



Ceylon Govt. Gazette

EXTRAORDINARY

Published by Authority.

No. 5,316—WEDNESDAY, OCTOBER 24, 1894.

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LEGISLATIVE COUNCIL, CEYLON.

ADDRESS OF HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, K.C.M.G., ON
OPENING THE SESSION OF THE LEGISLATIVE COUNCIL, OCTOBER 24, 1894.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

IT is with satisfaction that I am able to announce to you that during the year which has passed since I last summoned you for the despatch of business, the progress which has of recent years so happily marked the records of Ceylon has continued.

The hope which I expressed in addressing you last year, that, notwithstanding the loss to revenue by the remission of taxation on Island-grown food to the extent of nearly a million of rupees, and the failure of the additional Import Duties to produce their full effect, the revenue of 1893 might not fall far short of that of 1892, has been realized. The revenue of 1893, amounting to Rs. 18,051,950-08½, is less by only Rs. 457,236-62½ than that of 1892. This deficiency is accounted for (apart from the remission of the Paddy Tax) by a decrease under the head of Land Sales and under certain heads of Customs Duty.

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The receipts from Land Sales, which, as you are aware, are not, strictly speaking, revenue proper, were less in 1893 than in 1892 by Rs. 135,119. In Customs receipts there was a decrease of about Rs. 230,000 in the duty levied on spirits, tobacco, and kerosine oil, attributable to a larger quantity of these articles having been imported in 1892 in order to escape the higher rates of duty which were levied in 1893. In fact, on kerosine oil only Rs. 4 was collected as duty in 1893, against Rs. 45,078 in 1892. There was also a smaller importation of cotton goods, attributed to the large stocks remaining in hand. There was also a smaller export of plumbago, owing to the fall in the market price of that article.

The proceeds of the Railways, though exceeding by Rs. 258,387 the receipts of 1892, fell short of the estimated revenue by Rs. 432,300, owing in a great measure to insufficient allowance having been made for the effect of the reduction conceded in 1892 in the rate for the carriage of tea.

The number of passengers increased in the year by 224,930 persons, the numbers being in 1892, 3,484,394, and in 1893, 3,709,324. The low rate of fares, while it stimulates and encourages the movements of the people, fails to make this traffic very remunerative.

The goods traffic increased by 27,090 tons, the receipts increasing by Rs. 168,869, due partly to the opening of the Haputalé Extension.

The Customs revenue, which amounted to Rs. 4,498,912, fell short of the revenue of 1892 by Rs. 164,650, but exceeded that of 1891 (which had been the largest revenue raised in any one year) by Rs. 295,591. The causes of this decrease I have already explained to you.

The trade of the Colony continued to expand, the value of Imports exceeding the Imports of 1892 by Rs. 3,215,343, and of 1891 by Rs. 6,940,635; the value of Exports for the same periods being Rs. 12,164,712 and Rs. 14,954,996 in excess of previous years.

Of Ceylon produce the value exported (Rs. 67,162,476) showed an increase over 1892 of Rs. 7,153,326, and over 1891 of Rs. 11,012,579. The decrease in the value of the exports of plumbago, tobacco, and the products of the cocoanut tree is more than counterbalanced by the increase (Rs. 8,196,193) in the value of tea, of which the exports in 1893 exceeded the exports in the previous year by 9,986,829 cwt.

The Harbour Dues collected at the Port of Colombo continue to show a satisfactory advance. There was an increase in the number of steamers of 42, aggregating 156,076 tons, and a decrease of sailing vessels of 63, aggregating 35,414 tons. The tonnage of vessels entered inwards at Colombo was 3,102,811, as compared with 2,924,864 in 1892. The tonnage outwards was 3,049,582, as compared with 2,865,842 in 1892. A notable feature of the Customs returns is the increase in the packages transhipped, pointing to an acknowledgment of the facilities afforded by the Harbour for quick and safe working. The number of packages transhipped rose from 318,836 in 1891 to 456,720 in 1892 and 525,983 in 1893.

The assets of the Government on the 1st of January, 1894, exceeded the liabilities by Rs. 1,664,496.10.

The returns of revenue for the first eight months of the year show an increase of Rs. 186,380 on the estimated revenue for the same period. Under every head except Licenses and Interest the receipts are larger than in the same period of 1893, and the total receipts for the first eight months of 1894 show an excess of Rs. 881,973 over those of 1893. It may be confidently anticipated that the total revenue of this year will be the largest yet collected, and that it will exceed nineteen millions of rupees.

The increase in the revenue does not, however, unfortunately fully compensate for the great fall in silver and depreciation in the value of the rupee. The amount payable for sterling charges in England is largely augmented thereby, and a corresponding diminution of the sum left free for expenditure in Ceylon results therefrom.

The gold charges in 1890, the year of my assumption of the Government of the Colony, were met by a payment of Rs. 3,875,298 out of a revenue of Rs. 16,228,768, while the charges for 1893, required an expenditure of Rs. 5,002,860 out of an income of Rs. 18,051,950. Although, therefore, the revenue has increased by nearly two millions of rupees, and the gold charges by only £7,992, yet the sum available after payment of the home charges, including military expenditure, is only Rs. 13,049,090, or Rs. 695,620 in excess of 1890.

There is everything in the condition of the finances to justify hopeful anticipations of the future, but it is impossible to lose sight of the disastrous influence exercised in some respects upon the resources of the Colony by the diminished purchasing power of the rupee. If the progress of

the Colony is not to be stayed, and a policy of starvation introduced, pernicious in its effects liabilities to be discharged in gold must be incurred. The question of exchange will present itself to you very strongly when you come to consider, as it will be my duty to ask you to consider, the question of the amount to be paid as the military contribution of the Colony from 1st April, 1895. I do not propose at this moment to enter further upon this matter, but, in connection with the question of the influence of exchange upon Colonial finances, I would point out to you that a liability to pay £75,400, the amount of the present military contribution, which could be discharged in 1890 by a sum of Rs. 991,561, now requires a payment of Rs. 1,365,736.

The credit of the Ceylon Government, which was previously excellent, has during the past year risen still higher. The average price obtained for the first issue of Ceylon three per cent. stock in 1890 exceeded the issue price of any Colonial stock then in existence. This position has not only been fully maintained during the present year by the recent issue of £500,000 of Ceylon three per cent. stock, but Ceylon was, in fact, placed by that issue at the very head of the Colonial market. This stock is now quoted at over 100.

Proofs of the progressive prosperity of the general population are to be found in the rapidly increasing railway passenger traffic, in the larger yield of the excise on home-manufactured spirits, in the enhanced value of those tolls which are not affected by the opening of new lines of railway, and on the augmented circulation of money evidenced by a rapid absorption of a large stock of the newly-introduced subsidiary coinage and by an unprecedented demand for Government five-rupee bank notes.

In my Speech at the opening of the last Session, I said that it was probably then too soon to speak with confidence of the results of the efforts made to diminish serious crime. Further experience of the measures adopted with the object of checking offences against the Criminal Law, and a careful investigation of the accuracy and value of our Criminal Statistics, enable me now to give a more decided opinion on the subject. The Solicitor-General, after a careful review of all the facts within his knowledge, has come to a conclusion, which he describes as almost irresistible, that there has been a very decided decrease in the graver crimes (exclusive of homicide) committed in the Colony during the last three years, and this notwithstanding an increase in the petty offences throughout the same period. A Committee appointed to report on the question, whether or not serious crime is on the increase, has, after a careful analysis of the Criminal Statistics, and after observing that in cases tried before the Supreme and District Courts, which may be assumed to be the most serious cases of crime, there has been a marked and progressive diminution, given an opinion that though they are unable positively to assert that there has been no increase of crime, they have gathered from the facts deduced from the statistics that there is every probability that crime has diminished. And the Committee further point to the utter absence of any facts or figures tending to support a contrary view, namely, that crime has increased. The Government Agents, in reply to an inquiry from me as to the working of the new Provincial Police system, coupled with the question whether in their opinion serious crime has or has not increased, have unanimously reported that the new system of Police control is working satisfactorily, and the organization of a Rural Police has had a decided effect upon the detection and suppression of crime. The Prison Returns show that whereas on the 31st December, 1890, there were 3,337 prisoners, the numbers on the corresponding date in 1891, 1892, and 1893 were 2,613, 2,437, and 2,444. I think it may be deduced from the above opinions and facts that the measures taken by the Government (1) to improve the Criminal Law; (2) to make the Police system more efficient; and (3) to render the punishment of imprisonment more deterrent, have to an extent, which may be held to be encouraging, fulfilled their purpose.

It gives me satisfaction to be able to inform you that the improvement in the working of the Thoroughfares Ordinances, which it has been the earnest desire of the Government to effect, was well maintained during 1893. The number of persons who commuted their liability to labour was in 1893, 525,913, against 516,591 in 1892 and 490,246 in 1891. The number of those who performed labour has at the same time continued to decrease, the figures of 1893 being 10,909, as against 12,305 in 1892 and 16,407 in 1891. The total number of persons committed to prison in default of either labour or payment in commutation was in 1891, 3,505. This number decreased in 1892 to 2,156, and in 1893 to 1,112. In the year 1893 the total number of persons who discharged their liability under the law was 595,715, which represents nearly one-fifth of the total population, which is about

the natural proportion of male adults between the ages of 18 and 55 years, the class made liable under the Thoroughfares Ordinances. It would seem, therefore, that there is now but little evasion of the law, and as this result has been obtained *pari passu* with a steady decrease of fine and imprisonment, it may, I consider, be assumed that the operation of this system of labour bears with increasing lightness on the people.

The annual Volunteer Camp of Exercise has this year been held for the fifth time. While receiving with satisfaction from the General Officer Commanding the Troops a favourable report of the organization of the Camp and of the discipline and drill of the Force, I regret to have observed that the number present was considerably less than at the Camp of 1893.

The institution recently organized for practical instruction in the mechanical industries has been worked with success, and it is hoped that technical education in its widest sense will in future take an important place in our system of teaching the people.

I am glad to be able to say that the Government Dairy, an institution set on foot at my suggestion, for the double purpose of obtaining a supply of good milk for the use of the Government Hospitals and Asylums, and of promoting the improvement of the breeding of cattle, has, after some little difficulties and trials, given satisfactory and remunerative results.

The anticipation to which I gave expression when opening the last Session, that the line of Railway from Colombo to Galle and the branch line to Kurunégala would be opened to the public in May and in February of the present year, has been fulfilled. The completion of railway communication between Colombo and Galle is an important and interesting incident in the history of the advancement of Ceylon. In the construction of the branch line to Kurunégala, you are to be congratulated on the execution of a work which is not only in itself beneficial, but which has also a special importance in the fact that it forms the first section of a line which may, I hope, some day extend as far as Jaffna, and bring Colombo and the South into communication with the yet undeveloped central region of the Island, and with the populous and industrious districts of the North, and also bring into closer relations the military stations of Colombo and Trincomalee. The survey and estimate of the cost of a line from Kurunégala to Jaffna are well-nigh complete, but the statistics on which to base an estimate of the probable receipts from traffic are still wanting in fulness and accuracy. The collection of the required information is still proceeding. The construction of a line of Railway from Galle to Mátara, which received your approval during the recent Session, is being carried forward with vigour. It is hoped that the line may be opened for traffic about Christmas of next year. In pursuance of representations made to me by the Kelani Valley Planters' Association, preliminary inquiries have been made by a Commission appointed for the purpose, as to the expediency of opening a branch line of Railway from a point on the Main line to Dehiowita. The report of the Commission is favourable to the project, but it has been deemed advisable to request the Chairman of the Commission, with the help of the General Manager of the Railways, to revise the estimate of the probable traffic receipts. A further report is awaited. As soon as it has been received, all papers on the subject will be laid before you. Some interest has been shown in a project to connect the Ceylon Railway system with that of Southern India. In the absence, however, of any reliable estimate of the cost of the work, and in the absence of even so much as a suggestion of the yield of the traffic, it is impossible to express any opinion as to the feasibility of the scheme from a commercial point of view. One of the professed purposes of the project is to divert the trade of the southern ports of India to Colombo. It is almost superfluous to observe that a project with such a purpose would meet with opposition from the mercantile interests of the Southern Indian ports. Whatever question there may be of the commercial advantages that might be secured to Ceylon or to India by the connection of the two countries by railway, or as to the profits which may accrue to the owners of such a railway, there can be little doubt that if the natural barrier created by the strip of sea which separates India from Ceylon be removed, there will arise an inevitable and irresistible tendency on the part of the two countries to assimilate their Customs tariffs and other matters of administration; and India being vastly the larger and stronger of the two, the Ceylon Administration would be drawn towards that of India, and would in the natural course of things become eventually absorbed in it.

In the important matter of Public Works, the last few years have been marked by great activity. The building of the new General Post Office in Colombo and of the bridge over the Kelani river are approaching completion; the carrying of a bridge over the Deduru-oya river, on the line of road between Chilaw and Puttalam, is making good progress; the work of providing outlets for the flood waters of the Kelani river advances steadily. The construction and improvement of hospitals and other public institutions, the extension and improvement of communication by roads, have all made vast progress. And lastly, the great work of perfecting the Harbour of Colombo, having been approved by you, has been set on foot, and is being carried on with admirable energy. A result of the high pressure under which Public Works have been pushed on is, that the demand and need for new works has perceptibly slackened. It is a matter for congratulation that this should be the case, for the heavy and rapidly increasing drain upon the revenue arising from the continued low rate of exchange has tended to overtake the advance of the revenue, rapid as that advance has been. It is now found necessary to moderate the recent large expenditure on Public Works. In the Estimates for 1895 this necessity will be found to be admitted, but at the same time it will be possible to provide for a steady continuance of the policy of progress and liberality which has always distinguished the Ceylon Government.

The Deduru-oya Irrigation Scheme will shortly be finished, and it is not intended in the Estimates of 1895 to ask you to make further provision for that work, or special provision for any other new irrigation scheme. I addressed you last year on the subject of the restoration of the Giant's Tank in the Mannár District, and I then proposed to ask you for a vote on account of that work. It was found, however, impossible to place before you, sufficiently early for full consideration, such plans and estimates as would bring the scheme within the conditions which the Central Irrigation Board require in a work classified as remunerative. The Central Irrigation Board have since approved a modified scheme, the estimated cost of which is Rs. 282,000; and with the sanction of the Secretary of State that Board has undertaken to provide from the Irrigation Fund means for carrying out the work. The plans and estimate of the scheme will be placed before you for your information. When it is borne in mind that large sums of public money are constantly expended in promoting the advantage and convenience of the more favoured portions of the Island, inhabited by sections of the community who are able to secure attention to their wishes and wants, I feel confident that the help that it is proposed to give to the forlorn District of Mannár, in the interests of the health, and even the lives of its people, will meet with the sympathetic acquiescence of this Council. It should not be forgotten, moreover, that the people of Mannár who will receive benefit from this irrigation work have pledged themselves to pay an annual rate, which will probably amount to a little over 4 per cent. on the estimated outlay. The restoration, improvement, and maintenance of the smaller irrigation works in the Island will continue, as heretofore, to receive the earnest attention of the Central Irrigation Board.

The Estimates for 1895 will very shortly be placed before you. The Select Committee of the Legislative Council appointed to inquire into and submit their recommendations upon the public expenditure, with a view to suggesting reductions in Establishments, are, as you are aware, still occupied in an exhaustive investigation of the subject. The report of the Committee not having yet been made, I fear it will be hardly possible to give effect to any of its proposals in the Estimates for 1895. I may assure the Council, however, that pending the consideration of the report of the Select Committee, I have thought it my duty to decline all proposals for increase of salary or for augmentation of Establishments, and that I have continued to take every opportunity offered by a vacancy in an office to consider whether or not it is necessary to fill it.

The Legislative measures which I shall invite you to consider do not belong to the first order of importance, and they are not numerous.

An amendment of "The Village Communities' Ordinance, 1889," has been found to be necessary, in regard to the levies of labour hitherto made for village purposes. It will be remembered that, in his Address to this Council, Sir Hercules Robinson said in 1871:—

"I would be disposed to allow the villagers, in conjunction with the native Magistrate and Government Agent, to frame rules for the enforcement of ancient customs and for the regulation of cattle trespass, pasturage of cattle, village paths, fisheries, village schools, and for such other like matters of purely village concern, which can never be effectually controlled except through

“the instrumentality of the people themselves. Take for example the case of village schools. The Government are prepared to establish a village free school in every village in which the people are willing to provide a school-house. Why, therefore, should not the villagers be allowed, if they desire to do so, to lay down rules for the *apportionment of the cost* of erecting and maintaining a school-room *amongst the different families in the little community*, and for securing the regular attendance of their own children at school? It is only by some such medium of organization that any large extension of vernacular education can be carried out, and the people taught to take part and interest in the management of village affairs.”

The Ordinance No. 26 of 1871 provided that it should be lawful for the inhabitants of any subdivision brought within the operation of that Ordinance to make rules in regard to such matters. For twenty-three years the law on the subject has been interpreted by the light of the intention of its framers as justifying the right of the inhabitants to levy labour and otherwise tax themselves according to their requirements. But recently this right has been questioned, and it is desirable to remove all doubts on the point by invoking your aid for the enactment of a short Ordinance expressing in clear terms what appears to have been the intention of this Council at the time it passed the original Ordinance and the Ordinance No. 24 of 1889.

Upon my submitting a transcript of the Explosives Ordinance, No. 10 of 1893, passed during the last Session of the Council, to the Secretary of State for the Colonies for the significance of Her Majesty's pleasure, his Lordship caused it to be referred to the Home Office. In view of a report made by the Chief Inspector of Explosives, the Ordinance has been returned in order that you may consider the desirability of making it fuller and more effective in certain respects, and in accordance with recent Orders in Privy Council made under the Explosives Act, 1875. A new Ordinance on the lines suggested has been prepared, and will be submitted to you, together with all connected papers.

The question of mitigating the evils arising from the interference of touts and petition-drawers with suitors in courts of justice has received the attention of the Government. It was represented to me that their meddlesome practices were a fruitful cause of false litigation and perjury in the Island. You are no doubt aware that the Minor Courts Commission reported so long ago as 1884 that the laws then in existence could not reach the abuses in question. A remedy for them should no longer be delayed. It has been found impracticable to deal effectively with all the evils complained of, but the Ordinance relating to intermeddlers with suitors in courts, as recently published, will mitigate a large proportion of those evils.

In consequence of the yearly increasing difficulty experienced in many courts of the Island in arranging and maintaining in proper preservation their records through want of space, I appointed, after consultation with the Judges of the Supreme Court, a Committee to inquire and report what classes of records might be destroyed without detriment to private rights or public interests. The Committee having reported exhaustively on the question, it has been considered advisable to give effect to their recommendations by an Ordinance, which will be placed before you in due course.

It will be remembered that soon after the Ordinance No. 5 of 1890, relating to mines of gold, silver, and precious stones in lands other than Crown property, came into force, certain petitioners complained to the Council of the working of the Ordinance. Their representation was directed against those sections which prohibited the opening of any mine without a license, rendered compulsory a payment of five rupees for each such license, limited the number of men to be employed in each pit, and directed a levy of 75 cents quarterly for each man so employed. A Select Committee of the Council was appointed in 1891 to inquire into the grievances alleged, and its report was duly published. As no action thereon was taken in Council by any of the Unofficial Members, and as I felt that the Ordinance had not been in operation long enough to justify its amendment, I resolved to wait till I had an opportunity of visiting the Province of Sabaragamuwa and of knowing more fully the sense of the people. I have conferred with them during the two visits I made to that part of the Island, and I have fully considered all aspects of the question. The additional knowledge and experience I have now acquired of the working of the Ordinance have not changed the opinion I held from the first, that it is a salutary measure, because, while conserving to the Crown a fair substitute for the royalty it is justly entitled to, it gives to the Government some control over mining operations on private lands, so as to safeguard peasant proprietors from too readily plunging into what is after all a most speculative enterprise. But care must be taken that such control is not made unnecessarily obstructive or burdensome.

Being of this view, I am unable to consent to a withdrawal of the licensing system, but I think that the Ordinance requires to be amended in some important respects, and it will be found, by reference to the Draft Ordinance recently published, that I have endeavoured to give relief upon all the principal points referred to by the petitioners who addressed themselves to this Council and the Secretary of State in 1890.

It was considered in 1886 whether the powers vested in the Governor by section 395 of the Criminal Procedure Code, to remit or suspend the sentence of a court without or upon conditions should be utilized for the purpose of trying in Ceylon the English ticket-of-leave system. The general principles of that system are too well known to need a lengthy explanation, but they are based on, the belief that good conduct in jail deserves the recompense of modified freedom antecedent to entire liberty, and that a gradual change from strict discipline to perfect freedom is calculated to develop in the mind of the convict a strong desire to live conformably to law and to enter upon and devote himself to a useful and respectable occupation. Rules suitable to local circumstances were framed, but no further action was then taken in the matter. I think the time has arrived for placing the law of this system of license in our Statute Book, and an Ordinance on the subject will be submitted to you for consideration.

In it you will find an allied subject dealt with, namely, the identification and supervision of habitual criminals, which has recently been reported upon in England by a Committee appointed by the Secretary of State. The papers that will be tabled will show in what way it is proposed to identify and supervise such criminals in the Island.

The necessity for amending and consolidating the laws regarding the registration of births and deaths in the Island, and of marriages other than Kandyan or Mohammedan marriages, has been felt for many years, and two Bills for that purpose will be submitted to you. The earliest law now in force was passed so far back as the year 1847, and has been amended from time to time by Ordinances scattered over many years and pages of our Statute Book. An attempt at consolidation was made in 1882, but did not proceed further than the publication of a Bill. In the period that has since elapsed further amending Ordinances have been enacted, rendering consolidation more desirable than before.

Past experience has shown also the necessity for more effectively providing for registration by making the division for the registration of births and deaths separate from the division for the registration of marriages.

In order to put an end to divided responsibility and the risk of double entries, a Registrar of Births and Deaths has been vested with exclusive jurisdiction in his division; but as no such inconvenience has occurred in the registration of marriages, and as it is desirable to give the people a choice of registrars of marriages, these officers will continue to exercise concurrent jurisdictions. The long-standing practice of utilizing estate superintendents and district medical officers in the registration of births and deaths has been found to be not in conformity with law, but its convenience justifies its legalization, and the necessary provision has been made. The complaints often urged by persons newly arrived in the Island as to the difficulty and delay in contracting a marriage have been met by providing facilities, which are, however, carefully safeguarded. Many other amendments of more or less importance have been embodied in the Bills, and will be explained to you on their introduction. But I desire to draw your attention to that provision which seeks to make registration essential to the validity of a marriage. You are aware that there is great uncertainty as to what constitutes a legal marriage in Ceylon, except among Kandiyans, in whose case registration has been made indispensable. Uncertainty on such a subject is fraught with grave consequences, and it will be for you to consider whether it should be remedied in the manner proposed. I am confident that these two Bills will receive from you the careful consideration which their importance deserves.

I propose to introduce a Bill to abolish the import duty on metals intended for use in local manufactures.

A few other Bills of minor importance will also be placed before you for consideration.

I regret that circumstances have prevented me from placing before you an amendment of "The Municipal Councils' Ordinance, 1887." If it is found possible during the course of the present Session to settle the amendments needed, it will be my duty to submit for your consideration a Bill for that purpose.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

With full hope that our joint efforts to promote the welfare of Ceylon and its people will, in the future, meet with the same good measure of success as in the past, I now, in the Queen's Name, declare the Session of the Legislative Council to be duly opened.