and the words "neither agent nor" therein inserted.

Clause 3.—That the words "or agent" be inserted after the word "proprietor" in the first line, and the following words after the word "contained:" "Provided that if any such bill or charge be not presented to the parties aforesaid, or the amount recovered under the provisions of this Ordinance, within two years after the discharge of the coolie from hospital, all claims on this account shall be and are hereby prescribed."

ARTHUR N. BIRCH,  
J. PARSONS,  
W. ROSE,  
W. M. LEAKE.

Legislative Council Chamber,  
Colombo, September 3rd, 1873.

The bill was then considered in Committee.  
In clause 1:—

Whenever a coolie is sent to or admitted in any Government hospital, the estate in which such coolie served when he was taken ill shall be, and is hereby declared, liable for the cost of the treatment of the coolie in such hospital;

The COLONIAL SECRETARY suggested the advisability of amending the clause by adding after the word "hospital" in the second line, the words "under the authority of the proprietor, agent, or superintendent of," &c.

The QUEEN'S ADVOCATE saw a difficulty if those words were added. Supposing a coolie were found sick on a road or elsewhere by the police, and was sent to the hospital, was the Estate to escape payment because the man was not actually sent by the proprietor, agent, or superintendent of the Estate? As the clause stood the Estate was liable for the treatment of its coolies, by whatever means they reached the hospital. Whether sent to the hospital by the person in charge of the Estate, or taken by the police the Estate, he held, should be responsible for the coolie treated.

The GOVERNOR agreed that the introduction of the words would be likely to give rise to considerable difficulty.

Mr. ROSE asked if it was to be understood that if a coolie left an Estate without being regularly discharged, and went into a town, became ill there, and was taken to the hospital, whether the Estate on whose books his name still was, would be liable? If he left the Estate well that Estate should not be held liable for the cost of his treatment for an illness subsequently arising.

The GOVERNOR: The Estate would not be held liable unless it was clearly shown that the man left the Estate in a bad state of health. The law is not made for the righteous, and people will escape its provisions when they can. If the planter in charge of the Estate were to show that the man left all right, that would be quite sufficient.

Mr. ROSE: I never saw a man yet, who got the better of Government in a case of that kind (a laugh).

Mr. WILSON: Hear, hear, and no more did I, ever! (laughter).

The AUDITOR GENERAL thought the words proposed would lead to endless disputes and bother,

and the loss of money to Government would be considerable.

The GOVERNMENT AGENT (C. P.) said: As the clause stands how are we to find out to what place the coolie belongs? If a coolie comes in and says he belongs to a certain estate, and is treated for any disease, and when enquiry is made it is found that he has given false information, what is to be done then? There would be a certain loss.

The GOVERNOR: There is that loss at present.

Mr. WILSON: Surely with all the care that is to be taken of the coolie, according to the Medical Bill of last year, there can be little fear of such cases occurring. It is a slur upon the planters to suppose such a thing.

The QUEEN'S ADVOCATE: As His Excellency had already said the law was not new for the righteous, and it had frequently happened that coolies had been brought into the hospitals by the police, and against such cases the doors of the hospital cannot be shut. Then if the estate to which the coolie belongs can be traced, the estate ought to be made to pay: if not Government must submit to the loss. The clause throws no slur upon any person whatever. As to what the hon. member (Mr. Wilson) had said about the Medical Aid Bill, there was no doubt that cases would again and again occur which that enactment would not meet, and when these cases did arise the estate ought not to escape responsibility.

Mr. FERDINANDS could not see that there was any hardship so far as estates were concerned, for if a man treated in the hospital was not proved to belong to any estate, then Government had to pay for his treatment.

The AUDITOR GENERAL denied that there was any slur cast upon the planters in the clause under discussion. That the clause was wanted there could not be any doubt at all, for more than one-third of the amount due for coolies treated was at present irrecoverable. Government experienced great difficulty in getting the money, and in some hospitals scarcely one-half of the expenditure was got back again. The loss was one the Ceylon tax-payer had to make good, and there was no reason why this should be, neither did he see any necessity for altering the clause.

Mr. WILSON: The Government Medical Officers ought to look after the coolies, so that such cases may not occur. How long is a man to be off an estate, so that the estate may not be liable? If he has been away from the estate a fortnight, and is then taken ill, surely it is very hard to come upon the estate for the cost.

The GOVERNOR: We should not come upon the estate if the man was not taken ill there. If he was turned off the estate ill, then the estate would certainly be liable, and that is one of the cases we should be glad to reach.

Mr. WILSON: But if the man goes away and gets ill—with diarrhoea, or something of that kind, which often happens?

The GOVERNOR: Then, as I have already said, the Estate would not be liable.

Mr. WILSON still expressed dissatisfaction.

The QUEEN'S ADVOCATE: We have to pay for our servants if they are sent to the hospitals in the towns.

Mr. WILSON: By all means pay for the people if you send them, but I object to the payment if they are not sent.

The clause was then agreed to, without alteration. In clause 2, which provides for the notice of claim to be served on proprietors and others;

The AUDITOR GENERAL asked: Will it be necessary actually to serve notice by Fiscal's peon, or will a notice sent through the post be sufficient?

The QUEEN'S ADVOCATE: It is not necessary to employ a Fiscal Peon; a private server may serve the notice. Even notices in cases in Court are not always served by Fiscal's peons; a notice may also be sent by post, say in a registered letter.

At a subsequent period (after all the clauses had passed), the AUDITOR GENERAL said: I have still my doubts about the serving of notices. To serve by registered letter somebody would have to pay the registration fee. I don't know who is to pay it. I think it would be better if notices were served instead of sent.

The QUEEN'S ADVOCATE: I mentioned the service through the post, only as one mode. Any person may be employed to serve a notice, and his affidavit that he had served was received as proof of service.

The 2nd, 3rd, and 4th clauses having been agreed to

The COLONIAL SECRETARY moved the introduction of a new clause to provide for the collection of arrears from Estates.

Mr ROSE was glad that the time for arrears was limited to two years.

The AUDITOR GENERAL: There are still accounts outstanding for five years, and if there is not some saving clause as that proposed, these will have to be wiped off.

Mr. ROSE: And if they have been allowed to run five years they ought to be wiped off (laughter).

The AUDITOR GENERAL seconded the motion, and the bill passed through committee.

#### THE MUSEUM.

The QUEEN'S ADVOCATE brought up the report of the sub-committee on this bill. It runs:—

The Sub-Committee appointed to report upon "An Ordinance to provide for the establishment and regulation of a Public Museum in Colombo," beg leave to report that they consider the provisions therein made well adapted for carrying into effect and securing the objects contemplated by the establishment of a Public Museum. The Sub-Committee have had under consideration the desirability of suggesting that the management of the institution should be entrusted to a responsible Committee of scientific men, to be chosen by the Governor, with power to select the specimens and make the rules which by the 3rd and 4th clauses are left to the Governor and the Executive Council; and they have arrived at the conclusion that it is expedient to leave the entire control of working an institution like this, in its infancy, with the Governor and the Executive Government, in view particularly of the interest taken in the work by His Excellency, and the experience he is personally able to bring to bear upon it. There is nothing moreover in the Ordinance to prevent the Governor from calling to his assistance a committee of management, if he so desire it, whose suggestions may prove of value to him.

The Committee recommend the omission of the last paragraph of the 9th clause, which enacts that every damage to a work of art shall be presumed to be wilful, and subjects the offender to penal consequences, unless he proves the contrary; and to suggest the substitution of the following clause:—

9. "Any person damaging any work or subject of art, or book or other property appertaining to the said Museum, shall be civilly liable to pay double the value of such work, object, book, or other property; and if the damage shall be shewn to be wilful, he shall be further liable to a fine not exceeding One Thousand Rupees, or to imprisonment, with or without hard labour, for a term not exceeding one year, or to both."

RICHARD F. MORGAN,  
A. B. FYERS,  
D. WILSON,

C. L. FERDYNAUDS.

Legislative Council Chamber,  
Colombo, 3rd September, 1873.

The report having been adopted,  
Mr. WILSON said: I hope this is to be a free institution.

The GOVERNOR: I did not suppose it had ever entered the mind of any person that it was to be anything else. I am not aware of any public institution of the kind where a charge is made. The only restriction is certain prescribed days.

Mr. WILSON: I think the public would be willing to hear that the Museum was to be, perfectly free.

The GOVERNOR: I must say, again, I never heard of any proposal to make a charge for admission.

The AUDITOR GENERAL: The Government have no power to take a fee, unless power is given them in the Ordinance.

The QUEEN'S ADVOCATE pointed out that the Ordinance proposed to give the power. It is not intended, however, to charge a fee for admission. It may be necessary to make a small charge to be allowed to take copies or casts.

The bill was then agreed to, clause by clause, until the last, relating to fines for injuring books, &c., was reached, when a new clause recommended by the Sub-Committee on the same subject, was introduced. Respecting this clause,

The GOVERNOR said: In England, where they have a horror of the lash, one of the enactments of the British Museum is that when a person wilfully destroys any object in the Museum he shall be flogged. This is not an old rule, but passed within the last two years.

Mr. WILSON: Would anybody object to the same rule here?

The GOVERNOR expressed his disinclination to suggest it.

The bill then passed through Committee.

#### GUNPOWDER ACCIDENTS.

The AUDITOR GENERAL brought up the report of the sub-committee on the Ordinance for the prevention of accidents by Gunpowder. It was as follows:—

The Sub-Committee appointed to report upon the "Ordinance for the prevention of Accidents by Gunpowder," have carefully considered the Bill, and recommend its adoption, subject to the following slight modifications:—

Clause 7.—The Sub-Committee are apprehensive that the limitation to 25 lbs. of the amount of powder allowed to be stored in a proclaimed district would interfere inconveniently with trade, and recommend that the limit be fixed at 50 lbs.

Clause 10.—The insertion of the following words is suggested after the word "consider," in the 8th line of this clause, viz., "that there is already a licensed dealer within too close proximity to the premises sought to be licensed."

In clause 12, "searchers" should be "searcher."

The Sub-Committee lastly recommend the introduction of a provision, requiring a notice to that effect to be affixed to each shop or store where gunpowder is licensed to be sold.

JOHN DOUGLAS,  
CHARLES P. LAYARD,  
D. WILSON,  
P. DE M. J. ONDARTE.

Legislative Council Chamber,  
Colombo, 3rd September, 1873.

The report was adopted, and the bill passed through Committee, the only alterations being, the raising of the minimum quantity to be kept in stock from 25 lbs. to 50 lbs, and the notice to be affixed to premises where gunpowder is sold.

The Council adjourned till Wednesday next.

WEDNESDAY, SEPTEMBER 10.

Present: His Excellency the Governor (presiding), the Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Leake, Mr. Ferdinands, Mr. Ondaatje, and Mr. Dehigama.

PAPERS, &c.

The COLONIAL SECRETARY laid on the table a further instalment of the Administration Reports vol. for 1872, being the Reports of the Public Works Department and the Surveyor General; Also a Return of Monies deposited in Police Courts, according to Ordinance 18 of 1871.

MR. ROSE'S QUESTIONS.

The COLONIAL SECRETARY said he held in his hand a letter from Mr. Rose, in which that gentleman said he was away from Colombo, and begged that the questions in his name might be allowed to stand over till next week.

The request was agreed to.

NOTICE OF MOTION.

Mr. WILSON gave notice that at the next meeting he would move that as it was understood that the Right Hon'ble the Secretary of State had sent a dispatch on the subject of the Gaols Commission, and the Reports were now received, that the papers concerning this subject be laid on the table.

The GOVERNOR: Is the hon. member aware that no dispatch can be laid on the table without the Secretary of State's permission?

Mr. WILSON: I ask only for the reports that were sent to the Secretary of State.

MAHOMEDAN LAWS.

Mr. ONDAATJE asked,

How the Government intends dealing with the proposed revised Code of Mohammadan Laws, submitted to the Hon'ble the Queen's Advocate in 1872, and whether it is in contemplation to introduce any measure during the present Session of the Legislative Council, for placing the laws and customs applicable to the Mohammadians of Ceylon on a correct and satisfactory basis?

The hon. member was proceeding to explain what led him to put the question, when

The GOVERNOR said: The hon. member can make no statement whatever, in putting his question.

Mr. ONDAATJE: I only wanted to say a few words.

The GOVERNOR: No, not a word.

The QUEEN'S ADVOCATE said a like question was put by his learned friend, the Tamil member now absent. A revised Code was submitted to him (the Queen's Advocate) by Mr. Abdul Raheman and others. As it was rather voluminous, and there was other pressing work on hand, it took some time before it could be printed. When the copies were ready they were sent to the Government Agents for circulation among the principal Moormen in their respective Provinces, in order that their views on the Code might be ascertained. No reply had as yet been received. Until this took place the Government could not come to any conclusion as to the course which it would be expedient to pursue.

THE "OBSERVER" AND THE PUBLICATION OF THE CUSTOMS COMMISSION REPORT.

Mr. WILSON: I find, Sir, that the question in my name in the Order of the Day, is not the question I sent to the Clerk of the Council, and on referring to my written question I find certain words contained there which are not in the question now before me, and I want to know why they were ordered to be left out. My questions is entirely different to what I now find, and the alteration—

The GOVERNOR: The hon. member must be aware that not only here, but in every Legislative Council, or Assembly, questions can only be put in a certain form. When a question is sent to the Clerk of this Council, and it is found not to be framed according to the Rules of the Council, it is considered whether the question shall be refused, or so altered that it may be put. In this case it was considered that there were certain words in the question sent by the hon. member that could not be permitted to appear in the Order of the Day, and so they were left out.

Mr. WILSON: Am I at liberty to say anything?

The GOVERNOR: If the hon. member is going to make a motion he can speak to the subject of his motion.

Mr. WILSON: I am not going to say anything about this question, as it is not put in the Order of the Day as I wrote it. In fact it is not my question. So far as I can see there was nothing objectionable in my question. If there was I should like to know what it was. I certainly had no intention of sending in to the CLERK anything in an objectionable form.

The hon. member sat down, and, after a pause,

The COLONIAL SECRETARY said: Does the hon. member ask the question?

Mr. WILSON: No because it is not my question. It does not apply to what I want to find out.

The COLONIAL SECRETARY: If the hon. member will turn to the Rules and Regulations of this Council, at Rule xxii, he will find:—

"In putting any question, no argument or opinion shall be offered, nor any fact stated, except in so far as may be necessary to explain such question."

I think the words of the hon. member, as they appeared in the question sent stated a fact. [Turning to the Governor, Mr. BIRCH asked:] Shall I explain what did appear?

The GOVERNOR: Yes.

The COLONIAL SECRETARY: The question of the hon. member, after asking what explanation the Government could give as to the appearance of the Report in the *Observer*, contained this sentence, "Which Report has been withheld from this Council." I think these are the words the hon. member means.

Mr. WILSON: Yes; I wrote, "which has been withheld from this Council."

The COLONIAL SECRETARY: A question containing a remark like that is travelling beyond the province of a question, and it was not in the power of the hon. member to put such a question. Government would not be justified in allowing such a statement to appear in the Order of the Day.

Mr. WILSON: I certainly think and look upon the matter in quite a different light. I don't see that there was anything to object to in the question. Of course, if the question was not a proper one it ought to be refused. It appears to me that I was merely pointing out a fact in what I stated, and which is not contrary to the Rules and Regulations, which say that no question shall contain any argument, or expression of opinion, nor shall any facts be stated, except so far as may be necessary to explain the question.

The COLONIAL SECRETARY: The hon. member has assumed that something has been withheld from the Council, which has not been withheld.

Mr. WILSON: I think I shall be borne out that the statement of the hon. gentleman is a mistake as an answer. My question distinctly was—and I maintain that it was correct—that the Report had been withheld from the Council, that certain names were mentioned in the Report that appeared in the *Observer*

newspaper, which were omitted in the Report presented to the Council, therefore, a portion of the Report has been withheld from the Council. The Report cannot be said to have been given to the Council, because it is incomplete, certain names having been left out.

**THE COLONIAL SECRETARY:** The Government have no explanation to offer to account for those names appearing in the *Observer*, is that the Government have nothing to do with the *Observer* newspaper. The hon. member must be aware that there are certain enquiries still going on with respect to certain officers in the Customs, and it would, he (the Colonial Secretary) was sure, be against the wish of the hon. member that the names of those officers should appear in a Report of the Council; the enquiry respecting them being still pending, their names were omitted in the Report. As I have already said the Government is not answerable for the Report which appeared in the *Observer*, and if the hon. member is still wanting information on the subject, I can only refer him to the Editor of the *Observer* for that information. Still I may say that Government has endeavoured to find out how the report reached the *Observer* Office, but their enquiries have been without success.

[The subject then dropped, and in inserting here the question of Mr. WILSON, which appeared in the Order of the Day we may state that the question was never actually put, and that the whole of the discussion reported above was on no definite subject. The question was as follows:—

What explanation the Government can give to account for the *Observer* newspaper being in possession of information relative to the Customs Commission Report?]

#### RESERVE OF GOVERNMENT FORESTS.

**MR. WILSON** asked

Whether Government has decided on making reserves of Government forests in different localities; if so, on what principle such reservations will be made, and for what intended purposes?

The hon. member said: It is generally believed throughout the high and low country—

**THE GOVERNOR:** The hon. member *must* not make observations in putting a question.

The hon. member subsided.

**THE COLONIAL SECRETARY** said that the Government had determined on making reserves of forest in different localities. It was not possible at present to lay down any definite rules as to the principle on which this reservation would be made, but he might say that no reservation would be made, except on the recommendation of the Government Agent of the Province, in which the reservation was proposed, and the advice of the Surveyor General in favour of that reservation. The reasons for making the reserve, and the extent of reservation, would all be made public, and Maps of the districts would be prepared shewing the Crown reserves. The hon. member asked "For what purpose was the reservation intended?" He (the Colonial Secretary) could only reply that it was for the benefit of the general community that the reserves were to be kept. Large tracts of the country were being cleared for coffee, tea, and cinchona, and it was necessary that some portion of the forests should be kept for the conservation of moisture, for the supply of Timber for the use of cultivators. It was already felt to be very necessary, in some districts, that such reservation should be made. Since the decision to conserve a portion of the forests was come to by the Government, a dispatch had been received from the Secretary of State on the

subject, and calling the attention of the island authorities to the matter. His Excellency the Governor had written to the Secretary of State requesting to be allowed to lay the dispatch with his rejoinder on the table for the information of the Council.

**MR. WILSON:** I should like to have the information—if the hon. gentleman is in possession of it—whether any more forest will be sold in the low-country?

**THE COLONIAL SECRETARY:** In the low-country the question of Crown reservations is not of such importance as in the Hill Country, but as soon as Government have any definite information it shall be laid on the table at once.

#### CUSTOMS' SEIZURES.

**MR. WILSON** read the following question:

Whether the staves seized by the Customs from Meesra Armitage Brothers for undervaluation when they were overvalued, have been sold; if so, what sum they realized, or whether they still occupy valuable warehouse space (rent free) at the Custom House required for the general trade of the Port?

And said: I find a word left out of this question. My question ran, "Whether the staves *improperly* seized by the Customs," &c. Why was that word left out? But what's the use of my asking? I musn't speak.

**THE GOVERNOR:** The hon. member may make an explanation if he chooses.

**MR. WILSON:** That is just what I wanted to do in the other case.

**THE GOVERNOR:** The hon. member complains that a word has been left out of the question he sent. It is quite true: a word was struck out. That word expresses an opinion which the hon. member wishes to place on record. The matter was one on which there are two opinions, and the opinion of the hon. member must not be admitted into the question.

**THE COLONIAL SECRETARY:** The hon. member will surely not deny that Rule XXII meets him in this case. "Any argument or opinion," says the rule. Certainly this is an opinion, and a very strong one I should say.

**THE GOVERNOR:** The course which the hon. member takes so much objection to, is one which is invariably followed in this colony. Members have again and again risen to ask questions, and have been repeatedly stopped in the way that the hon. member has been stopped to-day. Questions must not be put by hon. members, which are inadmissible according to the Rules of this Council. The complaint now before us is that the word "improperly" was left out of the hon. member's question. It was left out, but if the hon. member had brought forward a motion stating that the goods were improperly seized, he would have been at liberty to proceed. Does the hon. member put the question, as it stands?

**MR. WILSON:** Without the word? Yes; because it does not matter to me whether the word is in the question or not. The staves being in the Custom House still shows that they must have been seized for far more than their full value. I think this is a very hard thing. The Custom Ordinance, when referring to seized goods, says they shall be disposed of for the benefit of the Crown, which, it is to be supposed, means in a reasonable time.

**THE COLONIAL SECRETARY** said he could not but disagree with the hon. member's version of the affair. The fact was that the property had become Government property, and was still in Government premises; there was therefore, no question of rent in the matter at all. As to the staves not having been yet sold

the hon. member must be aware of the circumstances connected with the attempted sale, and that if they had been sold, they would not have realised their proper value at the time.

#### COFFEE STEALING.

Mr. FERDINANDS moved

That the correspondence between the Government and the Planters' Association, on the subject of Coffee stealing be laid on the table.

The hon. member said that as Government were bringing in a measure dealing with this subject, it was highly necessary that all the information available should be placed in the hands of hon. members. The proposed Ordinance would affect a large section of Her Majesty's subjects, and it would be well if all the recommendations which had reached the Planters' Association were made public.

Mr. LEAKE seconded the motion.

The COLONIAL SECRETARY replied that Government had no objection to accede to the hon. member's motion, and the return would be prepared.

#### THE REPORTS OF SUB-COMMITTEES.

Mr. WILSON moved,

That the reports of all sub-committees of Council should appear in the *Government Gazette*, at least one week before they were presented to Council for consideration.

The hon. member said that the Queen's Advocate's speech on the Licensing Bill last week was a sufficient argument for the motion now submitted. He (Mr. Wilson) thought it very desirable the reports should be published, as hon. members would then be able to study the alterations proposed by sub-committees. He was sure, speaking for himself, that it was quite impossible to grasp the reasons for all the alterations in bills in the short time that was given them, before the amendments were submitted to Council. He suggested this in no obstructive spirit, and he thought if the reports were published in the *Gazette* on the Saturday preceding the meeting of Council on the following Wednesday, all the purposes desired would be served.

Mr. FERDINANDS seconded the motion.

The COLONIAL SECRETARY said he should like to know in what Legislative Assembly, what Parliament or Council, the reports of sub-Committees were published before being presented to the body by whom the Committees were appointed. He thought it would be very wrong to publish the reports of sub-Committees in the manner proposed. But for all that he quite agreed with the hon'ble member in the desirability of having the reports in the hands of members earlier than they were at present, but the outside public should not see them before the members of Council had seen them. For his own part he would like to see them in the hands of hon'ble members at least a week before they were discussed. He did not agree with the proposal to *Gazette* these reports, but he did agree with the idea that they should be circulated amongst hon'ble members, and this would be done in future. The suggestion embodied in the motion had previously been made by His Excellency, who complained that the reports were not earlier submitted. While, therefore, the motion of the hon'ble member would be resisted, as it stood, Government had no objection to the spirit of the proposal.

Mr. WILSON expressed himself as quite satisfied with the answer, and withdrew his motion.

#### THE PIONEER PENSION FUND.

The COLONIAL SECRETARY moved the third reading of "An Ordinance to abolish the Pioneer Pension Fund, and to devote the money to the extension of

the Railway to Nawalapitiya, the Pensions to Pioneers being paid out of the General Revenue."

The AUDITOR GENERAL seconded.

The bill was read a third time and passed.

#### SICK COOLIES IN HOSPITAL.

The COLONIAL SECRETARY moved that the Ordinance to provide for the recovery of the cost of treating sick coolies in Government Hospitals be re-committed.

The bill was considered in Committee, and some verbal alterations made in clause 2.

The COLONIAL SECRETARY moved the third reading of the Ordinance.

The AUDITOR GENERAL seconded.

The bill was read a third time and passed.

#### THE MUSEUM.

The QUEEN'S ADVOCATE moved "the third reading of "An Ordinance to provide for the establishment and regulation of a Public Museum in Colombo."

The COLONIAL SECRETARY seconded.

The bill was read a third time and passed.

#### ACCIDENTS BY GUNPOWDER.

The AUDITOR GENERAL moved that the Ordinance for the prevention of accidents by gunpowder, be re-committed.

The bill was re-committed, and some words inserted in one of the clauses.

The AUDITOR GENERAL moved that the bill be read a third time.

The COLONIAL SECRETARY seconded.

The bill was read a third time and passed.

#### SUPPLEMENTARY CONTINGENT CHARGES.

The COLONIAL SECRETARY moved the first reading of "An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1872." The hon. gentleman said that few words were necessary from him in introducing this Ordinance, as it was the customary bill, rendered necessary because of certain expenses which could not be embodied in the other money bills of the session. The total sum covered by the Ordinance was Rs. 24,098-18. The sum of Rs. 2,360-79 for roads, &c., was the extra expenditure for the upkeep of the Nawalapitiya and Dimboola road, during the month of December last, consequently on increased traffic and the heavy rains. The sum of Rs. 1,411 in Registrar's Department was not an excess of expenditure, but was caused by an error in the Department in bringing the expenditure on account of the Registration of old Deeds to account under the proper heading. The largest item was Rs. 19,786-61 to the Crown Agents, of this sum about Rs. 9,000 was lost by exchange in payments on account of the Nawalapitiya Railway but this account had been recovered, and placed to credit under Municipal Revenues.

The AUDITOR GENERAL seconded, and the motion was agreed to.

The second reading was fixed for next week.

#### THE LICENSING BILL.

The QUEEN'S ADVOCATE moved the second reading of "An Ordinance to amend the Licensing Ordinance, 1873."

The COLONIAL SECRETARY seconded.

Mr. ONDAATJE said he begged to submit to His Excellency the desirableness of introducing a few additional clauses into the proposed Ordinance, as further amendments of the Ordinance No. 7 of 1873. An extension of the 8th clause which enacts that no license shall be granted for the sale of intoxicating liquor in any house or room except in a house or room having an entrance facing the street, and open as much as possible to public

view, to the produce of the cocconut or other description of palm, whereby Arrack and Toddy Taverns would be included under that restriction. The 10th and 14th clauses dealing only with the illicit vendors of intoxicating liquor, the present opportunity might be availed of to render the purchasers also amenable to justice. He further stated that licenses granted under the Ordinance of 1844 to persons for drawing Toddy for private use were liable very much to be abused, and suggested that the withdrawal of this privilege would check the illicit sale and consumption of fermented Toddy. These alterations and modifications would not affect the merits or principle of the bill under discussion.

The QUEEN'S ADVOCATE would remind the learned gentleman that although some of the penal provisions of the Licensing Act were made applicable to taverns, still the object of that bill was principally to regulate liquor shops. He was himself quite opposed to the removal of the license to draw toddy for private use and would rather see licenses extended—but all the papers and petitions presented to the Council on this bill would be submitted to the Sub-Committee, of which the hon. gentleman would be a member. His suggestions could then be more conveniently considered.

The bill was then referred to a sub-committee, consisting of the Queen's Advocate, the Auditor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, and Mr. Ondaatje.

#### ADJOURNMENT.

The Council then adjourned to Wednesday next, and on the suggestion of Mr. Ferdinands, who pointed out that Wednesday was one of the Race days the hour of meeting was fixed for two o'clock, instead of three.

#### WEDNESDAY SEPTEMBER 17TH.

His Excellency the Governor presided. Also present:—The Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W.P.), the Government Agent (J.P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Dehigama, Mr. Rose, Mr. Ferdinands, and Mr. Ondaatje.

#### THE "OBSERVER" AND THE CUSTOMS COMMISSION REPORT.

During the reading of the minutes, when the CLERK OF THE COUNCIL came to the following item:—

Mr. Wilson, pursuant to notice, asked, What explanation the Government can give to account for the *Observer* newspaper being in possession of information relative to the Customs Commission Report?

Mr. WILSON rose, and said: I must object to the statement of what took place at the last meeting, as I did not put that question. My question having been altered, I did not put that which was no question in regard to the matter I wanted to know. I consider this is not a proper report of the proceedings.

The COLONIAL SECRETARY: It is open to the hon. member to move that that matter be taken out of the minutes. It is true that the question was not actually put by the hon. member, but I gave all the information that I could on the subject. Will the hon member move that that portion of the minutes be omitted?

Mr. WILSON: I distinctly stated last week that after these words were withdrawn from my question, "Information that has been withheld from this Council," that it ceased to be my question, had no meaning at all as I intended it, and therefore I did not put it at all.

The COLONIAL SECRETARY: Will the hon. member move that this be struck out of the minutes?

Mr. WILSON: Am I allowed to do this?

The GOVERNOR: Yes.

This portion of the minutes was then withdrawn, by consent, and the CLERK OF THE COUNCIL proceeded with his reading.

#### PASSED ORDINANCES.

The COLONIAL SECRETARY announced that the Governor had given his sanction to Ordinance 9 of 1873, relating to the Pioneer Pension Fund; to Ordinance 10 of 1873, relating to the care of sick coolies in hospital; Ordinance 11 of 1873; to provide for the establishment of a Museum; Ordinance 12 of 1873 to prevent accidents by gunpowder.

#### PAPERS, &c.

The COLONIAL SECRETARY laid on the table another portion of the Administration Reports for 1872, viz., "Medical."

The COLONIAL SECRETARY said he regretted that he was unable to lay on the table at present the returns asked for by an hon. member (Mr. Ferdinands) relating to coffee stealing, but he hoped they would be ready before the next meeting.

#### THE EXTENSION OF THE RAILWAY LINE TO OUVAH.

Mr. ROSE asked:

What progress has been made with the survey of the proposed Railway line to Dimbula and Ouvah, and for what gauge is the line being surveyed?

The hon. member said he should like to make one or two remarks in explanation of the question he had just asked. Though put by him, the question had not originated with himself. He had been asked to put it by some Ouvah and Dimboola planters, and by absent proprietors in England. The complaint was that the work of the survey was not being pushed forward so rapidly as it might be. They had no faith in the Survey Department doing the work promptly, and asked that it may be given out to contractors to survey, and then a Railway would be completed before the Department had finished its survey (a laugh).

The COLONIAL SECRETARY, in reply, said: I find on reference to the Surveyor General's department, that progress has been made in the survey of the line to Dimboola, to the extent of a broad gauge trace, which had been made from Nawalapitiya via the Galboda Valley and Ambagamuwa to Dickoya, crossing into Dimbula through the ridge which divides the estates of Poolbank and Yuillefield. A narrow gauge trace has also been made over the same route with sharper curves, so as to reduce the cost of viaducts and cuttings. Both traces are reported to run through a very precipitous and broken line of country at a ruling gradient of 1 in 45, and terminate in Dimboola at a point known as the "Rosita Flat," about two miles from Craigie Lea Rest House on the new Kotagal Oya road. Another and, it is believed, a more favourable trace is being made from Rosita Flat down the Kotmale oya toward Nawalapitiya. This trace has been levelled and surveyed for a distance of about 12 to 15 miles, but it is still uncertain if sufficient distance will be found to admit of a gradient not exceeding 1 in 45 throughout. I hope that this question will be settled, and a report sent in a fortnight from this date, when it will be made public. As to the survey into Ouvah, until these surveys to Dimboola are completed, no steps can be taken, for want of the proper staff, but as soon as possible the work will be under-

taken. The hon. member has spoken of private Surveyors being employed, but in the case of an important line like the one suggested involving a large expenditure of public money Government could not think of asking for tenders or acting upon any survey not undertaken by their own Department, and for which the Surveyor General must be, and is, responsible.

**THE ASSESSMENT LEVIED BY THE PROVINCIAL ROAD COMMITTEE.**

Mr. ROSE asked,

On what principle the assessment for upkeep of roads is made by the Provincial Road Committee of the Central Province, and whether it is the intention of Government to alter and amend the law, and provide for a more equitable and fair adjustment of the assessment?

This question, said Mr. ROSE, came up last year, and the hon. the Colonial Secretary said the Provincial Road Committee would carry out the provisions of the Ordinance, as they were intended, viz., that roads be assessed in sections. When he (Mr. ROSE) found that this was not done he was surprised, and he could not help saying that a more unjust system than that now being carried out, could not be conceived. Here the hon. member was stopped, as being out of order.

The COLONIAL SECRETARY begged to remind the hon. member that the majority of the Committee in the Central Province were the planters' representatives, but that the principle of road assessment which the Government approved was that of sectional assessment for the upkeep as well as the construction of these roads. The Government were now in communication with the Provincial Road Committee, impressing the views of Government upon the Committee, in favour of sectional assessment. If the Committee took the same view as the Government there would be no necessity for any amendment of the present law, but if the Committee were unwilling to revert at once to the sectional system the Government would be prepared to introduce a further Ordinance on the subject during the present session.

**THE CONSERVATION OF FORESTS: THE INTENTION OF GOVERNMENT.**

Mr. ROSE asked:

Why certain lots of land in the Dimbula District, surveyed and advertized for sale, have been withdrawn, and whether the withdrawal has had reference to the conservation of the streams?

It may be well, said the hon. member, that I should explain the reason why I put the question a second time, it having been already asked by my hon. friend (Mr. Wilson). The feeling is very general amongst planters that Government are not only delaying the sales of land, but are also not doing their best in the production of plans. It is a grievance with them that having paid a high price for land they should be kept so long without the title deeds of their purchases, and as land is now bringing high prices it is an excellent opportunity for the Government to realize and spend the money in extension of roads and railways.

THE GOVERNOR said: I do not regret that this subject comes before us for a second time, as it is one of very great importance, and one upon which, I think, great misapprehension prevails. The Colonial Secretary, in his reply to an hon. member (Mr. Wilson) at the last meeting, expressed the policy of the Government quite correctly, as regards Forest Preservation. But I think it is advisable, considering the importance

of the subject, that I should give a full explanation, and at once and for ever dispel any misconceptions that exist. Ever since I made acquaintance, if I may so call it, with the coffee districts, I have been struck with the impolicy of denuding the high crests of hills in those districts, of the timber which clothed them. I have thought it impolitic on three grounds. First, in regard to the interests of Planters themselves, for these belts of forests act as screens against the wind as preservers of springs, besides being absolutely necessary for depositories of firewood for the coolies. Those who are acquainted with these districts must know how great is the necessity for a supply of firewood, and all will agree in the great expediency of enabling the coolies to obtain sticks, without a long and tiring journey for them. All the members of Council doubtless, know of the complaints which have been made on one large Estate (Rothschild, in Pusilawa), where the forest has been removed, and where the crest of the hill is bare. To denude and make bare the crests of the hills is, therefore, in the highest degree impolitic so far as the interests of the Planters are concerned. Secondly, I consider it to be impolitic as regards the general interests of the Colony. The general poorness of the greater part of the soil of Ceylon is notorious, but that poorness of the soil is greatly met by the admirable combination of heat and moisture, making large amends for this drawback. Now, I consider it most necessary to retain those elements of moisture which trees attract and retain I need hardly, I presume, argue the point that trees do preserve and retain springs, and that the diffusion of moisture is caused by them. In the absence of trees rain still descends, but instead of being preserved on the crests of the mountains for a time, it flows at once down the bare hill-sides in torrents, carrying away the soil, and furrowing the hills with chasms. Any one who has visited Spain or Italy, or knows anything of these countries is perfectly aware of the evil effects which have followed from the denuding the hill-sides altogether of trees. The reports that have reached us from some of the West Indies tell of islands now deserts, but which were once well watered and flourishing. In all these cases it has been resolved that the only way to restore moisture is to replant those trees, which the short-sightedness of past generations had suffered to be cut down. And lastly, but not least, the Government has to consider the representations of the natives, who complain most bitterly that they are driven from their abodes by the entire denudation of certain districts, whereby they are unable to obtain fence sticks, timber for agricultural purposes, fuel, and shelter for their cattle. These reasons appeared to me to be of such gravity that I desired, in July, the accompanying letter to be written to the Government Agent of the Central Province:—

The complete denudation of the forests for the purposes of Coffee planting has become a serious evil. It is an evil which presses hard on the natives who are in consequence debarred from obtaining fence sticks and wood for building and agricultural purposes. It is an evil which will ere long make itself felt among the planters themselves, when they find themselves unable to procure timber for general use and especially firewood for their coolies.

For these reasons I am to instruct you that in laying out future allotments of land for sale certain reservations should be maintained, and it is highly important that the small detached valleys among the patenas among which timber grows should on no account be sold except in localities where it is clear that there is no population to be affected. You should take an opportunity of pointing out to the Surveyors the reservations you consider necessary—they can then be marked out and laid down on a Map.

This letter had hardly reached its destination when a despatch arrived from the Secretary of State, strongly impressing upon me to take immediate and stringent steps to maintain large Crown reserves in the hill districts. This despatch was accompanied by a letter from Dr. Hooker, pointing out the lamentable consequence of too much clearing in the West India Islands, and intimating a fear that too much forest had already been felled in Ceylon. No doubt considerable alarm had been felt at home at what was considered to be the too extensive destruction of forests in the coffee districts. I expressed to the Secretary of State my satisfaction at the receipt of the despatch, which entirely confirmed me in the course I had resolved to pursue. I said that some planters were much dissatisfied at the reservation of any blocks which suited their purpose, and that a strong pressure would be endeavoured to be put on the Government to abandon the policy it had determined on, nor was this to be wondered at—the planters' object was to get the land that suited them. It was very little matter to them, who would probably be but a few years in the island, what would be the ultimate effect on the climate of a widespread general denudation. They had only to look to the present, and were not to be blamed for doing so. The Government had, however, to look to the future, and was deserving of severe blame if it did not do so. But on the other hand arose the question of what was too much clearing, and I hope in my reply that I have been able to satisfy the Secretary of State that no apprehension need be entertained as to any mischief having been caused by the clearance which had already taken place. In the great range of hills in the Central Province there are belts of forest of immense extent, two thousand feet in depth, above what I may call the coffee zone. The Great Western flanks, Kiklimane, Kirigalpotta, and Totapella, will always retain their forest and their supply of moisture for the lands below. The Southern flank of the range of Adam's Peak must remain for the supply of water to Saffragam, and if any one takes the easy trouble of ascending Pedrotallagalla, the eye will wander over prodigious tracts of untouched jungle, amid which the clearings of the neighbouring coffee districts look like gardens. A few figures supplied to me by the Surveyor General will suffice to show you how small a portion of the land of the Central Province is under coffee and cleared, in comparison with the huge extent of jungle, forest, and high chena. I wish, therefore, it to be distinctly understood that the Government is not throwing any impediment in the way of surveying and selling such coffee land as may be legitimately sold. The impediment is simply official inability to do the work as fast as it is required. The Government views with gratification the increasing extent of coffee cultivation, which implies civilization, increased wealth among all classes, surplus revenue, vigorous prosecution of useful works, Irrigation, Colombo Breakwater, and Railway Extension. Coffee is the fly-wheel which drives the machinery of the island, and in my opinion there could not be a more mischievous lunatic in Borella Asylum than a Governor who, from the

hobgoblin of over-speculation, should check the extension of tea and coffee cultivation under proper safeguards. A Governor may have his own opinion as to the prices given for coffee land, but it is no business of his to interfere. He sees old and experienced planters giving these high prices and, of course, they know what they are about. It is not for him to introduce sumptuary laws for the repression of prices, and to prevent men from enjoying the luxury of a plantation at £15 an acre. To sum up, the proper safeguards are these: that the Government Agent should retain in the hands of the Crown certain blocks in each district, aiming as far as possible to preserve the crests of the hills, and the borders of rivers—that these reserved blocks should be surveyed and mapped out, and the timber strictly preserved. That the small strips of forest land in the ravines of patenas, wherever there is a native population, should on no account be alienated. That forest land sloping to the dry low-country, should, as far as possible, be reserved untouched. As regards reserving land in the low-country, as referred to by the hon. gentleman (Mr. Wilson) last week, it had never been contemplated to do so. The desire of the Government is that the natives should be encouraged in every way to become owners of the land on which they live. After this explanation I do not think any further misconception can prevail, and on receiving the sanction of the Secretary of State I shall have much pleasure in laying the whole correspondence before the Council.

#### JAIL COMMISSION REPORT.

Mr. WILSON moved

That as it is understood that the Right Hon'ble the Secretary of State's reply relative to the Jail Commission Report has been received, all papers referring to the subject be laid on the table.

Mr. ROSE seconded the motion.

The COLONIAL SECRETARY said there was no objection on the part of Government to produce the Report of the Commission. But all papers referring to the Report, as contained in the despatches, with the despatches themselves, could not be produced. The report, however, would doubtless give the hon. member all the information he desired.

#### TOLLS.

The COLONIAL SECRETARY moved the first reading of "An Ordinance to establish further tolls." There was a large amount of traffic on the Dimboola and Dickoya roads, which contributed nothing to the upkeep of these roads, and it was now proposed to establish one toll station near the Dimboola Gap, and another on the Dickoya road.

The QUEEN'S ADVOCATE seconded the motion.

The first reading was agreed to, and the second reading fixed for next week.

#### IMPROVED CAB LAW.

The QUEEN'S ADVOCATE moved the first reading of the Ordinance relating to carriages let to hire. The enactment now in force was the Ordinance No. 7 of 1848 which required the registration and licensing of all hired Carriages. That enactment failed, however, to provide for certain matters, seemingly only matters of detail, but absolutely necessary to protect the public, whilst it secured to carriage owners a profitable business. He, (the Queen's Advocate,) would proceed to point out the addition which the draft Ordinance meant to introduce with a view to this end. A distinction is drawn in the 6th section between the fee payable for carriages and that for hackeries which are largely used for the conveyance of passengers. The license is also to



specify the number of persons which the carriage may carry, a point requiring regulation, as everybody who saw the manner in which carriages were sometimes filled, say on Moorish holidays for instance, must admit. Power is given by the 7th section to the Municipal Council, where a Municipality is established, and to the Agent where there is no Municipality, to revoke a licence after it had been issued, if the Proprietor shall not keep the carriage or the animals drawing the same in good order, or if he shall allow the same to be driven by any person not qualified to drive, or if he shall commit any breach of the law. He attached great weight to this provision. Some carriage owners aimed at making as large profits as they could with a minimum of outlay; the vehicles was badly furnished, and coolies or children were employed to drive the same; owners would be more on their guard if they felt that their licenses were liable to be revoked. Provision was made in section 10 for the making of bye-laws to regulate the number to be driven in a carriage, and to provide for the periodical inspection of the conditions of the carriage and animals, for fixing cabstands, and determining the distance to which they may be compelled to take passengers, for fixing the rate of fares as well for time and distance,—for forming tables of distances and for securing the safe custody and return of property accidentally left in a carriage, &c. Section 13 makes it an offence in the owner, or person in charge of a carriage, refusing to let the same without reasonable cause, or for exacting or demanding more than the legal fare, and the onus of proving the existence of reasonable cause is thrown on the owner—not an unreasonable provision seeing that it involves the affirmative, and that the complainant can seldom be able to prove that there was no reasonable cause—a difficulty which carriage owners make the most of at present. In other respects the bill followed the provisions of the Ordinance of 1848.

The COLONIAL SECRETARY seconded the motion which was agreed to.

The second reading was fixed for Wednesday, October 8th.

#### COFFEE STEALING.

The QUEEN'S ADVOCATE begged permission to adjourn the second reading of the Ordinance to check coffee stealing, as the papers asked for in connection with the proposed legislation were not yet ready, but would be next week.

Mr. ROSE said that he feared he should not be able to be present next week. He supposed he was not allowed to make any remarks now?

The GOVERNOR: Oh, yes. The motion before the Council is "That this bill be now read a second time." The hon. member will be in order speaking to that motion.

Mr. ROSE said the unanimous feeling of the Planters' Association as to the necessity of stringent measures against coffee stealing was but the expression of the opinion universal amongst Planters. He had been travelling over the districts during the last few days, and he might mention one or two instances which had come under his notice. On one Estate in the Matale district he had been applied to for coolies, not because labour was not abundant, but the Manager said if his crop was not picked off at once the thieves would steal it. From Ratotte to one of the Matale districts, only a distance of six miles, five caddies has been established during the past ten days, all the saleable articles being only a few plantains and dry fish, but with the usual accompa-

niment of a set of beams and scales. On another property eight watchers with guns were constantly employed at night, not however loaded with even small shot, but very strong powder to alarm the thieves, but that had evidently not the desired effect, as one evening lately a number of the trees had been stripped of, not only the ripe, but all the ripe and green fruit on the trees. He regretted the delay in bringing on this measure as one hon. member connected with the coffee interest would be away, and though he might be present when the measure would be brought on a week hence, yet the principal work would have to be done in Committee, and in such an important measure as that now before the Council, it was very important that men connected with the coffee interest should be represented. He sincerely hoped the measure would meet with that consideration which the coffee interests of the island was fairly entitled to.

Mr. WILSON said he thought (as an unofficial member) it was very important indeed that his hon. friend (Mr. Rose) should be present when this Ordinance was under consideration. There would soon be another vacancy in the unofficial body of members, and he felt that arrangements should be so made that the hon. gentleman's presence could be secured.

Mr. FERDINANDS, as the mover for the papers which were not yet ready, said he had no objection to the bill being read a second time now, and the discussion carried on without the production of the papers.

The COLONIAL SECRETARY felt it would be much better for hon. members to have all the papers before they proceeded to discuss the measure, and he hoped to be able to place them in the hands of hon. members during the week.

Mr. ROSE intimated his intention of making an effort to be present next week.

The second reading of the Ordinance was then adjourned.

#### SUPPLEMENTARY CONTINGENT CHARGES.

The COLONIAL SECRETARY moved the second reading of the "Ordinance for making final provision for the Supplementary Contingent Charges for the year 1872."

The AUDITOR GENERAL seconded the motion, which was agreed to.

The Council then resolved itself into committee and during the consideration of the several clauses.

The AUDITOR GENERAL said he thought it was perhaps due to the Council that he should explain one item, which, indeed, was the *piece de resistance* of the bill. He referred to the item of Rs 19,786-61 to the Crown Agents; this was the cost of remittances to England. As hon. members would remember the rates of exchange on England last year were very unfavourable, much more so than in previous years. Therefore, when the accounts came to be made up it was discovered that the cost of remitting money had been greater than was expected, by Rs. 10,000. The balance of Rs. 9,000 was merely a matter of account. The history of it is that certain payments had to be made in England during the year on behalf of the Nawalapitiya extension. Of course the remittance home cost a certain amount of money, but it was impossible to tell beforehand exactly what that amount would be. The money was paid, and as soon as the cost of remittance could be discovered it was recovered from the Nawalapitiya railway.

The bill then passed through committee.

The Council adjourned for a week.

WEDNESDAY, SEPTEMBER 24.

President: His Excellency the Governor. Also present: The Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W. P.); the Surveyor General, the Government Agent (C. B.) the Collector of Customs; Mr. Wilson, Mr. Rose, Mr. Ferdinands, Mr. Ondaatjie, and Mr. Dehigama.

PAPERS, &c.

The COLONIAL SECRETARY laid on the table a Return of the Correspondence from the Planters' Association on Coffee Stealing; also a copy of the Contract for the Construction of a Tramway to convey stones to the Breakwater.

The COLONIAL SECRETARY presented a petition from certain inhabitants of Negombo respecting their rights of fishing on the Pearl Banks.

The petition was ordered to be laid on the table.

GALLE HARBOUR.

Mr. ROSE moved

For a Return of the amount expended yearly on the Galle Harbour during the last five years.

The hon. gentleman explained that he put the question on behalf of Captain Bayley, the P. and O. representative at Galle, and in saying what he was about to say in support of the motion, must be understood as speaking simply in a representative character. The subject was an important one, for a great many people thought Galle Harbour was neglected. He believed that Rs. 10,000 per annum was appropriated for the improvement of Galle Harbour, but the half of even this small sum was not spent for this object, and one of the intentions of the Return asked for was to show what became of this money. During the past five years, especially, it was complained that the money voted had been misspent. It was felt at Galle that a much larger sum ought to be voted and judiciously expended. For his own part he must say he did not think they should vote very large sums of money for the harbour at Galle, when they were doing so much for Colombo Breakwater.

Mr. WILSON seconded the motion, though as regarded Galle Harbour he had little or nothing to say. Nevertheless he thought it would be as well for the public to know how the money that was annually voted was spent. There were continual complaints about the light-house; something might be done to that structure, so that it could be seen farther out at sea.

The COLONIAL SECRETARY, replying, said that as regarded the lighthouse at Galle, Government could promise nothing, as it belonged to, and was under the control of, the Imperial authorities. There was no objection to granting the Return, which would be prepared and presented to Council.

THE COLOMBO MUNICIPALITY AND THE ALLEGED "FEVERS AND EPIDEMICS."

Mr. WILSON read the following motion:—

That, although the inhabitants of Colombo are very heavily taxed, the city is in a dangerously filthy condition; and otherwise grievously neglected by the Municipal Authorities. Typhoid fever has already appeared, and there is much reason to apprehend Cholera and Dengue Fever, which, if introduced under these conditions, would lead to fearful consequences. Also

That the mere handing over the charge of the city to the management of the Municipality in no way removes from the Governor and the Executive Council the serious responsibilities arising from Municipal neglect and mismanagement, and the Government should therefore interfere to protect the lives and interests of the community.

The hon. member, in support of his motion, said that every one who drove through certain streets of Colombo must admit that they were very filthy

and in an unwholesome condition. He was certain that the last few days the penalty he had to suffer for driving through them was a severe headache. The very clearing of the drains was a nuisance. One might see two or three coolies taking the black, filthy soil, and laying it out in the street, with the hot sun shining on it, and there it would remain all day. As for flushing the drains all that was done was for a cooly to take two or three pints of water and a broom, which made the nuisance greater than it was before. The whole town clearly required inspection, and that by somebody who would do it properly. Now Typhoid fever, and epidemics were likely to rage. Only yesterday the second daughter of a Singhalese gentleman had died of Typhoid fever. He referred to the medical report of the Principal Civil Medical Officer for last year, and it would show the danger the town was in from cholera and other diseases. As regarded cholera the report said:—

The Sanitary Commissioner of Madras reports the gradual approach southwards of a fresh cholera wave, which may be expected hereafter to reach Ceylon; but, happily, with the exception of the Northern Province, it rarely locates itself in any part of the Island with the severity which marks its progress through the continent of India.

As regarded Dengue:—

A great deal has been written in the public prints respecting the prevalence of what is termed dengue fever throughout India, but Ceylon has escaped it hitherto, I may say almost miraculously.

The report also stated that Government kept a quarantine vessel in harbour, but it remained for some months untenanted, and was, therefore, discontinued. It was only the other day he (Mr. Wilson) was talking with a person who was in Mauritius during the terrible fever which raged there some years ago. He said that when the Commissioners arrived in the Island to investigate the cause of the fever, the first thing they did was to look at the drains. They happened to be in good order. The hon. member's friend added, "I don't know what would happen if the Commissioners were to come and see the Colombo drains, which are disgraceful." If His Excellency, instead of going along Galle Face, would take a walk through Sea Street and other parts of the town, and pass over the bridge on Skinner's Road, the bridge over the Canal, he would see that things were in a shameful state as regards navigation. In company with the Maha Modliar he (Mr. Wilson) observed the other day that there were 19 paddy boats blocked in the Canal. The cause of their stoppage was the obstruction in the bed of the Canal and each boat had to stop, discharge its cargo, cross the shallow part, and then reload. The Canal had been in this state for months, and representations had been made to the Municipality in vain. Each of these boats, too, had paid a toll of 2/6, and deserved better treatment. He was not, himself, interested in the matter, as he had nothing on the Canal; he brought this forward simply in the interests of the public. The roads of the town were in a shocking state, and this was to be attributed to the indifferent material with which they were repaired. That which required first attention, and was of most importance, was least looked after or more badly done.

Mr. ROSE seconded the motion, and said he could not but support the complaint of his hon. friend, as to the dirty state of some of the streets. He had to pass through them twice a day, and had a very lively sense of their nastiness. Certain parts of the town were very discreditable, and he supposed it was with the Municipality as it was

with the coal-heaver, who did no teare to wash himself, as he soon got dirty again: why should the Municipality clean up the places one day, when they would be as bad as ever the day after (a laugh). He also wished something more decided could be done with the Taverns, which were a great source of evil.

The COLONIAL SECRETARY was sorry that the hon. member (Mr. Wilson) had not put his motion on the paper sooner, that he (the Colonial Secretary) might have been prepared with some statistics on the subject, because the language used in the motion was very serious, and if published without contradiction would be likely to have a very bad effect. But he was glad that the hon. member had quoted the report of the Principal Civil Medical Officer, as it showed that while cholera and dengue were raging in India, Ceylon was quite free from both diseases. The hon. member had said that the drains were not in the state that they ought to be. Perhaps if he (the Colonial Secretary) were to call upon his hon. friend (the Government Agent, Western Province), he would be able to give a good account of the doings of the Institution of which he was Chairman. The Colonial Secretary felt he might repeat that Government quite realised that the Municipality was in need of assistance, and it was the intension of Government to relieve the Municipal Council, by taking over and keeping in repair the main trunk roads of the city. That would relieve the funds of the Council, and then other objects would secure their attention.

Mr. FERDINANDS said that, as a member of the Municipal Council, he could not allow the remarks of the hon. gentleman (Mr. Wilson) to go unchallenged. The remarks contained in the motion, as had been pointed out by the hon. the Colonial Secretary, were very sweeping indeed. The best answer to the hon. gentleman's assertions was the fact that no epidemic had occurred since the Municipality had been in existence, and that prior to their day, such a thing as scavenging was unknown. The present state of the weather was exceptional, and at such times a little indulgence ought to be granted. The charge as to the drains not being flushed sufficiently, was quite true, but the hon. member knew that the Municipality had not water enough to do the work thoroughly, and that they had applied to Government for assistance. The help asked for was promised, and when rendered he thought there would be no ground for complaint. It was not right to bring a charge of criminal neglect against the Municipality, when it was doing its best to keep the town in a proper state. But, as he had already said, the hon. member was sufficiently answered by the statement that there had been no epidemic in Colombo for the past seven years.

Mr. WILSON said that during the last seven years there had been a frightful amount of smallpox in the town. Then as to the dust, which was spoiling the goods in shops in the Pettah, that was preventible, for it arose simply from using bad material. He called upon Government to do something, because of the very great evils that were likely to come to the town, throughly the neglect of the Municipality. Some interference should be exercised.

The GOVERNMENT AGENT (Western Province), who spoke with some indignation, said: As I never rise in this Council to reply to anything that the hon. gentleman who has just sat down says, without meeting it with a flat contradiction, I do not like to have to reply to his remarks. The hon. gentleman says there have been fevers and epi-

demio diseases in the town since the Municipality has been established, and he seeks to show that this is the fault of the Municipality. Why, Sir, it is a notorious fact that some twenty-five years back, and following years, we had annual visits of cholera. Since the Municipality was established in Colombo there has been no attack of cholera: Galle and Kandy have had cholera—Colombo has enjoyed comparative immunity. As regards small-pox, what place under the sun has not been visited by it, and visited with more disastrous effects than has been the case here? When it did come, how did the Municipality act? They had no money of their own with which to supply medical aid, but they went to work at the disease nevertheless, and in an indirect way were assisted by Government. And the result of their efforts on each occasion was that the ravages of the disease were checked. But the hon. gentleman comes here and says a native died yesterday. What does he expect in a town of 100,000 inhabitants, and why should he be surprised that a native dies daily? I have been absent from the town for some days, only returning to-day, but I hold in my hand reports from Inspectors of Wards in Colombo, which I have only had time to glance at, or I might be able to show that the town is not unhealthy. Let me take one at random. Here is a report dated 18th September. It says: "We have no cholera, and the ward is generally free from disease." Another says: "The public health is generally good." That is the tenor of them all. The hon. gentleman has referred also to attacks of typhoid fever. We have had some cases, which have been called by that name. It used to be believed that true typhoid fever did not exist in the East, but a young gentleman died some time ago, showing unmistakable sign of typhoid, and since then almost every case of malignant fever has been called typhus. With regard to epidemics we have nothing of the kind; nothing, even, that approaches epidemics. The hon. gentleman is very fond of taking the Municipality to task, and for fear that I should characterise his opposition in stronger terms than those with which I commenced these remarks, I decline to say more.

Mr. WILSON: I happened to see some cases of small-pox this morning.

The PRESIDENT put the motion which was rejected without a division.

Just as the Council was rising for adjournment,

The COLONIAL SECRETARY said: I am now in possession of some figures which the hon. member, who put the motion respecting the Colombo Municipality, may be glad to hear. The Registrar General informs me that the death-rate for Colombo is lower than in any other town in the Island. In Colombo the rate per cent. is 1.76; Negombo 4.92; Kandy 2.03; Badulla, 7.02; Matale, 9.48; and so on.

Mr. WILSON: You must thank Providence for that, and not the Municipality (laughter.)

#### SUPPLEMENTARY CONTINGENT CHARGES.

The COLONIAL SECRETARY moved the third reading of "An Ordinance for making final provision for the Supplementary Contingent charges for the year 1872."

The AUDITOR GENERAL seconded.

The motion was agreed to, and the bill read a third time.

#### THE PILGRIMAGE TO KATARAGAMA.

The COLONIAL SECRETARY moved the first reading of "An Ordinance relating to the annual pilgrimage to Kataragama." The hon. gentleman

said he thought it would be as well if he were to explain the reasons which induced the Government to introduce this bill. There was no intention on the part of the Government to interfere in any way with the ancient religious customs of the people of this island. But the Kataragama pilgrimage had assumed very large proportions of late years, its numbers being made up mainly of immigrants from India. The Council was well aware that some years ago excessive mortality marked the progress of the pilgrims, both in their ranks and in the portion of the country through which they passed. The report of the Inspector General of Police in June, 1871, asked for special sanitary arrangements. In his report he said:—

It is better that it should cost many hundred pounds than that hundreds of human beings should be left dead along the path of the returning pilgrims, as was the case last year and in many preceding years—hundreds, not of the pilgrims themselves, but of persons who had done nothing to bring disease upon them. We know the mortality and consternation that last year accompanied the pilgrims who returned to Colombo by Hambantota and Galle, and we know of the 236 deaths (60 of them in one Korale) which marked the route of the Passera band through the Badulla District. From these we may conjecture how many more there were. We know also the terrible devastation which cholera, begotten on the Kataragama pilgrimage, has before now wrought in the Jaffna Peninsula.

In consequence of this report, and many others, the Government adopted sanitary measures, magistrates and medical officers were appointed to attend the pilgrims, and Inspectors of Police with a considerable force of Constables were told off to keep order. Government, even, went so far as to build houses for the pilgrims at Kataragama. After that time large bodies of pilgrims, accompanied by traders and beggars, proceeded to Kataragama, and it was found that the precautions taken had proved successful, in a sanitary point of view, and no epidemic had resulted during the last two or three years. But it was found that these precautions acted as advertisements, and increased largely the number of persons who went on pilgrimage, as life and property was made more secure to many than even in their own homes. This year matters were brought to a climax by the following circumstance:—When the pilgrims had reached Hambantotte, on their way to Kataragama, they were informed by the Assistant Agent at that place that the river was entirely dry, and there was no water at the end of the journey. Mr. Steele also communicated this fact to Government, who represented the state of things to the Chetties in Colombo, and they engaged on behalf of the pilgrims that only a certain number—300 was the number agreed upon—should be allowed to proceed; the remainder were to stay where water and other necessaries were procurable. These arrangements were made in Colombo, and it was hoped by Government that the difficulty had been satisfactorily got over. But when instructions were sent to the pilgrims by their co-religionists they refused to abide by the agreement which had been made on their behalf, and determined to proceed *en masse*, to the number, it is stated, of five thousand. Government had then no alternative, except they wished the people to suffer from their own wilfulness, but to make every effort to supply water, and the recently constructed bund which retains some of the water of the Kataragama river was broken; the result was that many paddy-fields have been damaged for want of water, while the Government was by this means fortunately able to supply water to the pilgrims from this source.

He mentioned all these particulars as some of the native papers stated that the supply of water came as a mark of special favour from the gods at Kataragama. As it had thus been shown that the pilgrims, either by their representatives, or themselves, were incapable or unwilling to keep to their agreement, in cases of emergency, the present bill was necessary. The Government had no desire whatever to encourage this pilgrimage, but it was found that the sanitary measures they had adopted had acted as an advertisement to bring people from other countries, an undesirable result. Public works, too, were much inconvenienced by this annual pilgrimage, labour being unavailable whilst it lasted. Some works were stopped for six weeks. As he had already said, Government was not desirous of stopping the pilgrimage altogether, and had no intention of interfering with the religion of the people, but to put a stop to the great inconveniences which resulted from the pilgrimage being unchecked. He begged to move the first reading of the bill.

The QUEEN'S ADVOCATE seconded.

The second reading was fixed for this day fortnight.

#### COFFEE STEALING.

The QUEEN'S ADVOCATE moved the second reading of "An Ordinance to check Coffee stealing."

The COLONIAL SECRETARY seconded.

Mr. FERDINANDS said: I regret that I cannot agree to the second reading of this bill. I fully concede that the recent increase of coffee stealing, stimulated by the rise in the price of coffee, makes it the duty of the Government to protect the planters, but the necessity for resorting to such an extreme measure as exceptional, criminal legislation to effect this object is not so apparent. I think that with additional precaution on the part of the planters in more closely watching their estates, with the strict investigation of cases and the rigorous punishment of offenders by Police Magistrates, the ordinary means provided by the law are quite sufficient to check the evil. The return called for by me of the disposal in the various Courts of coffee stealing cases is very suggestive. It shows that in the higher Courts, presided over by experienced Judges, these cases have been effectively disposed of; and the just severity with which Mr. Justice Stewart punished offenders has already produced so salutary an effect that we have ceased to hear so much of these cases, and if the other Judges and Magistrates act in a similar spirit this crime may by the ordinary process of the law be speedily stamped out. On the other hand the return shews a very unsatisfactory state of things in the Police Courts. Some Magistrates, doubtless from an erroneous idea that it is necessary in all cases to have proof of identity of stolen coffee, as we know from cases that have come up in appeal, have acquitted parties who should have been convicted; while others have complacently allowed Prosecutors to drop or withdraw their cases, when, in view of the prevalence of the evil, every case should have been investigated. Not less than 152 cases have within the last 18 months, been instituted and allowed to drop without inquiry; and no wonder that coffee stealing became a safe speculation when complainants could be so easily induced to forego prosecution? It cannot, therefore, be said that the ordinary Courts have proved insufficient to deal with the evil, when these Courts have not fully exercised the powers vested in them of compelling complainants, who absent themselves, to attend and prosecute their cases. I allude to instances of wrong acquittals, but it is not so

generally known that on appeals against these, the Supreme Court is powerless to interfere, and has shewn great disinclination to do so under the existing state of the law. By a strange anomaly in the constitution of the Minor Courts, the continuance of which is a source of great wrong, no appeal lies from the finding of a Police Magistrate on facts, when he deprives a man of his liberty or degrades him as a brute by flogging him, but the Government seems to be more tender in its care for the pockets of its subjects, for they are allowed to appeal to a higher Court when decreed to pay "tuppence ha'penny" by a Court of Requests. The Supreme Court has over and over again felt that a conviction or an acquittal was wrong, that a sentence was too severe or unsuited to the offence, but found itself powerless to act. The profession, who daily witness the evil, has constantly complained of it, and my learned friend, the Queen's Advocate, has himself seen Supreme Court Judges shrug their shoulders and regret their want of power to alter a verdict, or modify a sentence, and yet up to this day the Government have not moved in the matter. If the ordinary Courts are found insufficient to check Coffee Stealing let them have larger powers given them so as to inflict heavier punishments, and let an appeal on facts be allowed to the Supreme Court, to guard against undue severity or undue leniency on the part of Magistrates, and this is the only legislation, if any, that I conceive to be necessary to check Coffee Stealing, if it is still found to prevail to any great extent in the coming season. This mode of dealing has been the rule when any other particular crime is on the increase. The Government dealt so with cattle stealing cases, with timber cases, with the illicit sale of arrack and why not similarly in coffee stealing cases? At any rate let not legislation, if necessary, assume the form it does in this bill, which seems to me to be wrong in principle, invidious in its character, and calculated to prejudice the trading interests of the vast body of the Kandyan people. Their trade in native coffee was, by the Planters' Association, recently estimated at 7,500 tons in three Coffee Districts alone, whilst the export of native coffee in 1871 was cwts. 158,248 and in 1872 cwts. 131,421, and what have the Kandyan people done that their trade, so extensive, should be jeopardized by this Ordinance? The people whom the planters chiefly complain of are their own pilfering coolies, and the boutique keeper, generally a Moor-man, the fraudulent receiver, but not the Kandyan people in general. I have looked for information into the Administration Reports just laid on the table, and do not find that either the Government Agent or his Assistants in Matella or Badulla have made any reference to coffee stealing, or shewn the necessity for exceptional legislation. The only gentleman who refers to its prevalence is Mr. Hartshorne, the Assistant Agent of Newera Eliya, in his very able report. He writes, "Amongst the numerous cases which have come to my knowledge I do not remember a single instance in which a Kandyan was caught stealing, otherwise than under the wing of a low countryman, Moor-man, or Tamil man. It is probable, therefore, that any exceptional legislation upon this subject would press with unequal effect upon the Kandyans." Every Kandyan we know has his patch of coffee; the coffee tree is to the Kandyan what the cocoanut tree is to the low-country Singhalese,—his means of livelihood; he has hitherto found a ready market for his coffee in his own compound, or in the

nearest town, or he has taken advances and contracted to deliver his crop at a certain place within a given time, and what would be his position when his District is proclaimed in consequence of the pilferings by coolies on estates. Every bag of coffee he carries to market, or for delivery, will be suspected, seized, examined by a prying policeman or headman, and probably released on payment of a bribe, to be seized again further on in the journey, and similarly released. Or to avoid these risks he may be forced to accept the low offer of some licensed dealer settled in the proclaimed district, and sacrifice his coffee to protect his person. And who are to be the favoured men for licenses? Parties perhaps recommended to the Agent by influential planters, who may themselves be interested in the purchase of native coffee. As justly observed by you, Sir, in your opening Address to this Council coffee planters have not been found to be always consistent in their demands. They complained bitterly of squatters on Crown land, and yet allowed them to settle down on their own property by the wayside as tenants; they complained of the sale of spirits as demoralizing, and yet liquor shops for the sale of cheap and nasty brandies from Colombo flourish in their own boutiques, and the Government Agent was besieged by them for licenses under the new act. In the same manner the licensed coffee dealer may be the tenant of an influential planter who will apply to the Agent for a special licence for his protegee. Again: this bill will be found to be ineffectual in practice. The check to coffee stealing it is expected will be found in the licensed dealers' Register, but would a man selling stolen coffee, be he a cooly or a Kandyan, give his right name to be registered? He would probably give in the name of a man he owed a grudge to, nor would a licensed dealer, whose object it is to acquire as much coffee as he can, and not ask too many questions, care to identify his seller, if his Register only is kept in order. Then look at the dangerous provision about open warrants. Exceptional criminal legislation is serious enough, without resorting to unconstitutional means for working it. Nothing is more odious than general warrants, which infringe on the constitutional maxim that "Every man's house is his castle." So long ago as 1763 the whole Court of Queen's Bench declared such warrants to be illegal, and it was again brought before the House of Commons in 1763, and declared illegal by a vote of the House, so jealous were British subjects of any attempt to enforce it. It is true that the warrants here intended are open search warrants, and not warrants of apprehension, but the temptation to abuse and the annoyance and the disgrace are the same. Look at the description of men to be entrusted with these open warrants which, to be effectual, must be promptly enforced, policemen who would not hesitate to disturb any peaceful household on a pretence of suspicion. In a recent instance, when it became necessary to send the police on an expedition to trace out parties concerned in the Ratnapoora tappal robbery, it ended in rape and murder, for which policemen were tried and convicted, and it was only yesterday that the Supreme Court affirmed a judgment of the Police Court convicting three policemen of theft in open day, and these are the materials for the executions of open warrants! If these things are done in the city, what might we not expect in the country? Surely the planters who called for special legislation did not desire this sort of relief, nor did they desire to protect themselves at the expense of their fellow-

subjects. Even in their recommendations, the Planters' Association never required a remedial measure of this character. This bill is further objectionable as being an invidious measure, and it is felt to be so by intelligent Kandyans. The native press, so very well and ably conducted, has denounced the measure as such, and their columns are filled with correspondence from all parts of the country complaining of the injustice of the bill. I was particularly struck by the observation of a Kandyan gentleman of standing, at Kurunegala, the other day. When complaining of the character of this bill, he said, "I hear that a planter has proposed that people found on coffee estates should be shot down. Better this," he added, "Than this Ordinance which will ruin our trade and make thieves of us all." "In the one case," he continued, "A man would be shot at a place which he might have avoided, but in the other, the just is to be punished for the unjust," and only this morning Kambawewe Dissave, the head of the Kandyan Chiefs, complained to me of the harshness of the measure. He said that on the failure of their paddy crops, as is the case this season, the Kandyan had to depend on his coffee as his only other means of livelihood, and it would not be fair to place any restriction on the sale of his coffee. These reasons induce me to oppose this measure. It will fail to remedy the evil intended, but it assuredly will not fail to create discontent and lead to greater evils. The warm attachment of native subjects to British rule is mainly founded on the appreciation of equal laws, equally administered, and when a conflict of interests arises, this Council should pause long before it resorts to exceptional legislation to the advantage of the dominant race, which savours of partiality, and impair the faith of the natives in British justice. I move, as an amendment, that this bill be read a second time this day six months.

Mr. DEHIGAMA seconded the motion, and said that the Ordinance was not looked upon with favour by the Kandyans. Most of the Kandyans would rather cut down their coffee trees than have this bill passed. The bill was drawn up in the interests of the planters, without due regard to the interests of the natives. If any of them had coffee trees they would suffer a great deal by this Ordinance. The bill would be likely to lead to great oppression. One Kandyan told him that morning that he had two acres of coffee land near a plantation, the owner of which wanted to buy those two acres. The Kandyan refused to sell them, and the planter said, "I will soon see you punished."

Mr. ONDAATJE said: On a question of such vital importance I am anxious to lay my views before your Excellency. I do not think it has been in the first place, very clearly established that coffee-stealing from coffee estates is just now on the increase. From the Report of the Planters' Association of May 19th, 1873, addressed to the Colonial Secretary, it appears that coffee-stealing is very prevalent only in two districts, to wit: Dolosbagie and Kaduganawa. The Returns of coffee stealing cases for the last eighteen months furnished to this Council do not afford any data whereby it may be ascertained whether the crime is on the increase or decrease, for in only 125 out of the 368 cases appearing therein are dates given, and as regards districts such as Kandy, Matala, Panwila, no dates are given at all. But it is a significant fact that whilst in the Supreme Court Criminal Sessions held at Kandy for February there were ten cases on the calendar, there

were only four at the last. It would seem that Planters are beginning to exercise diligence in the protection of their interests, and are taking care of their property. Independently of this, and taking for granted that the offence is increasing, I consider that the Planters' Association have not made out a case for the interposition of the Legislature in their behalf. Have they shown that they have used every means in their power for the protection of their property, which, as owners, it is naturally expected they should, and all these efforts having failed, they have been obliged to ask the Legislative Council for help? From the same Report of the Planters' Association it would appear that they ask this Council to protect them from three classes of thieves. First, Kandyans who organize parties and visit Coffee Estates on moonlight nights and strip the trees of the berries. It is, however, added that Planters do not suffer much from these raids as they occur only on Estates in the vicinity of villages. But what could be easier than for a planter to protect his coffee from such thieves, and to put a stop to these visits by moonlight? Construct lines on the portions liable to these inroads and place competent watchmen at the required points, and the evil will soon cease. The second class of thieves are carters and Tavalam drivers who come to the estate in search of loads and employment. Are the planters really serious when asking the Council to save their coffee from such thieves? The third class are the coolies who, it is said, would have very little inducement to steal, but for the encouragement offered them by receiving stolen coffee. I say, to check this class of thieves, erect strong and well-secured Stores within easy reach of the bungalows, prevent coolies leaving the estate after dark and strangers from coming into it, place competent watchmen, and make rules and regulations to suit the circumstances of each estate, and pilfering by coolies would soon come to an end, especially now that steps have been taken by Government for the prevention of squatting on Crown land adjoining coffee estates, and for the reduction of arrack taverns. Whilst on this point it is worthy of notice that from the correspondence between the Planters' Association and the Government laid this day on the table, it appears that some of the Planters to whom queries were sent by the Select Committee of the Planters' Association, think that Superintendents should themselves take the preventive and precautionary means in their power for the suppression of coffee stealing. Mr. Walker, of Cliftou Estate, speaks of "The erection of substantial and safe stores within easy call of the bungalow." Mr. Edwards, of Battawatte, of "The erection of substantial stores within easy call of the Bungalows; competent watchmen." Mr. Arthur, of Deyanewatte, of "Secure Stores near the Bungalow, and transport by contract." Mr. James Ryan, of St. Clair, says, "I do not think that any special law is necessary for a conviction, so long as the Magistrate carries out the spirit of that now in force." Mr. Karslake, of Oonegalla, gives the following advice:—"First get honest people to take charge of the store &c., and pay such well; secondly, allow no one to go near the Lines and Stores, who do not belong to the Estate." From the Returns of Coffee stealing cases it appears that during the last eighteen months there were:—

Institutions 368	Convictions 149
Acquittals 56	Withdrawals 169

So that out of the 200 cases which were investigated there were convictions in 150 or in three-

fourths. The Returns also show that punishments have varied from a fine of one rupee to imprisonment for ten years with hard labor. Could it be said with these results that existing laws are unequal to cope with the offence? But assuming that the Planters' Association have made out a case for the intervention of the Legislative Council in their behalf in this matter I think that the proposed Ordinance is altogether objectionable. To begin with: the license system on which the whole bill depends is open to this grave objection, that its tendency will be to interfere with the native trade and industry in coffee. I have lived for seventeen years in a Kandyan district, and am intimately acquainted with the habits and pursuits of the Kandyans. I believe that this provision will be unacceptable to them. Keeping out of view the Tamils and Moormen, I speak now on behalf of the Kandyans, the sons of the soil. This provision will be detrimental to the interests of the Kandyan grower of coffee. The villager, who lives at a distance from town, or the high road, is now easily able to barter his coffee for cotton goods, salt, coconuts, and other necessaries of life with the itinerant trader who passes his door, and he can command from him a high price for his produce, but when the license system is introduced he will have to carry his produce, however small it be, for miles, and sell it to the licenser, who of course will be able to dictate his own terms, and it will generally interfere with the dealings of all the small native owners. Moreover, as the clause now stands, nobody, save and except he who owns coffee land, could indulge in the luxury of coffee unless he takes out a license. The poor labourer who takes his cup of coffee before he goes out in the early morning to his work will have to incur the cost of a license, unless he chooses to incur the pains and penalties of the law. The next provision is that of open warrants which I need not say are, in their nature, always inquisitorial and liable to become a dangerous weapon in the hands of designing persons. There is another objection to this process; as the clause now stands they will issue as a matter of course in all proclaimed districts, for these warrants are made issuable on the affidavit of two or more respectable persons that coffee stealing is generally prevalent in a District, and not on a specific charge and in reference to a particular offence, the perpetrators of which cannot be detected. The Book-keeping business is liable to open the door to much false personation and to false entries. And as to the punishment of loiterers, they are liable to severer punishments by the Vagrant Act now in force. This fact ought also not to be lost sight of, that the native coffee exported in 1871-72 reached 153,980 cwts. whilst the Plantation amounted to 604,797 cwts. which would make the native coffee even more than one-fourth of the whole export trade. All things considered it clearly appears that native interests are not so insignificant as to be unworthy of notice in this matter of special legislation. As a member of this Council, I feel it my duty to oppose the whole measure, and to object to every clause and provision of the proposed law.

Mr. Rose was sorry that his hon'ble friends among the unofficial members, should have so strenuously opposed the measure. He thought they did this, because they did not understand the planters' side of the question. They knew as little about the practical effect of the question of coffee stealing as he did about law. He would take up one or two of the practical objections which had been so forcibly urged by his hon. friends. One gentleman (Mr. Ondaatje) said that

the planters could stop coffee stealing if they tried; that they did not sufficiently guard against thieves. How could they? Take an average estate, say one of 250 acres. He would like to know how such an expanse of cultivated land could be watched in daylight, while at night it was absolutely impossible. The absurdity of such reasoning was exposed the moment it was looked into. Again, hon. gentlemen objected that coffee stealing was not so great a crime as it was represented to be. Now, in reply to that he could state of his own knowledge that not one case in fifty of coffee stealing, ever came into the Courts, for the very reason that nobody could swear to the coffee, even if it were found in the possession of a thief. Coffee was, perhaps, the most difficult article of identification in the world. If coffee was once taken off an estate it was utterly impossible to find it, or if it were found it was impossible to swear to it. A third objection to the Ordinance was that the cattle bill—another piece of exceptional legislation—was enacted for the whole country. But, surely, one of the great arguments in favour of the Ordinance before them was that the Governor and the Executive Council would, on no account, proclaim a district, unless coffee stealing were proved to be very largely prevalent. There was not much fear of all the districts being proclaimed, for if Government proclaimed one or two, and acted vigorously, there would be no necessity to proclaim others. He could not see that any difficulty was thrown in the way of the people taking their small crops to market. If the seller was an honest man, nobody could say a word to him. All the honest Kandyans, so far as the hon. member knew them, were glad because of this Ordinance, as their own crops would be protected from the thieves. Then as to open warrants. These were most necessary. Now, supposing a planter was morally certain that some of his stolen coffee was in a certain house, he would have to go some twenty or thirty miles before he could get a warrant to search that house. When he came back was it to be supposed he would find any of the coffee there? No, it would, perhaps, be twenty miles away, and beyond identification altogether. The hon. member on his right (Mr. Dehigame) told a story about a man with two acres of coffee land, and what a certain planter had said to him, but that might be dismissed, as it had nothing to do with the question before the Council. Another argument was that the native crop was very large, and that interests of such magnitude ought not to be imperilled. But did hon. members know that of the 150,000 cwts. exported, and which had been referred to, a very large proportion was not really coffee cultivated by natives? He knew (and so did planters generally) that that quantity was not grown in the Island, and that year especially (1870-71) the crop was exceptionally small. How the native crop was made up was by stealing from plantations, and then it was sold to merchants at Colombo and elsewhere as Native. As regarded the legislation being exceptional, there was necessity for it, and wherever there was necessity for exceptional legislation in civilized countries it was provided. There were the Timber Act, and the Sheep killing Act in Ireland; the Scab Act and Thistle Law in Australia; and the Garrotting Act in London in 1859, which effectually put that down. His experience had proved to him the necessity for some such measure, and he heartily supported the second reading of the Ordinance. It was felt as a grievance by hon. members that the Ordinance was in the interests of the coffee planters,

but he would ask how they hoped to maintain their position in the island, to say nothing of progressing, without coffee estates? Government was not applied to by the planters until they found it impossible to check the evil themselves. The Planters' Association Committee, he might say, were unanimous in favour of this Ordinance. It did not go far enough for some members, but as an experiment they were glad to give it a welcome. They believed if it were put into operation in one or two districts that would be quite sufficient. This year, so far as they had gone at present, coffee stealing was being carried on on a larger scale than it had ever been before. Prices were high, and the prospect before all the crop was gathered, of a large part being surreptitiously picked, was very great. He supported the measure, because he believed the necessities of the case demanded it. In conclusion, the hon. member said:—"Our position is plainly this, we have for years done all in our power to stop this evil, but we find it getting worse every year, as the present state of the law cannot overtake it. The planters have been the means of opening up this country and making it a first-class Crown Colony. They have been the means of making roads and railways which are likely to extend, and of shewing the natives, examples of industry and civilization. Without coffee planting we should soon become of very little importance; while the planters have done this they naturally expect protection to their property, that protection which they, under the peculiar circumstances, cannot afford themselves. I would especially refer to the letter from the Chief Justice to this grievance, in which he recommends more stringent measures than are contemplated by this Ordinance. The Chief Justice is, perhaps, the best authority in the Island on this subject as he possesses not only the experience of the working of the law, but has travelled over all parts of the country and knows as much as any man in the Island, the circumstances of the people, European as well as Native. His policy was the prevention of crime not its punishment. For all these reasons I support the second reading of this Ordinance."

Mr. WILSON was sorry to say that he should be compelled to support the amendment. There was no doubt that coffee stealing was a great offence, but there were objections to this Ordinance, inasmuch as some of its provisions could not be applied to other parts of the country than the coffee districts, and to other kinds of cultivation. It could not be applied to cocoanut estates, which were frequently robbed, and subject to raids from gangs of thieves. He felt that if the existing law were only fully carried out, and heavy sentences imposed on second convictions, much crime would be prevented. Anyhow that would have great effect on cocoanut stealing, whatever it did with coffee stealing.

The GOVERNMENT AGENT (Central Province) remarked that so much had been said about the opinions of the natives as regards this measure that he felt he ought to state the result of his enquiries—not among officials merely, but amongst the unofficial part of the community, and the general expression was one of thankfulness that Government had introduced the Ordinance. It was heartily welcomed by the honest possessors of coffee lands near Kandy. Indeed, if they had the power they would act much more vigorously than Government were disposed to do itself, or allow them to do, in proof of this he might mention that a Ganshaw, Nole Matala, had sent in a set of rules which provided such

severe punishments for coffee stealing, that he (Mr. Parsons) refused to forward them to Government. He did not think the licenses would work so much mischief as was supposed, and if the Ordinance did succeed in putting down the traders,—who came into the Coffee districts, not merely to sell goods, but entered into contracts with the people and practised extortion—it would be an excellent thing. These low-country traders were a great injury to the Kandians. As regards the export of native coffee being very large, he was afraid that a very small proportion indeed of the shipments came from the native gardens. There need be no fear that the Ordinance would be hastily introduced; it was only where the offence became almost unbearable that the district would be "proclaimed." The Ordinance was being enacted for those districts which were troublesome, and they would be benefitted by it: where the crime was unknown, of course the Ordinance would not be "proclaimed."

The QUEEN'S ADVOCATE was not sorry that opposition was offered to the bill as it afforded an opportunity for fully ventilating the subject and hearing what would be urged, as respects both European and Native interests as bearing on the measure before Council. Both sides were very ably advocated. The Government had no wish in the matter but to do what was right, giving fair and equal consideration to both interests. Opposed on principle to anything which might be deemed class legislation they had considered the question very fully, and the result was the conviction that there were exceptional circumstances which fully justified exceptional legislation. His hon'ble and learned friends had placed stress on the returns of Coffee Stealing Cases in our Courts. As respects the Supreme Court the severe punishments recently imposed were sufficient, they contended, to repress the crime; he (the Queen's Advocate) had no doubt they would exercise a salutary influence. As respects Police Courts one of the learned gentlemen pointed to the large number of withdrawals—a significant fact, but one making against his argument. If a Police Court case between two natives was settled the settlement was possibly brought about by a money consideration. This was not likely to be the case as respects coffee stealing cases, which planters were most anxious to prosecute, but could not often do so for want of evidence. As respects the question raised as to allowing appeals against the finding of Police Courts on matters of fact it was one deserving of serious attention. Few could speak with greater authority on such a point than the hon'ble gentleman, who had had much experience on the working of our judicial system in Colombo and elsewhere, and both as a general practitioner and Crown Law Adviser. Not being in possession of the views of Government on the question he would do no more than assure his hon'ble friend that his suggestion should receive their serious attention. But tribunals, even with the amendment that his hon'ble friend had advocated, could only deal with offenders who were detected and brought before them, and could only act upon such proof as could be secured. But offenders could not always be detected nor proof secured, and it was to gain these ends that the Government had brought forward this bill, the object of which was to prevent the commission of the crime and to facilitate the detection of offenders when the crime was committed. From information that had reached the Government from authentic sources there was reason to believe that the crime of coffee stealing prevailed largely, and that the high prices obtainable at present for coffee had given a great



stimulus to the crime. From the very nature of the case, the crime was one which it was easy to commit and difficult to detect. Large tracts of land under cultivation could not be as carefully watched over as a small enclosed garden. The cultivation could not be carried on without admitting into the Estate large numbers of men, women, and children who had easy access to the trees when loaded with fruit, or to the stores where the fruit was gathered, and who could as easily dispose of what they took. A handful taken by each coolie would soon accumulate into bushels, and cause serious loss to the owners. Many had lost and were daily losing large quantities of coffee. Just as the season came round, boutiques were opened, or temporary shelters put up in wayside places, to which Moormen and low-countrymen resorted for the purpose of getting stolen coffee. Every temptation was offered in these dens to coolies to barter coffee for rice, curry stuff, cloth, arrack, and, as the Return shows—even biscuits, beer, and that vile stuff called brandy, which is the staple of the liquor shops in the country. A recital of the means resorted to and the artifices practised by coolies, especially women, to convey stolen coffee would be more amusing than becoming. Under the circumstances there was, as it appeared to him (the Queen's Advocate) every condition to justify special legislation: the crime fearfully on the increase; one in its nature easy to commit and difficult to detect; the land which produced the article not such as could be protected by ordinary fence, wall, or enclosure, to which, on the other hand, large number of labourers must be freely admitted; the articles such as could easily be removed and easily disposed of, and not capable of being ear-marked and identified; and lastly the loss affecting one of the most valuable interests in the colony. Addressing as he did practical men, it was not necessary to point out how much the advancement of the Island depended upon the cultivation of coffee; His Excellency had done so when giving his views on forest reserves last week. The Government was bound as a matter of policy to protect such interests by every legitimate means. No one would regret more than the Queen's Advocate if the native interests were injuriously affected by the measure, but he did not anticipate such a result. His hon'ble and learned friends laboured under a misapprehension when they said that the Kandyan would be prevented by this bill, if it passed, realizing the little coffee in his garden, and thus lose a fair source of profit; such would not be the case. It was the buying, and not the selling, of coffee without a license in a proclaimed district which was prohibited; it was the habitual receiver against whom the enactment was directed. If the Kandyan was under a contract to deliver coffee to any one there was nothing in the Ordinance to prevent his carrying out the contract—nothing, in the absence of a contract, to prevent his taking his Coffee to the best market. He did not wish to enter into the objections urged against the different provisions, as they would be more conveniently considered when the Council went into Committee and took up the Bill clause by clause. But he would remark that, as respects open warrants, the objection was more against their abuse in execution than against the process; they would only be issued in proclaimed districts and upon an oath of two or more respectable persons. As respects the punishment for being found loitering in a Coffee Estate, his hon'ble and learned friend was in error when he supposed that the Act 4 of 1841 already provided for the case; that enact-

ment related only to enclosed plantations. He (the Queen's Advocate) had referred to the information which the Government had received from authentic sources and to the information furnished by the papers before the Council. He would lastly appeal to the information afforded by his hon'ble friend opposite (Mr. Rose), and to the earnest appeal in favour of the bill made by him. His long experience in the Planting districts and knowledge of their requirements; his intuitive sense of fairness in the consideration of every measure; the known moderation of his views; and the earnestness with which he maintains them when he has strong convictions on any question, give great weight to his utterances, and demand for them the serious consideration of the Council. The Council would share the regret which he (the Queen's Advocate) felt at the thought that they were about to lose his valuable advice and assistance, and that this was probably the last occasion (he hoped however, only for a short time) that the hon. member joined in their deliberations.

The AUDITOR GENERAL said that at that late hour of the sitting he did not wish to say many words, but he concurred with the hon. member who had last spoken that they were indebted to the members who represented the native interests in the Council for having so thoroughly ventilated the question, and he thought it due to them that they should have the assurance that Government were not unmindful of the importance of those interests. He had no desire to enter upon the question of the amount of the native coffee crop, but he must say that that crop was a very elastic one. Where the planters of a district were applying to Government for Railway extension—no matter where—they sent in statistics of so many hundred-weights per acre, the produce of the plantations, and three, four, or five thousand tons of native coffee were added to shew how paying a concern the particular extension would prove. When the Government had recovered from the surprise and gratification produced by this good news, some other subject like the present one came up for discussion, and then they were taken aback by being told that the native crop was a mere trifle—nothing worth considering. But in real truth native coffee cultivation was a very serious consideration. According to the Kandyan tenure of land, to each patch of paddy land was attached an appurtenance of high land, as it was called; this latter was generally planted with coffee. The villager got his staple food from the paddy land, but he paid his taxes, and bought his salt, curry stuffs, and other things that he wanted with his coffee. He did not take his coffee to market, but went (as His Excellency had seen him) with a measure of coffee to the nearest shop, and there he bartered his coffee for what he wanted. In some of the districts it would be impossible to introduce this Ordinance. There were others, where he was convinced it would be possible to do so without hurting the natives. He stated all this because he did not wish the impression to get abroad that the Government ignored the native interests in any way. They fully recognised those interests, and were prepared to encourage and protect them when necessary. As to the licenses they would be freely granted, as it would be an absurd interference with the native if he had to go five or six miles to a licensed shop before he could exchange his handful of coffee, and then be at the mercy of that licensed dealer only (hear, hear). He should have joined with his hon. friends and supported the amendment, if it were proposed to bring the bill into operation *ipso facto*. But nothing

would come of it, except after full consideration, and when it had been shewn that the interests of the planters demanded it, and that the interests of the natives would not suffer by it. He supported the Ordinance because it was proposed for exceptional circumstances, and could only be brought into operation where exceptional circumstances existed.

The GOVERNOR said: I am glad that this discussion has been raised, for I am bound to say that it has been one of the best discussions on both sides that I have heard since I have been in Ceylon. The hon. gentleman (Mr. Ferdinands) who has moved the rejection of this bill made out a most powerful case, but he detracted from the effect by rather over-stating it, and I think perhaps the hon. gentleman (Mr. Ondaatje) who sits next to him, fell into the same error, as I shall proceed to point out. The bill of indictment against the Government bill as preferred by the hon. members is a most serious one. It is denounced as "Exceptional legislation," "Interfering with the liberty of the subject," and many other words of that description are applied to it. But when I come to the expressions which are used on the other side—not in this Council, but out of it—and find the bill described as mere milk and-water legislation, I am inclined to think the Government has hit the happy medium of introducing a bill which will be a preventive of crime, while it will not unduly interfere with the liberty of the subject. The Government contemplate, so far as they can, to suppress an acknowledged evil, which has assumed the proportions of a regular business, conducted on the principle of preying on other people's property, and this they desire to do in the interests of the natives themselves, as of the planters. One hon. gentleman (Mr. Ferdinands) in his speech, contended that existing laws were equal to meet this evil, but that the law was badly administered, and that the number of withdrawals proved this, for if administered in the Police Courts as in the superior Courts, more punishments would have been recorded. The other hon. gentleman (Mr. Ondaatje) says, "No, that is not the case. The convictions far exceed the cases which fail." I must leave the hon. members who agree in opposing the bill to settle these differences among themselves. The case of Matale, where 200 cases were instituted in 18 months, has been cited. Out of these 200 cases only 43 resulted in convictions. What became of the others? They were withdrawn, and I will venture to say that nearly all the cases were withdrawn from the inability of parties prosecuting to produce evidence. I contend too, that the cases which come before our Police Courts, are as nothing in comparison with those that are never brought forward. Persons we know are being constantly apprehended, and the prosecutor has had a moral certainty of their guilt, but to the Magistrate there has been no legal evidence whatsoever on which the accused could be convicted. An hon'ble member, (Mr. Rose) gave a description, not an over-charged one, I believe, on the first reading of this bill, of acres of coffee being stripped by native plunderers, and of bushels of coffee being abstracted by the estate coolies, and all this with perfect impunity. Where you find the law so inadequate to punish or prevent, where there are almost encouragements to crime, where you have (as the learned Queen's Advocate has said) interests of such magnitude as to justify the interference, seriously prejudiced interests upon which

the prosperity of the Colony rests, and where you cannot deny, what is of great importance, that the people are becoming demoralised because the law will not adequately cope with this evil, it then becomes imperative on Government to step in and endeavour to put a stop to the evil. The hon. gentlemen (Mr. Ferdinands and Mr. Ondaatje) have said that there are a great number of honest traders and cultivators who should not be liable to pains and penalties. I quite concur with them, and do not see how this bill will bring a single honest coffee grower under pains and penalties. The illustrations of the effects of the bill by the hon. gentlemen do not apply. One gentleman said that the Kandyan bringing his coffee to market might be stopped by a policeman, and have to bribe him in a proclaimed district. I reply the policeman would have no more right to stop him in a proclaimed district than he has at this moment. I now desire to give a short account of the origin of this measure. I have received, from the beginning of this year, continuous and grievous complaints from planters all over the country with regard to this organized system of plundering estates and receiving stolen coffee. But there was this to be said respecting those complaints, they were *ex parte* statements from people who, naturally enough, felt irritated at the great losses they had to put up with. These complaints I fully considered, but I confess that I was in a strait as to the course I ought to pursue. Just then I received a visit from the Chief Justice, who said that he felt it was his duty to call upon me and represent the heavy losses being sustained by the planters, the demoralisation that was resulting among the natives because of the impunity with which they could commit these crimes, that these practices prevailed largely, and—(here is the point upon which the whole question rests at this moment)—the law, as it at present stood, was not able to cope with the evil. Every one will agree that there is nowhere a man more humane, a more impartial judge between class and class, or a more constitutional judge than Sir Edward Creasy. Yet his sense of duty impelled him to come and make these representations to me. I addressed a letter to him officially, requesting his views as to the best mode to adopt for the repression of this offence, and I desired a letter to be written to the Planters' Association, requesting that body to furnish the Government with detailed information and suggestions. The replies which were received from individual planters, contained in the return which has been sent to hon. members, show how well-founded were the representations of the Chief Justice. We have not adopted, as the Council is aware, the suggestions of the Planters. They tended to that kind of interference which has been stigmatized as curtailing the liberty of the subject, crushing rising native interests, and confounding the innocent with the guilty. These were formidable objections, and we endeavoured to frame a bill steering clear of them. Hon'ble gentlemen who oppose this bill say they are pleading the cause of the Kandyans. The hon. gentleman, (Mr. Ferdinands) refers to the administration report of Mr. Hartshorne who denies that the Kandyans are engaged in this system of plunder and says that it is the low-country Singhalese who are the coffee stealers. Very well; it is not the Kandyans who will suffer under this Ordinance, but it is the organised gangs of low-country thieves who make a vocation of stealing coffee. He says also that the Dissawe is

strongly opposed to the bill I have the greatest respect for the opinion of a chief of such high position and undoubted honesty and sagacity, but I am convinced from the speeches of hon. members, especially the Kandyan member (Mr. Dehigama) that the provisions of the bill are not yet understood by the Dissawe and the Kandyans who are alarmed. One man is represented to have said he would cut down his garden of coffee; that shows how little the Ordinance is understood, the Kandyan coffee-grower and seller is unaffected; it is the dealer who will be made to suffer. On the other hand the Government Agent of the Central Province states that this bill is generally supported by Kandyans who possess coffee lands, because it will really be for their benefit. See, too, how the bill is fenced by every precaution to prevent the fair dealer from suffering by it. First of all, the licensing clause comes into operation only in a proclaimed district, but no district will be proclaimed unless it is notoriously tainted with the crime. Let the crime cease and the district will be released. Then what happens when the district is proclaimed? Every boutique-keeper of known good character will get his license, and only rogues will be refused, and then if they are found dealing in Coffee they will be severely punished. One or two examples will purge a district of these bad characters. The hon'ble gentleman says:—"You are restricting the market; perhaps the planters will only recommend one or two boutiques and the coffee sellers can thereby only deal with one or two persons who may combine to keep down prices," but the Government Agent is not going to confine himself to giving out one or two licenses only, and these (as has been suggested) to persons recommended by planters only. Unless a man is known, or strongly suspected on good ground, to be a bad character, his application will not be refused. But, then, when a man has a license he will have to account (if required) for any coffee in his possession. Hon'ble gentlemen rather ridicule the provision that the coffee buyer should enter his transactions in a book. No doubt, as they say, the dishonest seller will often give a false name, still there will be a record of the transaction, most valuable as evidence. An hon. member objects that a clause of the Ordinance makes it penal for a man to be on a plantation. He surely would not look upon a Coffee Plantation as we look upon the Cinnamon Gardens and the Racket Courts, where a Kandyan Paterfamilias should be allowed to take his walks with his wife and little ones (a laugh). There is certainly no harm in the clause, for a man has no right on a coffee estate, unless he has business there. I have taken up closely all these objections, for I wish altogether to dispel the alarm which honest Kandyans who do not understand the bill may find towards it. The measure has been called "exceptional" and though the term is invidious it is true. But in all countries cases now and again arise rendering special legislation necessary for special crime as in the case before us. Some of these have been mentioned by an hon. member (Mr. Rose). There was the Timber Act in my own country. A regular system of plundering was in vogue: timber was cut down and taken away; it was possible to trace it, but not to obtain conviction, as no one could swear to the actual log. An act was passed by which every man, in whose possession suspected timber was found, was compelled satisfactorily to account for it. Considering the quantity of timber required for agricultural purposes this may seem rather hard, but it was found to work, and timber stealing became gradually less, and soon ceased. Again

sheep killing was very common thirty years ago. If mutton was found in a man's house he was compelled to show that he became rightly possessed of it. This law was worked (some said) with severity, but however that might be sheep killing has almost entirely disappeared. Australia too had furnished instances of special legislation. All these Acts were framed to meet an exceptional state of things. I do not wish to commit myself to a prophecy concerning the working of this bill. I think it will do good, but I am not prepared to pledge myself that it will. I do however contend that it will not work hardly or unjustly. I don't know that it will result in more convictions. Perhaps the reverse, for it is a preventive measure as I have said, and I think its effect will be in that direction. If it does prevent crime it will obviate those severe but necessary sentences on those who are encouraged by the impunity of evil done, to break the law—and many a man may be kept honest by it, and many a back saved from the lash, which would, I am sure, rejoice hon'ble members, as much as myself. Taking the objections of hon. members as they stand I am perfectly willing to acknowledge their force, and will propose to meet those objections by doing with this measure what is often done in the House of Commons with special legislative Acts, and that is to pass the bill for two years, as a tentative measure. That space of time would give an opportunity of judging as to how the bill is likely to work. If it is found too harsh, then it can be amended, but I do not think at the end of two years hon. members will have anything to say against its further enactment on that score. Before concluding, I ought to repeat that the greatest possible care will be taken ere a proclamation is issued. The Executive Council and myself will not proclaim a district on merely light statements of men who have been robbed, but the clearest and most definite evidence of habitual crime will have to be produced. I beg to propose an amendment, on going into Committee, v.z., that this bill be enacted for a period of two years only, and I am bound to add that I shall take good care to investigate the local circumstances of a district before issuing proclamations and ascertain if the boutique keepers of whom the planters complain are encouraged by them to settle on their land in view of high rents. When such is the case the planters will have brought the evil on themselves, and cannot expect the Government to relieve them from the effect of their own conduct.

Mr. WILSON: I made some remarks against the bill, but after your Excellency's observations I withdraw my opposition, especially as the measure is to be on trial only.

Mr. FERDINANDS and Mr. ONDAATJIE expressed themselves as desirous of proceeding to a division.

His EXCELLENCY stated that this was a question in which he hoped everybody would vote as they pleased.

The votes were then taken (with the following result.) on the motion that the bill be now read a second time:—

AYES.

The Governor.  
The Major General.  
The Colonial Secretary.  
The Queen's Advocate.  
The Auditor General.  
The Treasurer.  
The Govt. Agent (W. P.)  
The Govt. Agent (C. P.)  
The Surveyor General.  
The Collector of Customs.

NOES.

Mr. Ferdinands.  
Mr. Ondaatje.  
Mr. Dehigama.

Ayes, 12; Noes, 3. The motion was carried.

## ADJOURNMENT.

The GOVERNOR said: I am sorry to say we have lost one of our members, in the person of Mr. Leake, and I regret very much to add that we are likely to lose another hon. member, Mr. Rose. Under these circumstances, and with the view of obtaining successors to these gentlemen, I move that this Council at its rising do adjourn for a fortnight.

The motion was agreed to, and the Council adjourned.

## WEDNESDAY, OCTOBER 8.

His Excellency the Governor presided, and there were also present:—The Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W. P.), the Surveyor General, the Principal Collector of Customs, Mr. Wilson, Mr. Ferdinands, and Mr. Ondaatje.

## THE GOVERNOR'S ASSENT.

The COLONIAL SECRETARY announced that the Governor had given his assent to Ordinance 13 of 1873, "An Ordinance to provide for the Supplementary Contingent Charges for the year 1872."

## PAPERS, &amp;c.

The COLONIAL SECRETARY laid on the table:—  
 "A Report relating to Prison Discipline;  
 "A Return of Expenditure on Galle Harbour;  
 "Further Portions of the Administration Reports, viz., EDUCATION, RAILWAY, and POST OFFICE;  
 "The Census Report;  
 "A Circular Despatch from the Secretary of State, with enclosures, respecting the Exhibition of 1874."

## NOTICES OF MOTION.

Mr. WILSON gave notice that at the next meeting he would move—

"That it is desirable some steps should be taken to place the Pilot establishment of Galle on a more efficient footing than it is at present, and to indicate the position of the dangerous rocks by buoys; also that applications be made to the Imperial Government to provide a better Light for the port."

Mr. ONDAATJE handed in to the Clerk of the Council a notice of motion.

## THE CAB ORDINANCE.

The QUEEN'S ADVOCATE moved the second reading of "An Ordinance relating to Carriages let for hire."

The COLONIAL SECRETARY seconded, and the motion was agreed to.

The QUEEN'S ADVOCATE moved that the bill be referred to a sub-committee, consisting of:—the Queen's Advocate, the Treasurer, Mr. Wilson, Mr. Ferdinands, and Mr. Ondaatje.

## THE PILGRIMAGE TO KATRAGAMA.

The COLONIAL SECRETARY moved the second reading of "An Ordinance relating to the annual Pilgrimage to Katragama."

The QUEEN'S ADVOCATE seconded.

The bill was referred to a sub-committee, composed of:—The Colonial Secretary, the Queen's Advocate, the Government Agent (W. P.), Mr. Wilson, Mr. Ferdinands, and Mr. Ondaatje.

Mr. WILSON said he had been told by the Chetties of Colombo that they were getting up a petition against this measure, or some portions of it. He (Mr. Wilson) had assured them that there was no wish either on the part of the Government or the Legislative Council, to interfere with the

religious observances of the people, but that the Ordinance was introduced solely with the view of preventing sickness and other evils which were the result of the pilgrimage. They replied that they could not prevent some sick people going on the journey, for many who were sick wanted to go to Katragama for that very reason, and they thought it would be very hard if these were kept back. He supposed this petition, when presented, could be considered by the sub-committee.

The GOVERNOR said he should like, without making any observations of his own, to read some portions of a Memorandum drawn up on the subject of this pilgrimage during the present year, by Mr. Steele, the Assistant Agent at Hambantotte, and these extracts would shew how great was the necessity for the proposed legislation. Mr. Parsons, when Assistant Agent at the same place, had sent in a very strong report, agreeing in many points with the one before them, not opposing the Pilgrimage on religious grounds, but simply on sanitary grounds, and for the good of the people generally. Mr. Steele said:—

Until the Ceylon Government began, three years ago, to put up huts and provide magisterial supervision, medical attendance, Police guards and the like, the pilgrimage was falling off in popularity and consequence; and there appeared a prospect of its rapidly dwindling of its own accord into insignificance and disuse. Since, however, these steps have been taken, the yearly concourse has been gathering strength: about 2,000 persons having attended in 1871, 5,000 in 1872, and from 6,000 to 8,000 in 1873. The pilgrims themselves now boast that the festival is under the special protection and encouragement of the Government; and there seems ample reason to believe that in a few years not 5,000 or 8,000, but 20,000 will flock thither. What the consequences will then be, in the event of an outbreak of disease, it is appalling to contemplate: and it is well the possibility should be faced in time.

He (the Governor) was bound to say that he had made enquiries amongst the natives, whilst on a recent tour in the south, and the expression of opinion was universal in condemnation of the inconvenience and nuisance of this festival. Mr. Steele proceeded:—

The evil effects of the festival are indeed many. The frequency with which it has been the source of epidemic disease, has created a feeling of terror in all the districts through which the pilgrims travel, and those of Uva and Hambantota in particular. Too often the waysides have been strewn with corpses of men, women, and children, who have perished on their ill-fated journey. Those who die, indeed, look upon such a death as a true euthanasia, a certain passport to a better life; but the unfortunate villagers to whose homes contagion and infection are carried, have little reason to share such ecstatic views; and may well call the pilgrimage a scourge and a curse.

So well-founded and widespread is the dread entertained by the people, that Irrigation and other Public Works have to be suspended while the pilgrimage lasts, the coolies going to their villages and refusing to return to work till the country is freed from the yearly visitation. This is unfortunate, as works which might be rapidly carried on during the dry season, are thrown back, working-parties once broken up being extremely difficult to collect afresh.

In the matter of the Salt Collection, this interruption of business is very troublesome. The salt of Hambantota district, the best in the Island, is entirely of natural formation, being deposited in large crystals in the beds of the lagoons. The months when the formation generally ripens, are July and August, precisely those of the pilgrimage. A single smart shower is sufficient to dissolve what has been ripening for weeks: and it is thus of the utmost importance, when the salt matures, to gather and stock it at once. If any interruption is met with, to prevent or delay gathering salt to the value of many thousands of pounds



of the port. There were now only six Pilots at Galle, and the other day one was suspended, another had resigned, and a third was sick. Persons interested complained very much of the present staff of Pilots, as there was frequently great delay on their part in going off to ships, and often they would not go far enough out, so that ships were often near the Kadda rock, and in dangerous ground. When the *Serendib* was at Galle on her last voyage she had to go into the Inner Roads, and wait three quarters of an hour for the pilot: Two sailing ships—the *Nimrod* and the *Victory* (the latter of 1,200 tons)—had both of them to slip their cables and anchors, losing them, because they were in danger from currents, and pilots were not at once available. Other ships had not escaped mishap, and the loss of anchors and cables off Galle harbour was very great. He would read an extract from a letter written by the Captain of a large Canal steamer; it was as follows:—

Calcutta, 15th September, 1873.

GENTLEMEN,—I beg to inform you that it is not my intention of calling at your port this voyage, and to avoid doing so I have been under the necessity of taking 80 tons of coals on deck, for, after the damage we received last voyage through the negligence of the Pilot in charge, I have a dread of calling there again during the south-west monsoon. I am not singular in this decision as most of the Steam-masters here are acting on the same principle, so as to avoid calling at your port, and the loss of the S. S. "Agra" has made matters much worse.

It is now high time that some improvements should be made for the port by the local Government, so as to ensure a greater safety for vessels frequenting the port of Galle by making a breakwater at the entrance and blasting the rocks, and having a suitable pier for shipping coals from. A good deal of delay would thus be avoided and risk of valuable property; you are well aware of the loss of coals there is when loading.

\* \* \* \*

Yours truly,

He (Mr. Wilson) did not ask for those large improvements for Galle; such were not to be expected now that the Breakwater was to be accomplished in Colombo. Still he thought Government ought to do what it could for Galle in a small way. He saw from Mr. Churchill's report that a good work had been done in blowing up and removing dangerous rocks from the harbour. To return to the terms of his motion, he thought the Pilot branch should be reorganised, and that at least a boat should be kept always manned and ready to go to the aid of ships in the harbour, or outside. As to the light house there could be no question that it was insufficient for the purpose for which it was erected. The home authorities should be pressed to erect a better light. It would not only be for the benefit of ships coming into the harbour, but also for those desiring to pass on. In boisterous weather (and, indeed, at any time, because of the strong currents) the southern part of Ceylon was dangerous and often difficult to make. He remembered going, some twenty years ago, to Galle in a large ship from Colombo. The Colombo light dropped out of sight about midnight, and about six next morning he woke the Captain and informed him that they were off Galle. The Captain was surprised, for he had expected to be at least a week making the harbour. He (Mr. Wilson) went ashore, and directly after the ship was drifted away from the harbour for a week. Another, he knew of, was three days. The light was of the fourth class, and was of very little use, for it could not be seen for any great distance. The persons most interested in the improvement of the harbour thought that a Commission should be appointed to enquire into the state of the Pilot and

Service, the buoying off of dangerous rocks, and the lighthouse. It might consist of Captain Blyth, the Master Attendant at Galle; Captain Bayley, of the P. & O. Company; a Galle merchant; and one or two Captains of ships could be asked to join.

Mr. FERDINANDS seconded the motion.

The COLONIAL SECRETARY said the hon. member in speaking to this motion, had suggested that a Commission should be appointed, but if he (the Colonial Secretary) remembered rightly, a Commission did sit soon after the loss of the *Rangoon*. The Collector of Customs and Captain Donnan went to Galle, and questions were asked of the principal merchants and the Agents of the P. & O. and M. M. Companies, as to what was wanted. A report was made, and this report was sent to the Board of Trade, who considered the state of the Pilot Service satisfactory. The hon. member (Mr. Wilson) had said that 50 per cent. of the pilots at Galle were not available for duty. He (the Colonial Secretary) did not know this, and was surprised that he had not been informed of the fact by the Master Attendant. Supposing a Commission were appointed, as the hon. member suggested, he did not see what it could do with the Pilot question. That was now in such a state as to be approved by the Board of Trade. As to admissions to the service, he held in his hand a letter from the Master Attendant at Galle, in which he said that no one was appointed as Pilot who had not passed an examination as master mariner, and that the last two appointments were Europeans, who held certificates approved by the Board of Trade. The buoying of all the rocks outside the harbour would be very difficult, and if carried out the result gained would not be commensurate with the expense incurred. The channel to the harbour was buoyed off, and no Captain would think of taking his vessel into the harbour without a Pilot. As would be seen in the Return of Expenditure on Galle Harbour much good had been done by the annual expenditure, and it would be a question for His Excellency and the Council to decide, when the estimates came before them next year, whether they would increase the amount. As regarded the light he (the Colonial Secretary) feared he had misled the hon. member in his statement at a previous meeting, that it was absolutely under Imperial control. It was originally so, but its renewal, if contemplated, was to be at the expense of the Colony. To replace it by a better would involve a large expenditure that would require much consideration before being sanctioned. On looking over the Board of Trade reply to the report of the Commission he found the following remarks by Admiral Bedford, the adviser of the Board in all such matters, on the subject of the light:— "In fact, Galle Harbour Light is of no use for entering or leaving the Harbour, because it is surrounded with dangers, the positions of which it does not indicate. It might be practicable for ships, especially steamers, to leave or enter the Harbour with Light-boats stationed at the Rocks, but assuming that the traffic required the night-navigation, the proper step would be to place two small lights upon the North shore of the Harbour which when brought in line would lead on the East side of Kadda Rocks and between the Matormada and the rocks which border the Western side of the Channel. The bearing of these lights when in line should be North or N.  $\frac{1}{2}$  E." It was therefore a question for consideration whether in renewing the light the position should not be altered altogether, but it was important, and the question should receive the consideration

it deserved. Under all the circumstances he (the Colonial Secretary) did not think that anything would be gained by acting on the motion of the honorable member, as regarded a commission of enquiry.

Mr. WILSON, in reply, said he was not aware that any enquiry had been made about the Pilots. His information as to the number of non-efficient came direct from Galle, and he had no reason to doubt the correctness of it. He hoped Government would look into the matter, and see that the full force was kept up. As regarded the lighthouse, if it were a matter of colonial payment, he did not think Government should go to any great expense, as the benefit resulting would be mostly for those who passed the Island without calling.

The motion was then withdrawn.

#### KANDYAN MARRIAGES.

Mr. ONDAATJE moved, "For Returns of Marriages celebrated by Kandyan Marriage Registrars, under the 'Amended Kandyan Marriage Ordinance of 1870,' and of Dissolution of Marriages entered by them, together with the grounds of such dissolutions, and the arrangements entered into by parties consequent thereon, and other particulars appearing in the Register Books."

He said his attention was directed to the subject by a letter he received from the Ratamahameya of Matale South, which was accompanied by copy of a Memorial addressed to His Excellency by the Chiefs and inhabitants of that District, praying for certain amendments in the Kandyan Marriage Ordinance. Sir Henry Ward's Kandyan Marriage Act of 1859 contained stringent provisions concerning Divorce, provisions which were thought unsuited to the habits, feelings, and associations of the Kandyans. Owing to this and other causes the people did not avail themselves of the provisions contained therein for the Registration of Marriages. In 1870, after eleven years' trial of that Ordinance, it was found necessary to repeal it, and a new law was enacted, one of the objects of which was to hold out encouragement for registration by affording facilities for the dissolution of Marriages. By this enactment the Marriage tie is dissoluble by mutual consent, and a Divorce could be effected by the Registrar of Marriages and without the intervention of a Court of Law. Three years having elapsed since this Ordinance came into operation, it was highly necessary to ascertain how far the people had availed themselves of its provisions, and the Returns now called for would afford this information. The Register Books which are to be kept under the Ordinance ought to contain the particulars referred to in the motion.

Mr. FERDINANDS seconded the motion, and the returns asked for were promised.

#### CONTAGIOUS DISEASES IN COLOMBO.

Mr. WILSON moved "That a return be furnished to this Council of the number of cases and deaths which have occurred in Colombo, from typhoid or other malignant fevers from 1st January, 1872, to 10th October, 1873.

"Also, the number of cases and deaths from small-pox and cholera during 1870 and 1871, and from 1st January to 10th October, 1873."

Mr. Wilson said he had given notice of this motion, for the purpose of obtaining, if possible, reliable information as to the sickness in Colombo. He did not consider the motion he put on the 24th of September had been met in a satisfactory manner, as his hon. friend, the Colonial Secretary, confessed that he had not had time to obtain the necessary statistics, but now he hoped the hon. gentleman was ready to furnish full

details, not from Municipal Inspectors' reports, which were not reliable, but from satisfactory sources. Since the 24th of September he (Mr. Wilson) had spoken to several medical practitioners. They all said that his former remarks were quite correct. Within the last two years typhoid fever had been in Colombo, of a very dangerous character, and many deaths had occurred. These cases were not to be counted by twos or threes, but by hundreds. One medical gentleman told him that he had treated himself upwards of a hundred cases. One doctor called the disease "Drain Fever," because of its obvious origin. There could be no doubt, he (Mr. Wilson) was sure, that there was a great deal of sickness in the town, and much of a very bad kind of fever which had settled itself in the place in a manner never known before. The other day some of the military quarters had to be vacated for some time, because of a bad kind of fever. While all this was going on the reports of the Municipal Inspectors were coming in to the tune of "The state of the town is generally healthy." No doubt the late rains had caused the rate of sickness to go down for some time, but the fevers, &c., would revive once more as the dry season came round again. He wished to make just a few remarks to show how fallacious the statements were that were put forward to contradict his motion in September. The hon. the Colonial Secretary virtually left the reply to the Government Agent of the Western Province, and with that reply he (Mr. Wilson) would deal directly. In the meantime a member of the Municipal Council, who was also a member of this Council (Mr. Ferdinands) said:—

That as a member of the Municipal Council, he could not allow the remarks of the hon. gentleman (Mr. Wilson) to go unchallenged. The remarks contained in the motion, as had been pointed out by the hon. the Colonial Secretary, were very sweeping indeed. The best answer to the hon. gentleman's assertions was the fact that no epidemic had occurred since the Municipality had been in existence, and that prior to their day, such a thing as scavenging was unknown.

Then his hon. friend proceeded to say:—

But, as he had already said, the hon. member was sufficiently answered by the statement that there had been no epidemic in Colombo for the past seven years.

After this hon. member came the gentleman who was put up to reply to his (Mr. Wilson's) speech:—

The GOVERNMENT AGENT (Western Province,) who spoke with some indignation, said: As I never rise in this Council to reply to anything that the hon. gentleman who has just sat down says, without meeting it with a flat contradiction, I do not like to have to reply to his remarks. The hon. gentleman says there have been fevers and epidemic diseases in the town since the Municipality has been established, and he seeks to show that this is the fault of the Municipality. Why, Sir, it is a notorious fact that some twenty-five years back, and following years, we had annual visits of cholera.

He must retort that that was not a fair or correct statement of the facts of the case. Cholera years had been exceptional years. He (Mr. Wilson) would quote some figures directly showing that the statement made was not correct. Meanwhile the Government Agent went on to say, replying to his (Mr. Wilson's) remarks:—

But the hon. gentleman comes here and says a native died yesterday. What does he expect in a town of 100,000 inhabitants, and why should he be surprised that a native dies daily?

He (Mr. Wilson) said nothing of the sort. What he said was that a Singhalese gentleman had lost two daughters, one on the day he referred to. But the hon. gentleman (Mr. Layard) continued:—

I have been absent from the town for some days, only returning to-day, but I hold in my hand reports from Inspectors of Wards in Colombo, which I have only had time to glance at, or I might be able to show that the town is not unwell. Let me take one at random. Here is

report dated 18th September. It says: "We have no cholera and the ward is generally free from disease." Another says: "The public health is generally good." That is the tenor of them all. The hon. gentleman has referred also to attacks of typhoid fever. We have had some cases, which have been called by that name. It used to be believed that true typhoid fever did not exist in the East, but a young gentleman died some time ago, showing unmistakable sign of typhoid, and since then almost every case of malignant fever has been called typhus. With regard to epidemics we have nothing of the kind; nothing, even, that approaches epidemics.

Now in reply to all this, he would simply quote some figures which referred to the sickness through cholera and small-pox during the last eleven years:—

MEMO. OF NUMBER OF CASES OF CHOLERA WITHIN THE GRAVETS OF COLOMBO 1862 to 1872.

Year	Cases.	Discharged.	Died.
1862	13	2	11
1863	3	0	3
1864	219	71	148
1865	233	56	177
1866	147	39	108
1867	6	1	5
1868	—	—	—
1869	—	—	—
1870	37	10	27
1871	12	3	9
1872	11	7	4
1873	One case in Colpetty.		

CASES OF SMALL POX IN COLOMBO.

Year	Cases.	Deaths.
1870	342	71
1871	2462	380

The QUEEN'S ADVOCATE: You are referring to the whole island, are you not?

Mr. WILSON: No; only to Colombo. I leave these figures to speak for themselves. I wish that my motion at a previous meeting had been fairly met. Instead of that I have been put down as through I were bringing forward some imaginary case of my own. It was a public question, and all I have said will be borne out by every medical man in the town.

Mr. ONDAATJE seconded the motion.

The COLONIAL SECRETARY said the Government had no objection to accede to the motion, and grant the returns moved for. There might be some difficulty, however, as regarded the numbers of deaths from fever, but those from cholera and small pox were readily available. The whole return would be made up to the best of their ability.

The subject then dropped.

THE LAW RELATING TO NOTARIES.

The QUEEN'S ADVOCATE moved the first reading of the Ordinance to amend the law relating to Notaries. The office of Notary was one of very great importance under the Civil and Canon Law. He was anciently a mere scribe who only took notes, notes and minutes, and made short drafts of writings and other instruments, both public and private. At present he has to confirm and attest the truth of any deeds or writings in order to render the same authentic and valid. So high was the importance attached to the office, that a Notary was deemed equal, under the Canon Law, to two witnesses, and under our law it would seem he was deemed equal to three witnesses, for a Will, to be valid must be executed before a Notary and two witnesses, or before five witnesses. Massinger, improving on all this, makes Sir Giles Overreach in his "New Way to Pay Old Debts" to say, "I know thou art a Public Notary and such stand in law for a dozen witnesses." The office existed in Ceylon in the time of the Dutch Government, and one of the articles of the Treaty at the capitulation of Colombo in 1796 provided for the validity and preservation of Notarial Papers. From what we hear of those who practised then as Notaries, the office even

then deserved the distinction which Cicero in his day accorded to it when he classed it as "honestus." Whether such a distinction can justly be accorded to the Ceylon Notary of the present day is fairly open to question. Doubtless men of the highest respectability and worth have practised and still practise as Notary; but it must, on the other hand, be admitted that a very large number have gained admission who are utterly unfit, either as regards character or professional attainments, to fill the office. This is to a great extent owing to the provision, in the last Consolidating Act (No. 16 of 1852) respecting the apprenticeship and examination of candidates. An excellent enactment otherwise, and doubtless adapted to the state of things twenty years ago, those provisions are too loose for the circumstances of the present day when the profession is overstocked, and a higher class of men is wanted. The examination is, by the Ordinance, entrusted to the District Judge who, in his turn, entrusts the work to any two Proctors. The consequence was that the examination became a mere matter of form and most incompetent men were admitted. Apprenticeship to such men was sufficient to secure admission to others in their turn, so that the evils grew as time went on. These were represented to the Government by Agents and others, and latterly several petitions were received from Natives calling attention to these and other malpractices connected with Notaries. The present bill is brought forward to remedy these evils. Apprenticeship under a Notary simply will not qualify a person to be made a Notary. He should be apprenticed to a Proctor or Advocate of the Supreme Court. This will secure the training of pupils by the superior class of men who now practise both as Proctor and Notary in the principal towns. The first qualification is that he must be a man of good repute. Whether this matter of repute and a preliminary general examination should not be held before a man is articulated, instead of at the end of the term is a fair question for consideration when the Bill goes into sub-committee. The examination is to be entrusted to any person or board specially appointed by the Government. It is, I believe, at present the intention of the Governor to refer the examination to the Board of Examiners appointed by the Judges to examine Proctors, who are very careful in examining candidates—but this is a question to be fully considered hereafter. Larger powers are conferred on the Governor and Executive Council to remove peccant Notaries than they possess at present, and the necessity for this too has been impressed upon the Government by a recent flagrant case, which occurred at Avishawella. The only other important change proposed by the draft bill is to make the yearly certificate subject to a stamp duty of £2. At present the duty is only 10 shillings in principal towns, and two shillings in other places. The COLONIAL SECRETARY seconded the motion. The first reading was agreed to, and the second reading fixed for this day week.

COFFEE STEALING.

On the suggestion of the QUEEN'S ADVOCATE the consideration in Committee of the Ordinance relating to Coffee stealing and the proclamation of districts, was postponed for a week, as there were neither a planting nor mercantile member in the Council at present.

TOLLS.

The COLONIAL SECRETARY moved the second reading of "An Ordinance to establish further tolls."

The QUEEN'S ADVOCATE seconded. Agreed to. Third reading fixed for November 5. The Council adjourned for a week.



WEDNESDAY, OCTOBER 22.

His Excellency the Governor presided, and there were also present:—The Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (C. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, and Mr. Bowden Smith.

NEW MEMBER.

Mr. Bowden Smith, as representative of the Planting Interests, took the oaths, and his seat.

PETITIONS AND PAPERS.

The COLONIAL SECRETARY presented two petitions, viz:—

“From certain traders in Colombo and Negombo with regard to the Notaries Bill;

“From certain chetties against the Katragama Pilgrimage Ordinance.”

He also laid on the table “Statement of Works executed under Ordinance 10 of 1872.”

POSTPONED MOTION.

Mr. WILSON asked that, as the hon. gentleman who had promised to second his motion, was not present, leave might be given him to withdraw the motion for the present, and bring it on again next week.

Permission for postponement was given.

THE NOTARIES' ORDINANCE.

The QUEEN'S ADVOCATE moved the second reading of “An Ordinance to amend the laws relating to Notaries.”

The COLONIAL SECRETARY seconded the motion.

The bill was then referred to a Sub-Committee, consisting of the Queen's Advocate, the Collector of Customs, Mr. Ferdinands and Mr. Ondaatje.

THE KATRAGAM PILGRIMAGE.

The COLONIAL SECRETARY brought up the report of the Select Committee on the subject of the pilgrimage to Katragam.

The CLERK OF THE COUNCIL read the report, which was as follows:—

REPORT.

The Sub-Committee appointed to report upon the “Ordinance relating to the Annual Pilgrimage to Katragama,” beg leave to report as follows:—

Section 1.—On the recommendation of the Police Magistrate of Hambantota, the Committee suggest that the restriction in the first article of this section should be extended to the period of the stay of the pilgrims at Kataragama, and that the power to regulate the march of people should apply to the march both to and from Kataragama.

Section 3.—They recommend the omission of the words “whether upon his own view or upon the information of others,” and the insertion of the word “made” before cognizant. Headmen may construe the present words as compelling them to act on the information of others whether that information be true or false.

Section 4.—They suggest that the choice of the Court should not be left to the principal officers entrusted with the enforcement of the orders, but to a Justice of the Peace. The Magistrate usually appointed on such occasions will always be present, and he can, as Justice, exercise the choice.

The Sub-Committee have had under their consideration a Petition addressed to the Governor and Members of this Council by some of the principal Natocotaya traders of the Colony, praying that this Bill may be abandoned, or, if pressed on, specifying certain alterations which they wish to have introduced. The Sub-Committee had a personal conference with these petitioners, when they explained to them the absolute necessity of some provision on the subject, in view of the difficulties which took place during the recent festival, when some of the chief men of their party, on the representations of the Government, undertook to restrict the number of pilgrims proceeding to Kataragama,

but which, in the absence of legal means to enforce compliance with orders, they were unable to perform. The alterations suggested by the petitioners are more for the consideration of the Government, when they come to prepare the orders under section 1,—than for this Council in dealing with the Bill

Arthur N. Birch, D. Wilson,  
Richard F. Morgan, C. L. Ferdinands,  
J. Parsons, P. de M. J. Ondaatje.

Legislative Council Chamber,  
Colombo, 22nd October, 1873.

The bill then passed through Committee, the alterations recommended in the report having been made.

SUPPLEMENTARY CONTINGENT CHARGES.

The COLONIAL SECRETARY said: I rise to move the first reading of an Ordinance to provide for the Supplementary Contingent Charges for this year. The total sum required is Rs 1,528,642.30, and this is by far the largest supplementary estimate that has ever been submitted to the Council but I hope that the Council will agree, considering the prosperous state of the revenue, that Government could not do better than spend their surplus within the year on works of acknowledged public utility, tending to the material prosperity of the Colony, in preference to allowing the balance to remain idle for another year, to be then disposed of by a Surplus Funds Ordinance. Your Excellency said, in your opening speech to Council:—

“It is now my pleasing duty to announce to you that the progressive increase of the revenue of the current year bids fair to surpass even that of the year 1872 inasmuch as the receipts of the first half of the present year have exceeded those of the corresponding period of the preceding year by no less a sum than Rs. 815,733.”

And again, (speaking in August):—

“The prospects of the present half year are not so favorable, still a revenue in excess of the estimate by at least Rs. 800,000, may with confidence be relied on.”

I am glad to be able to inform the Council, however, that the increase in the revenue continues as satisfactory as in the previous half year, and the total revenue receipts for the nine months are in excess of the same period of last year to the extent of Rs 1,173,881. It is computed by the Auditor General that the amount of surplus at the end of the year, over the estimate will be Rs 1,400,000. To this must be added an estimated saving on votes already taken in this year's Supply Bill of Rs 600,000, leaving a total available balance at the end of the financial year of Rs 2,000,000. We are not, therefore, drawing upon the future in any sense in the large sum proposed to be appropriated by this Ordinance, but are leaving an ample balance available for any unforeseen contingency that may arise. Hon. members will notice that an increase to the extent of Rs 6,270 is asked for in the Survey Department. The explanation of that is that Government has decided that it will put a stop as far as possible to the wanton destruction of forest for chena cultivation and a staff of Surveyors has been specially appointed to examine and survey these lands. For Police purposes an increase of Rs. 27,000 is asked. Hon. Members will remember that a statement was drawn up by the Acting Inspector General of Police, shewing the increase proposed in that body, on the disbandment of the Rifle Regiment. The number of men taken over from the disbanded regiment was 350. The sum now asked will suffice to meet the requirements for the year. On the general question of the increase of the force I will speak more when, shortly, I submit the budget of 1874, to the Council. The other items under the head of Establishment are but small and the bulk of them are mere matters of ac-

count entailing no additional expenditure. There are several other items of importance, particulars of which, and the reason for their appearance, I shall be able to explain more fully in sub-Committee, when papers, &c., will be available for the information of hon. members. Under the heading Public Works a sum of Rs. 801,105 is asked, and as the Director of Public Works will attend at the sub-Committee with plans, &c., I will not now detain the Council, but will leave fuller explanation of the several items till then. Rs. 300,000 are inserted for the bridge over the Caltura river, and the increasing monthly cost of maintaining the present structure is so great that Government feels justified in pushing forward this large work as quickly as possible. The bridge is to be of iron, and the estimate of the whole cost is not yet ready, though the Director of Public Works considers it will be about Rs. 350,000, but only the sum of Rs. 300,000 will be asked for this year, as not more than this amount can be expended within the year. As your Excellency has already informed the Council the bridge, when completed, will be sufficiently stable to bear a tramway if required. A sum of Rs. 15,000 will be found under the head of contribution to the Universal Exhibition at Kensington; it will be for you to say whether the advantages likely to accrue to the colony will justify the expenditure. There is one item under the head of Treasurer amounting to Rs. 100,000, which I reluctantly propose; it is the amount of the award in Mr. Noad's arbitration in the Tottenham case. The circumstances, as Hon'ble Members are perhaps aware, are these:—It was found impossible by the Surveyor-General to carry on the Temple Lands Survey required by an Ordinance of 1856 and therefore in 1866, it was agreed the work should be let out on contract. Mr. Tottenham was the successful contractor, and from 1866 to 1870 he had received at various times the sum of Rs. 460,000. At the close of the Survey he put in a claim for a large sum as "Extras" which was disputed by the Surveyor-General, and, after a troublesome controversy, it was decided that the dispute should be referred to Mr. Noad for arbitration, his decision to be final. That award was sent in last month, and was for the sum I have stated. The Government of the present day consider that there was nothing to do but act on the award by paying the sum stated in that award. A comparatively large sum appears as against the Colonial Storekeeper; this is for a supply of teak which is expected to arrive very shortly, and which will be available for departmental purposes for some time to come. For the railway a sum of Rs 54,000 is required; this is in consequence of increased traffic, which is larger than was expected. Increased revenue has brought with it increased expenditure, but only in a diminished ratio. Rs 150,000 are asked for the extension of the railway to Nawalapitiya. It is satisfactory to know that so large a sum as has been applied to this undertaking could be voted from the general revenue, leaving only about Rs 200,000 more to be paid. But a very small sum is inserted for the Breakwater works. All the works are progressing as fast as they possibly can, but it is not considered advisable by Government to make any great appropriations until the question of the loan has been finally decided in England. All expenses incurred till that decision is arrived at will be paid for by a Treasury advance and will not be brought to account in general expenditure. With these explanations I beg to move the first reading of the Ordinance.

The AUDITOR GENERAL seconded, and the bill was read a first time.

The second reading was fixed for the next meeting.

#### THE COFFEE STEALING ORDINANCE

Was referred to a Sub-Committee, consisting of the Colonial Secretary, the Queen's Advocate, the Surveyor General, Mr. Wilson, Mr. Ferdinands, and Mr. W. Bowden Smith.

The Council adjourned for a week.

#### WEDNESDAY, OCTOBER 29.

Present: His Excellency the Governor presiding; Major General Renny, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr. Ondaatje, Mr. Dehigama, Mr. W. Bowden Smith, and Mr. J. T. White.

#### NEW MEMBER.

MR. J. T. WHITE took the oaths and his seat as Mercantile representative.

#### PAPERS, &c.

The COLONIAL SECRETARY laid on the table Gaol Returns for the last half of 1872 and the first half of 1873.

#### HIS EXCELLENCY ON A POINT OF ORDER.

The GOVERNOR said: Before the hon. gentleman (Mr. Ferdinands) puts the question which appears in his name on the proceedings of the day, I wish to make one or two observations on a point of form. It was been my unpleasant duty—but nevertheless it was my duty—on one or two occasions to stop hon. gentlemen, when, in putting a question, they travelled beyond proper bounds, which constituted an irregularity. I was obliged to stop the hon. gentleman there (Mr. Wilson) and also the hon. gentleman next him (Mr. Ondaatje,) when they proceeded to discuss matters which they had had not the power to do in merely putting a question. According to the Rules and Regulations of this Council it is distinctly stated, "In putting any question, no argument or opinion shall be offered, nor any fact stated, except in so far as may be necessary to explain such question." But any hon. gentleman in putting a question, is justified in explaining that question in case it may not be *per se* clear to the Council, but he must not go into argument, nor express any opinion. It may sometimes happen, and I have no doubt it frequently does, that an hon. member in putting a question is anxious to say a few words in explanation, and the way in which he can do this I wish to point out. All that he will have to do is to put his question in the form of a motion, though it is still a question, concluding it with, "And to move that all papers on this subject be presented to Council." There may be no papers at all, or there may be papers which the Government would not feel themselves in a position to give. At the same time it will be perfectly regular for any hon. member to make that addition to his question, which will give him the opportunity of making whatever observations he wishes, while our proceedings will be conducted with regularity and in accordance with Parliamentary procedure. I trust that, bearing these things in mind, our future proceedings will be conducted according to order, while hon. members will have the opportunity of speaking to any question as they may desire.

### THE CLERICAL BRANCH OF THE SERVICE.

Mr. FERDINANDS asked "Whether the scheme for the amelioration of the clerical branch of the service will be ready to be submitted to the Council during the present Session?"

The COLONIAL SECRETARY replied that the subject was one which had greatly occupied the attention of his predecessor, who, however, was promoted before he had had time to mature a scheme. The Auditor General had then taken the subject in hand, and had prepared a careful report, which he (the Colonial Secretary) hoped would be satisfactory, though, as the hon. member would understand, the carrying out of this measure would involve much additional permanent expense under Establishments. The report had been sent to the Secretary of State for his approval, and as soon as it was returned it should be laid before hon. members.

### TRAVELLING ALLOWANCES.

Mr. WILSON moved "That the scale of travelling allowances for officers in the Public Works Department having been left open by the Committee for re-adjustment on Mr Molesworth's return, and as that gentleman has resigned the Service, the question be considered with the view of arriving at a more equitable adjustment; present rates being inadequate.

"Also, that it is desirable that the whole question of travelling allowances should be re-opened for further adjustment, as in many instances the allowances do not cover necessary expenses."

The hon. gentleman said that as a member of the Committee which sat some years ago to consider the question of Travelling Allowances, he conceived he had a right to bring this subject forward in the interests of those who now suffered. As regarded the case of the Public Works Department it was distinctly left open, as it was thought that it might appear discourteous for the committee to consider it in the absence of the then Director, Mr. Molesworth. At the time statements were made in writing, showing that the allowances were insufficient to cover necessary expenses. Nobody could suppose it was the wish of Government that the officers of the Public Works Department should pay their travelling allowances out of the small remuneration they received. It was a matter of some considerable importance whether, in consequence of this, the interests of the Public Works would not suffer, officers naturally enough not spending so much time in supervision as they otherwise would. Could it be expected that they would travel more than they could possibly help, when every journey meant something out of their own pockets? Again, the whole subject of Travelling Allowances in each of the Departments should be opened up, and in expressing this opinion he knew he was stating what was the firm belief of his friend, the late mercantile member of this Council (Mr. Wise.) Indeed, he (Mr. Wilson) did not see why they should not go into the question again, for he considered the Committee was still in existence. It might be that there would be some objection on the part of Government, because, to make fair adequate allowances would take a considerable sum of money. That, however, should not be entertained for a moment, for if it were true it would show how great was the injustice under which the officers of the various Departments suffered. That could not affect the merits of the case at all—one way or the other. He would be the last person to say a word in favour of excessive allowances but he did think most strongly that Government was bound to cover the actual expenses incurred by its officers.

Mr. FERDINANDS seconded the motion with a few remarks.

The COLONIAL SECRETARY said that the question was a very large one, and its extent was only seen as they opened up the subject. He agreed with a great deal of what the hon. members had urged in support of the motion. He believed there were some cases of hardship, but under the old scale of travelling allowances the system was open to abuse, and was abused. He felt that he must say that the subject was one with which he did not feel himself at present able to cope. If they were to take up the question of Travelling Allowances to the whole Establishment, he certainly had no time to master the subject during the present Session. It was one, too, that would involve the Colony in a great additional expense. The Government was certainly not prepared to incur any more expense this year, as they had already made provision for considerable increase in the clerical branch of the Service, in the Public Works Department, and in the Police. He (the Colonial Secretary) did not think the hardships were so great that the question could not stand over till next year. While sympathising to some extent in the motion of the hon. member he should be compelled to refrain from voting in its favour on this occasion.

Mr. WILSON expressed his satisfaction, so long as Government had promised to look into the matter. The motion was then withdrawn.

### THE KATRAGAM PILGRIMAGE.

The COLONIAL SECRETARY moved the third reading of "An Ordinance relating to the Annual Pilgrimage to Kataragam."

The motion was seconded by the QUEEN'S ADVOCATE, and the bill passed.

### SUPPLEMENTARY CONTINGENT CHARGES.

The COLONIAL SECRETARY moved the second reading of "An Ordinance for making provision for the Supplementary Contingent Charges for the year 1873."

The AUDITOR GENERAL seconded. The Ordinance was referred to a Sub-Committee consisting of the Colonial Secretary, the Auditor General, the Surveyor General, Mr. Ferdinands, Mr. Bowden Smith, and Mr. White.

The Council adjourned for a week.

### WEDNESDAY, NOVEMBER 5.

Present: His Excellency the Governor; the Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ondaatje, Mr. Bowden Smith, and Mr. White.

### GOVERNOR'S ASSENT.

The COLONIAL SECRETARY announced that the Governor had given his assent to the Ordinance relating to Pilgrimages to Katragama.

### PAPERS, &c.

The COLONIAL SECRETARY laid on the table a copy of the Service Tenures Commissioners' Report, being a further instalment of the Administration Reports vol. for this year

### THE CLERICAL BRANCH OF THE SERVICE.

Mr. ONDAATJIE asked,—

Whether the Interpreters of the Judicial and other Departments of the Public Service have been included in the scheme for the amelioration of the Clerical Branch of the Service?

The COLONIAL SECRETARY replied that he could only say the Interpreters did not come under the clerical branch of the Service, and, therefore, were not included in the scheme he hoped shortly to present to Council.

#### ASSESSMENT OF ROADS.

Mr. BOWDEN SMITH asked,—

What steps the Government have taken with reference to the Petition submitted some time since and signed by a large number of Proprietors and Agents of Coffee Estates, as to the manner in which Estates are now assessed for the upkeep of Grant-in-aid Roads, and moved that all papers connected with this subject are laid on the table?

The hon. member said he asked for the information referred to in his motion, because, at the present time there was a wide-spread feeling of discontent in the Central Province as to the way in which the assessment for upkeep of roads was levied. Until about two years ago, the rate was always levied for sections, and estates only paid for those portions of the road for which they were originally assessed at the time of construction. In the system now carried on Estates had to pay for fifteen or sixteen miles, when, perhaps, they needed to use only one or two miles. This was most unjust, and he could not see why the system should have been altered, unless the object had been to save the Provincial Road Committee trouble. Having served on Road Committees himself he could testify that the old system of sectional assessment worked very well indeed. Under the present Ordinance the powers of the Road Committee were almost unlimited, and they could do acts of injustice with impunity almost, there being no redress. Their power should be clearly defined and limited, for it was not right that any body of men should have power to enact an injustice, and not be liable to render an account of what they did. If the present Committee were asked why they did certain things, and for an amendment of what they had done, the only reply vouchsafed was that they saw no reason to alter the assessment they had made. Legal opinion was taken as to the power of the Committee, and though it was shown that the Committee were acting contrary to the spirit of the Ordinance, yet, according to the Ordinance, there was no redress, the action of the Committee being conclusive and final. Again, since 1872, the Road Committee had got into the way of calling up the money for the extension of the whole length of road at one time, instead of by sections, and the consequence was, that as further portions of the road could not be completed for many months, the money paid had to lie idle, and proprietors of estates lost the use of it for that time. This was, if possible, a greater act of injustice than that of which he had already complained. Formerly there might have been some reason for this course, as, if an estate did not pay its proportion of the amount wanted, there were great difficulties in the way of obtaining the money. But things were quite altered now in this respect. He hoped Government would take steps to put a stop to these grievances by bringing in an amending Ordinance before the close of the present Session.

Mr. WHITE seconded the motion, and in doing this he said he merely wished, in a few words, to explain the reasons why he supported it. The complaint against the Provincial Road Committee was that the Ordinance clearly and distinctly pointed out the manner in which estates should be assessed for the construction and upkeep of roads. It stated in the ninth clause that the assessment for construction

should be by sections, and the twelfth clause was equally distinct with respect to the repairs of oads so constructed. The same Ordinance, however, which laid this down as a principle, gave the Provincial Road Committee unlimited powers, and now that they were armed with the additional authority to seize any moveable property on an estate, in payment of money due, estates were unable to resist these demands. But last year the Provincial Road Committee put another interpretation upon the Ordinance, and instead of assessing in sections assessed for the whole road. Take the Dimboola road, for instance: estates at the end of that road, using only one, two, or three miles, were called upon to pay for the upkeep of twenty or thirty miles, to pay for a road which they did not, and which they could not, use for the purpose of the estate and which, to all intents, was unnecessary for them. Surely that kind of procedure was at variance with the intentions of the Ordinance. One of the estates in which he was interested was thus assessed in the earlier part of this year, and correspondence was entered into with the Provincial Road Committee, stating the reasons why the sum was objected to. Without going into the question the only answer given was that the Committee had given consideration to the objection but saw no reason to alter the assessment. Further correspondence brought a similar reply. Counsels' opinion was taken, and the advice was that though the intention of the Ordinance was clearly and unmistakably against the practice recently adopted, still the Road Committee had power to make the assessment, and the Estates had no redress. The only remedy that the Ordinance provided was that if, in seizing an Estate, damage was done, proceedings could be taken against the Chairman of the Committee. He thought that if it were proved, as proved it could be, that estates had been unfairly assessed the money obtained should be refunded. Proprietors had paid money they ought not to have paid, and which Government never intended should be paid: they could not obtain redress in the Courts because they had no standing, and, therefore, he thought the money overpaid should be returned. He trusted Government would lose no time in introducing an Ordinance that would put an end to such practices.

Mr. WILSON, both from what had been said by his hon. friends, and what he had heard elsewhere, had great pleasure in supporting the motion.

The COLONIAL SECRETARY, in reply, said that the views entertained by the Government were in accordance with those expressed by the hon. member who had introduced the motion. It might be remembered that in replying to a similar question recently asked by a member of this Council he (the Colonial Secretary) had stated that the Government were of opinion that the sectional system was the fairest and most suitable and the one contemplated by the Ordinance, and that they would impress this upon the Provincial Road Committee who were solely responsible for the present system of assessment, with a view, if possible, of avoiding the necessity of an amending Ordinance. The correspondence which the hon. Member had asked for and which he (the Colonial Secretary) would be glad to furnish to the Council would show that the Government had fulfilled this promise. The correspondence was still proceeding, but from the papers about to be laid before the Council they would see the position taken by the present Road Committee in regard to this question, and the Government were prepared, if the Council desired it, to introduce a measure without delay, to put the

WEDNESDAY, NOVEMBER 19th.

question of sectional assessment beyond all doubt. With reference to the suggestion of the hon. member who seconded the motion, as to a refund of the amount already paid, the Government were of opinion that the difficulty of recovering the extra payment from certain estates which had already paid their quota on the general assessment levied by a responsible committee, but which estates would be liable for a larger assessment under the sectional system, would be great, if not impossible, and that the Government would not be justified in drawing on the General Revenue to meet the deficit in the Road account which the proposed refund would probably necessitate. But they were prepared to give the relief sought for in the future by the introduction of an Ordinance clearly defining the sectional system of assessment and a Draft bill with this object would be at once prepared.

The motion was withdrawn.

#### THE PROPOSED PLUMBAGO DUTY.

The COLONIAL SECRETARY asked permission to postpone the first reading of the Ordinance to impose an *ad valorem* duty on Plumbago, as there was certain correspondence and some papers with reference to the subject which he wished to have placed in the hands of hon. members. Some of these had not yet been received, but he hoped to have them ready in a few days.

Mr. WILSON: Before the next meeting, I hope.

The COLONIAL SECRETARY: I propose that the Ordinance should be deferred for a fortnight. The papers will be laid on the table next week, so that hon. members will have a week in which to look over them.

The proposal was agreed to.

#### MUNICIPAL MAGISTRATES.

The QUEEN'S ADVOCATE moved the first reading of the Ordinance to relieve Municipal Councils from their magisterial work. The Municipal Council of Galle requested that they might be relieved from such work—the present Ordinance gives the Government no power to relieve them, and hence the introduction of this bill. The Municipality Bill of 1865, when first introduced, contained no provision imposing magisterial work on the Council; the provision was introduced at the request of the unofficial members, backed by the Sub-Committee. He believed some councillors found the work irksome and taking up too much of their time. Others again objected to the constitution of the Bench of Magistrates; they complained that, whilst a young man in the Service is entrusted with magisterial powers which he may solely exercise, three councillors are made necessary to form a Municipal Bench. It was a mistake, however, to suppose, as some did, that the Government meant to make an invidious distinction between the two. Stipendiary Magistrates were subject to the control of Government and liable to suspension or dismissal. A Municipal Magistrate was, on the other hand, entirely without control, or even responsibility, except such as his own sense of duty imposed. Hence the necessity, therefore, to place the latter under some degree of restraint which was not needed in the case of the former.

The COLONIAL SECRETARY seconded, and the first reading was agreed to.

#### TOLLS.

The Council was to have gone into committee on "An Ordinance to establish further tolls," but the measure was postponed for three weeks.

The Council adjourned to Wednesday next.

PRESENT: His Excellency the Governor, presiding; Major General Renny, the Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent Western Province, the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr. Ondaatjie, Mr. White, and Mr. W. Bowden Smith.

#### PAPERS, &c.

The COLONIAL SECRETARY laid on the table "Correspondence relative to Chena cultivation and Survey."

"Medical Statistical returns.

"Returns of Plumbago Pits." [He regretted that the returns now presented were so scanty, and said that his hon. friend (the Queen's Advocate) would move that the first reading of the Plumbago Ordinance be again postponed for a week, as he expected to have further information to present to hon. members next week.]

"Papers relating to Assessment for Grant-in-aid roads."

"Administration Reports: Judicial, and Government Printing Office."

#### REVENUE FROM STAMPS.

Mr. WILSON moved for "A return of the Revenue received in each year under the Stamp Ordinance No. 23 of 1871, shewing the amount received under the different heads in which they are brought to account." The hon. member wished to arrive at the amounts under the different heads, so as to see how much revenue was obtained from Judicial stamps, and how much from stamps used for other purposes. He believed that in some places the cost of stamps fell very heavily upon needy people seeking redress at the Courts, and perhaps some change might be made. He was not sure from what his hon. friend (the Treasurer) had said to him, that the items were kept separately.

The TREASURER: They are not kept under different heads.

Mr. WILSON: Then, I suppose, what I ask for cannot be given.

Mr. FERDINANDS seconded the motion.

The COLONIAL SECRETARY said that if his hon. friend had asked for the information two years ago Government could have supplied it, as impressed stamps were used then, but only adhesive stamps were used now, and these varied in value from five cents to one hundred rupees. Government could not trace what became of them after they left the Treasury. He could give the total amount received for stamps last year, as the information was contained in the Blue Book, where the hon. member might have seen it for himself. According to the Blue Book there were issued in 1872:—

Revenue Stamps ... ..	738,529.11½
Composition duty by Banks... ..	35,197.81

Rs. 773,726.92½

From January to June, 1873, the return shows:—

Revenue Stamps ... ..	415,316.17
Composition duty by Banks ... ..	19,359.56

Rs. 434,675.73

That was all the information Government could give.

The motion was not pressed to a division, but was withdrawn, Mr. WILSON merely asking for a copy of the figures which had just been read.

## CROWN LANDS FOR PLUMBAGO.

Mr. WILSON moved for "A return of all land sold by the Crown since 1st January, 1868, as Plumbago land, giving extent and amount realized for each lot." The hon. member explained that as the plumbago question was coming on in a short time he should like to know how much land had been sold at a high price, and how much money had been realised.

Mr. WHITE seconded.

The COLONIAL SECRETARY promised that the returns should be supplied.

## THE BUDGET FOR 1874.

The COLONIAL SECRETARY said: Sir, I beg to move the first reading of "An Ordinance for making provision for the Contingent Services of the year 1874." Having so recently addressed this Council on the subject of the financial state of the Colony it is not necessary for me to preface my observations on the votes asked for in this bill with any lengthy remarks. I am glad to say that the prospects held out for a large surplus in 1873 continue to be good. For the ten months of the year already passed, we have received in round figures Rs. 10,600,000. This is in excess of the revenue of last year at the rate of Rs. 1,280,000, and above the estimate by Rs. 1,033,949. Although, of course, the actual revenue of the present year must still be a matter of speculation, I consider that there can be little doubt that the recent estimate of the Auditor General, that the revenue would reach Rs. 12,900,000, will be fully realised. It is satisfactory to find that the increase is shown under nearly every head of revenue, but more especially under Railways. It is from that source, to a very large extent, that the large surplus is due, but, I fear, judging from the reports which reach us from up-country of the shortness of the coffee crop, that the result is not likely to be so successful next year as in the present. I have not therefore felt justified in largely increasing the estimated revenue of 1874, which has been placed at Rs. 11,950,000. That amount will have to be appropriated as follows:—

By permanent Ordinance ..	Rs. 2,104,180
Military contribution .....	1,300,000
Railways .....	618,666
Which will leave available for appropriation by this Council the sum of Rs. 7,927,558, making a total of Rs. 11,950,000. Of this amount it is proposed to expend:—	
On Establishments .....	Rs. 1,780,690
Services, exclusive of Establishments .....	3,311,170
Public Works .....	2,519,949
Railway construction .....	150,000

Making a total of...Rs. 7,761,869

And leaving in hand a balance of Rs. 165,749, which I shall propose to deal with shortly. Hon. members will observe that a reduction of Rs. 300,000 has been made in the Military contribution vote, and that the sum now asked, is thus reduced to Rs. 1,300,000. I however believe that this will be capable of further reduction, and the payments required are not likely to amount to so large a sum as this, but until the Imperial Government has decided what

future arrangements of the Colony with regard to its Military Establishment, it has been thought advisable by Government to make ample provision under that heading. It will probably be noticed that the annual vote for Railway interest and sinking fund has apparently been raised from the usual vote of 580,000 to 618,666. This was occasioned by the alteration which was to take effect from 1st January next, by which all payments made to Crown Agents would be at Rs. 10½d. the Rupee necessitating an addition of 1-15th to all payments made in England. Similar increases would be found under the head of payments on Imperial postage accounts and pensions payable in England, but at the same time, the sum for "loss on exchange" which has hitherto appeared as a separate vote, amounting to Rs. 30,000 to Rs. 40,000, no longer appears in the estimates but will be charged, as now explained, under each of the headings, under which payments in England are made. The promise held out some time ago, and referred to in Your Excellency's speech at the opening of Council, viz., that when the reduction of Military Expenditure took place the Government would be enabled to undertake urgent administrative reforms which had been long delayed, I am glad to say is likely to be fulfilled, as Government now feels itself in a position to commence the reforms in consideration of the 300,000 reduction on the Military vote. The excess asked for under "Establishments" in the bill before Council, taking everything, is Rs. 176,922. The first and largest appropriation from this is Rs. 86,000 for Police. The report of the Inspector General of Police has been laid before hon. members, who are, therefore, acquainted with the need for an increase in the Force, as pointed out. In consideration of the reduction of the Military Force the Government had favourably considered the application for a reinforcement and reorganization of the Police, but they have not to the full extent accepted the scheme proposed by Mr. Saunders at a cost of Rs. 98,000. His scheme has been reduced to the figures stated as, with the possibility that the Military will not be removed from Kandy, an increase of the Force will not be required there, as originally proposed, and this has been taken into consideration in framing the vote for, increase of Rs. 86,000, which also includes the moiety of all Band expenses. No one could deny the necessity of an efficient Police Force, nor say that it was not the duty of the Government to keep this Force in a good state, and, therefore, on the disbandment of the Ceylon Rifle Regiment, the services of 350 disciplined and trained men from that Regiment were obtained. It is but right that I should state, in speaking of this matter, that it is not the policy of Government to increase the police in the rural districts, but, on the contrary, to keep them back, and throw upon the people themselves, by means of their Village Councils, &c., the duty of keeping order in their districts, and thus save to themselves the expenses of the upkeep of the Police Force. For the reorganised Medical Department Rs. 31,000 are asked. On that vote hon. members have information in the scheme of re-organization that has been drawn up by Dr. Charsley, the head of the department. Some alterations were urgently required to induce capable men to enter this important branch of the service. Dr. Charsley has had much experience in the Colony, and has embodied his experience in the scheme I have referred to, and we believe that the sum now asked will be sufficient. There is a slight increase under the head of "Customs."

These alterations are recommended by the Commission which recently sat to enquire into the state of that establishment. All the suggestions have been published, and are doubtless familiar to the Council: it is intended that the appointments recommended should be made without delay. In the Survey Department the increase is mainly on account of the Chena surveys. It had been the hope of His Excellency that a sum for the reorganization of the Surveyor General's department would have been included in this year's estimates, but the Commission which has been appointed to enquire into the working of this Department has not yet concluded its labours. It may possibly be that the Report of this Commission will be ready before this session of the Council closes, and if it is possible to act this year upon the recommendations made, provision will be recommended to the Council, and be charged to the balance I have already referred to. The papers in connection with the reorganization of the Public Works Department will be laid before you at your next meeting. The changes to be made, however, will entail but a small additional expenditure, while it will introduce into that very useful branch of the service the reforms which I feel are much required. For the first time in a budget of this island will be found the heading of "North Central Province," a new Province created by the re-arrangement of the Northern and North-Western Provinces. The additional expenditure this new province entails is Rs 12,000, and I trust that a far larger amount will be recouped to the Government by having responsible, energetic, and efficient Government officers resident within that somewhat neglected district, who will look to the wants of the people, and the capabilities of the country for advancement. There is a vote taken of Rs 8,000 for the establishment required for the Museum in Colombo, the Secretary of State having given his sanction to the proposal, and the building will be proceeded with at once. Under the heading of Education there is a large increase, but that vote is one which I am sure you will not cavil at. In looking over the papers connected with that Department I could not but notice the fact that it is conducted on the most economical principles possible, having a due regard to efficiency. Last year the sum voted was Rs 308,164. This year we ask for Rs 333,542. I trust that the prosperous state of the revenue will allow this vote to go on increasing year by year until education is spread all over the island, and schools are to be found in every district. Another satisfactory matter for which hon. members will be asked to sanction a vote is that asked for the upkeep of Village Tribunals. They are working very satisfactorily, and every day we have evidence of this. Hitherto the experiment has been made with money that was not distinctly voted for this purpose, and we now ask for the sum of Rs 25,220, as the expenditure that will probably be required during the year 1874. Gansabawa have now been established in three of the Provinces, and it is hoped that they will soon be widely spread in all. There is a saving of Rs. 30,000 under the heading of Police and Gaols for "Cost of maintenance of Convicts in the Straits," these prisoners having now been withdrawn from those Settlements. For Railway upkeep and maintenance there is a large increase. Part of this is for the staff required on the extension to Nawalapitiya, which line, we trust, will be open for traffic in July next. The Government also take over the entire main-

tenance of the main line next year from the contractor which must, of course, entail a large expenditure at first. There is a small item on account of Pearl Fisheries. The sum is intended to cover the expenditure incurred on account of the inspection by the Master Attendant at Colombo, who is now at the scene of the Fisheries, and upon his report, which may be expected in a few days, we shall be able to judge whether we may hope for a Fishery in next, or the following, year. Under the head of Public Works, we propose the large expenditure of Rs. 2,519,949 and when it is remembered that I recently invited you to vote no less than Rs. 801,000 of our surplus revenue of this year on Public Works we shall have proposed during the present session an expenditure of Rs. 3,300,000 under this heading. It cannot, therefore, be laid to the charge of Government that they have not taken advantage of the present prosperous state of the revenue to push forward Public Works which will be of material advantage to the people of this Colony, as the want of them have been satisfactorily shewn. My limited experience of the country will not permit me to speak with any authority, or to go into detail respecting the works for which appropriations are made, but I may say that they are the most important of all those that have been pressed upon the Government by the Public Works officers and the Agents of the Provinces. The great experience which His Excellency has gained through his journeys into all parts of the Island, has enabled him to judge of the applications for new works, as to whether they are needed or not. In making the vote for expenditure on Galle Harbour as much as Rs. 20,000 instead of Rs. 10,000 the Government trust that the present state of the anchorage at that port may be made more satisfactory. It may be well, perhaps, that I should make an explanation with respect to the Colombo breakwater. The public, seeing that there is no vote whatever under this heading in the large budget before us, may be inclined to question the zeal of Government in the matter. But I am sure that hon. members will agree with me that there is no occasion whatever for this suspicion. The Government has the sanction of the Secretary of State to employ the reserved balances of the colony on the construction of the Breakwater, till the final arrangements about the loan from the Imperial authorities are settled. The railway to the site of the breakwater, and that to the opening of the quarry, are being quickly progressed with, and by the time that Mr. Kyle returns in February will be quite ready for him, as also will the accommodation to be provided in Slave Island for the 400 convicts to be employed on the Harbour Works. So that when the Directing Engineer arrives, everything will be in good order for the commencement of the work. Mr. Kyle estimates that the advantages of the Breakwater, as a shelter for large vessels, will be felt soon after the beginning of the third year from the time of commencing operations. There is a special sum of Rs. 150,000 in the bill before Council on account of the extension of the Railway to Nawalapitiya, which, with the exception of a small sum, will have been provided for out of current revenue. It will be a great thing for us to show, when we go into the money market at home for means to provide for further extension, that this great work of extension has been completed with scarcely any debt at all, and out of surplus revenue. There is one other item on which I should like to say a word, though it is but a small sum. It is the vote of Rs. 3,500 for

the repair of a Roman Catholic Church at Kandy. I make the explanation, because I do not wish it to be understood that Government is ready to give grants of public money to every religious denomination for repair of their places of worship. Nothing can be further from the intention of the Government, but in the present instance, the money was asked, because Government felt that they must keep a promise which had been made by His Excellency's predecessor, to the effect that if the Roman Catholics of Kandy were prepared to contribute a certain sum, he would cover it by a vote. The promise was lost sight of for a time, but the people having made their contributions, then applied to Government for the vote which had been promised, and it is on this ground alone that the money is to be given. I have now gone through the principal items in the bill which differ from those of previous years, and, as I have already said, though there is so large an appropriation under Public Works, my limited knowledge of the colony will not permit of my explaining them fully here, but in sub-committee I shall be able to show that the works proposed have received full consideration. I now beg to move the first reading of this bill.

The TREASURER seconded.

The first reading having been agreed to, the second reading was fixed for the next meeting of Council.

#### THE PLUMBAGO EXPORT DUTY.

The QUEEN'S ADVOCATE moved the postponement of the first reading of "an Ordinance to impose an *ad valorem* export duty on Plumbago."

The COLONIAL SECRETARY seconded.

The motion was agreed to.

#### MUNICIPAL MAGISTRATES.

The QUEEN'S ADVOCATE moved the second reading of "An Ordinance to relieve Municipal Councils from their Magisterial Work."

The COLONIAL SECRETARY seconded.

MR. WILSON said that the draft of a petition had been placed in his hands, praying that this bill might be deferred until the petition could be distributed for signature, and the feeling of the people be obtained on this matter, which was one that concerned them, through their representatives in the Municipal Council. He should like to read the petition, which was not long.

The GOVERNOR gave the hon. member permission to read the petition.

MR. WILSON then read the following:—

To the Right Hon'ble the PRESIDENT and the Hon'ble the MEMBERS of the LEGISLATIVE COUNCIL of CEYLON.  
The humble Petition of the undersigned citizens of Colombo,

*Most humbly sheweth,*

That your Petitioners have learnt with great satisfaction that it is the intention of your Hon'ble Council to bring forward during the present Sessions an Ordinance to relieve Municipal Councils of their Magisterial work, and while highly approving of the object which it contemplates, would take the liberty of making a suggestion which they consider would give more practical effect to the intention of the Legislature.

The Ordinance as now drafted, makes the abolition of the Municipal Bench of Magistrates contingent on an application to that effect, from three-fourths of the Councillors. Your Petitioners have reason to believe that the great majority of unofficial Councillors would be disinclined to relinquish the Magisterial dignity which they now consider the only recompense for the gratuitous performance of duties which necessarily more or less interfere with their own private avocations; under such circumstances it is not likely that the required majority of three-fourths will ever be found.

Your Petitioners without meaning to retract the opinion expressed by them in their previous Petitions as to the inefficient and unsatisfactory working of the Colombo Bench of Magistrates are willing to concede that a greater part of this unsatisfactory state of things is due to the innumerable other demands on the time of the Gentlemen who form the Bench. So long therefore as the unofficial seats in the Council are held by Gentlemen who cannot devote more time to the concerns of the Municipality generally, it would be hopeless to expect a more satisfactory discharge of their Magisterial duties, while the amount of work performed during the last five or six years has been such that it could without creating any sensible inconvenience to the public, or materially adding to the duties of the Police Magistrates, have been safely relegated to the Police Court.

During the quarter ended Sept. last there were 306 cases instituted before Colombo Bench of Magistrates of these 228 were convicted 27 dismissed and 51 acquitted. Of the 228 convictions nearly nine-tenths have proceeded on confession leaving an insignificantly small number disposed of on evidence. The cases were all of the most trivial nature and generally punishable with a fine of from 25 cents to a Rupee or two each.

By relieving the Councillors of this portion of their duty—and a duty which is necessary calculated to make them personally unpopular, your Petitioners believe that they will be able to devote a larger portion of their time to the more important duties connected with the Committees of sanitation, conservancy, and finance; while a considerable saving will also be effected by the consequent abolition of the magisterial establishment, which including three Inspectors and two Sub-inspectors (whose duties are principally confined to prosecuting offenders) now cost a sum of Rs 5,850 annually.

The duties of these Inspectors, your Petitioners submit, ought to be performed by the Police Department; especially now that the Police force has been greatly strengthened, the excuse of insufficiency of men can no longer be urged.

In view, therefore, of all these facts and the admitted desirability of relieving the Councillors of magisterial duties, your Petitioners beg leave most respectfully to suggest, that the abolition of the bench of Magistrates may be made contingent on the alternative condition of an application of the majority of the councillors themselves, or the majority of the electors of each municipality.

Wherefore your Petitioners pray that it may please your Hon'ble Council, so to frame the proposed Ordinance as to vest the right of application in a majority of the councillors or on a majority of the electors.

And your Petitioners as in duty bound, will ever pray.

The QUEEN'S ADVOCATE said (speaking with considerable warmth of feeling at times) that had the hon'ble gentleman simply asked for a postponement of the second reading to enable certain petitioners to address the Council, the request might have been complied with. But he had read the petition so that the Council knew its contents and object, and could deal with it as if it had been presented. Could the Council attend to it? Magisterial work had been imposed upon the Municipal Councillors. It never was intended that they should do all the work of the town—for that work there was the stipendiary Magistrate holding Court every day. The complaint that the Councillors did not sit regularly was, therefore, pointless. But that, really, was not the object of the petitioners—the opportunity which the Bill afforded seemed to have been laid hold of simply with the captious view of attacking Councillors. And that was particularly unfair at this moment. He, (the Queen's Advocate) did not believe that there were good grounds for the wholesale attacks made on the body and which found vent in the petition presented last year. The Council had replied to that petition. The Governor had promised them relief—one of their most expensive works (the road from Grand Pass to Wellawatte) had been taken over and other assistance promised "on conditions." The Council was therefore, able to start afresh, cleansing and otherwise improving



the town, and it was an ungracious thing, on the pretext of preferring a request which could not be granted, to attack the councillors in this way. The honour of acting as Magistrates in Municipal cases had been conferred on them, and could only be taken away at their own request and with their concurrence. The constituents had no voice in that matter at all. Besides how were their views to be ascertained? We should have a plebiscite for such a purpose. He hoped the Council would not agree to a postponement on the ground urged.

The GOVERNMENT AGENT (Western Province): The motion is not seconded, and this discussion is not in order.

Mr. WHITE said he intended seconding the motion, but his learned friend (the Queen's Advocate) rose so quickly to reply that he had not time. But, whilst seconding the motion for postponement, he could not go so far as the petition which had been read. All he desired was that before this bill came to a second reading the electors of the members of the Municipal Councils affected should have an opportunity of expressing their opinion on the subject.

The GOVERNOR: I think it is right to say a word on the point of order raised by my hon. friend, the Government Agent for the Western Province. I did not interfere with the discussion because the hon. member (Mr. Wilson) did not make a motion, but an appeal to the Government. Therefore, I did not look for a seconder to his observations. If he had made a motion it must have been in the form that this bill be postponed for two weeks, or some other period, according to the length of the postponement he desired. That is my reply to the point of order raised. But so far as the hon. member (Mr. Wilson) is concerned, if I was in his place, on his own principles—and that "half a loaf is better than no bread"—I would take the concession, because it would be something towards the point I was striving after. But I must say that this bill cannot be long delayed, for any bill—whatever it may be—that is postponed beyond a certain point I shall have withdrawn at once, rather than let it be carried on to next year. I think it would be better—and meet all that the hon. member desires—to have the bill read a second time now, and the appointment of the sub-committee postponed, say, for a fortnight.

Mr. WILSON craved permission to say a few words in reply to the remarks made by the Queen's Advocate that the petition had been forwarded in a captious spirit. All he could say was that the persons who brought the petition to him were most respectable people, and they had no factious intention in what they were doing. They simply required postponement to give them an opportunity to express their opinion.

The QUEEN'S ADVOCATE moved that the Council go into Committee, and this having been agreed to, he moved that the appointment of the sub-committee be postponed for a fortnight.

Agreed to.

#### ADJOURNMENT.

In making the customary motion for adjournment, His EXCELLENCY, intimated that with the view of getting the bills through before Christmas he might possibly have to call upon members to meet twice a week. A close application to the business before them might, however, obviate this.

The Council adjourned to Wednesday next.

WEDNESDAY, NOVEMBER 26th.

PRESENT: His Excellency the Governor presiding; the Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Government Agent (W. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr. Ondaatje, Mr. J. T. White, and Mr. Bowden Smith.

#### PAPERS, &c.

The COLONIAL SECRETARY laid on the table:—  
"A Return of Kandyan Marriages [asked for by Mr. Ondaatje.]

"The Report of the Director of Public Works;  
"A Statement showing the cost and up-keep per mile of roads under the Public Works Department."

#### THE TRAINING OF ADVOCATES.

The QUEEN'S ADVOCATE moved the first reading of the Ordinance to give effect to certain rules of Court touching the admission of Advocates. The Judges of the Supreme Court were empowered to make rules on this subject, but no rule could take effect until confirmed by an Ordinance; at present it was open to any person, whether trained for the Bar or not, and without a day's apprenticeship, to apply to become an Advocate, and, if he passed a certain examination, he was entitled to be admitted. On the other hand no person could be a Proctor or Notary without serving an apprenticeship of two years. In England no one could be called to the Bar without keeping his terms, attending lectures and passing a certain examination. The necessity for making some provision on this subject in this Island was submitted to the Judges, and they forwarded the present rules. Under them no person could be admitted as a law student without satisfying the Judges that he was a person of good repute and had received the education of a gentleman. He must also pass an examination in the English and Latin languages and general English History. Having been admitted a law student he could pursue no other occupation but must attend to his law studies; he would have to attend three courses of lectures on Jurisprudence, including International Law and on Roman Law. He must further attend the Chambers of a practising Advocate in Colombo for 12 months, and must, when he applies for admission, produce testimonials from the Advocate as to his diligence and good conduct while such pupil and of his demeanour and character as a gentleman. Before he was admitted he must stand a full legal Examination prescribed by the 17th Rule. The Council of Legal Education was to be composed of the Judges, the Crown Law Officers, and such other gentlemen as the Judges might name from time to time. Certain fees were imposed to be appropriated for the expenses attending the examinations, and lectures, and the balance was to be given to the Law Library. Special Rules are provided to meet the case of pupils presenting themselves in 1874 and 1875.

The COLONIAL SECRETARY seconded, and the first reading was agreed to.

#### THE BUDGET.

The COLONIAL SECRETARY moved the second reading of an Ordinance for making provision for the Contingent charges for 1874.

The AUDITOR GENERAL seconded.

The bill was referred to a sub-committee, consisting of the Colonial Secretary, the Auditor General, the Government Agent (W. P.), Mr. Wilson, Mr. Ondaatje, and Mr. White.

#### THE LAW AS TO NOTARIES.

The QUEEN'S ADVOCATE brought up the report

of the sub-committee on the Ordinance to amend the law relating to Notaries, which was read by the CLERK OF THE COUNCIL, and was as follows:—

The Sub-Committee appointed to enquire into and report upon the Bill entitled "An Ordinance to amend the law relating to Notaries" beg leave to report as follows:—

1. They consider that, in the case of an applicant to be admitted to practice as Notary in either of the native languages, the term of apprenticeship under an Advocate or Proctor should be reduced to two years. Having within that time learnt the theoretical part of his profession he should spend his third year in a native Notary's office, and be employed there in preparing native deeds and making himself useful in the practical part of this work. For that purpose they suggest the addition of a proviso to the present fourth article of the second section which will be third if both these articles be blended into one as they recommend. They further recommend that, though applicants already articulated shall only be required to have the qualifications prescribed by the Ordinance No. 16 of 1852 yet that the examination shall be held as prescribed by the present bill.

2. The power to appoint Notaries in the districts where there is a paucity of men serving in such capacity should not be limited as it now is by the words "living within a reasonable distance." They recommend the omission of these words.

3. The reference of applicants to a person or Board for examination is not necessary in the case of Advocates and Proctors admitted to practice as such.

4. They recommend the insertion of two new clauses to provide for the yearly publication of the names of articulated Clerk and for the residence of Notaries within the districts in which they are admitted to practise. The former will give any person objecting to a particular applicant an opportunity to notify such objection. As for the latter, much inconvenience is felt by Notaries residing elsewhere than in the districts in which they are admitted to practise. In the case of Notaries who are at present allowed to practise in more than one district (a privilege which will not be allowed in the case of future applicants) they should be allowed to select the place of residence. Non-residence should render a Notary liable to have his Warrant recalled.

5. The Sub-Committee strongly recommend the enlargement of the power to remove from office notaries who are guilty of unprofessional or improper conduct but who cannot be criminally pursued in the Courts. Section 13 of the Ordinance No. 16 of 1852 is limited to cases of shortcomings as Notary, so that a person may prove himself utterly unworthy to hold a responsible office and one that gives him influence over the community to which he belongs, and yet he cannot be reached. Such a state of things should not be allowed to continue. The alterations suggested in section 8 will, it is believed supply a remedy. The authority given by this section will in no way clash with that given in the section 13 or the proceeding prescribed thereby.

6. The Sub-Committee have had referred to them several petitions complaining of the intended increase on the stamp duty on annual certificates. At present the duty is Five rupees in Colombo, Kandy, Galle, Jaffna and Trincomalee, and Two rupees elsewhere. The Sub-Committee consider this duty very small, but as, on the other hand, an increase may operate with hardship on Notaries practising in remote, thinly-populated villages where their income must be very small, the Sub-Committee recommend that the duty be not interfered with in the present enactment, the object of which is professedly to render the body efficient and not to add to the revenue: Present section 8 had better therefore be omitted and another inserted in its place to provide that the parent enactment and the present Ordinance may be read and construed together.

ARTHUR N. BIRCH,

RICHARD F. MORGAN,

W. D. WRIGHT.

D. WILSON,

C. L. FERDINANDS,

P. D. M. J. ONDAATTE.

Legislative Council Chamber,  
Colombo, 22nd November, 1873.

The Council resolved itself into a Committee, and

proceeded to make the alterations suggested by the Sub-committee.

In clause 3 the omission of the words, "district in which he resides," and allowing the sentence to stand "district in which he means to practise," was moved by the QUEEN'S ADVOCATE.

The AUDITOR GENERAL suggested that it would be better to retain the former sentence, as notices of intention to apply for admission as a Notary were most needed in the district where the applicant lived. Most of the petitions presented to Government against persons making application came from the district where they resided. To take an illustrative case: supposing Muttupillyay of Jaffna asks to be appointed at Trincomalie. All he would be required to do would be to post up notices in the Trincomalie Court, in a district where he was not known. Surely it would be much better that this notice should be put up in the district where he resided and was known. As he had already said the petition against such applicants mostly came from their own districts.

The QUEEN'S ADVOCATE said it seldom happened that cases such as that suggested by his hon. friend who had just spoken, occurred, but even if they did, there came the question, who is most concerned with the character of the applicant? Surely the people in the district where the future notary was to practise. To take the case cited, the people at Trincomalie could easily make enquiries at Jaffna where the applicant resided.

After a remark from Mr. WHITE as to the confusion of terms in this clause, "court" and "courts" occurring in the same sentence,—

The AUDITOR GENERAL thought sufficient provision had not been made for publicity. Notices ought to be well posted in the respective districts, and not merely in the *Government Gazette*. For outlying districts what would be the good of a notice in the *Gazette*?

The COLONIAL SECRETARY supposed there could be no objection to the words being retained. But it should be remembered that the Government Agent and District Judge had to report on these applications, and it would be their duty to inform Government if the applicant were not of sufficiently good character. The point was considered in sub-committee, and it was felt that if the notice was posted in the Court of the District to which the notary was to be appointed that would be quite sufficient.

The GOVERNOR: If the notice is published three months before application is granted (as is provided for in the Ordinance) there will be plenty of time for enquiries to be made.

The QUEEN'S ADVOCATE: Besides, in addition to this the applicant's name will be published in the *Gazette* all the time that he is serving his apprenticeship.

Mr. FERDINANDS (slightly contemptuously): Who reads the *Gazette*?

The QUEEN'S ADVOCATE (indignantly): Who reads the *Gazette*, does the hon. member ask? That is the very thing we want, then, to make people do. We have provided that these rules should be in the *Gazette*, so that people must read it.

Mr. WILSON: If, as the hon. the Colonial Secretary says, the alteration suggested by the Auditor General would do no harm (and I think the suggestion a good one, and concur in it) why not make the alteration?

The change proposed by the Auditor-General was then agreed to, and the Committee proceeded with the consideration of the bill.

Two new clauses were added to the bill, being read a first and second time after the original

bill was fully considered. This was done on His EXCELLENCY'S suggestion, as it gave opportunity for the whole principle of the measure to be discussed, whereas in Committee they were bound to confine themselves to the particular point they were considering.

The new clauses were as follows :—

5. Every article clerk preparing himself for the office of Notary shall, on or before the 30th day of June in each year, furnish to the Registrar of the Supreme Court a statement setting out his name and address, the date of his articles, the Advocate or Proctor under whom he serves, and the district and language in which he means to practise. It shall be the duty of such Registrar to forward, on or before the 31st day of July in each year, an abstract of such statements, distinguishing them into Provinces and Districts, for publication in the "Government Gazette." Any article clerk failing to furnish such statement shall not be allowed, unless he can explain such failure to the satisfaction of the person or Board to whom his application to be admitted to practise as Notary shall be referred by the Governor as hereinbefore provided, to count the year or years in which he shall have so failed, but shall be required to serve another year in addition for every such year of failure.

7. Every Notary shall be bound to reside and have his office within the district in which he is allowed to practise. In the case of Notaries already admitted to practise as such in more than one district, he shall elect within three months after this Ordinance shall come into operation the place in which he means to reside and have his office, and shall give written notice of such election to the District Court having jurisdiction over such district, and shall cause the same to be published in the "Government Gazette." Any person residing or having his office in any place other than that in which he is allowed to practise, or any person who shall fail to elect as aforesaid, or who, having elected to reside and have his office within any district shall fail to give notice thereof as herein provided, or shall reside or have his office elsewhere, shall be liable to have his Warrant withdrawn by the Governor, with the advice of the Executive Council.

Eventually the bill passed through committee, and the third reading was fixed for the next meeting.

#### THE SUPPLEMENTARY SUPPLY BILL.

The COLONIAL SECRETARY brought up the report of the sub-committee on the Supplementary Supply Bill for 1873, which was read by the CLERK OF THE COUNCIL, as follows :—

#### REPORT.

The Sub-Committee appointed to report upon the Supplementary Supply Bill for the year 1873, have considered the estimates submitted to them, and report as follows :—

**NORTH-CENTRAL PROVINCE.**—The Secretary of State having sanctioned an allowance of 1,000 rupees a year, in addition to his salary of 8,000 rupees, to the officer holding the appointment of Government Agent of this Province, provision has been made for 333 rupees and 32 cents, being allowance due to him from the date of his appointment in September last. The creation of this Province has also rendered it necessary to provide for the salary of an Assistant Agent at Anuradhapura, at the rate of 4,000 rupees per annum. 1,166 rupees and 66 cents are included in the estimates as salary from September last.

**SURVEY DEPARTMENT.**—5,520 rupees are voted for the salaries of six Surveyors employed in surveying Chena lands, and 750 rupees as an allowance to an officer in the Surveyor General's Department superintending the work. The Sub-Committee understand that the papers on this subject will be laid before the Legislative Council.

**SERVICE TENURES COMMISSION.**—The work connected with the Service Tenures Commission could not be completed within the time contemplated, and it was necessary, therefore, to provide for the salaries of the officers for an additional month. 555 rupees and 83 cents are allowed in the estimates for this purpose.

**COURTS OF REQUESTS AND POLICE COURTS.**—Gentlemen, not being members of the Service, holding appointments, being entitled, under the regulations of the Service, in addition to the half salary of their offices, to an allowance to make up their income to 3,000 rupees per annum, provision is made for this purpose for the following sums :—

	Rs. Cts.
For Acting Police Magistrate,	
Avisawella and Pasyala.....	833 33
Do. Balapitimodera .....	333 32
Do. Galagedara .....	122 22
Do. Kalpitiya .....	441 64
Do. Panwila and Urugala .....	324 45
Do. Point Pedro .....	71 32

**REGISTRATION DEPARTMENT.**—A sum of 8,686 rupees and 25 cents is provided as allowance to Registrars for registering births and deaths. The Government has sanctioned the payment to Registrars of 25 cents for every entry of a birth or death, which by law is made free of charge to the parties. The payments were not large at first, as the returns rendered by the Registrars were incorrect, and require to be amended. The work is now better understood, and the Registrar-General has to meet not only the charges of the present year, but arrears of former years.

**POLICE.**—A sum of 27,000 rupees is provided for the increase to the Police Force beyond the general vote for 1873. The necessity for this increase is explained in the letter from the Acting Inspector-General of Police, of the 2nd June, 1873, which has been laid before the Council (see Sessional Paper No. IV., 1873). The estimate also includes a sum of 1,812 rupees and 50 cents, being a moiety of the cost of the expenses of the Ceylon Band; the other moiety being defrayed by the Municipal Councils of Colombo and Kandy.

**REVENUE SERVICES.**—15,000 rupees are required to meet the expenditure which has been incurred in bringing up the stock of salt to the proper standard. The Sub-Committee understand the stores are now full, and up to the standard.

**Pearl Fishery.**—The Government having determined to recommence the Pearl Fishery, of which there is a favourable prospect, it was considered necessary that a steam launch should be purchased for the proper investigation of the Pearl Banks.

**EDUCATION.**—It having been decided to abolish the Orphan Asylum at Colombo, a sum of 1,000 rupees has been granted to the Kandy Industrial School to provide accommodation for the boys sent there from Colombo. The allowance to Miss Towell for house rent may be reduced to 83 rupees and 32 cents, as no provision need be made for December, 1873.

**POLICE AND GAOLS.**—The additional sum of 16,000 rupees required by the Fiscal of the Northern Province is occasioned by the increased number of criminals sent to work on the Mannar causeway.

**Fiscal, Central Province.**—The sum of 3,500 rupees is required for provisioning prisoners; the original vote having proved insufficient, owing to the large number of short-sentenced prisoners in the custody of the Fiscal throughout the Province.

**TRANSPORT.**—The Sub-Committee desire to notice the large additional sum required for transport in the Northern Province. The Sub-Committee are fully alive to the advantages of the periodical visits of the Government Agent to the several districts of this Province. But they consider that there should be some limit, and that it is advisable that the Government Agent should be for a considerable portion of the year at the headquarters of the district, and, therefore, if it may be considered within the sphere of the Sub-Committee, they would suggest that whatever vote it may be considered necessary to take for the Northern Province in 1874, it should not be exceeded; the expenditure of the present year is, in their opinion, excessive.

The Sub-Committee do not consider that the above remarks are equally applicable to the Central Province, as the additional work entailed on the Agent by the Village Councils and Medical wants necessitated increased travelling during the present year.

The sum of 1,606 rupees for Haldummulla is required to meet the expenses of the circuit of the Ratnapura Magistrate, the Haldummulla Magistracy being now

The vote of 2,037 rupees for conveying convicts to Mannar is a matter of account to enable the Agent of the *Serendib* to bring to credit the earnings of the steamer by charging the expenses against the Convict Establishment.

**WORKS AND BUILDINGS.**—The Sub-Committee have had the advantage of personally examining the Director of Public Works and Mr. Tatham on the expediency of the several public works contained in Nos 13 and 14. The vote required under these heads amounts to the large sum of 801,059 rupees. The Sub-Committee desire to call attention to the four items (1) For completing the four cooly sheds with hospitals between Periyakaddu and Mihintale, 4,444 rupees; (2) For completing the cooly sheds, hospitals, and medical officers' quarters at Vankalai and Pesalai, 6,632 rupees; (3) For completing the general and cholera hospital at Mannar, 2,342 rupees; (4) For completing the hospitals and medical officers' quarters at Puliyadi Erakkum, 3,909 rupees.

It appears from the explanation afforded by Mr. Mosse, that the original estimates for these works were prepared by Mr. Hall, Acting Provincial Assistant, and the votes were taken on those estimates; but that before the work could be proceeded with, the Provincial Assistant of the Province returned, was sent to the district, and has added to the original estimates the several amounts inserted in the supplementary estimates. It is impossible for the Sub-Committee to arrive at any satisfactory conclusion as to whether Mr. Hall's estimate of the work would have been sufficient, and whether these amounts are required; but they desire to express their opinion that when large works of this nature are to be undertaken by the Public Works Department, it is most expedient that the officer who commenced the work should be responsible for its completion, and should not be removed to make way for another whose estimates of expenditure differ so widely.

The Sub-Committee would suggest that the house purchased at Urugala being no longer required for the Magistrate, should be re-sold, unless it is to be made available for school purposes.

The Sub-Committee find that the original vote taken for the Assistant Government Agent's house at Badulla amounted to 17,227 rupees, and that the vote now asked for will bring the expenditure to 25,050 rupees. From the plans and specifications, which have been seen by the Sub-committee, they do not consider this an excessive expenditure; but they beg leave to suggest that in future estimates, the total amount of each work should be inserted, although only a portion may be asked for at the time, as the Sub-committee feel that it is misleading to those not acquainted with the details of the work to find votes taken in separate estimates for the same work.

The alteration in the Nuwara ELLIYA Prison is found by the Sub-committee to be necessary, the place being too confined for the number of prisoners.

The amount required for the Medical Officer's quarters at Galle is found to be necessary from an alteration in the original plan. The total cost of the Hospital and Medical quarters will with this vote amount to 70,000 rupees.

The correspondence before the Sub-Committee shows the necessity of a Powder Magazine at Galle, and the recent Ordinance has made it necessary for the Government to provide such a building.

The conversion of the barracks into offices for the Public Works Department, Prisons, and Registration Departments, at a cost of 10,530 rupees, is considered by the Committee as a necessary work, as they are of opinion that the concentration of the public offices will facilitate public business, while a saving of 6,975 rupees will be effected as rent of the premises at present occupied by those departments.

The Sub-Committee find that the alterations to the Badulla hospital are mainly for a supply of good water to the patients.

The amount asked for providing stable accommodation for the Mounted Orderlies is required in consequence of the present building occupied by them being removed for the construction of the Breakwater line.

mat amount is to be expended in converting the stabling attached to the Officers' quarters of the late Ceylon Rifle Regiment into the Orderlies' quarters.

From the explanations afforded to the Sub-Committee they recommend that the item of 13,988 rupees for building a boundary wall to enclose the Rifle lines and fitting up four Barracks for the accommodation of prisoners to be employed in the Breakwater work, and also the item of 2,065 rupees to meet expenses incurred in taking borings, etc., should be omitted from the Supplementary Schedule, and charged against the Breakwater Loan Account, as they are of opinion that no payments on this work should be charged to the ordinary general revenue of the Colony.

The Committee find that, beyond the sum of 2,142 rupees for additions to the Agent's house at Anuradhapura, a further estimate of 1,100 rupees is included in the vote for repairs to Government buildings. The Committee suggest that this vote should be increased to 3,242 rupees, and a corresponding reduction of 1,100 rupees be made under the head "Repairs to Buildings," thus reducing the next item in the Schedule to 4,400 rupees.

The repairs to Kew Barracks, at a cost of 6,075 rupees, will give, the Committee understand, ample accommodation to the extra Police force.

The repairs to St. Peter's Church, at 6,073 rupees, are required in consequence of the old roof having become unsafe, an entirely new one being absolutely necessary. A new roof is also required for the Octagon at Kandy; this building has been for some time used for public purposes.

**Irrigation Works.**—The additional sum of 1,800 rupees is required beyond the original vote.

**Roads.**—The Sub-Committee consider the explanations afforded by the Director of Public Works, on the items amounting to the sum of 47,791 rupees for the upkeep of roads, satisfactory; they believe the several works to be necessary.

The *Departmental charges* are required to meet the under-estimate for the year, the work of the Department having largely increased.

**New Roads.**—The Sub-Committee consider the extension of the Dickoya road will be a useful work. The three items for roads in the Cinnamon Gardens are required to fulfil the pledge held out to purchasers of building lots.

The Director of Public Works informed the Sub-Committee that the expenditure for metalling roads in Ratnapura had been reduced to 350 rupees, and the Sub-Committee recommend that a vote be taken for this amount in lieu of 1,227 rupees and 48 cents.

The estimate for the Dikwella road towards Haputale has also been reduced by the Public Works Department to 24,000 rupees, and the Sub-Committee recommend that the vote be reduced to this amount. The other items under this heading call for no remark.

**New Bridges.**—The only item under this head to which the Sub-committee desire to direct the attention of the Council is that for 300,000 rupees, as part payment of the new bridge at Kalutara. The revised estimate handed in by the Director of Public Works has raised the total expenditure on this work, with approaches, &c., to 420,000 rupees. The Sub-committee have learnt from the Director of Public Works, that an extra expenditure is proposed to make the new bridge strong enough to a steam tramway.

The Sub-committee are not aware what would be the difference between the cost of an ordinary iron bridge and of one adapted for a tramway, and they suggest that this should be definitely ascertained, and that, if the amount be considerable, information should be obtained as to the probability of a steam tramway ever crossing the Kalutara river before any heavy additional outlay is sanctioned in view thereof.

**Irrigation Works.**—Are all items of unexpended balances for which it is necessary to take a re-vote as a mere matter of account.

#### MISCELLANEOUS.

The Sub-Committee understand that the land proposed to be submerged by the lake at Newera ELLIYA is in private hands, and they submit that before

any further expenditure is sanctioned, it will be advisable to learn whether the proprietors are willing to give over the swamp land for a moderate sum, as the Sub-Committee are unwilling to recommend any very large expenditure on this work.

**Kandy Lake.**—The Sub-Committee desire again to call attention to the unsatisfactory system of taking part votes. On referring to the original estimates they find a vote of 1,000 rupees "For the improvement of the Kandy Lake," while, as now shewn, the amount actually required was 6,792 rupees.

The Sub-Committee consider the Municipal work of improving the Colombo Lake is much required, and as the finances of the Municipality are unable to bear the expenditure, they are of opinion that it is a work which the Government should take in hand for sanitary reasons.

The large sum of 38,400 rupees, for improving the Killepanne canal is a portion of the expenditure recommended by the Flood Commission.

**Treasurer.**—The Committee learn that the premises of the Ceylon Rifle Regiment, Kandy, for which a vote of 14,000 rupees, appears for purchase money, have for some time been rented as a school house at the rate of 1,500 rupees per annum; they are, therefore, of opinion that as the buildings are suitable for a school, the purchase of the property was advantageous.

The item of Rs. 65,256-75 for Military reserves in Colombo is, as the Sub-Committee understand, a final instalment of the expenditure required in carrying out the scheme decided on by the Barrack Reconstruction Committee. In view of the decision of the Government in regard to the Barrack question, the Sub-Committee do not wish to object to the item, more especially as they are aware that it is the valuation amount of lands taken over for public purposes from the Military reserves; but they think it right to call attention to the very large expenditure that has already been incurred for the Barrack accommodation of a very largely reduced Military force.

**Noad Award.**—The Sub-Committee have had access to the lengthy correspondence in this case; and while they cannot but express their regret that a question of such importance should have been left to the sole arbitration of a gentleman who had from the commencement been unwilling to act from his acknowledged bias in the case, they agree with the Government in thinking that they have no option in the matter, as it was decided that the Arbitrator's decision should be final, and they therefore recommend that the amount of the award be passed.

**Universal Exhibition.**—The Committee are not very sanguine as to the advantages likely to accrue from the proposed expenditure towards the Kensington Exhibition, but as it may serve, to some extent, to make more generally known the various products and capabilities of the Island, and may tend also to improve the quality and condition of our exports by affording the means of comparison with similar products from other Colonies, the Committee have no hesitation in recommending the moderate expenditure under this head to the favourable consideration of the Council.

**GOVERNMENT AGENT'S RESIDENCE, GALLE.**—The Sub-Committee trust that in not pressing an objection to the item for 1,000 rupees for blasting rocks on the Crown property at Galle, they will not be understood as approving of any scheme for building a residence in that town for the Government Agent, as the Sub-Committee are of opinion that such expenditure is unnecessary.

**KATARAGAM.**—The Sub-Committee consider the expenditure was, in the circumstance of the case, rendered necessary, but are of opinion that this increasing charge on the general revenue for the pilgrimage justified the restrictions imposed by the Ordinance No. 14 of 1873, recently enacted.

**CLEARING JUNGLE, ANURADHAPURA.**—The Sub-Committee understand that much advantage is derived from the clearing of the jungle, and consider the proposed additional expenditure necessary.

**DESTRUCTION OF CHEETAHS AND BEARS.**—The large excess—2000 rupees—required in the Supplementary Estimates for the destruction of cheetahs is occasioned by the increase in the amount of the reward recently sanctioned. The Committee question whether any advantage sufficient

to justify the increased charge will be derived from increasing the reward.

**BRICK MANUFACTURE.**—The Sub-Committee recommend that any papers shewing the nature of the proposed brick-making establishment at Nuwara Eliya should be laid before Council.

**SURVEY EXPENSES.**—The vote of 3,600 rupees is required to meet expenses connected with the cheva surveys, and for additional surveys undertaken, in excess of estimate.

**CENSUS DEPARTMENT.**—The work not being finally completed within the year 1872, it was found necessary to continue the establishment for the month of January, after which date no further expenditure was necessary. The total cost on this account amounts to 98,816 rupees and 79 cents.

**POLICE.—Arms, Accoutrements, &c.**—The additional charge beyond the original vote is required for the men taken over from the Ceylon Rifle Regiment.

During the year gas has been introduced into the Police Barracks, in lieu of oil lamps; the expenditure was not foreseen at the time the estimates for the year were prepared.

**COLONIAL STORE.**—A large supply of teak having been purchased for the Public Works Department, and which is expected to arrive in the Island before the close of the financial year, has necessitated the supplementary vote of 80,000 rupees to this department.

**LANDS TAKEN FOR GOVERNMENT PURPOSES.**—The sum of 2,250 rupees is the amount of the purchase money of land required for pauper burial ground at Dadella.

The sum of 4449 rupees is required for the payment of land taken for the rest-house and road at Gampola, and also to meet expenses of assessment. The two allotments of land at Katukele were required for the Municipal improvements of the town of Kandy, and should, in the opinion of the Sub-Committee, be paid for by that Municipality.

**REFUND OF DUTIES, DRAWBACKS, &c.**—The only item under this head which calls for observation is the sum of 8642 rupees and 45 cents refunded to Dr. Davis, as interest received or account of the Arrack Rent of the town of Galle, for 1867-68. It appears that certain property of the Renters was specially mortgaged to Mrs. Davis, the money going to pay a debt due at the time by them to Government, and that they having failed to pay the amount due to the Crown under a subsequent Arrack Rent, all the property belonging to the Renters was seized and sold as the claim of the Government ranked prior to the mortgage of Mrs. Davis. As the whole debt due to Government has since been recovered, as also a further sum of nearly 8000 rupees as interest, it was considered to be an act of fairness to refund to Mrs. Davis the interest so recovered, which will partially compensate her for the loss sustained in the transaction.

**RAILWAY SERVICES.**—The sum of 54,033 rupees, repairs and renewals.—Of this, the sum of 33,000 rupees is required to meet the wear and tear of the rolling stock occasioned by the large excess of traffic over the estimate of the year. The increasing returns of the railway receipts fully justify the expenditure. The sum of 16,720 rupees is for the maintenance of the Gampola branch on the completion of the line, which was not provided in the estimate of the year. The expenditure incurred on the bridge at 18½ mile is one of the expenses connected with the road.

**RAILWAY EXTENSION.**—The Sub-Committee are glad to observe that the state of the Colonial finances justifies the payment of a further instalment of the amount due under the contract for the extension of the railway to Nawalapitiya, thus making a total of 1,643,898 rupees and 83 cents paid from general revenue. They consider that in view of railway extension requiring a considerable loan, it will be an advantage to be able to shew that so large an expenditure has already been incurred on railway extension from surplus revenues, while other works of minor importance have been prosecuted as heretofore. The premium to Messrs. Reid and Mitchell of 35,000 rupees is a portion of the profits of the line from Peradeniya to Gampola for the seven months for which it was open for traffic before the contract time, and which it was agreed should be payable to the contractors for the advantage which thus accrued to the Government and the public. The Sub-Committee think this a fair arrangement for all parties, but they propose to alter the heading of this item to "Allowance at the rate of 5,000 rupees per mensem to contractors for completing and opening the line seven months before contract time," as more correctly explaining the meaning of the vote. But it has been ascertained that the amount actually paid to the Contractors

was 38,750 rupees for 7½ months. It will be necessary therefore to increase the Estimate by 3,750 rupees.

The Sub-Committee have had before them a schedule of additional items not appearing in the Bill, but for which the sanction of the Council is required; the items which appear to call for remark will be briefly noticed as follows:—

A sum of 150 rupees is included for an increase to the salaries of two clerkship at Batticaloa for the present and coming month. About this there appears to have been some misunderstanding, as the increases appear to have been recommended by the Government Agent solely as a part of the general scheme for the improvement of the clerks' salaries, and should therefore be considered in conjunction with, and not separately from, that scheme; the disallowance of this item is therefore recommended.

The salary of an extra clerk at Kandy is required temporarily, owing to the extra pressure of work upon the Kachcheri through the operation of the Cooly Medical Aid Ordinance.

**COLONIAL STORE.**—The expenditure of 1052 rupees and 34 cents for extra clerks, watchers, &c., in the Colonial Store is necessitated by the removal of that Department from its present quarters to those lately occupied by the Officers of the Ceylon Rifles.

**PENSIONS.**—The extra provision of 5400 rupees for Pioneer pensions in India is required on account of the accounts of the Indian Government for three quarters of 1872 and three quarters of 1873 having been received during the current year, and payment having to be made accordingly.

**ADMINISTRATION OF JUSTICE.**—Having perused the explanation afforded by the Fiscal of the Central Province, the extra votes required in his department under this head the Sub-Committee are of opinion that the votes for inquests and for petty expenses may each be reduced to 400 rupees, thus reducing the total from 1350 rupees to 850 rupees.

**INTEREST.**—A delay appears to have occurred in completing the purchase of the house at Nuwara Eliya, which has given rise to a claim for interest amounting to 1460 rupees.

ARTHUR N. BIRCH,  
JOHN DOUGLAS,  
A. B. FYERS,

CHAS. L. FERDINANDS,  
WM. BOWDEN SMITH,  
J. T. WHITE.

Legislative Council Chamber,  
Colombo, 22nd November, 1873.

Before moving the various insertions and omissions, the COLONIAL SECRETARY said that the Director of Public Works, and the Provincial Assistant for the Western Province, were present to give any particulars honorable members might desire.

#### *The Caltura Bridge.*

On this subject, Mr. MOSSE was asked (by the GOVERNOR): Have you made any calculation as to the extra expenditure required in making the bridge strong enough for a steam tramway, as opposed to a bridge for ordinary cart traffic?

Mr. MOSSE: Yes; and there is really, no appreciable difference. If it is strong enough for heavy cart traffic, it will be strong enough for a steam tramway, or light railway. The present estimate is for an iron bridge. If it is made of superior metal, a smaller quantity will be required, and there will then be a reduction. It is possible that steel may be used, though that is 50 per cent. dearer than iron.

The AUDITOR GENERAL: The direct question is this. Leaving the question of a tramway out altogether, could you make a satisfactory bridge at a large reduction?

Mr. MOSE: No; there could be no large reduction. The width of the bridge would be reduced two feet merely—from 20 to 18. Everything else would be required all the same, sides, girders, &c.

The COLONIAL SECRETARY: Mr. Byrne puts the reduction at Rs. 12,000.

Mr. MOSSE (to the GOVERNOR): The price paid for iron is about £25 per ton. The actual cost in England is £22, but the other £3 will be required to cover cost of conveyance, &c. Rails are sold at about £13 per ton.

Mr. WILSON (to Mr. Mosse): Have you inspected the river at different points to see which is best for a bridge?

Mr. MOSSE: Mr. Byrne has; I have not.

Mr. BYRNE: The river has been carefully examined, and it is found that there would be no saving in altering the position of the bridge. No change would materially alter the estimated cost of £40,000.

Mr. BOWDEN SMITH: I think you said that about Rs. 10,000 is all the saving that could be made between an ordinary bridge, and one for a steam tramway?

Mr. BYRNE: That is about all the difference that could be made.

Mr. WHITE: Was not a statement made that the cost of a wooden bridge would be about £18,000?

Mr. MOSSE: Sixteen thousand pounds. That is if you could get Johore timber at 5s. per foot.

Mr. WHITE: And how long would a bridge last made of this material?

Mr. MOSSE: That would altogether depend upon the seasoning of the wood. Sometimes wooden bridges last 25 years. The present bridge has lasted for that period, but it has been so patched and replaced that very little of the original structure is left now. From twelve to twenty years is the average.

Mr. WHITE: But is not an iron bridge liable to corrosion so near the sea as the one at Caltura would be?

Mr. MOSSE: It would be tarred and painted, and protected as much as possible.

Mr. WHITE: We find that iron quickly corrodes in Colombo. There are the lamps on Galle Face for instance, where the process is very rapid. And yet the lamps are painted.

Mr. MOSSE: Corrosion must take place to a certain extent, and yet we find iron bridges built near the sea, and over arms of the sea, everywhere in the world. The bridge will be well protected with paint and tar, &c.

In reply to Mr. WILSON, Mr. Mosse stated that wooden piles were not to be depended upon because of the worm, but whether there were worms at Caltura, or not, he was unable to say.

To Mr. FERDINANDS: The annual cost of repairing the present bridge is Rs 5,500 per annum. It has been repaired at this annual cost for ten years. It might last two years longer, but it has been unsafe for three or four years.

To Mr. WHITE: The total cost will be £46,549.

Mr. WHITE: It is stated here (pointing to the Ordinance) to cost £42,000.

Mr. MOSSE: That must be a misprint.

Mr. WHITE: You say the annual cost of repairs is £550 a year. Assuming the proposed bridge to cost £45,000, the interest on that would be over £4,000 a year.

Mr. WILSON: I hope care will be taken to get good iron.

The Director of Public Works and Mr. Byrne then withdrew.

The other items of the bill were agreed to, and the third reading fixed for Wednesday next.

#### EXPORT DUTY ON PLUMBAGO.

The QUEEN'S ADVOCATE moved the first reading of the Ordinance to impose an ad-valorem Export duty on Plumbago. The high prices paid for Plumbago and the recent discovery of mines in several districts, had given an importance to the trade in this mineral which it did not formerly possess. The Council was aware that the Crown claimed royalty on all Plumbago whether dug from Crown or private lands. The right to

exact royalty on Plumbago dug from private lands was recently disputed, but the District Court of Colombo upheld such right, and its decision was confirmed that very day by the Supreme Court in Appeal. There was formerly but little difficulty in enforcing the payment of this duty; fraud was no doubt be practised, but not to any great extent. As, however, the product increased and larger profits were derived from it, the ingenuity of the dealers was set to work to try how best to evade payment. The subject had been pressed upon the attention of the Government, and it formed one of the topics discussed at the May Conference, when the Agents met the Governor in Kandy. After considerable discussion the Government came to the conclusion that the present mode of collecting the royalty could not be maintained much longer, as it not only led to large evasions of the just dues of the Crown but—what was of greater importance—to most demoralizing practices. Among the natives, a man wanting a license to dig applied first to the Cutcherry. The application was referred to the local Headmen for report, and the license given or withheld according to such report. The land had then to be trenched on all sides so that there might be no mistake about the boundaries. The digging went on for six months—and the Licencers had to get the report of the Headmen as to the quantity dug by them according to which they made payment of the royalty to the Cutcherry. These applications gave the Headmen an opportunity to extort money from the applicant, and they, in their turn, bribed the Headmen to get reports for smaller quantities than they actually obtained, so that they might cheat the Government by paying less than its due. Thus a wholesale system of extortion or bribery was carried on. Recent enquiries into certain frauds in the Pasdoom Corle had disclosed the fact that the headmen generally,—he regretted to say—from the highest to the lowest, and both sellers and purchasers, all shared in the frauds which had been practised. No change of details, it was believed by the Agents and others who had a practical knowledge of what was going on in those villages, would help to remedy these evils, unless perhaps by a lavish expenditure of public money, bearing no fair proportion to the aggregate royalty realized. This would be unfair to the public. The Government had therefore no alternative but to give up the royalty and to substitute therefor a moderate export duty which it was the object of their bill before the Council to propose. He believed that the proposed change would give great satisfaction to the Natives who would by it be relieved from the restrictions and impositions to which they were now exposed and would enjoy entire freedom to mine. He (the Queen's Advocate) was however aware that much objection was felt to the imposition of an export duty in certain quarters. For himself he believed (though perhaps a lawyer's opinion was of no value in such a matter) that the objection to an export duty in this Country was more theoretical than practical, more sentimental than real. It was a mistake to apply, in dealing with an ignorant oriental population, all the principles of political economy as they obtained among an educated European community. The former was better accustomed to an indirect than direct taxation, and liked it better so far as they could be said to like any taxation. But the proposed duty fairly complied with the conditions which ought to be kept in view in imposing taxation. The State was, by the law of the land, entitled to one-tenth share of a

metals and minerals; the present mode of collecting that share exposed the producers to oppression and led to the frauds he had described. The export duty was proposed as a substitute. Whether an ad-valorem or a fixed duty was determined upon (and upon that point the Government would be glad to receive the suggestions of the Sub-Committee,) the tax, calling it by that name, would be equal, there would be no uncertainty, with respect to the amount to be levied—and this amount would be levied at the most convenient time, and in the most convenient and inexpensive manner. Further, as the duty was only a substitute for the royalty, the home producer would not be placed at a disadvantage with the foreign, which was the great objection elsewhere to an export duty. To these considerations must be added the great gain which would accrue to the producer in the withdrawal of vexatious restrictions, and in the freedom to mine secured to them, and, to the public generally, in the cessation of the demoralising practice that now obtained largely in the mining districts. He (the Queen's Advocate) had heard it stated that one effect of the export duty would be to impose a tax on the merchant which should properly fall, as it then did, on the producer. But this seemed to him to be an argument more amusing than convincing. He thought that the British Merchant might be fairly left to take care of himself: he was not likely to trade in an article from which he could not derive a legitimate profit. If he had to pay the value, plus the export duty, he would take very good care to make allowance for this item in the price which he paid for the mineral. He begged to move the first reading of the Ordinance.

The COLONIAL SECRETARY seconded.

Mr. WHITE asked if an announcement as to an amendment to be proposed at the second reading was in order.

The GOVERNOR: The hon. member may hand in his amendment, and he may read it first.

Mr. WHITE then read the following amendment:—

“Whereas the collection of the Royalty due to the Crown on Plumbago is attended with considerable difficulty, and by interference with the operations of the miners, tends to check the development of this branch of industry, and whereas the revenue derived from this source is of insignificant amount and the payment thereof is largely evaded, It is enacted by the Governor of Ceylon with the advice, &c., &c., that the Crown dues as now levied shall cease and determine on such day as shall be specified in any proclamation of the Governor published in the usual form and manner notifying that this Ordinance has been confirmed by Her Majesty and appointing the time at which the Crown dues as heretofore levied shall cease to be collected.”

Mr. WILSON asked if there were any more papers on the Plumbago question.

The COLONIAL SECRETARY: No.

#### ROAD ASSESSMENT BY SECTIONS.

Mr. WHITE asked whether the wishes of Government in the matter of road assessment by sections had been carried out. He wished to know because he had seen an advertisement in the *Gazette*, by which Estates were assessed otherwise than in sections.

The QUEEN'S ADVOCATE said an Executive Council was to be held on the morrow, when this subject would be considered.

The GOVERNOR said he simply wished to make a statement informally, and it was this. He believed the Planters' Association had never discussed the question as to whether Estates should be assessed for road upkeep by sections.

Mr. BOWDEN SMITH: The opinion is entirely in favor of sectional assessment so far as I have heard, and planters would readily agree to that mode.

Mr. WHITE: The only wish is that the principle of sectional assessment shall be carried out.

The Council adjourned to Wednesday next.

### WEDNESDAY, DECEMBER 3.

PRESENT: His Excellency the Governor, presiding; the Major General, the Colonial Secretary, the Queen's Advocate, the Auditor General, the Treasurer, the Government Agent (W. P.), the Government Agent (C. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr. Ondaatje, Mr. W. Bowden Smith, and Mr. J. T. White.

#### PETITION.

Mr. WILSON presented a petition from certain householders in Colombo, in favour of taking away from Municipal Councillors, the privilege of sitting as magistrates; he had read a draft of the petition a fortnight before, and therefore, felt he need not go into further particulars now. It had been signed by 2,500 householders residing in the different wards, and there were more names yet to come in, but it was thought by those who got up the petition that they had better have it presented at once. Such a large number of names would show that there was a strong feeling in the town on the subject, and that this was not a small factious petition, as had been alleged.

The petition was ordered to be laid on the table

#### RETURNS OF TYPHOID FEVER.

Mr. WILSON moved

That with reference to the extract of a letter from the Principal Civil Medical Officer, No. 569 of 21st October, 1873, furnished to the Council, that it is desirable that the remaining portion of that letter be laid on the table, as well as any remarks which may have been made relative to the diseases in question by the other medical gentlemen who gave the returns of Typhoid fever.

The hon. member said that the statistical returns granted, in reply to his motion of a few weeks' back, had been prepared from returns received by the Principal Civil Medical Officer. He had not asked in his original motion for the opinion of the several gentlemen who had furnished particulars. He had, however, been informed by Dr. Koch, one of the principal medical practitioners in the town, that if he were asked to send in some figures, he should state what, in his opinion, was the cause of the disease, and what was the best way of remedying this evil. He (Mr. Wilson) took it for granted that Government were in the possession of information on this question. Possibly, in the returns sent in, there were suggestions as to the cause of this disease, and suggestions as to what should be done to successfully cope with it. The paper itself showed that there was a very serious new disease in the town. The number of cases within the last three years of typhoid fever (according to the return) was 373, and out of these 77 deaths. He believed this fever was dreaded by the people more than any other disease, even such diseases as small-pox. The doctors said that it completely baffled all their efforts in some cases, and this would be apparent when the return showed a death-rate of 20.64 per cent. amongst those attacked. Then, too, it must have spread very much amongst the poorer classes, and the return did not so much apply to these as to the higher classes. It was all very well to quote figures as to the

nished by the Registrar-General, but such figures would be of no use until there was a compulsory registration of deaths. It was, he conceived, very desirable that in matters of this kind, enquiries should be met with the fullest possible information, and this hon. members ought to be supplied with, especially if suggestions were made by the medical officers who had sent in returns. Whilst at Bombay many years ago, when the great reclamation works were going on, he found that the death rate had increased very much, owing to over-crowding and bad drainage, caused through many people being brought together. They might look forward to the same thing in their midst very shortly, when the great break-water works would be going on. There would, of course, be a great increase of population, and fever would increase also. This subject of town drainage, and the health of the people was occupying a great deal of attention at home just now, as, in the No. of the *Oerland Mail* for October 10, he saw that a discussion had taken place,—in the Social Science Congress which met at Norwich,—with reference to the health of the Indian Army. The old death-rate had been as high as 51 per thousand; it was now only 17. If he were permitted he would like to read two extracts bearing on the subject. The first was:—

But there remains a death rate of 12 per 1,000 of preventible diseases—a death rate which is still far too large. The improved health already obtained for the Indian army has been mainly due to the exercise of greater care in surface drainage, in the removal of the surface filth, in improved latrine arrangements, in the prevention of the contamination of existing water sources, and to have given the soldier better ventilated rooms and healthy occupation. It is worthy of remark that the healthiest men in the Indian army are those engaged on road-making. Further progress in the diminution of the sick and death rate of the army in India depends, to a large extent, on the sanitary improvements of towns and villages, and requires the expenditure of money to be derived in part at least from the local civil population.

The next extract he would read might not bear so much upon the subject before them, but it illustrated the motion he (Mr. Wilson) brought before Council some time since with respect to the drainage of the Cinnamon Gardens:—

A malaria fever has long prevailed in the Burdwan district. In 1872 it was stated that almost every human being living in the district was suffering from it. The public officials were completely prostrated; the police, if fit for duty one day, were laid up for five or six. Households were without servants; the municipality without scavengers; the criminal tended the constable in whose custody he travelled; whole villages were prostrated and suffering from the debilitating effect of the fever. The population of the town of Burdwan has decreased from 46,121 to 32,687 in three years. The subsoil water of the district stands within a foot of the surface, and the drinking water is impure. Relief from the fever can only be looked for in an effectual lowering of the subsoil water by means of a comprehensive scheme of drainage of the district; and it is understood that a scheme is contemplated by the Indian Government. In numerous villages in the delta of the Ganges fever prevails endemically from causes as much within the control of the engineer as those which caused the ague of the Essex marshes, now fortunately a thing of the past. Pilgrimages and fairs in India were formerly important foci of disease. The Indian Government have now placed those assemblages under sanitary regulations. The result has been an entire absence of cholera at the fair.

These extracts, he felt sure, would show that the people at home thought a good deal about these matters, and considered them of great importance. In asking for the details referred to in his motion, he thought he was only seeking for that information to which hon. members were entitled, and which had been supplied by medical officers to the cause of these diseases.



Mr. ONDAATJIE seconded the motion.

The COLONIAL SECRETARY said the hon. member had taken the opportunity, in bringing this motion, of quoting from the sanitary condition of India, of considering the whole subject of the health of the town, the nature of the diseases which had been raging, and the state of drainage. Discussion and ventilation of such subjects, did good, and the hon. member evidently felt this, for he had made use of the opportunity to deliver himself of a long speech on the subject. In asking for returns some time ago, the hon. member requested that he might be furnished with the number of cases and deaths that had resulted from attacks of typhoid fever, cholera, and small-pox during the past eighteen months. He (the Colonial Secretary) believed that he told the hon. member at the time that there would be some difficulty in granting the return, as there was no compulsory registration of deaths, and that, also, it was very uncertain that a correct number of the cases which had occurred could be obtained. It must be patent to everybody that even an approximation to the information asked for by the hon. member could not be obtained from the Government surgeons alone, and that private practitioners would have to be asked to supply the particulars. Government did this, and went out of its way to get the information. If the hon. member would refer to the return he would there see, from what was stated, that the Principal Civil Medical Officer did not feel himself justified in publishing, the names of those who did furnish particulars and had represented their names in figures: "No. 1" being the return of one Medical man, and so on, to "No. 6" were the returns of separate persons. As to the mention of what Dr. Koch had said he (the Colonial Secretary) was not aware, until the hon. member had said it, that that gentleman had written anything on the subject, and now that he was gone to England, nothing could be done to verify that statement. The Principal Civil Medical Officer was asked to furnish certain returns to Government; he was not asked for his opinion, and the reason for giving any portion of his letter was merely to show the Council and the public how the information had been collected, and that as most of it had been obtained from private sources the Government could not be held responsible for its correctness. If the Council thought there was anything to justify an enquiry, or the appointment of a Commission to make enquiries and report, on the present sanitary state of the Town or Island he was sure that the Government would be glad to aid in obtaining this, for it was the last thing Government would think of doing, to withhold any information that would be useful to the inhabitants of this Colony, and specially on such a subject as sanitary arrangements. As he had already said Government could not accede to the motion of the hon. member, as it had no particulars to supply that would be of any advantage.

Mr. WILSON stated that in asking for this information he did so on the supposition that such information had been furnished by the Principal Civil Medical Officer, and the other medical gentlemen. If that officer had given no opinion then his (Mr. Wilson's) motion was of no use. And, if the others had given the information privately, it would not be right to place it upon the table. All he asked was that if there was more in the Principal Civil Medical Officer's letter than had been placed on the table, hon. members should be made acquainted with it. But he (Mr. Wilson)

ought to have taken into account the manner in which he was treated when he brought forward his previous motion. He was met with a flat contradiction from the Government Agent for the Western Province, who was put up to reply to the question because the hon. gentleman (the Colonial Secretary) was a stranger to the island. Then he (Mr. Layard) was supported by his (Mr. Wilson's) hon. and learned friend (Mr. Ferdinands) who at that time occupied a seat in the Municipal Council. He (Mr. Wilson) was quite exonerated from any blame they would have put upon him for bringing forward that motion, and saying, as they had said, that small-pox was never epidemic during the Municipality's time, for, in 1871—and the Municipality had been in existence long before then—according to the return, there were 2,468 cases of small-pox, 382 of which were fatal. Typhoid fever was very bad, and yet it was ridiculed, and the statement made that there was a young man who once died of a fever that the people called typhoid. But here, according to the return, the number of cases was stated at 373, of which 77 died. He thought it very hard, indeed, while such a state of things existed, that anything should be kept back which had been asked for in his motion. If the hon. the Colonial Secretary said there was no opinion expressed at all, well and good, but if there was any, he (Mr. Wilson) thought it ought to be given.

The GOVERNMENT AGENT for the Western Province (excitedly): If the hon. member (Mr. Wilson) would state a fact, and not qualify it as he is in the habit of doing, and not appeal so much to his imagination, I should not mind what he says. I never stated that there has been no small-pox, nor that there had only been one case of typhoid fever. I said the fever and other diseases had not been epidemic in Colombo for years. He says I said there was no small-pox in Colombo. Why, I quoted information about the way in which the disease was then in the town! I told him that small-pox had been here, as it had been to every place under the sun; I asked him where there was a place in which there had not been small-pox? With regard to cholera I said the same thing. It came into our midst, and we spared no means—the Government spared no efforts—until it was driven away. It came amongst us, and it was driven away by the Municipality. Am I not justified in saying that he has no motive, in bringing these motions, except to reflect on others? There is no philanthropy in what he does (hear, hear, from Mr. WILSON); he never had, and he never can have (a laugh) any in his nature!

Mr. FERDINANDS said the hon. member (Mr. Wilson) had alluded to him in the course of his remarks, because when he attacked the Municipality on a previous occasion, he (Mr. Ferdinands) had felt bound to shew that things were not as the hon. member had stated. But on the present occasion he could not tell what was the object the hon. member had in pressing his motion, for he had been emphatically told by the hon. the Colonial Secretary that the Government had not the returns which were asked for. With regard to the charge reiterated against the Municipality of being the cause of this fever through bad or open drains, he felt compelled to repeat what had been told him by a medical man who had a great deal of practice among the poorer classes. He stated that most of the cases were due to the bad sanitary arrangements in private houses, and the want of pure water, and not to the bad state of the drains. Thee

fever was to be attributed, not so much to the open drains as to the defective and bad water supply. And until Government saw its way to providing a supply of pure water, however much the Municipality might flush the drains, the fever would prevail. He did not think the Municipality was so much to blame in this matter, as the hon. gentleman tried to make out, and therefore, he felt constrained to speak, and to relate the medical testimony which had been told him.

The COLONIAL SECRETARY said he would like to make a remark in explanation of the hon. member's remarks, as he did not wish to be misunderstood. In sending in the returns the Principal Civil Medical Officer had added more than was printed, but it was a mere expression of opinion which had not been called for by the Council or the Government, and if it had been included in the return and laid upon the table, it would not add to the information hon. members had on the subject now before them.

Mr. WILSON: Then I understand that he says nothing on the subject of these diseases? As regards what the Government Agent for—

The GOVERNOR: I must call the hon. member to order. He has already spoken twice on his motion.

Mr. WILSON sat down.

The GOVERNOR asked the hon. member if he withdrew his motion.

Mr. WILSON: No.

On being put to the Council the PRESIDENT declared the "Noes" had it.

Mr. WILSON challenged the decision, and on a division, the following was the result:—

FOR	AGAINST.
Mr. Ondaatjie	The Governor
Mr. Wilson	The Major General
	The Colonial Secretary
	The Queen's Advocate
	The Auditor General
	The Treasurer
	The Government Agent W.P.
	The Government Agent C.P.
	The Surveyor General
	The Collector of Customs
	Mr. Ferdinands
	Mr. Bowden Smith
	Mr. White

For 2 ; against 15. Motion lost.

SECTIONAL ASSESSMENT FOR ROADS.

The COLONIAL SECRETARY moved the first reading of "An Ordinance to amend the Branch Roads' Ordinance, 1866." The papers relating to this case had been placed in the hands of hon. members, and in view also of the fact that the subject had recently been discussed, he felt that he need not say much in explanation of this Ordinance. It was a very short Ordinance, and had been at once introduced to give effect to the desire of the great majority of planters for sectional assessment. As it stood now it was intended to be read with Ordinance 13 of 1866, the two reading as one Ordinance. At this late period of the Session it was impossible to bring forward so important an Ordinance as that for the consolidation and amendment of the Branch Roads Ordinance, as had been recommended by the hon. member who represented the planting interests, and who had also suggested to him valuable amendments. This, however, would be fully considered during the recess and the Government would be prepared with an amending Ordinance in the next Session of Council. The present short Ordinance met the difficulty that had been felt as regards sectional assessment

general assessment. The first clause provided for this. In sub-committee it could be considered whether the section should be determined by fixed distances or according to the sectional assessment adopted in the construction of the road. The next clause provided for appeals to the Governor and the Executive Council with reference to the decisions of the Committee. He thought that in sub-committee he should propose a resolution that this right of appeal should be confined to certain important matters. The remaining clause simply referred to the reading of this Ordinance with Ordinance 13 of 1866.

The QUEEN'S ADVOCATE seconded, and the motion was agreed to.

The second reading was fixed for the next meeting of Council.

THE LAW AS TO NOTARIES.

The COLONIAL SECRETARY moved the third reading of the "Ordinance to amend the law relating to Notaries."

The QUEEN'S ADVOCATE seconded.

The GOVERNMENT AGENT (C.P.) said it had been pointed out to him by those interested that power should be given to the Governor and the Executive Council to remove, in exceptional cases, persons who had been appointed as Notaries. The hon. member was proceeding to state the reasons which had been urged upon him, when

The GOVERNOR stated that to rightly consider this proposal, the bill must be re-committed.

The GOVERNMENT AGENT (C.P.) made a motion to this effect, and re-stated his case, especially dwelling upon the point whether insolvents should not be made to give up their appointments as Notaries.

The QUEEN'S ADVOCATE objected to the suggestions of his hon'ble friend the Government Agent (C. P.) The Ordinance was published early in November. These suggestions should have been submitted before to enable the Sub-Committee to consider them. It so happened, however, that the principal suggestion had been carefully considered by the Sub-Committee. The question was submitted to them was whether the appointment of notaries could not be made to last during pleasure? After careful consideration the Committee considered that it was objectionable on principle to place professional appointments, unconnected with the Government, on such a tenure. Very large powers were given by the Ordinance to provide for the removal of unworthy men serving as Notaries. As for the first suggestion it was admitted that bankruptcy or insolvency was not in itself a good ground for the removal of a man from his office. A fraudulent bankrupt or insolvent ought however to be removed, but fraudulent bankruptcy was a criminal offence punishable by five years' imprisonment. Conviction for such an offence was a good ground for the removal of a Notary. He did not think it constitutional or right to render a man liable to be removed merely because he was suspected to be a fraudulent bankrupt. The power to remove without a conviction in certain instances existed already; it was not expedient to stretch it further.

After some further discussion the bill was read a third time, without any alteration having been made.

THE SUPPLEMENTARY CONTINGENT CHARGES

The COLONIAL SECRETARY moved the third reading of "An Ordinance for making provision for the Supplementary Contingent Charges for the year 1873."

The AUDITOR GENERAL seconded.

The motion was agreed to, and the bill passed.

#### THE ADMISSION OF ADVOCATES.

The QUEEN'S ADVOCATE moved the second reading of "An Ordinance to give effect to certain Rules and Orders for the admission of Advocates to practise in the Supreme Court."

The COLONIAL SECRETARY seconded.

Motion agreed to.

The QUEEN'S ADVOCATE said this was a measure in which the Council had no power to make alterations; it must be received or rejected *in toto*. However, he would move that the Council resolve itself into Committee, as there were several alterations suggested by the Judges themselves which he would move.

The Council then resolved itself into Committee, and the alterations were made.

The bill will be brought up for a third reading next week.

#### THE PLUMBAGO EXPORT DUTY.

THE QUEEN'S ADVOCATE moved the second reading of "An Ordinance to impose an *ad valorem* export duty on Plumbago."

The COLONIAL SECRETARY seconded.

Mr. WHITE said he had been informed that the resolution, a copy of which he had submitted at the last meeting of Council was not in accordance with the rules of the Council, as it trespassed upon one of the prerogatives of the Crown. Instead, then, of that amendment, which proposed that by proclamation the Governor and the Executive Council should have the power to declare the royalty abolished, he would simply move, "That this bill be read this day six months." As to the bill before them he had many objections to it, as it provided for the collection of duty in perhaps the worst form in which it could be obtained, that was, as an *ad valorem* duty, but he should not insist on this objection at the present stage, as he hoped in Committee to move an amendment substituting a fixed duty. He was, however, opposed entirely to the principle of the bill, because he thought that if this measure was carried it would lead to the imposition of similar duties on other articles of export. This he took to be the thin end of the wedge, for any arguments applied to this Ordinance in its general principle, as regards an export duty, would apply with equal force to the export of coffee. He believed that the principle of an export duty was adverse to the principles of Free Trade as they were understood and practised—and had been for many years—in England. An export duty placed the goods taxed at a disadvantage as regarded similar productions of other countries. The experience of the most advanced legislators all confirmed this view of the case, which he believed was undeniable and unassailable. He agreed entirely with all that his hon. and learned friend (the Queen's Advocate) had said in introducing this measure as to the fraud and extortion that prevailed, and the demoralising effects upon the people, which, he regretted to say, on enquiry, he found was very great in districts where plumbago was mined. It might have been avoided if a different system had been introduced. If the headmen who watched the mineral and weighed it before it left the district, had been treated with more liberality it was very likely that a much larger sum of money would have reached Government in the way of Royalty on the plumbago mined. He agreed that the fraud must be avoided, and, therefore, he felt that the present system could not be maintained, and ought to be removed. A very small proportion of revenue had hitherto been obtained from this source. The money was not wanted for the country, and he thought it would be a wise policy on the part of Government to abolish it altogether, rather than to re-impose it

in the form of an export duty. During the five years, from 1863 to 1867 inclusive, the average annual amount received as Royalty was only £744. During the next quinquennial period, from 1868 to 1872, it was only £1234. The amount was so small that he thought Government would exercise a wise liberality if they relinquished the Royalty altogether, especially when it was remembered that it led to the extortions and frauds and demoralisation described by his learned friend the Queen's Advocate. He felt that the Royalty as now collected, could not be maintained. The bill was divided into two parts: it proposed (1) to do away with the Royalty, and (2) to fix an export duty. With regard to the first he asked whether this Council had the power to abolish the royalty, which was a privilege of the Crown. If they substituted export duty for royalty it could only be by abolishing the first, and again he asked, had they the power to do this? Would the Secretary of State sanction this, and if so, might not this export duty be taken as a precedent, and export duties levied on other articles? That was what he feared would result if the Ordinance was carried. He must repeat that he thought the wiser and more liberal policy of Government would be to abolish altogether an impost which trammelled and encumbered an especially native industry. If the Government still asked to be repaid for the loss it would sustain, it seemed to him that the remedy was a very simple one. Place the land where plumbago was found in the market on the same principle that coffee lands were sold. Examine the soil where the mineral was believed to be, and then sell in open competition to the highest bidder. He saw no reason why plumbago lands should not be placed on the same footing as other lands. If the Government were needing revenue he would not say a word against the imposition of a tax, not only on plumbago, but also on other articles of export. But he asked was it fair in principle to levy an export duty on one or two things, and let all the others go free of duty. He felt there was danger in this measure, as once establish an export duty on plumbago, and there was no reason—so far as force of argument went—why the duty should not be extended to other articles of export? He trusted, therefore, that the Council would give this bill their serious consideration, and that, with a view to the full development of this native industry, the Government would be induced to relinquish entirely the royalty which was now obtained from plumbago. He begged to move that the bill be read this day six months.

After waiting a few moments, HIS EXCELLENCY asked if there was any seconder to the amendment. No one rose for that purpose, though Mr. WILSON visibly shifted in his seat, and seemed anxious to rise—(it will be seen he had an amendment of his own)—but did not at once. It seemed as though the debate would collapse, and the CLERK OF THE COUNCIL had actually repeated the title of the Ordinance, when

Mr. WILSON rose and said that he fully agreed with what his hon. friend (Mr. White) had said about an export duty, which he considered was ridiculous at this time of day. There was no necessity for it. He remembered when he first came to the island that cinnamon, first quality, was worth from 3/6 to 4/ per pound, and Government imposed an export duty of 3/ per pound upon it, and thought themselves very liberal when, in 1836, they reduced the duty to 2/6, and, if he remembered rightly, when Lord Torrington came out he had special orders to abolish all the export duties, though that involved a great loss to the

revenue, for they represented a large sum of money. Then an export duty was re-imposed on coffee for the construction of the Railway, and it was felt that this should be borne by all, even by those who would not be benefitted by the work. He was still, as much as ever, opposed to an export duty. At the same time he thought the decision of the Supreme Court, affirming the ruling of the Judge of the Colombo District Court that all plumbago should pay royalty, put another complexion on this affair. He thought the present mode of collection was very bad, and that while the royalty should be maintained, and called a royalty, the collection of it should be left for the Customs authorities, as plumbago was not an article of home consumption, but dug exclusively for export. This would remove all the restrictions the natives now suffered from, and how vexatious these were he could relate from his own experience. He had wanted to cut one tree on private land, to be used at once for a particular purpose, but it had to be kept two months after it was felled, as the only stamp in the district was sent first to one place and then another to Putlam once, it was with the Modliar another time, and then somewhere else. It was the same with plumbago, as to having it weighed. If he opposed the Ordinance at all it would be that he might propose an amendment to the effect already stated. The tax could be maintained at the same rate as was now levied. He saw no great hardship in the royalty at present imposed. He knew that it used to pay to dig plumbago when it was worth only £4 to £5 per ton for fine lump, and £2 for dust. Now it was sold at £20 for fine lump and £12 for dust. Large profits could be made, and it was known that such had been made. He thought all that was required was to do away with the weighing, &c, and obtain the royalty through the Customs officers when the mineral was exported, and entries being made in the same manner as if it were a fixed duty. He wished that the returns for which he had asked were ready.

The GOVERNMENT AGENT (Central Province) thought not at present having large interests in plumbago in his Province, had served in districts where it was extensively mined, and should therefore like to say a few words on the subject. It was generally admitted that the present system was objectionable. The return to the revenue was not anything like what it ought to be, and it certainly opened the door to a great deal of fraud and demoralization. To continue the system would be to perpetuate an evil. He did not see how it could be well remedied or improved as it stood. It was true they might employ a large body of plumbago inspectors, but he doubted if that would be a success, to say nothing of all the revenue being swallowed up in paying these men. The great difficulty was adequate supervision in these cases. He thought, therefore, the simplest and most just, and certainly the least expensive mode of collecting the Crown dues would be to levy the royalty in the form of an export duty. He did not approve of an *ad valorem* duty, but a fixed duty, the rates of which could be declared by Government from time to time as the circumstances of the trade might render necessary. Practically, the position then would be the same as now, the royalty would be collected at the Custom House instead of on the land where the mineral was dug. He did not think exporters would suffer, but that rather, on the other hand, there would be an increased supply for export, as all restrictions would be removed from the mining.

of the public land would be a mistake. Instead of encouraging and spreading the trade it would tend to check it, for the land would get into the hands of large capitalists, who could then establish a monopoly. Rather should they keep the land in Government hands and grant licenses to work it. Compensation would undoubtedly have to be given to some who had bought land expecting to be exempted from royalty, but that was a matter the Government could arrange. He had much pleasure in supporting the bill.

The GOVERNMENT AGENT (Western Province) said the returns the hon. member (Mr. Wilson) had referred to had not yet been placed upon the table, but holding them in his hands in manuscript, he would state the totals. They would show that the quantity of land sold was not so very great, for the number of lots did not exceed 82, and the gross acreage was only 182. The necessity of some change was very apparent, as the restrictions now placed had almost led to the stoppage of a great industry. In the Pasdum Corle there were 92 pits in one particular locality, and he believed from that place twice as much plumbago was removed by stealth, as was fairly paid royalty for. The whole amount of the royalty for 1873, collected up to October, was £3,000. Taking into consideration all that which did not now pay duty it seemed that the annual loss to the revenue, if the royalty was abolished, would now be as much as £6,000. If the revenue were benefitted to the extent that he believed it would be, the hon. members who were now complaining of the duty would be among the first to congratulate themselves, and the Government, on having a larger sum to expend on works for the good of the colony. He should have been glad if something could have been done to improve the superintendence of the pits, but that was out of the question, for it could not be done without a large increase under the head of Establishments, to which hon. members would certainly object. The natives themselves looked upon the Ordinance as one which would be of great benefit to them.

Mr. FERDINANDS said that if he had thought it was the policy of Government to levy a number of export duties, of which this on plumbago was to be the first, he should certainly have gone to the rescue of his hon. friend (Mr. White) and seconded his amendment. But the preamble of the Ordinance showed that this was not the case, and that the proposed duty was simply to take the place of an existing Royalty. If the amendment of his hon. friend were carried, and the bill thrown out, they would be in just the same position that they were now, for the royalty would still be in existence. According to the recent decision of the Supreme Court the Government would have the power of levying royalty on all the plumbago dug. Great delay now resulted, and diggers were often unable to get the mineral away from the pits in three months, in consequence of the impediments thrown in their way by the headmen. He agreed with his hon. friends that an *ad valorem* duty was objectionable; the duty should be a fixed one. He had been talking with a native merchant on the subject, one who was, perhaps, as largely interested in the trade as any, and he was so satisfied with this measure that though he had purchased his land at a high price he said he would willingly forego all compensation for the sake of the removal of the vexatious hindrances that now prevented getting the plumbago away. He (Mr.

Ferdinands) supported the second reading of the Ordinance.

The GOVERNOR said: We are much indebted to the hon. gentleman who moved the amendment to the second reading of this Ordinance. He has stated his case very forcibly, and at the same time it is very clear that he has been unable to convince the Council of his view of the case, for he has failed to find a seconder. The hon. gentleman commenced by objecting to an *ad valorem* duty, and I may state on behalf of the Government that so far as it is concerned the Government will be disposed to attach full weight to the representations of the sub-committee. I lay no stress upon it myself, for it is a matter of little importance. But an *ad valorem* duty has been imposed in the draft of the bill inasmuch as it used to be raised on this article, and I am not aware that it caused any particular inconvenience or hindrance. The hon. gentleman has used strong arguments against export duties. I perfectly agree with every word he has said. All duties are objectionable, but we have no option as to resorting to them if we are to maintain a revenue. He says that they are adverse to the interests of the country upon which they are imposed. No doubt the chief objection against an export duty is this, that it tells adversely against the home producer, and in favour of the foreign, but the hon. gentleman does not consider that his is not a new duty which we propose to impose, but the substitution of one duty for another, and making the place of collection the port instead of the pit. His arguments, therefore, lose their force as against this bill. It is not advisable for us to surrender any source of revenue which may be fairly levied, is easily collected, and will be virtually unfelt by the producer. This trade is now in its infancy, capable of great expansion, and the revenue from that source will probably, in time, be so large that we shall be able to reduce many of the duties on articles of import, which are now complained of; it will assist the Government to simplify its tariff in a manner that is greatly desired. The hon. gentleman (Mr. White) says he goes as far as the Government Agents of the Western Province and Central Province, with regard to the fraud and extortion now practised. He says the present system cannot be maintained, and he is fully alive to its many disadvantages. It is so viewed on all sides. As things now go the honest digger is threatened by the headman who says, "If you don't give me something, I will tell the Government Agent that you have taken away a large quantity of plumbago on which no royalty has been paid," or, he "greases the palm" of the headman, and passes a large quantity with the latter's connivance, free. The hon. gentleman is perfectly logical when he says we must either abandon the royalty altogether, or levy it in the form of an export duty. I confess I am not, for reasons I have already stated, prepared to abandon it. But if the hon. gentleman is logical in that position I think he is a little illogical directly after, for, having said the royalty should be removed, he asks, "Have you the power to take away royalty,

which is a prerogative of the Crown?" Did not his original motion state that it should be taken away? With regard to the other proposal to sell the land the reason why we could not agree to that has been pointed out by an hon. gentleman (the Government Agent, Central Province) who speaks with some authority on this subject. I think that would be the wrong course to pursue. We have tried it in one or two instances: we have had Paddy rents sold to the cultivator. The sums thus realized benefitted the colony for a time, but it was a shortsighted and unjust policy against posterity to alienate a source of income for all time in order to obtain food for the present. It is precisely so in this case. We can't tell to what proportion this trade may grow, capital will no doubt be attracted to it, machinery be employed once the trammels and restrictions are removed, and therefore to sell the plumbago land at once would be unwise as regards the future of the Colony. Then, as regards the natives themselves. What has fallen from my hon. and learned friend (Mr. Ferdinands) is intimately borne on by all parties in the country. He says that the natives who understand the case are entirely in favour of this measure, and extremely anxious that this bill should pass. There are those who would like the land put up for sale. But they are the capitalists—the small digger infinitely prefers taking out a license and working a pit himself—in the one case he realizes for himself the profit of the venture, whereas if all the promising lots fall into the hands of rich people, he merely becomes a workman at wages for them. Undoubtedly the sale of plumbago lands irrespective of the objections I urged before, would be eminently distasteful to the bulk of the people, though popular enough with the rich few. As regards the question of compensation to those persons who claim exemption from royalty, that is to my mind the great difficulty in the way. But I do not think the difficulty at all insuperable. The number of lots sold with exemption from royalty are very few, and getting fewer each day by the exhaustion of the pits. The hon. member (Mr. Ferdinands) had stated that he had been informed by an owner of such pits that he would gladly accept the bill, and waive all claim for compensation if only the restrictions were removed. Where compensation is small it may be paid. It is also worthy of consideration whether if exorbitant compensation is asked the owner of the pit may not be placed under the present system, and on removing the ore receive a certificate from the Mudliar of the district which would enable the number of tons removed to be exempted from Export duty. This is, of course, a kind of reversion to the old bad system, but it will necessary in very few cases, and probably for no long period. This is, however, but a suggestion, thrown out for consideration. It is a most interesting subject, and the more it is discussed the better, and I am glad to find that the general opinion of the Council has been almost unanimous in favour of the bill, for I believe it will prove a benefit to the

natives, remove a notorious source of wide spread demoralization, give a great impetus to plumbago mining, and add materially to the revenue of the Colony.

The two amendments not having been seconded, fell to the ground, and on the original motion being put, it was agreed to unanimously.

The QUEEN'S ADVOCATE then proposed that a sub-committee, consisting of—The Queen's Advocate, the Treasurer, the Surveyor General, the Collector of Customs, Mr. Ondaatje, Mr. Bowden Smith, Mr. White, and Mr. Wilson, be appointed. This is two more than are generally appointed on a sub-committee of the Council, and it was made larger, than usual in consequence of Mr. Wilson asking that he might be placed on it, which request being complied with, another official was needed to make things even, so the Surveyor General was nominated.

#### TOLLS.

The COLONIAL SECRETARY moved that the Council go into Committee on an Ordinance to establish further tolls.

Mr. BOWDEN SMITH said that as he was not a member of the Council when this bill was introduced he should like to know the circumstances connected with the further levying of tolls on the Dimboola and Dickoya road. The planters living in those districts were anxious to have all the tolls abolished. If they did not want tolls why should Government seek to impose them? They had themselves to pay for the upkeep of the roads. He believed a petition against the tolls was being prepared in Dimboola.

The GOVERNMENT AGENT (Central Province): The application for more tolls came, I believe, from the planters.

The COLONIAL SECRETARY assented.

The GOVERNMENT AGENT (C. P.): And I believe the argument used was that those who did not belong to the district, but used the road, ought to contribute something towards it. The whole amount received goes to the upkeep of the road, and so saves the planters' pockets. If they wished to abolish the tolls, of course they would be done away with.

The COLONIAL SECRETARY asked if it really was the wish of the planters that there should be no tolls.

Mr. BOWDEN SMITH: There is an advertisement in the papers calling a meeting to consider the abolition of the tolls.

The COLONIAL SECRETARY: Where is it?

Mr. BOWDEN SMITH: I saw the advertisement in the Observer.

The COLONIAL SECRETARY expressed his willingness to adjourn the consideration of the bill for a fortnight, and this was agreed to.

#### PAPERS, &c.

The COLONIAL SECRETARY laid on the table—"A Detailed Statement of Estimates sanctioned in a lump sum granted in the Supply Bill for 1873."

The Council adjourned for a week.

### WEDNESDAY, DECEMBER 10.

PRESENT: His Excellency the Governor, presiding; the Major General, the Colonial Secretary, the Government Agent (W. P.), the Government Agent (C. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr. Ondaatje, Mr. Bowden Smith, and Mr. White.

#### THE GOVERNOR'S ASSENT

To Ordinances 15 and 16 of 1873 were announced by the COLONIAL SECRETARY.

#### PAPERS, &c.

The COLONIAL SECRETARY laid upon the table:—  
"Papers relating to Railway Extension to Ouvah;

"Correspondence on the subject of the Conservation of Crown Forests;

"Returns of Plumbago Lands sold." [The COLONIAL SECRETARY regretted that full particulars had not been received from Ratnapura, but so soon as they were received he would have them placed in the hands of hon. members.]

#### PETITION.

Mr. WILSON begged to hand in 1700 signatures to be adhibited to the petition he had presented to Council recently against the Magisterial duties of Municipal Councillors. There would have been many more had there been time to collect them.

#### NOTICE OF MOTION.

Mr. FERDINANDS gave notice that at the next meeting of Council he would move that papers connected with irrigation in the Matara district, and the amount of votes in the Supply Bill, with the petition presented by the inhabitants, objecting to this work, be granted.

#### TOLLS FOR DISTRICT ROADS.

Mr. W. BOWDEN SMITH moved "That the Papers connected with the proposed new Ordinance for levying further tolls on the Dimboola and Dick Oya roads be laid on the table." The hon. member said the only object he had in putting this motion was that at the last meeting it was said these tolls were to be imposed at the request of the planters, while on that very day a meeting was being held in Dimboola proposing that all tolls should be abolished. He believed the meeting was taking steps to make its expression of opinion known.

Mr. WHITE seconded the motion.

The COLONIAL SECRETARY said the bill was framed in consequence of a letter which had been received from the Chairman of the Provincial Road Committee. If it were found that the tolls were not required the bill would be withdrawn. The only paper to be granted was the letter from the Chairman of the Provincial Road Committee, which he now laid on the table.

[The letter was as follows:—

LETTER from the Chairman, Provincial Road Committee, Kandy, to the Hon'ble the Colonial Secretary.

Provincial Road Committee's Office,  
Kandy, 24th February, 1873,

No. 20.

SIR,—I am desired by the Provincial Road Committee to bring to the notice of His Excellency the Governor, the desirability of establishing additional tolls on the following Grant-in-aid roads, viz., Dimbula and Dickoya. The Committee understands that there is a large amount of native traffic at present plying along these two roads, which does not contribute to the upkeep of the same beyond the payment of existing tolls; and it would therefore recommend that the present toll at Mount Vernon Estate on the Dimbula road, be fixed at the Dimbula Gap, and that a second toll be established at some convenient point near Logie Estate; and that a new toll be established on the Dickoya road at Woodlands Estate, and that the rents of the same be sold at as early a date as possible.

I have, &c.,

J. PARSONS, Chairman.]

The GOVERNMENT AGENT (C. P.) was under the impression that the tolls provided for in the Ordinance were proposed because of a special request from the planters in the district. It was in consequence of this belief that he wrote the letter of the 24th February to the Government. The

memorial referred to by the hon. member (Mr. Bowden Smith) he believed was to be forwarded to the Kandy Kacheheri, and would thence be sent on to Government. If nobody in the district wished for tolls there was no need to establish them.

#### MUNICIPAL MAGISTRATES.

The Council went into Committee on the "Ordinance to relieve Municipal Councils from their Magisterial work."

In Clause 1,

Mr. WILSON wished to move an amendment. In the first place he might refer to the petition he had presented. That was signed, altogether, by the large number of 4,500 electors out of a total on the register of 8772, and, as he had said, had there been more time there would have been a greater number of signatures. The petition was very reasonable, and he did not see how Government could ignore an expression of opinion by so large a number of electors. In proof of the necessity for this petition he would quote from the speech of the hon. the Queen's Advocate, introducing the bill. The hon. and learned gentleman said:—

He believed some councillors found the work irksome and taking up too much of their time. Others again objected to the constitution of the Bench of Magistrates; they complained that, whilst a young man in the Service is entrusted with magisterial powers which he may solely exercise, three councillors are made necessary to form a Municipal Bench. It was a mistake, however, to suppose, as some did, that the Government meant to make an invidious distinction between the two. Stipendiary Magistrates were subject to the control of Government and liable to suspension or dismissal. A Municipal Magistrate was, on the other hand, entirely without control, or even responsibility, except such as his own sense of duty imposed. Hence the necessity, therefore, to place the latter under some degree of restraint which was not needed in the case of the former.

As he (Mr. Wilson) had said the petition was largely signed, and deserving of consideration. He should, therefore, move that in the first line of the first clause, the words "a majority" instead of "three-fourths" [application for relieving from magisterial duties of 'three-fourths' in number of the Councillors] and after "Councillors" or "Electors" be inserted, so that the wishes of the latter might have effect.

On being put to the Committee, only the voice of the hon. mover was heard to say "Aye" to the amendment.

The GOVERNOR: Does the hon. member press for a division, or will he accept the result without a division? There is no necessity for a division, in face of the opinion already expressed.

Mr. WILSON: I think there should be a division, and I think it would be well if, at the end of the year, there should be a sort of balance-sheet of divisions in the local "Hansard." Anyhow it would be useful.

The Committee then divided with the following result:—

AYES  
Mr. Ondaatje  
Mr. Wilson

NOES.  
The Governor  
The Major General  
The Colonial Secretary  
The Queen's Advocate  
The Treasurer  
The Government Agent W.P.  
The Government Agent C.P.  
The Surveyor General  
The Collector of Customs  
Mr. Ferdinands  
Mr. Bowden Smith  
Mr. White

Ayes 2; Noes 12. Amendment lost.

The above division took place on the motion that the words "a majority" be inserted after "Councillors" and "Electors" in clause 1 of the Ordinance. The Sub-committee of importance, which the Sub-committee recommend, is, that owners of coach apply

The GOVERNOR asked if the hon. member wished to move the other amendments on the clause.

Mr. WILSON: No; I suppose it is of no use.

In clause 2,

Mr. FERDINANDS wished to introduce an alteration, by which a bench of magistrates should be constituted of "two or more" Municipal Councillors, instead of "three or more," as provided in the Ordinance. There was frequently great difficulty in getting three business men together to do magisterial business, whereas if only two were necessary, the difficulty would not be so great. In 1867, shortly after the Municipality was established, a Select Committee suggested the reducing of the number to two. That Committee was composed of two official members—The Chairman, and Mr. Cayley, and two unofficial—the late Mr. Lorenz and himself. They reported that the system worked badly (hear, hear, from Mr. Wilson) as the Ordinance required three Magistrates. In the Administration Report of the Colombo Municipal Council for 1869, this was repeated. The work would be just as efficiently, and more perfectly, done by two magistrates, than three. He believed that if the Galle magistrate had had the option of appointing two magistrates instead of three, hon. members would never have heard of this Ordinance. As he believed the change would be an improvement he begged to move an amendment in clause 2.

The GOVERNOR saw no objection to the proposal.

The GOVERNMENT AGENT (W. P.) expressed himself as in its favour.

The QUEEN'S ADVOCATE objected, but only on a matter of form. The Ordinance was framed to "relieve Municipal Councils of their magisterial work." This proposal would but vary the way in which the magisterial duties were to be performed. However, he thought the alteration could be made, the clause re-modelled, and the bill brought up again next week.

The GOVERNOR was in favour of this, for the amendment as it now stood, was in opposition to the clause it proposed to amend.

Mr. WILSON objected. This amendment would strengthen the hands of the Municipal Council, instead of weakening them, as the people had asked in the petition he had presented. The next thing would be a proposal to reduce the number to one (a laugh) and then an inefficient man would be appointed, in the same way that the magistrates are.

Further consideration of the bill was adjourned till next meeting.

#### THE CARRIAGE ORDINANCE.

The Ordinance concerning Carriages let to hire, was considered in committee, clause by clause, and many verbal alterations made.

The report of the sub-committee was as follows:—

The Sub-Committee appointed to report upon the Ordinance relating to Carriages let for hire, consider that the provisions embodied in the draft bill are necessary to put an end to the existing laxities and irregularities on the part of proprietors and drivers of carriages let for hire. Such carriages are often badly furnished, the animals drawing them in bad condition, and the drivers incompetent to drive. Fares are exacted above those which the law sanctions, and if they are questioned, proprietors can with impunity, under the present state of the law, refuse to let their carriages. Such a state of things should not be allowed to continue: the profits arising from the business of letting out carriages for hire are sufficient to justify the introduction of wholesome restrictions for the protection of the public.

The Sub-committee recommend of importance, which the Sub-committee recommend, is, that owners of coach apply

should be brought under some of the mail restrictions - cable to owners of carriages. The Carriers' Ordinance (No. 14 of 1865) contains very useful provisions respecting such coaches, and it is not expedient to interfere with these; but that enactment does not regulate the number of persons and lights which such coaches are to carry, their periodical inspections, the qualifications of the men employed to drive them, and such like particulars. This recommendation will necessitate verbal amendments in some of the clauses.

R. F. Morgan, D. Wilson,  
G. Vane, C. L. Ferdinands,  
A. B. Fyers, P. D'M. J. Ondaatjie.

Legislative Council Chamber,  
Colombo, 3rd December, 1873.

The measure was advanced a stage.

#### THE LICENSING BILL.

THE QUEEN'S ADVOCATE brought up the report of the sub-committee on this bill.

The CLERK OF THE COUNCIL read the report, which was as follows:—

The Sub-Committee appointed to report upon the Ordinance to amend the Licensing Ordinance of 1873, beg leave to report as follows:—

They concur in the necessity for an amendment to define the meaning of wholesale dealer, and that he should be allowed to sell a dozen quart bottles or more.

They had before them the memorial of certain traders in Colombo, applying that wholesale dealings should be confined to dealings in not less than three dozens; and also a memorial from certain merchants who concur in such application; but, after careful consideration, the Sub-Committee see no reason to act upon this application. Wholesale dealers in England, India, and elsewhere, have the power to sell cases of one dozen, and it is a great public convenience that the practice which has always obtained in Ceylon should be continued.

They concur in the amendments introduced in the other clauses, except the 4th, and it is this (the fourth) clause which has engaged most of their attention.

Shortly after the passing of the Ordinance, a valuable paper was communicated to the Government by a gentleman then in Ceylon, who possessed an intimate acquaintance with the subject of the adulteration of liquors. The views expressed in it, as well as the information obtained from other sources, led the Government to question the expediency of continuing the prohibition contained in the 29th section of the Ordinance, and the sufficiency of the means prescribed by that enactment to check adulteration. The views of the Government were made known to the Sub-Committee, whose attention was particularly invited to the subject. The result of their deliberations has led them to recommend the repeal of the 35th section and the substitution of new clauses better calculated in their opinion to secure the object in view. Those clauses contain provisions for the following purposes:—

- (1) To impose a certain rate of duty on all spirits above proof, those under proof paying an uniform rate.
- (2) To declare it unlawful to manufacture spirits without a license; such manufacture to include the mixing up of such spirit with other spirits or with any other substance whatsoever.
- (3) To declare it unlawful for any person to bottle spirit for sale without license.
- (4) To require every manufacturer or bottler to have his name and address distinctly labelled on the bottle.
- (5) To empower the Collector of Customs to seize and destroy all spirits imported into this country which are, in his opinion, unfit for human consumption.

The above appear to be strong measures and harsh provisions, but the frightful increase in the consumption of cheap brandies and gin, calculated to encourage drunkenness and destroy health, and the spread of drunkenness, render such measures justified.

There are other minor amendments which do not call for special notice.

R. F. Morgan, D. Wilson,  
John Douglas, Chas. L. Ferdinands,  
W. D. Wright, P. D'M. J. Ondaatjie.

Legislative Council Chamber,  
Colombo, 6th December, 1873.

The Council will go into Committee on the bill at the next meeting.

#### THE BUDGET: REPORT.

The COLONIAL SECRETARY brought up the report of the sub-committee on the "Ordinance for making provision for the contingent charges of the year 1874."

The CLERK OF THE COUNCIL read the report as follows:—

#### REPORT.

The Sub-Committee appointed to consider the Draft Ordinance for making provision for the Contingent Services of the year 1874, have carefully examined the estimates laid before them, and beg leave to report thereon as follows:—

#### ESTABLISHMENTS.

##### I.—Civil.

#### HIS EXCELLENCY THE GOVERNOR.

There is an apparent increase of Rs 3,000 under the head of His Excellency's Establishment, owing to the full pay of the Mounted Orderlies being charged, a portion of which had been hitherto drawn on the pay list of the Ceylon Rifle Regiment.

#### AUDITOR-GENERAL.

An additional clerk is provided for the Audit Office to enable a check to be kept over the Deposit Accounts of the Kachcheries, many of which have been in a very unsatisfactory position for some time.

#### AGENT, WESTERN PROVINCE.

The reduction in the total expenditure of the Government Agent of the Western Province is occasioned by the withdrawal of the Military Orphan Boys' Asylum from Colombo, the boys having been transferred to the Industrial School at Kandy, and the expenditure now incurred charged to the Education vote.

#### AGENT, SOUTHERN PROVINCE.

The Sub-Committee question the necessity for increasing the Clerical staff in the Galle Kachchery by an additional clerk at Rs. 600. They are aware that the official correspondence has increased of late years throughout the Island, but not, in their opinion, more especially in the Southern Province than elsewhere; and they therefore infer that by sanctioning this vote they would create a precedent for additions to the Clerical Branch of the Service throughout the Colony, which they would strongly oppose.

#### AGENT, NORTHERN PROVINCE.

The reduction of Rs. 15,000 in the total expenditure of the Northern Province is occasioned by the withdrawal of Nuwarakalawiya from the jurisdiction of the Government Agent of that Province, and the establishment of this and two other districts into a separate Agency.

#### AGENT, CENTRAL PROVINCE.

There is an increase in the expenditure of nearly Rs 4,000. The only item to which the Sub-Committee desire to call attention is the increase to the salaries of the Ratamahatmayas; they feel that it may be looked upon as instituting a claim on the part of other native Headmen in other districts to receive increased emoluments which, if allowed, must, in the end, entail a very heavy additional charge; but, at the same time, they are not prepared to object to this vote.

From the papers before them they find that the Colonial Clerk to the Assistant Agent at Badulla



is not required; they therefore recommend the reduction of this vote by Rs. 600.

#### AGENT, NORTH CENTRAL PROVINCE.

For the establishment of the Government Agent, North-Central Province, a sum of Rs 27,460 is applied for. The saving of Rs 15,000 from the Northern Province leaves only a balance of Rs 12,460 as the additional cost of the establishment required by the creation of this new Province, which the Sub-Committee consider to be very satisfactory.

#### PUBLIC WORKS DEPARTMENT.

The alterations in the Public Works Department which appear in the Estimates are as follows:—

##### Establishment.

1873 ...	Rs 300,741	00
1874 ...	297,941	00

Decrease in 1874. . . Rs 2,800 00

##### Public Works Department.

Increase in 1874. . . . . Decrease in 1874.

Irrigation Assistant	2,000	0	—
Inspector of Pioneers abolished	—	—	6,000 0
Three Superintending Officers, 2 at Rs 2,360 and 1 at Rs 2,000	6,720	0	—
<i>Pioneer Establishment.</i>			
2 Clerks at Rs 400 each	—	—	800 0
2 Officers commanding Division of Pioneers at Rs 2,360	—	—	4,720 0
	8,720	0	11,520 0

Increase in 1874 .. 8,720

Decrease in 1874 .. 11,520

Net Decrease in 1874 2,800

The Sub-Committee have felt it their duty, while looking to the changes proposed in these Estimates, to consider the papers relative to the reorganization of the Public Works Department which were recently presented to the Council—Sessional Paper XXII. They are of opinion that the scheme proposed by His Excellency will improve the Department to as great an extent as is possible, without entailing additional expenditure; but they question whether the reorganization should be limited to the mere savings effected by certain reductions which have been made in the Pioneer Department. They are fully sensible of the many increases that have been required under the head of Establishments during the year, and the objection which must naturally arise on the part of the Government to adding to the Establishments, but they question whether the time has not arrived for a complete reorganization of this department. The Sub-Committee find that during the year 1874 the probable expenditure incurred under the authority and supervision of the Department will exceed £300,000, and looking forward as the Sub-Committee do to an increasing expenditure on public works they believe it to be advisable, and an absolute economy, to adopt such measures as shall at once secure the services of properly trained and scientific officers for this department.

The limits of a Sub-Committee report will not justify any detailed expression of the views entertained by the Committee, and the matter is one for the consideration of the Executive, rather than the Legislative Council; but they feel that it is not out of place to record their opinion in this report.

#### SURVEY DEPARTMENT.

The Sub-Committee find, that in the absence of any report or recommendation from the Commis-

sion now sitting to inquire into the state of the Survey Department, the Establishment remains as in former years, and that the only alteration is, the additional staff of six Surveyors with a Superintending Officer for the survey of chena lands, at a cost of Rs. 15,287. The Sub-Committee believe that a survey of these lands is very necessary, and increased expenditure is therefore fully justified.

#### CUSTOMS DEPARTMENT.

A Warehouse Keeper at Rs. 3,500, and Chief Landing Waiter at Rs. 3,000, have been added to the staff of the Customs Department, as recommended in the Report of the Customs Commission; and the appointments are, in the opinion of the Sub-Committee, much required.

On the representations of the Government Agent of the Western Province, the Sub-Committee would recommend that the office of Sub-Collector at Kalutara be abolished, as there is apparently no further necessity for continuing a Customs office at that place.

#### HARBOUR DEPARTMENT.

An additional pilot being required for Colombo a vote is taken for the salary of that officer.

#### POST OFFICE.

From the papers laid before the Sub-Committee they have to recommend certain increases in the Post Office establishment, which will be found in the Schedule.

## II.—JUDICIAL.

The Committee understand that the personal allowance to the second clerk to the District Judge, Jafna, will not be continued, if the scheme for the improvement of the Clerical Branch of the Service is adopted; they consider the system of personal allowance objectionable, and therefore only pass this item on the above understanding.

#### COURTS OF REQUESTS AND POLICE COURTS.

The transfer of the Magistrate's Establishment from Haldummulla to Kalutara is, in their opinion, advisable as a temporary measure; but they recommend that the additional Magistrate at this station should not be considered a permanent appointment, but be liable to be abolished when the arrears of the Court have been worked off.

They find that only one messenger has been allowed to the Magistrate, in the place of the three proposed; this vote may therefore be reduced by 300 rupees.

The Sub-Committee agree in the necessity for the appointment of a Magistrate at Nawalapitiya for the magisterial work entailed by the increasing importance of that place and the opening up of the Dickoya and Dimbula coffee districts.

An error having occurred in preparing this portion of the Schedule for the Printer, by which Magisterial Establishments at Anuradhapura and Panwila have inadvertently been inserted, the Sub-Committee recommend the following reductions:

Anuradhapura...	Rs. 1,910
Panwila .. .. .	7,010

They propose to leave the vote for a clerk at Urugala, as they believe that his services will be required by the visiting Magistrate, and that he will for the present reside at Panwila.

#### REGISTRATION DEPARTMENT.

An alteration is required under the head of Northern Province. The English and Singhalese Writers at Anuradhapura should be placed under the North-Central Province, and not be included as now in the Northern Province.

## FISCALS.

A reduction in the vote for the Central Province is accounted for by the pay of the labourers at the Pavilion Garden having been transferred from the Fiscal's Department to that of the Director of the Botanic Garden. The other expenditure under this head calls for no special remark.

## IV.—PUBLIC INSTRUCTION.

The Sub-Committee find a considerable increase under this heading. The employment of three additional Inspectors is, in the opinion of the Sub-Committee, rendered necessary by the largely increasing number of Schools requiring inspection.

The Sub-Committee regret the withdrawal of the Government English School from Panadura, as they consider it an advantage to have a Government School of this class in that important district. They also notice with regret the abolition of the Anglo-Vernacular Female School at Kalutara.

The Sub-Committee find that the increased expenditure on the Normal School is occasioned by the increased staff required for the additional number of pupils it is proposed to admit into this School. The system of boarding the students, instead of granting subsistence allowance, has been adopted, and a larger vote is required for this purpose in consequence of the proposal to increase the number of boarders from forty-one to seventy-one in April next. From the information before them the Sub-Committee are glad to learn that this school has been successful in supplying useful Teachers for the district schools, and they trust the proposed increase will add to the usefulness of the Establishment.

In comparison with 1873, the Sub-Committee find that there are three new Anglo-Vernacular Schools provided for on the establishment, and that it is proposed to add four more to this class of schools during next year. In the Vernacular Schools the increase has been twenty-seven, and provision is asked for increasing this number by twenty.

Under the heading of "Education, exclusive of Establishments," the vote for grant-in-aid schools has been increased from 100,000 rupees to 110,000 rupees.

The Sub-Committee find that the grant now drawn from the general revenue by the Kandy Industrial School amounts to 7,100 rupees, and they desire to record their opinion that there should be more Government supervision of this useful institution, than they are led to believe exists at present, and that the education of the boys should be more closely attended to by the Inspector of Schools.

In the item of the allowance for Queen's Scholarships will be found an increase from 1,560 rupees in 1873, to 1,900 rupees in 1874. It is proposed also to increase the number of Monitors in Vernacular Schools from 100 to 120—at an additional cost of 1,000 rupees. The amount asked for special inspections is 760 rupees less than last year, the additional sub-inspectors making the special inspections less necessary.

## V.—MEDICAL.

The Sub-Committee find the total expenditure under this head is Rs. 31,162 in excess of 1873, owing to the proposed reorganization of the department as set forth in Principal Civil Medical Officer's report (Sessional P

The Sub-Committee are strongly of opinion that it is most advisable to put an end to private practice among the Colonial Surgeons, as they consider that their time can be fully occupied in the performance of their public duties; and it is therefore necessary to increase the salaries of these Officers, as recommended in the estimates now before them.

The Sub-Committee do not wish to be understood as objecting to the Colonial Surgeons being engaged in consultation practice in any important cases; this they consider should be still allowed for the benefit of the public generally.

On the information before the Committee they recommend the following reductions. The abolition of the office of Medical Officer in charge of Civil duties at Chilaw, Rs. 912—(as the duties will be provided for under the new scheme); also that twelve Medical Practitioners in charge of Pioneers be reduced to ten reducing this vote to Rs. 6,000.

The fact that the divisions of pioneers have been reduced from twelve to ten has enabled the Sub-Committee to make a similar reduction in the medical officers attached to the divisions.

Under the head of "Vaccination" Northern Province, they find it has been the custom to take votes for "Medical Practitioners at Point Pedro," and two Medical Practitioners at Rs. 240 each; they learn from the Principal Medical Officer that these so-called Medical Practitioners are in reality Health Officers at Velvettiturai and Mullaitivu, and they recommend that the salaries of these officers should be voted under a proper heading as Health Officers at Point Pedro, Velvettiturai, and Mullaitivu.

They further recommend that the item of two Vaccinators at Anuradhapura be removed from the Northern Province Schedule; and from the correspondence which has recently been received and laid before the Sub-Committee, they recommend that a vote be taken for three Vaccinators for the North-Central Province, at Rs. 25 per mensem, as they find that this important work has been much neglected in the Anuradhapura district, owing to the difficulty of obtaining properly qualified operators, at the emoluments hitherto given.

On the representations of the Principal Civil Medical Officer, they propose that the allowance to the four Professors for lectures to the Medical Students at Colombo be at a fixed sum of Rs. 1,000 per annum, rather than at a daily allowance, as at present. This will necessitate the vote being raised from Rs. 3,650 to Rs. 4,000, which they recommend.

## VI.—POLICE.

The adoption of the Acting Inspector-General's scheme has increased the Police Force by—

- 1 Superintendent,
- 8 Inspectors,
- 25 European Constables,
- 14 First Class Native Sergeants,
- 20 Second do.
- 242 Native Constables.

at a total additional expenditure, (including a moiety to the Band expenses,) of Rs. 84,720.

## VIII.—COLONIAL STORE DEPARTMENT.

Your Sub-Committee find that the expenditure in this Department calls for little remark, as the items, both under the Establishment, and for supplies, are much the same as in previous years. The increased expenditure on account of horses for the Mounted Orderlies is required, in consequence of the horses now in use having been condemned as unfit for further service. In con-

nection with the expenditure on account of this department, the Sub-Committee desire to call attention to His Excellency's Address at the opening of the present Session of Council, in which His Excellency was pleased to state that the Tramway and works for the Breakwater "will necessitate the removal of the Colonial Store-keeper's buildings, and their re-erection elsewhere. This will involve considerable expenditure, but it must be borne in mind that the stores are in that condition to require immediate and extensive alterations and repairs."

The Sub-Committee are glad to find that no item is inserted in the Estimates for this purpose, as they are of opinion, that, with the present easy, quick and regular communication with Europe, it is unnecessary to continue this department on its present basis, entailing as it does, in their opinion, a large unnecessary expenditure; and they therefore beg leave to suggest that the subject of the reduction of this Department should receive the early consideration of the Government, and that no expenditure should be incurred in any new buildings for the Store Department.

#### IX.—RAILWAY DEPARTMENT.

It has been necessary to increase the Establishment of this Department in consequence of the expiration of the Contract, by which the maintenance and repair of the whole line will, in July next, fall on the Railway Department, and also on account of the additional service which the opening of the Gampola and Nawalapitiya extension necessitates. The total increase proposed under the heading of Establishments is Rs. 17,800 in excess of the present year. The Sub-Committee consider it unnecessary to add to the length of this report by giving in detail the items of increase. The same explanation applies to the item of "Railway Services, exclusive of Establishment." An increase in the votes for coal and firewood is required for the additional traffic on the extension of the Nawalapitiya branch, and a vote of Rs. 50,000 is taken as a part vote for stocking the line with permanent way material. The Sub-Committee understand that it is proposed to take a vote for a similar amount for three years, when, it is estimated, that the stocking of the line will be completed. The total "Railway Services" are thus increased from Rs. 532,440 in 1873, to Rs. 589,220 in 1874. The Rs. 150,000 taken for the Railway Extension will complete, within a small sum, the money required for carrying out this work.

#### SERVICES, EXCLUSIVE OF ESTABLISHMENTS.

##### No. 3.—REVENUE SERVICES.

Under this heading the Sub-Committee find an expenditure is proposed for the establishment of a Foresters' Department in the Southern, Eastern, and Northern Provinces; they are glad to observe that it is the intention of the Government to zealously guard the Crown forests in future from the wholesale destruction which appears to have been hitherto carried on with impunity.

The Sub-Committee desire to call attention to the item of Rs 10,000 for felling and transporting timber by contract. The Sub-Committee learn that it is an experiment recommended by the Government Agent of the Northern Province. They question whether any advantage is likely to accrue from the proposed system, and they await with interest the report on the working of this new experiment.

##### No. 6.—CHARITABLE ALLOWANCES.

*Allowances to Friend-in-Need Societies, Paupers, &c., and Donations to Libraries, Book Clubs, Reading Rooms, &c.*

The Sub-Committee would suggest that the system of placing the donations to Libraries, Book Clubs, &c., under this heading, be changed, as they consider this expenditure as more properly chargeable to the Education vote.

##### No. 13.—WORKS AND BUILDINGS.

From the vote of Rs 60,000 for Hospitals and Medical quarters, the Committee learn that it is proposed to undertake the following works:—

New hospital, Batticaloa.

Hospital for persons suspected of insanity, Colombo.

Additions, Kurunegala hospital.

Medical Officers' quarters:—Kurunegala, Hambantota,

Ratnapura, Badulla and Gampola.

The "type drawing" of the Public Works Department for Medical Officer's quarters is, in the opinion of the Sub-Committee, unnecessarily large for the requirements of a Medical Officer in outlying districts, and they consider that Rs 5,000 instead of Rs 7,000, should be the limit allowed for such buildings.

The Sub-Committee question the advisability of building Medical Officer's quarters to the present hospital at Badulla, as they consider the building badly situated and ill-adapted to the purpose for which it is now used.

The vote of Rs 30,000 for building schools is required for Ratnapura, Borella, Peradeniya and Kadugannawa.

The Sub-Committee again desire to call attention to the elaborateness of the designs for these buildings, and the consequent expense. In a climate like Ceylon, they are of opinion that the school-rooms cannot be too open and simple; and they therefore beg leave to suggest that the proposed "type drawing" for these buildings, which has been placed before the Sub-Committee, be not sanctioned.

The Sub-Committee recognise the necessity for increasing the vote for the improvement of Galle Harbour.

The vote for water supply for Kurunegala is, the Committee understand, only a part-vote, and that the estimate contemplates an expenditure of Rs. 6,000. They believe the work to be necessary, but recommend that the full amount of all estimates should in future be inserted in the annual estimate, although only a part vote may be taken at the time.

On the assumption that the Government have not abandoned the idea of taking over the Telegraphs again from the Indian Government, the Sub-Committee recommend that building of a residence for the Telegraph Master at Anuradhapura be postponed, as, in the event of the Government undertaking the working of the telegraph, it is probable that it would be amalgamated with the Postal System, and a different class of building might be required.

The Sub-Committee understand from the Government Agent of the Western Province that there is a large available space in the old Customs buildings at Kalutara, which might be utilised as public offices; and they therefore recommend that before any expenditure is incurred in erecting a Post Office at this Station, the question of placing the Post Office in the present Customs Office be considered.

From the information be given by the Director of Public Works, the Sub-Committee learn that the new store-room at the Kandy Kachcheri is for the use of the Provincial Road Committee;

they therefore consider that this should not be made a charge on the general estimates of the Colony.

The Sub-Committee recommend that before any expenditure is incurred in improving the Galle Post Office on the design proposed by the Public Works Department the possibility of removing the Post Office to a better position be enquired into, as in their opinion the present building scarcely justifies so large an expenditure as is estimated for.

The Sub-Committee suggest that the Nuwara Eliya Kachcheri be re-built, rather than additions and alterations made to the extent proposed on the old walls of this building; they understand from the Director that the additional expenditure would not exceed Rs 2,500.

#### No. 14.—WORKS AND BUILDINGS.

##### *Repairs to Buildings.*

In passing the vote of Rs. 90,000 for repairs not exceeding Rs. 2,000, the Sub-Committee understood that a list of the works undertaken under this vote will be laid before the Council at the close of next year.

The grant to the Roman Catholic Church at Kandy is made in fulfilment of a pledge given in 1870.

The Sub-Committee find from the explanations afforded by Mr. Tatham that the vote "repairs to the roof of the Borella Hospital" would be more properly expressed by "new roof to Borella Hospital."

##### ROADS.

In consideration of the distress now prevailing in a part of the North-Western and North-Central Provinces, the Sub-Committee would recommend that the repairs and construction of roads in these districts should be commenced without delay, to give employment to the villagers requiring immediate relief.

##### DEPARTMENTAL CHARGES.

The Sub-Committee are of opinion that the increased amount asked for is justified by the increased amount of work contemplated. At the request of the Financial Assistant they recommend an alteration in the following votes:—

Elephant Establishment reduced by Rs. 500.  
Pontoon increased by Rs 500.

##### NEW UNDERTAKINGS.

##### *Roads.*

The amount required for a road from Oddumaden to Villundi through the Moors' quarters is one of the improvements recommended by the Cholera Commission to improve the sanitary condition of that portion of the town of Jaffna.

The Sub-Committee desire to recommend that the question of the line of the proposed Railway extension be finally decided upon before the expenditure of Rs 80,000 is incurred in the construction of the Uda Pussellawa road. If the proposed extension should be found to accommodate this district, it may be a question whether an expensive road of this class will be necessary.

##### *Additions and Improvements to existing Roads.*

For forming Coast road, Battul Oya, and Maturankuli. The Sub-Committee have some hesitation in recommending this vote of Rs. 15,000, as they are aware that the traffic between Chilaw and Puttalam by road is very limited, and not likely to increase to any large extent. They find that to complete the through communication nine additional miles must be made, at a further cost of Rs. 45,000. At the same time, without the construction of twelve miles of road through the present sand track, the road from Puttalam to Chilaw is

and the completion of the road will give good road communication from Colombo to Puttalam direct.

The Sub-Committee understand that the sum taken for metalling the Badulla and Batticaloa road will leave only six and a-half miles to complete the entire metalling of this road between Badulla and Lunugalla, the outlet of the Madulsima district.

##### IRRIGATION WORKS.

The estimates of the works which it is proposed to undertake under the Irrigation vote of 200,000 rupees have been laid before the Committee, and explained by Captain Woodward. The Sub-Committee have given much consideration to this very important subject, and they are led to the conclusion, not without some doubt however, that it would be well to undertake the proposed work at Kanthalai, the total cost of which they understand will be 130,000 rupees. In expressing a doubt as to this large work, they do not wish to be misunderstood, as in any way grudging expenditure on Irrigation Works, as they believe it to be a question of the utmost importance to the future welfare of the inhabitants of the Island; but they trust, that while undertaking these larger works, the Government will not fail to press on the repairs of the numerous smaller tanks in the more thickly populated districts, which will be of more immediate advantage to the people.

They cannot allow that the estimate for the water supply to the town of Anuradhapura can be chargeable to the Irrigation vote, and they therefore recommend that the estimate for the Anuradhapura irrigation works be reduced by this item.

The Sub-Committee have to remark that the works now brought forward for sanction are not expected by the Irrigation Assistant to repay their cost in accordance with the strict terms of the existing Irrigation scheme.

Inland Navigation.—The items included in this Estimate are,—

Rs. 20,000	On account of an Estimate of Rs. 125,170 for restoring banks of Hamilton Canal, of which Rs. 73,047 have been voted in former Supply Bills.
„ 13,889	On account of an Estimate for the improvement of the Kaymel Canal, Rs. 25,000.
„ 3,575	Certain improvements to the Kaymel Canal at its junction with the Maha Oya.
„ 2,536	850 feet of new cutting near Seregampala on the Canal from Toppu to Andipane lake.
<hr/>	
Rs. 40,000	

The Sub-Committee have no remarks to offer on this vote.

##### 15.—MISCELLANEOUS.

The Rs. 33,679 required to complete the arrangement for removal of buildings in the Amsterdam Bastion is to be expended in converting the old Rifle Hospital into Serjeants' Quarters, the site of their present quarters in the Amsterdam Battery being required for the new Custom House.

The expenses of the establishment of Village Councils appear under the head of "Miscellaneous Services," in the Western, Central, Southern, Eastern, and North-Central Provinces; the total amount applied for being Rs. 25,220. The Sub-Committee are glad to find that from all reports received, these Councils are working successfully, and with advantage to the natives.

The Council have no means of judging whether the expenditure incurred throughout the Provinces in keeping Bulls is of any sufficient advantage to justify this vote being annually taken, and they would recommend that enquiries be made of the Government Agents in this respect; and if the reports are not satisfactory, that the system be given away with.

The Sub-Committee find that the recommendation contained in the report of the Sub-Committee on the Supply Bill, 1873, has not been adopted, and that the items for Miscellaneous Services still appear in all the Provincial Agencies, amounting, in the aggregate, to Rs. 6250. The Sub-Committee are of opinion that so large a sum should not be expended without some details explaining what is included in "Miscellaneous Services," and they therefore recommend that these votes be disallowed.

**Kataragama Pilgrimage.**—The Sub-Committee trust that the items of this account will not appear in the estimates of future years.

The Committee see that in the Northern and North-Central Provinces an increased grant of Rs. 4,200 is proposed for the destruction of cheetahs and bears. The Sub-Committee beg to refer to the report on the Supplementary Supply Bill in regard to increasing the reward for the destruction of these animals. The Sub-Committee fully endorse the remarks there made, and therefore recommend the reduction of the vote to Rs. 1,500 in each Province.

The expense attending surveys is increased from Rs. 50,000 to Rs. 57,200 to meet the increased charge for chena surveys.

An additional sum of Rs. 500 is asked for clearing and preparing ground, &c, for rearing cinchona plants.

#### Police.

The increase to the Force has justified an increased expenditure for uniforms, accoutrements, &c.

#### No. 22.—MILITARY EXPENDITURE.

The Sub-Committee find there is a reduction of Rs. 300,000 under this head, owing to the disbandment of the Ceylon Rifle Regiment.

#### ADDITIONAL ITEMS.

The Interpreter of the Matale Court having been transferred to Kalutara, an additional Interpreter is required, and a vote for Rs. 800 is therefore taken.

From the representations of the Postmaster General certain increases are required in the minor appointments of that department, amounting to Rs. 1,300.

The appointment of an Assistant Health Officer at Colombo has been strongly represented as necessary, and a salary of Rs. 480 is provided.

The estimates for the additional public buildings required at Anuradhapura not having been prepared in time for the original schedule, the item appears in the Supplementary list, and amounts to Rs. 11,000.

The necessity for repairs to the roof of Queen's House, Colombo, has been represented by the Public Works Department, and a sum of Rs. 2,000 is provided.

The improvement of the road from Galkulam to Anuradhapura has been reported by the Government Agent as a very necessary work, at a cost of Rs. 5,000.

Two minor roads in the North-Western Provinces are recommended to be undertaken to give immediate relief to the sufferers in that District, and will at the same time be a great public convenience.

Clearing ruins at Anuradhapura at a cost of Rs. 1,000 is recommended.

The cost of meteorological instruments having been omitted in the original estimate of the Surveyor-General's Department, is now inserted.

The sum payable by the Crown Agents for pensions, etc., has to be increased by Rs. 16,736

to meet the alterations in the currency, to take effect from 1st January next, the item having been omitted in the original estimates.

Tenders having been received for the conveyance of the mails throughout the Island, the actual sum required being known, certain increases and decreases are inserted.

A sum of Rs. 3,000 is taken as the Government moiety for the Dimbula road, the amount having been omitted from original estimates.

ARTHUR N. BIRCH, JOHN DOUGLAS,  
CHARLES P. LAYARD, D. WILSON,  
P. D'M. J. ONDAAJIE, J. T. WHITE.

Legislative Council Chamber, Colombo, 9th Dec. 1873.

#### APPENDIX.

#### MEMORANDUM

OF IRRIGATION WORKS TO BE EXECUTED IN 1874 UNDER 'THE PADDY CULTIVATION ORDINANCE.' WORKS PROPOSED FOR EXECUTION IN 1874.

Name of Works.	Total amount for Estimate		Proposed expenditure 'in 1874	
	Rs	Cts.	Rs	Cts.
1.—EASTERN PROVINCE.				
1. Kantalai Tank .....	130,000		30,000	
2.—SOUTHERN PROVINCE				
Matara District				
2.—Petre Anicut .....	18,729		13,000	
1.—Alawatugoda Anicut.....	16,204		8,504	
Hambantota District.				
1. Tissamaharama Anicut and Supply Channel .....	79,754		30,000	
3.—NORTH-WESTERN PROVINCE				
1. Tinipitiyawewa Madampe	5,000		5,000	
4.—WESTERN PROVINCE.				
1. Nada Canada .....	1,300		1,300	
5.—NORTH-CENTRAL PROVINCE.				
1. Bassawakkulam .....	40,000		28,000	
2. Madawachchi Mahawewa.....	25,000		20,000	
3. Village Tanks .....	12,000		12,000	
Salaries....				32,220
Travelling Allowance .....				4,276
Surveys .....				8,000
Surveys by Surveyor-General's Department..				12,700

Total...Rs 200,000

C. WOODWARD, Capt. R. E.

#### 1.—EASTERN PROVINCE.

Kantalai Tank.—This is the proposed repair of the Kantalai tank by putting gates to the present sluices, necessary and wing-walls, lifting apparatus, &c. The sluice channels themselves are in perfect order, but a mass of fallen stones belonging to the old bisokotuva has to be removed.

Channels are also proposed to carry water from the tank to the fields at Tamblagam and Kinyaya. About 10,000 acres can be irrigated from the Tank. The approximate estimate for this work is Rs. 130,000

#### 2 SOUTHERN PROVINCE.

##### (a)—Matara District.

Petre Anicut.—One of the system of anicuts on the Kirama river, by which the water of the river, supplemented by that of Hallie Ella and Ella Vella tanks is distributed over the fields. The sum inserted in the present estimate is the balance of an estimate of Rs. 18,729, the remainder having been inserted in the estimate for 1873.

Alawatugoda Anicut.—This is the fourth anicut on the Kirama river, the others being Sapugoda, U'rapola (already constructed), and Petre. These four anicuts, with the two tanks of Hallie Ella and Ella Vella, with their channels, complete the Kirama irrigation scheme. The total estimate is Rs. 16,204.

##### (b).—HAMBANTOTA DISTRICT.

Tissamaharama Anicut and Supply Channel.—This is the anicut on the Kirinda river to deliver water into a channel to the Tammana Aar. This latter channel was cut as a preliminary, as it was hoped sufficient water would be obtained from the Tammana Aar to fill the tank, which has already been repaired. This hope has not been realised,

and it is necessary to carry out the whole project as originally intended. The approximate cost of these works is about Rs. 60,000, of which Rs. 30,000 will be required next year.

### 3.—NORTH-WESTERN PROVINCE.

Tinipitiya-wewa, Madampe.—This is another inlet sluice to admit the Kudagalpitiya Oya to the tank, and which is desired by the people, as they have objections to allowing a channel to be cut across the Pikulum fields to the present inlet sluice, as originally intended. The latter sluice is therefore only of use when the river has risen about three feet.

### 4.—WESTERN PROVINCE.

Nada Candana.—This is an outlet sluice to admit of the escape of floodwater from the fields through the Nengombo road, which at present dams back the water from the river Kelani, when in floods, so long as to damage the crops.

### 5.—NORTH-CENTRAL PROVINCE.

Bassawakkulam.—The restoration of one of the old tanks which formerly supplied Anuradhapura with water. By the repair of this tank about 1 000 acres of paddy land to the north of the town will be irrigated. The whole estimate is 40,000 rupees.

Madawachchi Maha-wewa.—This is a repair of a beautiful and useful tank on the great North road. It is the first of a series which it is intended to put in repair along that line of road, in order to give a good supply of water, which is sadly needed, and to restore the villages to something like a prosperous condition. The total estimate is Rs. 25,000, and it will irrigate 300 acres.

Village Tanks.—This is a provision for putting sluices and spillwaters into twelve village tanks in the Province, in order to endeavour to save them from utter ruin. The repair of the earthwork is to be undertaken by the people themselves under proper supervision. It is intended to apply a similar sum every year to this purpose.

Salaries.—This provides for the pay of nine officers at present employed on Irrigation works and surveys.

Travelling Allowances.—A sum of Rs. 4,200 is required for the payment of officers ordered to make surveys or to take charge of works.

Surveys.—A sum of Rs. 8000 is required for the necessary surveys for the preparation of estimates.

Surveys by the Surveyor-General's Department.—This is an annual sum ordered to be allotted for making surveys for assessment purposes.

C. WOODWARD, CAPT. R. E.

### PLUMBAGO EXPORT DUTY.

The report of the Sub-Committee on this Ordinance was submitted and read as follows:—

The Sub-Committee appointed to report upon the Ordinance "To impose an *ad valorem* Export Duty on Plumbago," consider that it is desirable that it should be clearly understood that this enactment is brought forward with the view to provide a better mode of collecting the sums due to the Crown on plumbago, and not to reintroduce an export duty. With this view they have suggested certain alterations for the consideration of this Council, which are set out in the draft enactment, as the same has been revised by the Sub-Committee.

The Sub-Committee are unanimously of opinion that, instead of an *ad valorem* rate, it would be better to impose a fixed rate, equal to the amount levied at present by the Crown, viz., Ten rupees a ton.

R. F. Morgan,	D. Wilson,
G. Vane,	P. D'M. J. Ondaatjie,
A. B. Fyers,	Wm. B. Smith,
W. D. Wright,	J. T. White.

Legislative Council Chamber,  
Colombo, 10th December, 1873.

### TELEGRAPH OFFICE AT ANARADHAPURA.

Mr. WHITE said he wished for the production of all papers relating to the Telegraph Office at Anaradhapura, provision for which was made in the Supply Bill.

The GOVERNOR said the proper thing for the hon. member to do would be to give notice of motion, asking for the production of all papers on the subject. Government would be glad to meet his wishes, and give the full sanction on the subject.

### ADJOURNMENT.

The COLONIAL SECRETARY regretted that the exigencies of business necessitated his moving that the Council should meet more frequently than usual, so that the business of the Session might be got through by Christmas. He would move that Council should meet again on Monday next. He also regretted that he would have to ask—in consequence of the absence of the hon. the Auditor General through indisposition—that in whatever Committee his name appeared as a member the Treasurer's name might be inserted instead.

The proposal was agreed to, and the Council, adjourned to Monday next.

### MONDAY, DECEMBER 15.

PRESENT: His Excellency the Governor presided; the Major General, the Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent (W. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr Ondaatjie, Mr. Bowden Smith, and Mr. J. T. White

### PETITION.

The COLONIAL SECRETARY laid on the table a petition from certain inhabitants of Matale, respecting the Kandian Marriage Ordinance.

### IRRIGATION WORKS IN THE MATARA DISTRICT.

Mr. FERDINANDS moved "That the papers connected with the Irrigation Works in the Matara District, for which further votes are provided for in the Supply Bill, be laid on the table—including a petition from the inhabitants objecting to the continuation of these works." The hon. member said he was led to make this motion in consequence of certain statements made by inhabitants of Matara, who complained, with reference to this work, first that it was commenced without their consent, and, secondly, that it had proved to be very expensive. They submitted that their sanction was not likely to have been given to the commencement of the works, as they were unnecessary; such works were required to guarantee a supply of water, which was unnecessary in this case. The petitioners further stated that if the works were completed they would not be used. How far these statements were in accordance with facts the hon. member could not say, but if the papers he asked for were given, every one would be able to form their own opinions.

Mr. ONDAATJIE seconded.

The COLONIAL SECRETARY said the hon. member had asked for papers, and in refusing on the part of Government to comply with the motion, he hoped it would not be considered that Government had any desire to avoid the fullest publicity on the subject. The parties complaining had threatened the Government with an action, and he was sure his hon. and learned friend would not wish the Government under these circumstances to "show its hand." If he, in his legislative capacity, and not in his legal capacity—or any other member of Council—wished to see these papers, he could do so at his (the Colonial Secretary's) office, but Government certainly could not at the present stage make them public. As to the petition itself he (the Colonial Secretary) could not but characterise it as a tissue of gross exaggerations, and he wished to draw attention to this statement because the petition had been published in more than one newspaper. The petition stated that the works were commenced without the sanction of the people. He believed that the full consent of the people was obtained in

due course of law in 1868, though the survey and commencement of the works were not taken in hand till 1871. It was true that there had been large expenditure on those works. Of course, it would be understood that the works were intended solely for the benefit of the people, and he was confident that it would be found when the works were completed, that the people would receive considerable benefit from them. The number of signatures attached to the petition was no guide as to the real state of feeling in the district, for names were easily obtained to documents which had for their object relief from taxation. He was quite satisfied that in this case Government should not give way at all. So much mischief had already been worked in that district by disaffected parties that Government felt it must make an example, and that the cultivators benefited by this work should pay the uttermost farthing. The great majority of those who signed the petition could not read it, and were merely dupes of others. Hon. members could see from the report of the sub-committee that nearly three-fourths of the irrigation works in hand were completed, and when once they were done he felt satisfied that the Council would see that the policy of the Government in this matter was the right policy, and that the people would be greatly benefited by the works undertaken. In the case before them, as he had already said, Government had felt compelled to insist that the strict letter of the law should be carried out. He hoped, under the circumstances, that his hon. friend (Mr. Ferdinands) would not press his motion for the production of the papers.

Mr. FERDINANDS said that after the statement of the hon. the Colonial Secretary he would not press his motion, but would withdraw it. He should be very sorry to be a party to doing anything that would tend to disclose a matter which was ultimately to come before a Court of Law. He did not know that a case against Government was contemplated when he promised to bring forward this motion, and if he had thought there was anything under-hand on the part of those who objected to the works he should certainly not have brought this motion. All votes brought before this Council, for irrigation works, whilst he was a member, would receive his closest attention and best support. But when the people complained, whether they were right or wrong, and Government withheld their hand, and would not disclose papers which might fairly be placed before Council without injury to a case in Court, he thought the act was hardly so open and fair as it might be. He thought there were certain papers which might be granted—such, for instance, as would shew whether the people had been informed respecting these works, whether they gave their consent, and if so whether there were minutes of the proceedings. If papers of this nature were available he thought it would be good policy on the part of Government to produce them.

The GOVERNOR: I can assure the hon. member that there is not the slightest wish on the part of the Government to keep back any papers whatsoever that would throw light upon this subject. I wish the Colony to know everything that can be known in this matter. We have taken the opinion of the law adviser of the Crown, and it is in accordance with his opinion that the motion of the hon. gentleman (Mr. Ferdinands) resisted by Government, and no papers will be laid at

present on the table. The people in this district were asked at a meeting regularly and legally called, and—though at that stage they were not aware nor, they could be informed, of what the actual cost would be,—they consented to the work being carried on. Now that the works are near completion and that the time of payment has arrived they cry out and declare that they never wanted water. Such being the case the Government is obliged to take a very stringent course, because it is perfectly clear that there is a wide and barefaced attempt at repudiation of engagements deliberately entered into by the paddy growers. We are determined to resist this repudiation, and not to give way an inch in the whole district. Every penny that is due shall be levied from them, because—I say it again—of this barefaced repudiation. They appeal to the law, and they shall have law, and no more. I can tell them there will be no reluctance on the part of the Government to appeal also to the law, and to use the powers of the law to the fullest extent. I hope there will be no mistake as to the course Government intends to pursue. The Government is determined to put a stop to this system of repudiation of engagements deliberately entered into. This absurd petition—for I can use no other word about it—makes statements which the writers of it knew to be false at the time they them. Government will resist the motion for the production of papers, solely on the ground that law proceedings are threatened, otherwise they would be at the service of Council and every one else, and would only show how deliberate engagements have been sought to be violated.

The motion was withdrawn.

#### THE TELEGRAPH SYSTEM OF THE ISLAND.

Mr. WHITE moved "That the correspondence which took place between the Government of Ceylon and the Indian Government with reference to the transfer of the telegraph lines from the former to the latter, be laid upon the table, together with any further information which the Government may have in their possession bearing upon the same subject, and tending to shew the advantages or disadvantages which have accrued to Ceylon since the transfer was effected." The hon. gentleman said he asked for these papers, which he presumed would be ready for hon. members before the next meeting of Council, when he would propose a motion to the effect that His Excellency the Governor and the Government of the Colony, do take possession of the wires throughout the country, so that the telegraph system might be placed under the independent control of the Island Government, and altogether separated from Indian control. The few remarks he had to make on the subject he would reserve till that occasion, simply contenting himself at that moment with reading his motion that papers be produced.

Mr. W. BOWDEN SMITH seconded the motion.

The COLONIAL SECRETARY (laying a number of papers in manuscript on the table) said that as the hon. member proposed deferring his remarks, he (the Colonial Secretary) would simply content himself on the present occasion with laying the papers on the table, and reserve his statement

## THE CAB ACT.

The QUEEN'S ADVOCATE moved the third reading of the following Bill:—"An Ordinance relating to Carriages let to hire."

The COLONIAL SECRETARY seconded, and the bill passed.

## MUNICIPAL MAGISTRATES.

The Council resumed consideration of the following Bill:—"An Ordinance to relieve Municipal Councils from their Magisterial Work," and the recommendation of Mr. Ferdinands with respect to "two or more" magistrates, instead of "three or more" was agreed to, and the measure was advanced a stage.

## THE EXPORT DUTY ON PLUMBAGO.

The Council went into committee on the Ordinance to impose an export duty on plumbago. The various recommendations of the sub-committee were agreed to, and just as the bill was leaving the Committee's hands,

Mr. WHITE rose and entered his protest against the Ordinance.

Mr. WILSON suggested that provision should be made for compensating holders of large stocks of plumbago. A good deal of this was, doubtless, bought without any royalty at all, and certainly the question of compensation ought to be considered.

The QUEEN'S ADVOCATE thought that subject might safely be left to the Executive, who could issue a proclamation giving notice of the intentions of the Government.

Mr. WILSON said that he noticed in Messrs. Armitage Brothers' Stores, as he drove past, a large quantity of plumbago, and this had induced him to ask about compensation. It would be very hard if that firm were compelled to pay an extra Rs. 10 per ton before they could ship the mineral.

The GOVERNOR: I quite agree with the hon. member as to the hardship.

The TREASURER suggested that an extension of time say till February—would give opportunity to merchants to dispose of their stocks.

Mr. WILSON: But you would not catch the others who would—until that time—bring their plumbago into market, and avoid all duty.

The COLLECTOR OF CUSTOMS thought everything that could be desired would be met if it were left for the exporter to prove that the plumbago he shipped had already paid royalty, or had been dug before the present Ordinance came into operation; that could be allowed to pass duty free. The Ordinance, he felt, should come into operation on the first of January, and the plan he proposed could be easily carried out.

The GOVERNOR: I think that by giving holders time to export you would meet all that is required, and on its being shown that royalty had already been paid none would be levied at the port.

Mr. WHITE thought that if the Ordinance was not brought into operation until the 1st of February that would simplify matters very much.

It was agreed that the date of the Ordinance coming into operation should be February.

## THE SUPPLEMENTARY SUPPLY BILL.

The Council resolved itself into Committee upon this bill, and the various alterations—reductions or additions—were moved, item by item, by the Colonial Secretary.

The GOVERNOR announced that he should take the opportunity, as the various items came forward, of making some remarks on what the Sub-Committee had said in their report, as well as give fuller details of any vote that might be desired.

*The Pay of Ratamahatmegas.*

The GOVERNOR stated that the Ratamahatmegas of the Central Province had

Colombo on Government business. They had recently complained—justifiably His Excellency thought—that their emoluments were not so great as those of the headmen of the low country, and that, whilst waiting on Government they had to live and sleep at their own expense. They asked to be placed on the same footing with the Modliars of the Western Province. This would be agreed to so far as to raise their salaries to £100 per annum—not that that sum would be actually paid to them, but that the remission of taxation, by which their lands had been commuted for all time, would be taken into consideration, and payment added which would make the annual sum equal to £100. The Council might rest assured that Government would act with due caution in the matter.

No opinion was expressed on the matter, and the consideration of the bill was proceeded with.

*A Breach of Privilege.*

The COLLECTOR OF CUSTOMS said it would be within the recollection of hon. members that at the last meeting of Council His Excellency the Governor stated that any remarks which hon'ble members desired to make respecting the Supply Bill could be made when the Council went into Committee. He could not say that the remarks he was about to make had any definite connection with an item to be submitted for vote, but he felt bound to call the attention of hon'ble members to a portion of the report of the sub-committee respecting the Customs premises at Caltura. Though he did not wish to be understood as reflecting upon the views of Government if they were correctly expressed in the report, he must protest against the position in which he and his Department were placed in this matter. If he took no notice of it he laid himself open to the attempt being made at some future time to his usurp authority and his silence would be calculated to give rise to the impression that his Department was subordinate to the Agency. At the fifth page of the report it was stated:—

On the representations of the Government Agent of the Western Province, the Sub-Committee would recommend that the office of Sub-Collector at Kalutara be abolished, as there is apparently no further necessity for continuing a Customs office at that place.

He did not know what representations his hon'ble friend the Government Agent of the Western Province had made. As the executive officer of Government he might, perhaps, consider that he had a right to express his views whether cognate to his Department or not, and to point out any buildings or grounds, as was done at the eighth page of the same report, which he thought available for the carrying out of such of such views. But, should the carrying of them out, touch upon the rights of other Departments he respectfully submitted that Government should consult the Heads of those Departments before making any changes, or publicly recording a recommendation in such terms as were under consideration; as he had said he did not know what reasons had been presented to the Sub-committee which led to this proposal, and as a foregone conclusion was expressed it was not expedient that he should offer any opinion at the present stage. But he thought it due to himself and to the Department at whose head he was, to make the remarks he had done, and to state his reasons for doing so.

The COLONIAL SECRETARY said it was true that his signature was appended to the report of the sub-committee as its Chairman, but he did not see that that fact committed the Government to all that was in the report. There were no papers on the subject to present to Council, and what



the sub-committee had done was to take the advice of an old and valued servant of Government, whose expressed opinions were always entitled to weight. As his hon. friend (the Collector of Customs) would see the sub-committee had not interfered with the estimates for his Department, but simply placed on record its opinion as to certain offices in a particular place. Papers on this subject were sent to the hon. member in October last. He (the Colonial Secretary) did not see that any reflection was cast on the Head of the Department by a member of the Committee stating what his opinion was on a matter before that Committee, but, perhaps, as things had turned out, it would have been better if his hon. friend had been consulted. He was quite sure that the words used were without any prejudice to his hon. friend, and were simply a recommendation of the sub-committee.

The GOVERNMENT AGENT (W.P.) said that as a member of that Council he had sat on the Committees of Supply Bills for many years. He had made the suggestion referred to, simply because he thought the matter was one that ought to be brought under the notice of the Council, and had no thought or desire in any way to interfere with the Department of his hon. friend. As to the question itself, the port of Caltura had been declining for many years. On the last occasion that the subject came up it was agreed to tolerate the existence of the establishment there for a little time longer, but on the condition that the clerk in charge should spend part of his time at the Customs establishment in Colombo. Caltura was not a port now, for only six boats had entered the place in 1871, and last year about 16. The business being so small, in his opinion, it did not justify the expense of a separate establishment. The present expenditure was about £200 a year, and the buildings were constantly needing repair. The buildings could be turned to account; indeed he, himself, would probably make an application to Government for a portion of them. But the fact that application to rent and occupy these buildings had reached Government was proof that they were often empty, and could be well dispensed with.

The GOVERNOR said he could assure the hon. gentleman (the Collector of Customs) that there was no intention on the part of Government to come to a decision without consulting him upon the matter. Government had not yet come to a decision; in fact he was going to Caltura early next day, and amongst other things he purposed looking over these buildings, and seeing into the matter generally.

Mr. WILSON said that, in agreeing to the paragraph complained of in the report, the unofficial members of the sub-committee had no thought of ignoring the hon. gentlemen.

The subject then dropped.

#### *Designs for Schools.*

The GOVERNOR said he concurred with the sub-committee that the designs sent in for these buildings were much too elaborate, and on too expensive a scale. A more simple design would be better suited to the climate than the plans which had been submitted. Therefore, His Excellency had forestalled the sub-committee by having fresh designs prepared, with fewer decorations, and much cheaper.

#### *The Assistant Government Agent's House at Anuradhapura.*

His EXCELLENCY explained that the sum asked for on account of the house to be built for the

Assistant Agent at Anuradhapura was not the whole sum which would be required. It was intended to build an upstairs house, which required additional expenditure. The Government would take care that the erection was not a mansion, but only a small place suitable for an Assistant Agent.

#### *The Water Supply of Kornegalle.*

•The GOVERNOR said that there was a great want of water at Kornegalle, and for a comparatively small sum of money it was believed that the want could be supplied. There was a tank in the town capable, it was thought, of supplying all the wants of the inhabitants, but which was now covered with vegetation to an immense thickness. The great question was how to get rid of this vegetation. That done the inhabitants would have an abundant supply of excellent water. Coolies had been set to work, and it was believed that an expenditure of £200 a year for three years could effect the clearance desired. A large slice had already been cut, but whether the attempt would ultimately be successful he could not say, but anyhow it would be well that the attempt should be made. Whatever the result, the £600 would be well spent, as at least a portion of the tank would be rendered available.

#### *Miscellaneous.*

The COLONIAL SECRETARY explained that a sum of Rs. 1,500 would be required at Paumben for the erection of a quarantine building, demanded by the Indian Government. The estimate was merely approximate, and had been telegraphed to Government.

In regard to the additional Rs. 5,000 for Welikada, the COLONIAL SECRETARY stated that he proposed to add Rs 5,000 to the contingencies' vote for the pay of the additional staff that would be required for the prisoners who would be sent there when the sanitary arrangements now in process were completed. He did not propose to place the required staff on the regular establishment until a fair trial had been given to test the healthiness of Welikada after the alteration. It might be expected that the amount asked for would be saved on the votes for out-stations, as the staff of the several jails could be reduced as the long-sentenced men were brought in to the central prison at Welikada.

#### *The Law Library.*

Mr. FERDINANDS hoped that under the heading "Libraries" a contribution to the Law Library might be included. The Library was originally established by the Advocates, and was frequently used by the Judges of the Supreme Courts. Now that new rules had been made for the admission of advocates, including increased study, and lectures were to be given, there was a great necessity for its being enlarged. Some time ago Sir Hercules Robinson had granted a donation of Rs. 1,000, and he trusted that His Excellency would be willing to give Rs. 1,500. The Library was very useful; indeed he did not know what the Judges of the Supreme Court would do without it.

The GOVERNOR said he could assure the hon'ble member that the subject had not escaped his attention. He had found that Sir Hercules Robinson had given the donation referred to. As to the up-keep of the Library the lawyers—and they were seldom backward in coming forward in such matters—had lost a chance in not putting forward a claim when Government took over the roads from the Municipality, on the fees payable by Advocates, Proctors, and Notaries which now went to the Municipality, and he feared it was of little use to ask his

hon. friend, the Chairman of the Municipality to consent, on his own part—to say nothing of the Councillors—to the giving up of a profitable source of revenue. His Excellency had observed that Sir Hercules Robinson made his donation from the Loan Board Funds. His Excellency agreed with the honourable member as to the usefulness and advantage of the Library, and was only waiting for some information before deciding what help he should render.

The Supply Bill then passed through Committee.

#### THE LICENSING ORDINANCE.

The Council then went into Committee on the Ordinance to amend the Licensing Ordinance of 1873, and the several alterations and new clauses being agreed to, an animated conversation taking place as to whether all the members of a firm should be held severally liable to fine and imprisonment if adulteration were carried on, or mixing took place without a license, under the name of the firm. Finally it was agreed that the clause should not be altered, but remain as at present.

The bill passed through Committee.

#### BRANCH ROADS ASSESSMENT.

The QUEEN'S ADVOCATE brought up the following report of the sub-committee on the Ordinance to amend the Branch Roads' Ordinance, 1866, which was read by the CLERK OF THE COUNCIL as follows:—

The Sub-Committee appointed to report upon the Ordinance to amend the Branch Roads' Ordinance, 1866, consider that to prevent for the future any misapprehension on the question of the liability of estates for the upkeep and repair of branch roads, the Ordinance should lay down distinctly that the assessment for upkeep should be made in sections of the road not exceeding two miles in length, any estate using a section, or any portion thereof, being liable to contribute for the upkeep and repair of the entire section, and that the sum assessed should in no case be called in until the road is completed and open for traffic.

The Sub-Committee further consider that the appeal should be confined to the definition of districts under section 6 of the Ordinance No. 13 of 1866, and the assessment of Estates under sections 9, 11, and 12 of that enactment and under the present enactment. It is not expedient that appeals should be allowed against the decision of the Committee on mere formal matters.

ARTHUR N. BIRCH,  
R. F. MORGAN,  
J. PARSONS,  
W. BOWDEN SMITH,  
J. T. WHITE.

Legislative Council Chamber,  
Colombo, 12th December, 1878.

The bill was then read a third time and passed. The Council adjourned to Wednesday next (to-morrow.)

### WEDNESDAY, DECEMBER 17.

PRESENT: His Excellency the Governor; the Major General, the Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent (W. P.), the Government Agent (C. P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr. Ondaatje, Mr. Bowden Smith, and Mr. White.

#### PAPERS, &c.

THE COLONIAL SECRETARY laid on the table:—  
“Papers relating to the Ceylon Telegraph Department;” and

“The Financial Statement for the year 1874.”

#### THE GOVERNOR'S ASSENT

To the Ordinance relating to Carriages let to hire, was announced by the COLONIAL SECRETARY.

#### THE PLUMBAGO TAX.

Mr. WHITE presented a memorial from the Colombo Chamber of Commerce, praying that an

extension of time might be granted before the Ordinance imposing a duty on Plumbago, came into operation. The memorial suggested the first of April, instead of the first of February.

The memorial was ordered to be laid on the table.

#### TELEGRAPHIC COMMUNICATION IN THE ISLAND.

##### Mr. WHITE moved

That, with a view to the more rapid extension of the advantages and facilities of Telegraphic communication throughout the Island, it is desirable that the Ceylon Government should resume the control and management of the wires, which were transferred to the Indian Government on the 1st of January, 1869.

That His Excellency the Governor be requested to communicate with the Indian Government, and to take such steps as may be necessary for the retransfer of the lines to the independent control of the Ceylon Government at the earliest period consistent with the convenient action of the two Governments.

The hon. member said, in speaking in support of the motion, that it was an acknowledged fact in these days that nothing contributed more to the moral and social advancement of a community than rapid communication between different parts and centres. In this age of progress it seemed absolutely necessary that no time should be lost, nor the slightest opportunity thrown away, but every facility must be availed of which would help to develop the resources which a country possesses. This colony had, no doubt, received considerable benefit from the telegraph department whilst it had been under the Indian Government, and in the few remarks he purposed making he wished it to be clearly understood that he said nothing against the way in which the officers of that Government had performed their duties. He considered, however, that the interests of the Colony would be better served, and that an extension of facilities for telegraphic communication would follow if the Government of Ceylon had sole and entire control of the wires in the Island. The wires, originally, were in the possession of this Government, but were transferred from Ceylon to Indian control on the first of January, 1869. The reasons which induced the Ceylon Government to part with them were clearly stated at the time in the opening address of the Acting Governor, General Hodgson, to the Legislative Council in August, 1868. The reasons which prevailed then had no force now. Then, Ceylon was the terminus for all the messages which came from China and Australia, which were sent to Madras, and thence transmitted to their respective destinations. Ceylon was at that time the medium of telegraphic communication between India and the Far East, and Australia, and it was advisable—perhaps necessary—that the Indian Government, under the circumstances should have control of the wires for the due working of through messages. Things, however, were much altered now. Since that time communication had been opened with China by a submarine cable from Madras to the Straits Settlements, and all messages from Australia and the Far East, instead of passing through Ceylon as formerly, went *via* Madras. The Ceylon lines of wire might now be considered as altogether distinct from, and independent of, the Indian system; indeed they might be looked upon—perhaps were—as more of an incumbrance to the Indian Government than anything else. When the transfer of the Ceylon system took place, an estimate was made by Indian and Ceylon officers, and it was found that the value of the whole, including instruments and appurtenances, was £24,000, while the extent of wire was 526½ miles. That was in January, 1869.

From that time to the present, the end of 1873—a period of five years—not a single mile of telegraphic communication has been added, and though the need for increased means of communication had become very much greater, no effort whatever has been made to meet this want. It was true that existing lines had been kept in fair condition, but the colony needed more than that, and he felt sure that if the lines were placed under the independent control of our own Government, the public might look for great extension. The rate at which messages were sent, was much too high. In 1869 when the wires were amalgamated the charges were made according to geographical distances, and the rate was, in consequence, in proportion to the distance the message was sent. Since then the system of rates according to geographical distances had been greatly modified, if not entirely abolished so far as India was concerned, but it was still kept up in Ceylon, and messages to Jaffna and to Manaar were made to pay an extra charge because those places were more than 200 miles from the central station, Colombo. If he were to go into details he would easily fortify his position by showing the great inconvenience if not detriment to the interests of the country which resulted from our not having the island communication by wire, as were as by post, under our own controul but he would not do more now than refer to a few remarks which His Excellency made in closing the Session last year. His Excellency was pleased to say:—

I have placed myself in communication with the Indian Government on the subject of increasing telegraphic communication through the Island. As Badulla is the centre of a large and flourishing district, I have applied for extension of the wires to that town, and also to Batticaloa, the seat of Government in the Eastern Province.

He had no doubt the Government of India would give a favourable reply to the application from this Government. But he thought it was below the dignity and respect due to the Government of Ceylon that it should have to depend upon the Indian Government in this matter (hear, hear). And, as in every well-regulated establishment, each and every department was under the control, and benefited by the watchful care of the master—so, on the same principle, if he might be permitted “*parvis componere magna*,” this Government should have the independent control of all the wires in the island in order that they might extend the means of communication through all the districts and towns, and large centres of population. He looked forward to the time when Government should take possession of the wires, when messages would be much cheaper, when every provincial town of any importance, and the principal town of every district would be in direct communication with the capital of the Island. It would greatly stimulate and promote business, and be a benefit, as he had said, both socially and commercially; to the Government no less than to men of business. The only way in which, so far as he could see, the Indian Government would be likely to raise any difficulty, was in connection with messages from Ceylon to India, but he had no doubt the Government would take every precaution necessary to secure proper facilities in this matter. He felt he had no need to dilate further upon the subject, as it was one on which he believed the whole Council was agreed. The Government were largely interested in the question, and great benefits would be felt by the whole Island when the change took place. He begged to put the motion which stood in his name.

Mr. WILSON seconded. He felt it would be a great advantage if the Government took over the telegraphs; the dissatisfaction of the public was itself proof enough of the need for a change, but in every respect he believed the transfer would be beneficial.

The COLONIAL SECRETARY said that hon. members were, doubtless, aware that when in 1869, the Indian Government took possession of the Ceylon Telegraphs the cost incurred by this Government in the construction of the lines had been about £40,000, but it was shown that for some years the revenue did not pay working expenses. While he did not wish to detract in any way from the earnest desire which the Indian Government had manifested during the past five years in keeping the Ceylon wires in good order, and meeting as far as possible the wishes of the Ceylon Government he felt that, as stated by the hon. member who introduced the motion, the whole system of telegraphs had so much altered that he was convinced that it would be an advantage to the Colony to resume possession of its telegraphs as soon as possible. It would be more satisfactory to have officers in charge who would be responsible to the Island Government for the proper working of the wires in their charge. There could be no doubt that the lines could be more economically worked than previously, and in the event of the Telegraph system being again in the hands of the local Government he trusted that they would be enabled to carry out the principle which now obtained in England, and amalgamate Post Office and Telegraph Departments in one general Department. By this means it might be reasonably expected that Government would be able to reduce the cost of messages, and looking to the great improvement in road communication during the past five years and the increasing amount to be expended in opening up roads throughout the Colony he looked forward to a great extension of the present system, so that the whole length and breadth of the land would at no distant date be brought within the reach of telegraphic facilities. If the Council adopted the motion of his hon. friend, he (the Colonial Secretary) could only say it was the desire of the Government to further in every way it could the object in view, and His Excellency would at once communicate with the Secretary of State with regard to it. He thought he might assume that it was the unanimous wish of the Council that the transfer of the telegraphs to the local government should be carried out as soon as possible, and he was glad to find so unanimous a feeling on so important a subject.

The GOVERNOR said: I am glad to see that there is perfect unanimity in the Council, both among official and unofficial members, in regard to the motion of the hon. gentleman. I do not say he has convinced the Council, because it was before of the same mind with himself, but he has stated his case so clearly and fully that it would be difficult to resist his conclusion. I must say that I am very glad that my hon. friend (Mr. White) was careful to state that he makes no complaint whatever against the Government of India with regard to the conduct of the Telegraphic Service. We have worked throughout most harmoniously with that Government. The Council, however, feels, and so also I may say does the Government—that the time has now come when the lines should be managed by the Island Government. We hope, on taking the De-

partment into our own hands, to push on extension with greater speed and vigour. No doubt the Indian Government was naturally averse to fresh extensions, as there were grave doubts whether such extensions would be remunerative. These considerations will not, however, rise in our minds, because, while it will be the object of Government to make the system pay its way so far as it can, yet, at the same time, it will not be looked to as a source of revenue. It is not possible to estimate the value of telegraphic communication by rupees, because though one despatch might only stand on the balance sheet as represented by a rupee, yet in reality it might affect events involving the expenditure of thousands.—I quite agree with the view that this island has now arrived at that degree of prosperity that there are many places in which it would be highly conducive to general interests were they brought into immediate communication with the capital. I agree also with the suggestion that there should be one scale of charges for the whole island. It may be that the present scale can be diminished, and the papers laid upon the table to-day, showing the balance in favour of Ceylon from the working of the line, encourage us in the hope of this reduction. I shall lose no time in communicating with the Secretary of State on the subject.

#### IRRIGATION RESULTS.

Mr. WILSON moved

That, to enable this Council to ascertain the result of each Irrigation Work undertaken by the Government under the Irrigation Ordinance, this Council should be furnished at the opening of next Session with the fullest reliable information on all points connected with such works. The return should give for each work the following and any other useful information available:—

- Date of commencement and completion.
- Estimated and actual expenditure.
- Estimated acreage capable of irrigation.
- Actual acreage under cultivation.
- Extent of land belonging to Government.
- Extent of Government land sold, and amount realized.

Amount realized and amount due on water tax.

Return of Paddy per acre from land in cultivation.

Mr. Wilson said he brought forward this motion because the irrigation works in the country had now assumed large proportions, so large that it was time that hon. members, and the public generally, should have the fullest information on the subject. Too long had the Council voted money on scanty information. Some mistakes had been made, but this was to be expected, and he was glad that the policy of Government now was to hold the Irrigation Officer responsible for the work given him, while not unduly interfering with him in the carrying out of the work; he hoped the result would be the construction of better work in the future. He did not consider his motion covered all the ground; he had inserted the details more as a guide as to the kind of information wanted. What was desired above all was full and complete information regarding all the works.

Mr. WHITE seconded the motion.

The COLONIAL SECRETARY, in reply, said the Government would be glad to give the information desired. The Government was not unmindful of its duty in this matter, for it had made efforts to procure definite information to lay before hon. members during the present Session, but the returns received were very incomplete, and were rather misleading than the reverse, and therefore, they had not felt themselves justified in publishing the information. Some works were now completed, and others were nearly completed, and he had no doubt Government would be pre-

pared with a full return before the next Session, and he felt confident that the result would be to show that the policy of Government in this matter was a wise one. He had only to repeat that Government had no wish or desire to keep anything back, but felt the necessity of giving the fullest reliable information that would be collected on the result of these important works.

#### THE BUDGET.

The COLONIAL SECRETARY moved the third reading of "An Ordinance for making provision for the contingent charges of the year 1874."

The TREASURER seconded.

The motion was agreed to, and the bill read a third time.

#### ADMISSION OF ADVOCATES.

The QUEEN'S ADVOCATE moved the third reading of "An Ordinance to give effect to certain Rules and Orders for the admission of Advocates to practice in the Supreme Court."

The COLONIAL SECRETARY seconded.

The bill passed its third reading unopposed.

#### MUNICIPAL MAGISTRATES.

The QUEEN'S ADVOCATE moved the third reading of "An Ordinance relating to the Magisterial work of Municipal Councils."

The COLONIAL SECRETARY seconded.

Motion agreed to.

#### THE PLUMBAGO TAX.

The QUEEN'S ADVOCATE moved the third reading of "An Ordinance to provide for the collection of the sums due to the Crown on plumbago."

The COLONIAL SECRETARY seconded.

Mr. WHITE rose, and moved that the bill be re-committed.

The Council having resolved itself into Committee,

Mr. WHITE, in accordance with the prayer of the Memorial he had presented at the commencement of that day's Council, proceeded to move that the date of coming into operation of the Ordinance be April instead of February. He wished to state some of his reasons for doing this. At the second reading of the bill his hon. and learned friend the Queen's Advocate suggested that the Ordinance should come into operation on the first of January. He (Mr. White) thought February would be a better date, as he believed then that this would give merchants time to dispose of the stocks they had in hand. He had made enquiries since, and found that there was a large accumulation of plumbago in Colombo. At the present moment there were perhaps 1,000 or 1,100 tons in course of preparation, and which could not be shipped before the first of February. In the first place, the Sinhalese holidays intervened, and they might be considered to last from Christmas to the middle of January, for nothing would induce these people to settle to work between those periods. Another reason was that the number of shipping in port was much below what it was last year at this time, so that inconvenience would be felt as to shipping. One consequence of this small quantity of shipping offering was that freights had gone up, 2s. a ton since the last meeting of Council—during the last two days. Further, plumbago was shipped as part cargo only, as dead weight, so that only small quantities could be sent at one time. For these reasons he moved that the date of bringing the Ordinance into operation be postponed to April.

Mr. WILSON supported the proposal. Since the last meeting of Council he had seen several merchants, and he was not aware when he last spoke that contracts

for plumbago were entered into three or four months before it was delivered. There was a great deal of the mineral still on hand, as his hon. friend had stated, and if the motion were not acceded to, he thought merchants should be allowed to ship free of duty all that they could shew by certificate had paid royalty, or had been exempted from payment. He quite agreed with what had been said as to the difficulty of getting it shipped, and the small quantities only that could be sent at one time and by one opportunity. He thought all difficulty would be removed if the extension of the time asked for were granted.

The QUEEN'S ADVOCATE saw no difficulty in the way of adopting the altered date.

After some further discussion the change of date was entered in the bill and it passed its third reading.

#### THE LICENSING ORDINANCE.

The QUEEN'S ADVOCATE moved the third reading of "An Ordinance to amend the Licensing Ordinance 1873."

The COLONIAL SECRETARY seconded, and after a few remarks from the GOVERNMENT AGENT (U.P.) the bill passed its third reading.

#### BRANCH ROADS.

The QUEEN'S ADVOCATE moved the third reading of "An Ordinance to amend the Branch Roads Ordinance, 1866."

The COLONIAL SECRETARY seconded.  
Motion agreed to.

#### TOLLS ON THE DIMBOOLA ROAD.

The Council went into Committee on "An Ordinance to establish further Tolls," when, on the motion of the COLONIAL SECRETARY, the order of the day was discharged and the bill withdrawn, in consequence of the expressed wish of the Dimboola planters that tolls should be abolished.

The COLONIAL SECRETARY brought up the report of the Sub-Committee on the Ordinance to check Coffee stealing.

The CLERK OF THE COUNCIL read the first paragraph only of the following report.—

The Sub-Committee appointed to report upon the Ordinance to check Coffee Stealing, consider that the Bill, in its present form, is not likely to work well. Anxious however to ascertain whether it could not be advantageously modified, they conferred with the Chairman of the Planters' Association, and he has submitted the subjoined paper containing a substantially new scheme. This scheme cannot be conveniently considered at this late period of the Session, and the Sub-Committee recommend therefore that the present Bill be not proceeded with, and that the whole question receive the attention of the Government before the next Session of Council.

RICHARD F. MORGAN,  
G. VANE,  
A. B. FYERS,  
D. WILSON,  
C. L. FERDINANDS.,  
W. BOWDEN SMITH,

Legislative Council Chamber,  
Colombo, 17th December, 1873.

#### PRECIS OF PROPOSED SYSTEM OF COFFEE DEALINGS.

\* 1. It is assumed that the new Ordinance will provide that every holder of coffee may be required to account for its possession: that coffee may not be carried by night otherwise than in licensed carts.

2. It is now proposed that all dealings in coffee whatsoever, excepting as hereinafter speci-

fied, shall be effected either publicly in marts to be established for the purpose, or under licenses such as are described in the draft Ordinance to provide against the prevailing evil of coffee stealing. All other dealings whatsoever shall be deemed illegal and constitute an offence.

3. Marts will be established under the supervision of Government in all such places where the transactions in coffee may be deemed by the Government of sufficient magnitude to require them, and they may be applied for in such localities as the inhabitants desire them.

4. A mart will be appointed for a defined district, and for that only. It will contain a register of the coffee estates, gardens, and patches, with the names of the owners thereof, which are comprised within such district, also with the names and particulars of any and all licensed dealers within the said districts.

5. Every transaction effected at the mart shall be registered, and the vendee in every case shall be provided by an officer in charge of the mart with a voucher thereof, as described in the Schedule A hereto appended.

6. The mart register shall be open to inspection, and it shall be the duty of the officer in charge to give such information respecting the transactions therein recorded as may be deemed necessary for the purposes of the Ordinance.

7. The mart shall be open only during the hours of daylight, and may be open either every day and at all hours of daylight, or only on certain days of the week and at such hours as may be deemed sufficient for the wants of the district.

8. Whenever it may be deemed desirable, licenses may be granted to certain respectable dealers to make purchases of coffee from such persons within the limit of their license as may be producers of coffee. As no other persons can be in lawful possession of coffee, the licensed purchaser will take the responsibility in each case of buying from a lawful seller, on pain of having his license revoked. Any proved case of purchase from an unlawful vendor shall be deemed an offence.

9. The licensed buyer will be required to sell his coffee at the mart, and will obtain from the officer in charge, on presentation of his account of the acquisition of the quantities, a voucher or pass as hereinbefore mentioned for the total amount of such purchases, or for separate parcels, such as may be required. The licensed dealer's transactions will thus be recorded at the mart, where in consequence every dealing in the district will be recorded.

10. All coffee despatched from one district to another shall be accompanied by the said pass or voucher; and if it change hands in the latter, the pass or voucher will be deposited with the buyer, who may either forward it on with this pass or obtain a new one at the mart on depositing the original one thereat. The exchange would be convenient as comprising under one pass several parcels, and facilitating the larger transactions of the buyers in large towns whence the coffee would be despatched for the shipping port.

11. All coffee sold for consumption in the mart shall be sold by licensed dealers only, in the condition of clean coffee only (not in parchment), and in quantities not exceeding

12. It shall be lawful for all persons whatsoever to buy coffee for their own consumption without a license, and to have in possession coffee so bought in quantities not exceeding  
Provided always that they may be called upon to prove how they came into possession of the same.

The dealings which have to be provided for are—

(1)—Those of the estate producers, comprising all that are understood as planters.

(2)—Those of garden proprietors.

(3)—Those of villagers who have a few trees.

(4)—Those of licensed dealers, comprising those in outlying districts who buy small lots—the Holloways and Meyapulles of more central depots, and Agents and Merchants at the shipping ports.

(5)—Consumers.

1st.—Estate produce. A despatch of coffee from an estate to its Agent at the shipping ports, or to its forwarding Agent at an intermediate station, is not a sale, and therefore under the requirements specified in regard to the mart dealings would need no other pass than the cart license and carrier's receipt; but it should be the duty of every planter to advise the mart officer of his district of the despatch, specifying quantity, description—in short, a copy of the cart note.

A planter's only other dealings would be, in case he desired to sell the refuse, a practice much to be regretted. To effect such sale he would have to send it with a voucher to the mart, where the buyer would receive a pass, and forward it on with the pass to its destination.

2nd.—Garden proprietors' produce. These may be classified—

(1)—Those who despatch as estate proprietors, and who would be subject to the same rule.

(2)—Those who sell on the spot.

Some of those whose gardens adjoin plantations may wish to sell in cherry, in which case they declare the sale at the mart; the vendee in such case being the owner of the estate adjoining, will declare the quantity when all is gathered, and receive the necessary pass or voucher.

Others who sell in parchment must declare it at the mart, and receive the pass for each net parcel.

3rd.—Villagers who have a few trees may sell, to licensed dealers or carry their stuff to the mart, in either case declaring it as their own produce and giving their name at the time of sale.

4th.—Licensed dealers may be thus classed:—

(1) Those who, in isolated or distant places, buy small parcels in the manner already specified from village or garden producers. These specify their purchases at the mart and sell or despatch, receiving a pass or voucher for each parcel so accounted for.

(2) Large central dealers who buy the small quantities bought as above-mentioned, and collect them into larger ones, receiving for these passes, which accompany these parcels to the shipping agents or to other dealers. These record their dealings, depositing the original passes, if they so desire, and receiving in exchange others for the aggregate amounts.

(3) Agents and Merchants.—These buy or receive such coffee only as is duly passed from the interior. If they sell here, it must be by voucher aforesaid, which?

(4) Brokers are not dealers in the terms of the Ordinance, as they do but introduce buyers and sellers. No provision is necessary therefore for them, as the onus lies on the vendor and vendee.

5th.—Consumers may purchase their supplies from licensed dealers in quantities not exceeding , and in the clean state, they being liable at all times to prove how they obtained possession, and the said dealers to shew their books. This is necessary in Colombo, because of the pilferage from Mill Stores, and also as being the ultimate or shipping depot.

The COLONIAL SECRETARY said the changes suggested by the Chairman of the Planters' Association were so great that if they were to be carried out a new Ordinance would have to be introduced.

and it was too late in the Session now to do that. He moved, therefore, that the bill be withdrawn.

The motion (seconded by the QUEEN'S ADVOCATE) was agreed to.

#### THE CLOSE OF THE SESSION.

In moving the formal adjournment of the Council the GOVERNOR stated that he should have to ask hon. members to assemble on Monday next when he hoped to be able to close this Session.

The Council adjourned.

#### MONDAY, DECEMBER 22.

PRESENT: His Excellency the Governor; the Major General, the Colonial Secretary, the Queen's Advocate, the Treasurer, the Government Agent (W.P.), the Surveyor General, the Collector of Customs, Mr. Wilson, Mr. Ferdinands, Mr. Ondaatjie, Mr. Bowden Smith, and Mr. White.

#### PASSED BILLS.

The COLONIAL SECRETARY announced that the Governor had given his assent to the following bills:—

"No. 18 of 1873—An Ordinance to provide for the Contingent Services of 1874;

"19 of 1873—An Ordinance to give effect to certain rules by the Judges of the Supreme Court, for the admission of Advocates;

"20 of 1873—An Ordinance to provide for the Magisterial work of Municipal Councils;

"21 of 1873—An Ordinance to provide for the collection of an Export Duty on Plumbago;

"22 of 1873—An Ordinance to amend the Licensing Ordinance of 1873; and

"23 of 1873—An Ordinance to amend the Branch Roads Ordinance of 1866."

#### PAPEKS.

The COLONIAL SECRETARY laid on the table, the following paper:—

"Report by Mr. Gunn on the Kookool Korle."

#### MAHOMEDAN LAWS.

Mr. ONDAATJIE asked "Whether any replies have been received from the gentlemen to whom the proposed revised Code of Mohammedan Laws was referred for their opinion thereon, and to move for any papers connected therewith." The hon. member said: In 1871, Mr. Comaraswamy brought to the notice of this Council that the existing Code of Mahomedan Laws was incorrect and imperfect. Of the 102 clauses which the so-called Code of 1806 contains, it is alleged that nearly thirty are erroneous. Besides these inaccuracies, having compared the English translation with a copy of the original Tamil, I find that nearly fifteen mis-translations have crept in,—mis-translations of such a nature as to make persons who have no shares at all in an estate, heirs thereto. I shall give to Your Excellency a few illustrations: daughter is converted into son; son's son into daughter's son; and wife, mother, and daughter into wife's mother and daughter. There are also glaring errors in the proportions in which certain heirs take. Thus  $\frac{2}{3}$  becomes  $\frac{3}{8}$ ;  $\frac{5}{8}$  becomes  $\frac{1}{4}$ ; 32 becomes 33; and  $\frac{1}{8}$  become  $\frac{1}{16}$ . So that nearly one-third of the Code may be viewed as faulty and apt to mislead suitors, lawyers, and Courts of Law. The present Code moreover treats only on Marriage and Succession, and that, too, imperfectly, leaving many other important branches of law untouched, and on which the Mahomedans have nothing to guide them except traditions and custom inevitably leading to endless disputes and litigation and their consequence. The Indian commentaries can have no binding force or authority in Ceylon, and are

moreover inapplicable on many points, as the Moslems here are of a different sect from the generality of those in India,—the former being of the Shafi, and the latter of the Hanifa school. The proposed Code, it is said, corrects all errors, supplies all defects, and imperfections, lays down Rules, Definitions, and Principles, and is arranged in a methodic form. It was compiled from Standard writers on Mahomedan Law by Othman Lebbe Marikar, Modliar, the Tamil Interpreter of the Supreme Court, assisted by the ablest Hakims or Doctors of the law available here. The Moors also ask that their Marriages and Divorces may be registered. Before the Registration Department came into existence, their priests and headmen were in the habit of sending to the Kutcherry copies of the Kadotam, or Marriage certificate, but since then they have ceased to do so. The Mahomedans now pray for a law which shall require their priests to execute in duplicate certificates of Marriages and Divorces and render it obligatory on them to transmit one of these documents on stamp to the Registrar General on pain of punishment in the event of their failing to do so. According to the Census of 1871, the Mahomedan population in this Island amounts to 163,516 or 6.75 per cent on the whole population, and they form a large section of the trading community. All things considered, I think the confused state of the laws of this class of Her Majesty's subjects calls for the speedy attention of the Government.

Mr. FERDINANDS seconded.

The COLONIAL SECRETARY, in reply, said the hon. member had clearly shown that the Mahomedan laws in this Colony were in a very unsatisfactory state. However, he (the Colonial Secretary) would not proceed to discuss that point, as the question before the Council was "whether any replies have been received from the gentlemen to whom the proposed revised Code of Mahomedan Laws was referred for their opinions thereon." Replies had been received from the Government Agent of the Western Province, and the Government Agent of the North Central Province only, but others were expected shortly, and as soon as they were received should be published and sent to hon. members. He hoped in a few weeks to have them ready, and hon. members would then have an opportunity of making themselves acquainted with the opinions before the next Session of Council.

#### THE LAW OF SUCCESSION.

The QUEEN'S ADVOCATE, in moving the first reading of "An Ordinance to amend and define the Law of Intestate and Testamentary succession in Ceylon," said: Your Excellency in your opening speech expressed your intention to bring forward an Ordinance for the Administration of Estates, not to be passed into law this Session, but to be laid before the Council so that it might be thoroughly discussed throughout the Island before it became law. The present bill is brought forward in redemption of your pledge. I very much regret that it should have been delayed so long. Although I had the assistance of other laws in preparing this enactment, and particularly of the exhaustive Indian Succession Acts, the difficulties of the subject so grew upon me as I continued to revolve it, that I could not complete the bill earlier. It is satisfactory, however, that no inconvenience has arisen from the delay; we have had so many measures and subjects brought before us during the Session, the necessity for which had not been earlier foreseen, that we should have hardly had time to attend to it, had it been brought forward earlier. During the interval be-

tween the close of this and the commencement of next session we shall have ample time to consider the provisions of the present measure. The discussion which I trust it will evoke out of doors and the valuable opinions we are likely to have furnished by the Judges of the Supreme and other Courts, and by other legal practitioners will aid us in the work and assist us in our deliberations when we meet again. In stating the grounds and reasons of the bill, I do not mean to detain the Council with a summary of its entire contents. The great bulk of the provisions are of matters in detail, unimportant in themselves, but most convenient to those who have to administer estates and distribute property, and to those who have to see that estates are duly administered and property properly distributed. It is sufficient that I should point out the principal alterations which the bill proposes to make in the existing law, and, for this purpose, it is necessary that we should, in the first place, have a clear and distinct idea of what the existing law is as to succession. The general principle is that the law of succession of deceased persons as to immoveable property is the law of the country in which such property is situate—as to moveable property, the law of the country in which such deceased person was domiciled. This principle was recognized in this country, and under it the Maritime Provinces were subjected to the Roman Dutch Law—the Kandyan Provinces to the Kandyan Law. Exceptions were engrafted on this rule in favour of certain classes of the people. The earlier Tamil settlers in the Northern and (I believe) in the Eastern Provinces also, though this is questioned, had their own peculiar customs founded on the Thesawalamy. The Mookwas—a small class who inhabit some parts of the Malabar Provinces, and who came to Ceylon at a very early period of our history from the coast of Malabar retain their own customs; the Mahomedans, wherever they established themselves, carried their own law of succession. This state of things continued until 1844 when the Ordinance No. 21 of that year was brought forward. Its principal aim—and herein lay the merit of the bill—was to put an end to the undivided possession of landed property; but as respects the question of succession it contained some very necessary provisions: (1) It abolished the legitimate portion to which children were entitled under the Roman Dutch Law. (2) It legalized for the first time foreign wills; and (3) in the case of married parties it provided that, where they married without antenuptial contract, the law of the matrimonial domicile was to govern all questions as to the rights of the married parties during the subsistence of the marriage or after its dissolution. The belief at the time was that most Europeans came only for a time and that they married abroad and gained a matrimonial domicile elsewhere and the intention of this measure was to exempt such persons from the operation of the community of goods between husband and wife which obtained under the Roman Dutch Law. This provision, so far as it affected questions of succession, was not deemed satisfactory at the time. It affected only married persons. The test furnished was an uncertain one for it became a question of evidence in every case what constituted the matrimonial domicile of the parties, and evidence not of a fact but of an intention. The general rule, as modified by the Ordinance No. 21 of 1844 continued however till 1852, when the Ordinance No. 5 of that year was brought forward. This enactment provided

that the inheritance and succession to real property within the Kandyan province, of Europeans and Burghers, dying without wills, and the inheritance and succession to personal property of such persons described within the Kandyan Provinces and dying without wills were to be determined as if such real property had been situated and the deceased had been domiciled in the Maritime provinces. At the present moment therefore the state of the law as to succession is as follows:—

(1) Kandyans, Mahomedans, Tamils in the Northern and Eastern Provinces, and the Mookwas have their own laws and customs. (2) Married persons are governed as to rights of property during the subsistence of the marriage and after the dissolution thereof by the law of the matrimonial domicile if there be no ante-nuptial contract; by such contract if there be one. (3) All unmarried persons and those married persons who have no matrimonial domicile are governed as to inheritance or succession by the Roman Dutch law. The great merit of this measure of 1852 was that it exempted Europeans and Burghers from the operations of the Kandyan Law. It was principally to secure this object that the bill was brought forward. The encouraging prospects of coffee cultivation led a number of Europeans to settle in isolated parts of the country and some of these formed imprudent connections with native women. It became a question then whether, in view of the cheap and facile mode of contracting marriage in the Kandyan Provinces, some of these connections did not constitute legal unions according to Kandyan Law so as to convey the right of the property to the issue of such unions—and it became imminently necessary to provide against such a contingency. Though the Bill of 1852 put an end to all doubt on this subject, yet it failed to furnish a distinct and uniform rule of succession applicable to all excepting those who had their own peculiar custom preserved to them. Such a rule was deemed expedient for several reasons. Settlers in a country had no right to see such fundamental rules as those of inheritance and succession relaxed in their favour and there was the less reason why this should be done in this country as the objection of Europeans to the Roman Dutch Law was chiefly owing to the community of property between married persons which it inculcated and this objection could be easily got over by married persons entering into an ante-nuptial contract beforehand or executing a joint will afterwards. Impressed with these views the then Queen's Advocate brought forward in 1863—the first year he held office as such—a bill in which it was proposed that (saving the peculiar customs aforesaid) the Roman Dutch Law as to the inheritance of and succession to property of persons dying without will should apply to all. He little calculated what opposition this would provoke. The Judges of the Supreme Court sat upon him, and protested vehemently against the abolition of the matrimonial-domicile provisions and the extension to Europeans of the hateful community-of-property doctrine. The European portion of the community took arms against him almost to a man, and it is reported of one of them—a successful planter now enjoying his *otium cum dignitate*, a confirmed bachelor then and still, that he resented the attempt as a personal injury, and would hold no communication whatever with the proposer of such a measure for years afterwards. It did not suit the Government of that day, with its *quieta non movere* policy, to go on with

the measure against such odds, and it was quietly shelved, to the intense disgust of its author. No further change in the law on this subject was afterwards proposed, so that the law at present is what it was after the enactment of 1852. In preparing the present bill the first question which suggested itself was the expediency of laying down an uniform rule of succession applicable to all; but it was deemed best to abandon this idea. In the first place there was the old opposition to be avoided (2). Whatever might have been said of the alteration made in 1844 it has now been in force for nearly 30 years and, as Europeans mostly retire and settle and die in England, and their property is distributed there, whereas the bulk of the inhabitants are governed by the Roman Dutch Law, the objection is not practically felt and becomes one more of sentiment than reality. It would not be right on such a ground to change the existing law. The observation of Sir James Mackintosh as to Governments applied equally as to laws, "They grew like trees and could not be made like machines." It is not desirable merely for the sake of uniformity to change any existing system. This provision of the Ordinance of 1844 is therefore retained, but it is sought to render it more certain by providing that the actual domicile of the husband shall be held to be the wife's matrimonial domicile until the intention to make their permanent residence elsewhere be clearly proved (clause 15). It is also proposed to leave Europeans exempt from the Kandyan Law and subject, in the case of persons who have not acquired a matrimonial domicile, to the Roman Dutch Law. It will no doubt be asked why make the community of property applicable to Europeans in any way? In answer to this it is necessary first to consider the nature and effects of community. It is open to parties contemplating marriage to determine the interest which each is to take in the property of the other or in the property acquired during coverture. If they do not take this precaution, the husband and wife become, by operation of law, joint tenants of their united fortunes, each being the owner of an undivided half of the whole joint estate during the continuance of the marriage; the dominion of the property was in the husband during such continuance and he dealt with it as absolutely as if it were his own. But the death of either dissolved the partnership, and the heirs of the dying person became entitled to his or her half. For myself I think the rule that the wife should be entitled to a half is a very wise and just one. In the case of persons commencing life without property nothing can be more just. It is in such cases that as a rule there are no ante-nuptial contracts which are almost always entered into where there is property on either or both sides. The husband is no doubt the more active agent in earning the income, but the wife, less obtrusively but equally effectually, assists, by house-wifery and thrift, to make the most of what is earned and to provide for the future. It is not easy for a man to be rich unless his wife cordially co-operates with him through life. Nor should the fact be lost sight of in considering the merit due to both in working for the common interest that, whilst the husband has the love of fame and the promptings of ambition to gratify, and to reward him in the end, all the aspirations of the wife are limited to the domestic circle for whose benefit alone she toils and labours. Her being entitled to an equal share in the joint property, secures for her the attention she is justly entitled to from a husband, and, more important



still, the affection and reverence due to her from her children when the husband is no more. It is true that there are asperities in the working of the rule which have to be removed. It is not right that the death of the wife should suddenly paralyse the husband in his business and force him to a division of the Estate. It is not just that, in the absence of children, the heirs of the wife can absorb her half. These I have endeavoured to provide against in the bill before the Council. The right of the children is made a hypothecary right to a share in the net value of the common estate, the management and dominion remaining with the husband (sec 23) and in case of there being no children the husband is made the owner of the entire property, except in the case of the wife having herself brought property, half of which will go to her heirs. It was once a question whether the former rule was not in force under the Dutch Law—there is an old decision to that effect and such is the rule at the Cape of Good Hope where the Dutch Law prevails; but our later decisions are to the contrary effect, and give the children a share in each individual property, in each house and garden. After laying down the general rule as to succession the Ordinance proceeds to prescribe at length, the rules of succession either the North Holland or the South Holland rule being followed as seemed most just. The great change proposed by the Bill is that to be found in clauses 275, 276, and 280. I have already stated that the principal object of the Ordinance No. 21 of 1844 was to provide against the possession of property in undivided shares. Executors were compelled to divide property which they had to administer, and, if a division was impracticable to sell the same. There was to be no undivided possession of shares of lands of persons dying after that Ordinance came into operation. Had this Ordinance been allowed to remain in full it would have done more than any act in our Statute book to change the habits of the people and to put an end to the ruinous litigation in which they now indulge. But the Ordinance was frightfully emasculated in 1852. Great inconvenience was felt in carrying out a portion of the Ordinance which provided for the sale of an entire property where an undivided portion was seized in execution. Instead of strengthening the Fiscal's Department and the Courts so as to make them equal to the work, or at least abolishing this particular provision, the then Government decided on repealing all the clauses relating to the partition of landed property. The Unofficials, myself then a humble member of that body, strove hard to avert the impending blow—but it was of no use—the Government prevailed and the most valuable portions of the Bill were struck out. The pulverising process has been going on since and increasing in intensity. What belonged to one man then and devolved from him to his children, say nine, each—having an undivided ninth. Each undivided 1-9th had again to be divided among the children of these nine children and so on until a wretched piece of land about an acre in extent comes to be owned by more than a hundred persons, so that law-suits have been actually brought for one 370th share of a land or the one-ninetieth share of a Cocoanut tree! In 1863 the partition clauses of the Ordinance of 1844 were re-enacted in a new Partition Bill; the division by executors belonged to the Succession Bill, the fate of which I have already described. I have reinserted it in the present bill

and trust that the clause will be adopted. Some philanthropic individuals, among others one who has passed away from us but whose position as a lawyer and a public man gave great weight to his opinion, Mr. Charles Lorenz, consistently advocated the introduction of the law as to primogeniture. To this, this however I am strongly opposed. It is not suited to the genius of the people and I believe, with Adam Smith,—that, though fit to support the pride of family distinctions, yet nothing can be more contrary to the real interest of a numerous family than a right which, in order to enrich one, beggars all the rest of the children. It is a very different thing, however, to put an end to the possession in undivided shares of landed property which, in the mode in which it is practically worked, is a bane to all improvement and a fruitful source of litigation and impoverishment, and therefore calling for the interference of the legislature. Connected with these provisions is that relating to entails. The bill proposes to prohibit entails or *fidei commissa* in favour of more than one person. If the heirs have no object in improving property held in undivided shares there is still less object in improving entailed property held by several, to go afterwards to a third party; and so well known are the effects resulting from this state of things that entailed properties in this country, are as a rule, in a dilapidated and ruinous state, each heir trying to get as much out of it as possible and contributing as little as possible for its benefit. This part of the bill further provides for *fidei commissa* terminating at the end of the third generation and empowers the District Courts to terminate them on the application of the heirs. The bill further proposes to prohibit direction to accumulate property and bequests to religious or charitable uses except under certain conditions (sec. 98 and 99) p We, have no Thellusson accumulations here but I have seen wills containing most absurd directions to accumulate. In the administration of Estates the necessity for appointing administrators is obviated in cases of Estates worth under Rs. 2000. The heirs may themselves administer estates, and thus avoid unnecessary expense. These are the more important of the changes which the Ordinance proposes to make in the existing law. The details, as I stated before, I deem it unnecessary to enter into at present.

Mr. FERDINANDS had great pleasure in welcoming this important bill, the main provisions of which were so lucidly presented to the Council by his honourable and learned friend. He would second the motion for the first reading of this bill, not only because the principle of it was unobjectionable, but also because he thought the Government was not a day too soon in bringing it forward. However suited some of the provisions touching inheritance in the Roman Dutch Law might have been to the times when they were enacted they were not adapted to the altered circumstances of our times, and worked palpable injustice. The profession was alive to this, and the learned District Judge of Colombo found his equanimity frequently disturbed when he was called upon to inflict grievous wrong by administering the law as it now stood. He did not think his honourable and learned friend had overstated his case; if anything he understated the evils which now attended administration suits. The Supreme Court had recently decided that the English law of Executors and Administrators obtained here, and these English Executors had to administer and confirm the Roman Dutch Law and in practice this worked manifest hardship. It was quite time that the duties and

liabilities of these Executors should be defined and adapted to the existing law and that law should, if practicable, be codified. The bill in question dealt with several questions of grave importance. The law of domicile affected the large body of European settlers, and as it stood led to great uncertainty. What a man's domicile was had to be determined by oral testimony, this led to conflicting evidence as conflicting interests arose. The case of an English lady who successfully defeated her husband's creditors by claiming the Kandyan wife's privilege of acquiring separate property was well-known in our Courts as also the great difficulty that the Court found in deciding the question of domicile from oral evidence. The bill in question provided for the registration of domicile and thus obviated a great difficulty. The question as to the distribution of a man's property, on his wife's death was one deserving of great consideration. The law as it stood was very unsatisfactory. No sooner had a man met with the calamity of losing his wife, than the law followed in the track of death and said "You have lost your wife, now you must lose your property." If the man had no children, the distant kindred of his wife steps in, and takes away half of his hard gains during his life time, and if he has children, a needy and clamorous son-in-law comes forward and wants a sixteenth part of his dwelling house and of every other allotment of land he possesses. This the man offers to give in money value, but no, he claimed an undivided interest in each parcel of land, and the law, as recently propounded by the Supreme Court, supported his claim. It was hitherto believed that all that the law gave was a hypothec, as this Ordinance now provided for, but the Judges have ruled it otherwise, and the result has been that it has unsettled titles and rendered valuable property unmarketable, and led to dissensions in families hitherto happily united. A father cannot be made to see the justice of his son-in-law depriving him of his hard earned goods during his life time, under the legal spoliation of its being a mother's share. He had said that this state of things had rendered titles unmarketable, and he appealed to the Hon'ble the Treasurer, whether, when jointly acting as Commissioners of the Loan Board, they had not to refuse application after application for loans, on the ground that titles were rendered defective from this source alone. The Ordinance before them contained a salutary provision in the 26th clause to remedy this evil. The bill before them contained another excellent provision restricting entails to one person, and giving the Court power to deal with existing entails. In the exercise of this power doubtless Courts of Law would endeavour as much as possible to keep faith with the dead, and carry out the intention of the donor, whilst at the same time it absolved landed property from the restriction placed on them. The system by which a man was allowed to bind down his property among his heirs *ad infinitum* works much mischief—what was everybody's property becomes nobody's property—it was left unimproved, the income was barely worth collecting and valuable sites of land bear the unsightly old cadjan huts on them from generation to generation. He was recently asked to advise on the share of one of these heirs to a house and found it to be 1-160th share! He also approved the clauses making void bequests of land to charitable purposes, but he found that these clauses did not go far enough and deal with existing bequests—he believed that if provision

was made empowering ministers and trustees of such bequests, to apply to the Court to sell landed property and invest the proceeds for the purposes of the Trust it would prove beneficial to all parties. Without in any way committing himself to the details of the bill, he strongly approved of the principle of it, and speaking not only for himself, but for the profession generally, he would say that the evils it affects to remedy were generally admitted, and that his hon'ble and learned friend might rely on all the assistance the profession could give him, to render this bill as effective as possible. The bill dealt with questions of great importance, and he thanked the Government for the consideration shewn to the public, and not less to the Council, in not pressing the bill without mature time for deliberation.

Mr. ONDAATJIE said that the Ordinance regulating the Law of Succession to Property, real and personal, was a desideratum universally felt and acknowledged. The bill now proposed, including, as it does, the whole subject, and containing the law on every point connected therewith, would doubtless be hailed by the people in Ceylon as one of the wisest measures passed and one of the greatest boons conferred on them by His Excellency's Government. Besides, having read the draft Ordinance, I find there were in it many alterations of the existing law and several provisions which cannot fail to produce good results, and do incalculable good to the public. Some portions are deserving particular notice. Part fourth, treating on the consequences of the dissolution of the community of property by the death of husband and wife, and laying down the precedence to be adopted in such cases, which will introduce an improved state of things. Part 29th on the law of Fidei Commissum the changes in which were much called for and which will offer a stimulus to trade, industry, and speculation, prevent many a valuable property falling into disrepair, involving in it the ruin of the owners, and check wranglings and litigation among members of a family. Clause 27, dispensing with letters of administration in small estates which will save the heirs much time, trouble, and expense. There were many other amendments which having been dwelt upon by the hon'ble and learned members who had preceded him, it was needless for him to advert to them. Taken as a whole, the Act would be a valuable accession to the statute book.

The bill was then read a first time.

#### THE REGISTRATION OF PARTNERSHIP.

The QUEEN'S ADVOCATE moved the first reading of the Ordinance to provide for the registration of Partnerships and Attorneyships. This Bill will also stand over, like the Succession Bill, for consideration next Session. The necessity for requiring registration of Trade Partnerships and Powers of Attorney was pressed on Sir Hercules Robinson and afterwards on the present Governor. But there were grave differences of opinion as to the expediency of such a measure. It is believed that the Chetties on the Coast disliked giving Powers and that, when they gave them, they were hampered by conditions and restrictions, the knowledge of which would hinder rather than promote dealings with those representing them here. However it is necessary to have some protection against the frauds which are practised by parties who repudiate the fact of their having been partners or attorneys whenever it suits their interest or the interest of their partners or principals to do so. Cases of this kind not unfre-

quently occur here. The Bill provides that all trade partnerships should be registered and the cessation thereof. Also that Powers of Attorney should be registered. To meet the case of the Chetties and Moormen on the Coast who dislike giving powers of Attorney, they are allowed merely to give certificates to the effect that so and so are their Attorneys. Either one or the other is absolutely necessary, otherwise it is difficult to reach absent principals. Palaneappa Chetty or Carpen Chetty trade here with certain initials attached to their names, but credit is given to the principals indicated by those initials, Rana, Ana, Mana, or Loona, Moona, Roona, and not to Palaneappa or Carpen. To encourage Powers, the bill contains a provision that in their absence the presumption, in case of doubt, would be in favour of the Attorney having power to bind the principal rather than otherwise. Means are provided for the Registrar satisfying himself if necessary of the genuineness of any power or certificate.

The COLONIAL SECRETARY seconded.

The motion was agreed to.

#### THE GOVERNOR'S CLOSING SPEECH.

His Excellency the GOVERNOR read the following address:—

GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I am happy to announce to you that the state of public business has rendered it unnecessary for me to infringe on your Christmas holidays, and that I am able this day to release you from further attendance in Council.

I have to thank you for the attention you have exercised in reviewing the Bills which have been brought before you, and specially for your close examination of the financial plans submitted to you, and for the valuable suggestions embodied in the Reports of the Sub-Committees

The Bills which you have passed, although none of them of great magnitude, are, in my opinion, sound and valuable measures. The Ordinance for the regulation of the pilgrimage to Kataragama will enable the Government to get rid of an annually recurring danger of epidemic, and also of the imputation of encouraging and giving vitality to an idol festival. The Plumbago Ordinance will, I firmly believe, give a great impetus to mining enterprise throughout the country, and put an end to the wide-spread fraud and demoralization which the present system entails.

The Ordinances affecting Notaries and Advocates have received general approval, and there can be no doubt but that the provisions enacted will improve the status and position of both professions.

The clauses introduced into the Licensing Amending Bill on the recommendation of the Sub-Committee may appear to be severe, but they will be welcomed throughout the Colony by all who have at heart the suppression of drunkenness and of the consumption of deleterious liquors.

The works preliminary to the commencement of the construction of the Breakwater are proceeding rapidly; and as the Government has received from the home authorities leave to pass through the Batteries, I trust that we shall be able henceforward to apply continuous and ample labour in furtherance of this most important undertaking.

The traces of an extension of the railway from Nawalapitiya, and of a line from Colombo by Sabaragamuwa into Uva, are not sufficiently advanced for me to be able to give you any information on the subject; I trust however they will be completed in time for the Railway Committee to report upon the financial prospects of the alternative plans before I return to England in April.

The line to Moratuwa is being surveyed, and a return of the traffic between that place and Colombo by the high road will immediately be taken. I have every reason to believe this return will be highly favourable, and that the success of this portion of the line will render its extension to Kalutara expedient. For some time past I have

contemplated the construction of a line to Kalutara as offering great advantages for the improvement of rich and prosperous districts, and it was with that object that the Government submitted to you the large estimate for a substantial bridge over the Kalutara river.

I trust the line to Moratuwa will so fully answer the expectations we form of it, as to induce the Government to ask you for the means of replacing the present pile bridge over the Panadure river by a more solid structure in view of further extension.

On the completion of the surveys which now occupy so many of the staff of the Surveyor General's Department, I purpose to obtain a general survey of the high lands which it is desirable should be set aside as Government reservations in the coffee districts. The uncertainty which now prevails as to the intentions of Government will be removed, and it will be a great convenience for Planters to know for certain what lands will, and what will not, come into the market.

I shall on returning to England endeavour to make arrangements for giving effect to the unanimous vote of Council in favour of the resumption of our telegraphic lines, or, at all events, of obtaining uniformity of rates throughout the Island, and a considerable increase in the number of stations.

I wish that it had been in the power of the Government to have passed a measure calculated to repress the crime of coffee stealing, but it has not been practicable to do so. The Bill was submitted to a Sub-Committee of the Legislative Council in October, and by them referred to the Planters' Association. The report of the Association was not received by the Sub-Committee till December, and after the prorogation had been fixed. Had the Sub-Committee reported in favour of passing clauses forbidding loading coffee by night, and inflicting punishment on persons found, without good cause, on coffee plantations, the Government would have willingly passed such a Bill; but it was not possible to accept the plan proposed by the Planters' Association, nor would it have received the sanction of the home authorities. It is to be hoped that the severe sentences of the Supreme Court will materially reduce the prevalence of this crime.

I am still awaiting the sanction of the Secretary of State to the plan decided on by the Government for the improvement of the clerical branch of the Service.

A most interesting and exhaustive report on the opening of the Kukul Korale, by Mr. Gunn, has been laid before you. You will, I am confident, appreciate the industry and ability displayed by that gentleman in the difficult task which he has so thoroughly accomplished. I have now ordered a complete trace and estimate of a road to be made to the top of the Bulutota Pass, together with an improvement of the road from Madampe to Rakwana in connection with it. A trace is also to be cut into the Kukul Korale to enable persons wishing to purchase lands in that almost unknown district, to traverse it. This trace will be laid out in the prospect of its being ultimately enlarged into a grant-in-aid road, and the blocks of coffee land will be surveyed, as far as possible, in connection with it. The question of constructing a road to the top of Bulutota Pass has long been under consideration; its value cannot be denied. Were it once accomplished, further extension into Morowak Korale would, as a matter of course, follow, and thus a through and direct connection would be established between the Southern Province, Sabaragamuwa, and the Central Province. Had the planters been able to pay a moiety of the cost of constructing the road to the top of the Pass, it would have been commenced before this; but it is manifest that they are unable to do so, nor in my opinion is the work one to which they should be asked to contribute, as the road will serve the interests of all classes and open the resources of districts now virtually debarr'd from progress and improvement, owing to the

absence of all means of communication. I shall, I trust, be able to lay before you an estimate of this work next year, and I reckon on your liberality to enable the Government to undertake it.

I am gratified to be able to report to you that the health of the Island is remarkably good. The sickness affecting the Walikada prisoners has been entirely overcome, and I have every reason to believe that when that jail is again tenanted, as it will shortly be, it will be found as healthy as other jails throughout the Colony. I see no prospect of any material falling off in our prosperity, in spite of the exceptionally bad coffee crop of this year. The Government has decided on having a Pearl Fishery in March, but I am not prepared, in the face of the large destruction of oysters on the banks, as reported by the Master Attendant, to look forward to any considerable increase to our revenue from this source.

Should the condition of the revenue admit, I shall propose next year to have the Customs Ordinance reviewed, in order to ascertain whether the tariff may not be simplified so as to admit free many articles now paying a duty which is hardly worth-collecting.

Amid so many causes for congratulation, there is one subject which has given the Government much anxiety, namely, the food prospects of the Island. In reply to our enquiries we have received reports from the North-Western, North-Central, and Northern Provinces, describing considerable pressure on the cultivators from the want of rain. In the Wannu Hatpattu the food supply has undoubtedly fallen short, and the Government has sanctioned the immediate employment of the villagers in the distressed district on useful public works. Private contributions have also tended to alleviate much suffering. The reports recently received from the North-Western Province are more favourable, and the heavy showers which have fallen have enabled the people to sow an un-

usual breadth of fine grain. In view of the present emergency, greater latitude has been allowed to them in the cultivation of chena lands; at the same time, the strictest instructions have been issued forbidding encroachment upon forest.

I am happy to inform you that there appears to be no cause of apprehension in the other Provinces. In the Eastern Province, owing to the irrigation works, there will, I understand, be a considerable surplus of rice.

In the towns an advance in the price of rice may cause distress, and it is apprehended that combination may be resorted to, to effect temporary dearthness. The Government has hitherto refrained altogether from interfering in the import of food, believing that, except in the gravest emergencies, private enterprise and the desire of gain will do the work of importation and distribution far better than it can be effected by official management. Should however combinations to create artificial scarcity be resorted to or expected, the Government will not hesitate to take such immediate steps as will counteract such projects.

I rely on your liberality in sanctioning any advance which may be necessary for the preservation of human life, and which cannot and ought not to be dealt with by private benevolence. It will be my duty, almost immediately, to visit some of the most distressed and backward districts in the Colony. I shall thus be enabled, at an early period, to form a correct opinion as to the food prospects of the poorest part of the Island until the coming harvest, and I shall address you on the subject.

Most heartily do I pray that this black cloud may pass from us, and that God's blessing, which has of late years been so bountifully bestowed upon this Colony, may still continue to rest upon us to guide our resolutions and to prosper all our works.

The members then separated, and the Session of 1873 was at an end.

# APPENDIX.

## NUMBERS OF MEETINGS AND ATTENDANCE OF MEMBERS.

No. of MEETINGS.	...	...	...	21
<i>Attendance of Members :</i>				
His EXCELLENCY THE GOVERNOR, President				21
The Major General	...	...	...	21
The Colonial Secretary	...	...	...	18
The Queen's Advocate	...	...	...	21
The Auditor General	...	...	...	18
The Treasurer	...	...	...	21
The Government Agent (W. P.)	...	...	...	20
The Government Agent (C. P.)	...	...	...	8
The Surveyor General	...	...	...	21
The Principal Collector of Customs (W. P.)	...	...	...	21
Mr. Wilson	...	...	...	21
Mr. Dehigama	...	...	...	5
Mr. Rose (retired October 1.)	...	...	...	9
Mr. Leake (retired September 10.)	...	...	...	5
Mr. Ferdinands	...	...	...	21
Mr. Ondaatje	...	...	...	21
Mr. W. Bowden Smith (sworn October 29)	...	...	...	8
Mr. J. T. White (sworn October 29.)	...	...	...	7

## THE DIVISIONS OF THE SESSION FOR 1873.

*Monday, June 2.*

### THE OFFENSIVE STATE OF COLOMBO LAKE.

On a motion by Mr. WILSON,

That the filthy and offensive state of the Colombo Lake is a recurring and increasing source of sickness, annoyance, and anxiety at the end of each dry season, and would probably cause some serious epidemic, if any monsoon rains were to fail or be delayed longer than usual;

Also,

That a most serious responsibility will rest on the Government, if it further delays taking the necessary steps for putting and keeping the Lake in a proper state of sanitary conservancy; particularly as it has ample funds in hand, has admitted the defective and unwholesome condition of the Lake, and has been frequently memorialized by the inhabitants on the subject, praying for relief;

The Council divided with the following result:—

AYES.	NOES.
Mr. Leake	Mr. Ondaatje
Mr. Rose	Mr. Ferdinands
Mr. Wilson	The Collector of Customs
	The Surveyor General
	The Govt. Agent, W.P.
	The Treasurer
	The Queen's Advocate
	The Actg. Colonial Secy.
	The Major General
	The Governor.

Ayes 3; Noes 10.

## ESCAPE OF FLOOD WATERS TO THE SEA.

On a motion by Mr. WILSON,

That it is desirable that Government should, without delay, make provision for the better escape of floodwaters to the Sea, as the Commissioners have sent in their Report;

The Council divided, when there were

AYES.	NOES.
Mr. Leake	Mr. Ondaatje
Mr. Rose	Mr. Ferdinands
Mr. Wilson	The Collector of Customs
The Surveyor General	The Govt. Agent, W.P.
	The Treasurer
	The Queen's Advocate
	The Colonial Secretary
	The Major General
	The Governor

Ayes 4; Noes 9.

*Tuesday, June 3.*

### EXPENDITURE ON PRISONS.

On a motion by the ACTING COLONIAL SECRETARY that "Rs. 100,000 be appropriated to improvement of Prisons," Mr. WILSON opposed and on the question "That the words stand part of the bill," the Council divided:—

AYES.	NOES.
Mr. Ondaatje	Mr. Leake
Mr. Ferdinands	Mr. Wilson
Mr. Rose	
The Collector of Customs	
The Surveyor General	
The Govt. Agent, W.P.	
The Treasurer	
The Queen's Advocate	
The Actg. Col. Secretary	
The Major General	
The Governor	

Ayes 11; Noes 2.

### THE CEYLON RIFLES BAND.

Mr. ROSE moved

"That it being now settled that the Ceylon Rifle Regiment is to be disbanded, it is most desirable that the Rifle Band should be kept up at the expense of Government and be available to the public; that His Excellency the Governor be authorized and requested to include the expenses of the Band in the sum to be voted for the disbandment of the Regiment; and that the necessary vote for upkeep of the Band be afterwards taken annually."

On this motion the Council divided:—

AYES.	NOES.
Mr. Ondaatje	The Queen's Advocate
Mr. Ferdinands	The Acting Col. Secretary
Mr. Leake	The Governor.
Mr. Rose	
Mr. Wilson	
The Collector of Customs	
The Surveyor General	
The Govt. Agent, W.P.	
The Treasurer	
The Major General	

Ayes 10; Noes 3.

Wednesday, September 24.

The QUEEN'S ADVOCATE moved that "An Ordinance to check Coffee Stealing be read a second time."

Mr. FERDINANDS moved that the bill be read this day six months.

The Council divided on the motion of the Hon. the QUEEN'S ADVOCATE:—

AYES.	NOES.
The Governor	Mr. Ferdinands
The Major General	Mr. Ondaatje
The Colonial Secretary	Mr. Dehigama.
The Queen's Advocate	
The Auditor General	
The Treasurer	
The Govt. Agent, W.P.	
The Govt. Agent, C.P.	
The Surveyor General	
The Collector of Customs	
Mr. Wilson	
Mr. Rose	

Ayes 12; Noes 3.

Wednesday, December 3.

RETURNS OF TYPHOID FEVER.

Mr. WILSON moved

That with reference to the extract of a letter from the Principal Civil Medical Officer, No. 569 of 21st October, 1873, furnished to the Council, that it is desirable that the remaining portion of that letter be laid on the table, as well as any remarks which may have been made relative to the diseases in question by the other medical gentlemen who gave the returns of Typhoid fever.

Government resisted the motion, and on a division, there were

FOR	AGAINST.
Mr. Ondaatje	The Governor
Mr. Wilson	The Major General
	The Colonial Secretary
	The Queen's Advocate
	The Auditor General
	The Treasurer
	The Govt. Agent, W.P.
	The Govt. Agent, C.P.
	The Surveyor General
	The Collector of Customs
	Mr. Ferdinands
	Mr. Bowden Smith
	Mr. White.

For 2; against 13. Motion lost.

MUNICIPAL MAGISTRATES.

In Committee on the "Ordinance to relieve Municipal Councils from their magisterial work," Mr. WILSON moved that the words "three-fourths" be omitted from the first line; and "a majority" [of electors or councillors] be inserted. There were:—

AYES.	NOES.
Mr. Ondaatje	The Governor
Mr. Wilson	The Major General
	The Colonial Secretary
	The Queen's Advocate
	The Treasurer
	The Govt. Agent, W.P.
	The Govt. Agent, C.P.
	The Surveyor General
	The Collector of Customs
	Mr. Ferdinands
	Mr. Bowden Smith
	Mr. White.

Ayes 2; Noes 12.

ORDINANCES PASSED DURING SESSION 1873.

No. 9 of 1873—An Ordinance to abolish the Pioneer Pension Fund and to devote the money to the extension of the Railway to Nawalapitiya, the Pensions to Pioneers being paid out of the General Revenue.

This Ordinance repeals the enactment No. 3 of 1835, and directs the trustees to pay into the Colonial Treasury the sum of Rs. 209,226-94 with all interest thereon, which amount is to be applied to the extension of the line of Railway from Peradeniya to Nawalapitiya.

No. 10 of 1873.—"An Ordinance to provide for the recovery of the cost of treating sick coolies in Government Hospitals."

This Ordinance empowers the Government Agent or his Assistant to recover the cost of sick coolies in Government Hospitals from the estates themselves. A written notice will be served upon the proprietor or agent of the estate, informing him of the sum due for sick coolies, and in case of neglect or refusal to pay the sum at the time specified, the property found on such estate may be seized and sold. If bills are not presented within two years all claims shall be prescribed.

No. 11 of 1873.—"An Ordinance to provide for the establishment and regulation of a public Museum in Colombo."

This Museum is to be called "The Colombo Museum," and is to be devoted to the illustration of the Archaeology, Natural History and Products of Ceylon, and to the collection of a Library of Books of general information. The Curator shall lay annually before the Government a general report of the condition and progress of the Museum. The Asiatic Society may transfer their books and collections to the Museum, and the members of that society shall have access to the Museum and be allowed the use of a room for meetings, &c.

No. 12 of 1873.—"An Ordinance for the prevention of accidents by gunpowder."

This Ordinance repeals the enactment No. 14 of 1862, and provides that gunpowder shall be deposited in public magazines. The possession of more than 50 lbs. of powder shall be deemed unlawful. The Governor may, however, grant a special license to possess a larger quantity than 50 lbs. subject to certain conditions. Gunpowder cannot be sold without a license, and such license shall be on a stamp of Rs. 5.

No. 13 of 1873.—"An Ordinance for making final provision for the Supplementary Contingent Charges for the year 1872."

The sum of Rs. 24,098-18 which this Ordinance provides is merely a covering vote for expenditure already incurred, the particulars of which are as follows:—

	Rs.	Cts.
Office Contingencies	53	41
Pensions	419	78
Charitable Allowances	65	89
Public Works	2,360	79
Miscellaneous Services	21,198	31

Total...Rs. 24,098 18

No. 14 of 1873—"An Ordinance relating to the Annual Pilgrimage to Kataragam."

The efforts of the Government to induce the pilgrims and others promoting or connected with this pilgrimage to submit voluntarily to such restrictions as are necessary to prevent the spread of contagious diseases having proved ineffectual, it was thought desirable to introduce such measures as would prevent danger to the pilgrims themselves and to the inhabitants of the villages and towns through which the pilgrims pass. The law, therefore, intended to avert the evils com-

plained of. Disobeying orders or obstructing officers appointed to enforce such orders shall be made penal, and the offenders liable to a fine not exceeding Rs. 1,000 or to imprisonment with or without hard labour for a term not exceeding one year.

No. 15 of 1873.—“An Ordinance for making provision for the Supplementary Contingent Charges for the year 1873.”

This is the largest Supplementary Estimate ever submitted to the Legislative Council. It amounts to Rs. 1,535,628-34½, as follows:—

	Rs.	Cts.
Provisional Salaries, Allowances, and Contingencies ...	68,307	55
Public Works .....	785,397	84
Railway Services.....	54,033	39
Railway Extension.....	188,750	0
Other Services.....	457,139	56½

Total...Rs. 1,535,628 34½

No. 16 of 1873.—“An Ordinance to amend the Law relating to Notaries.”

This Ordinance has been enacted with the view to prevent the admission of men not properly qualified in respect of character and professional attainments to fill the responsible office of a Notary. Sections 3, 4, 5, 6, and 12 of the Ordinance No. 16 of 1852, are repealed. The qualifications to be admitted a Notary are as follows:—Good repute, age 21 years, Advocate or Proctor of the Supreme Court or an articulated Clerk of an Advocate or Proctor of the Supreme Court and shall have duly served as such for three years.

No. 17 of 1873.—“An Ordinance relating to Carriages let for hire, and to Coaches.”

This enactment repeals the Ordinances No. 7 of 1848, No. 1 of 1853, and No. 7 of 1870, and provides that each license for a carriage shall be on a stamp of Rs. 10, and for a hackery Rs. 5. Plates shall be affixed to carriages, &c., and the Municipal Council may make Bye-Laws respecting carriages and coaches. Public stands for carriages may be fixed. Incompetent persons shall not be employed in driving carriages or coaches. Penalty any sum not exceeding Rs. 20. Misbehaviour of proprietor, driver, horsekeeper, or other person in charge of carriage or coach shall be liable to a fine of Rs. 50 or to imprisonment.

No. 18 of 1873.—“An Ordinance for making provision for the contingent Services of the year 1874.”

The following sums are provided for in this Ordinance:—

	Rs.	Cts.
Provisional Establishments ...	1,786,868	89
“ Pensions &c. ...	516,734	89
“ Public Works ...	2,542,766	23
“ Immigration ...	96,042	0
“ Education ...	156,815	0
“ Transport ...	204,289	36
“ Railway Services ...	589,220	0
“ Railway Construction ...	150,000	0
“ Other Miscellaneous Charges	1,910,404	81

Total... Rs. 7,812,141 18

No. 19 of 1873.—“An Ordinance to give effect to certain Rules and orders for the admission of Advocates to practice in the Supreme Court.”

The Ordinance simply gives effect to certain Rules framed by the Supreme Court relating to the admission of Advocates. The examination shall be on the following subjects:—Classics, Roman Law, Roman Dutch Law, English Constitutional History including Colonial Institutions, Principles of the Law of Evidence, Jurisprudence, including International Law. Any person appointed Queen’s Advocate or Deputy Queen’s Advocate for the Island or who shall have been admitted as an Advocate or Barrister, need not undergo the prescribed examination.

No. 20 of 1873.—“An Ordinance relating to the Magisterial work of Municipal Councils.”

Two or more Councillors may form a Bench of Magistrates and the Governor may relieve any Municipal Council from its magisterial work on the application in writing from three-fourths of its number—when so relieved every complaint, matter or thing depending heretofore before the Bench of Magistrates, shall be proceeded upon in the Police Court of the district, and all records pending shall be transferred to such Court.

No. 21 of 1873.—“An Ordinance to provide for the collection of the sums due to the Crown on Plumbago.”

In lieu of the Royalty now due to the Crown on all plumbago dug on Crown lands a duty of 50 cents per cwt. shall be levied at the different ports of shipment. This Ordinance and the Ordinance No. 17 of 1869, shall be in force and put in execution with regard to the dues imposed. This law shall come into operation on the 1st of April, 1874. The Chamber of Commerce, it is believed, has protested against this enactment.

No. 22 of 1873.—“An Ordinance to amend the Licensing Ordinance 1873.”

Wholesale shall mean the sale of goods in gross or in parcels of, and exceeding a dozen quart-bottles or two gallons of the same kind of liquor. Prohibition of sale on credit shall not apply to liquor sold not to be consumed on the premises. None of the provisions contained in the Ordinance shall apply to refreshment rooms on Railway or Tramway stations. Officers of Customs may destroy spirits unfit for human consumption. No person shall manufacture spirits in Ceylon without license. Section 35 of the Ordinance Nr. 7 of 1873 repealed, and another clause substituted.

No. 23 of 1873.—“An Ordinance to amend the Branch Roads’ Ordinance 1866.”

Assessment for repairing roads shall be sectional. Any person aggrieved with the decision of the Provincial Committee shall be entitled to apply to the Governor for relief at any time within 21 days after such decision shall be made known to him.

This Ordinance, the Ordinance No. 13 of 1866, and the Ordinance No. 4 of 1873 shall be read and construed as one Ordinance.















