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LEGISLATIVE COUNCIL.

ADDRESS OF HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, K.C.M.G., ON
OPENING THE SESSION OF THE LEGISLATIVE COUNCIL, SEPTEMBER 14, 1892.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

FOR the third time I have had the honour of summoning you to meet me for the despatch of business. It gives me satisfaction to be able to say that the year which has passed since the opening of the last Session has been a year of plenty, of progress, and of prosperity.

The harvests have been generally abundant. Even from those districts of the Island in which dearth is of frequent occurrence, there have been few, if any, appeals for the help given through relief works. Unhappily, the death-rate of 1891 was high. This circumstance is to be attributed to an outbreak of cholera in the Uva Province and in the Northern and Eastern Districts, and to a wave of unhealthiness which passed over many countries, from whose effects Ceylon did not escape. During the second quarter of the present year there has been an improvement in the public health, although, I regret to say, the northern and north-western parts of the Island have again suffered from cholera introduced from the adjacent mainland. The wise measures of precaution taken by the Medical Department and by the local authorities have, as on previous like occasions, checked the spread of the disease.

A more deterrent system of Prison discipline than previously existed has been tried, and various measures affecting the administration of justice have been adopted, with the object of abating the serious crime which prevails among the people of Ceylon. The Law Officers of the Crown have reported indications of improvement, and the records show a decrease in the Prison population.

Important improvements have been made in local Postal communication. Foreign letter-postage has been reduced to a uniform rate of fifteen cents, corresponding to a rate of two-pence halfpenny. Internal postage rates have been revised, and the internal telegraph rates have been largely reduced. The expansion of the postal and telegraph business has been such that little or no loss has been caused to the revenue by these liberal concessions to the public advantage.

I am much gratified at being able to bring to your notice the remarkable development that has taken place in the numbers and efficiency of the Volunteer Forces. Companies of Infantry have, during the last year, been enrolled in five separate localities. An Artillery company is about to be formed at Trincomalee. A noticeable instance of this loyal, useful, and wholesome movement has taken place among the Planting Community in the Central Districts of the Island. A body of Mounted Infantry has been enrolled there, which already numbers 87 men, and which will probably be largely augmented. The strength of the Volunteer Forces has during the last three years increased from 821 to 1,169. The annual Camp of Exercise, which was formed for the first time in 1890, has

been held within the last two weeks. The General Officer Commanding has inspected the Camp and the force assembled there. He has expressed himself to me, in the highest terms of commendation, of the organisation of the Camp and of the precision and intelligence with which the drill and movements witnessed by him were executed. I have myself reviewed the Volunteers, and I observed with great satisfaction a marked improvement in numbers and in efficiency since the Camp held last year.

A successful and instructive Agricultural and Industrial Exhibition was held in Colombo in December last. The progress evinced in arts and industries was satisfactory and encouraging.

Every effort is being made to secure for the Colony adequate representation at the International Exhibition to be held next year at Chicago. The Government and the public are to be congratulated on the exceptionally favourable concessions which the able advocacy of the Ceylon Special Commissioner has obtained for the Colony from the Directing Body of the Exhibition.

The most recent, and perhaps the most convincing, indications of the progress and prosperity of the Colony and of the credit of its Government are the enactments by which you have empowered the Governor to provide for the creation of Inscribed Rupee Stock to be issued in the Colony, and for the raising locally of a loan of Rs. 4,000,000 for the construction of Railways and other works.

In my speech to you on opening the last Session, I stated the fact that the revenue of the year 1890, the largest realised since the year 1878, exceeded that of the previous year by Rs. 928,891. A comparison of the revenue of the past year with that of its predecessor shows an increase not far from double the very satisfactory amount then brought to notice. The revenue of the year 1891 amounted to no less than Rs. 17,962,710, and the increase over that of 1890 to Rs. 1,733,941. Of this increase the receipts from Land Sales (increase Rs. 47,540) and Pearl Fishery (increase Rs. 646,090) account for Rs. 693,630. Deducting the increase under these two heads, there still remains an increase in income of Rs. 1,040,311, arising from sources indicating a generally flourishing condition of the country. Railway receipts exhibit the largest increase, the yield in 1891 having been Rs. 4,430,534, against Rs. 3,842,358 in 1890, showing an increase of Rs. 588,175. It is necessary to repeat the remark made last year, viz., that some portion of this increase is due to credit taken for the carriage of materials required for the Haputalé and Galle Extensions.

The receipts from Customs amounted in 1891 to Rs. 4,137,542, showing an increase of Rs. 278,372, which is greater than that of the preceding year. The revenue from Customs was, indeed, the largest ever collected, and indicating as it does an increase under nearly every head of Imports, cannot fail to be a subject for congratulation.

The receipts from Railways and the Customs make up together nearly half of the total revenue of the Colony. Speaking in round numbers, each of them last year produced more than four millions of rupees, or together more than eight and a half millions of revenue, out of nearly eighteen millions. Next to these the most prolific source of revenue is Licenses, which last year realised Rs. 2,023,173, nearly one-eighth of the whole. The increase under this head is Rs. 154,642, very nearly the same as that obtained last year. The amount received from Arrack Rents has risen from Rs. 1,803,625 in 1890 to Rs. 1,952,298 in 1891.

Harbour Dues show a satisfactory increase of Rs. 51,208, out of which amount Rs. 48,168 are due to the steadily growing revenue accruing from Colombo Harbour.

Turning from the statistics of General Revenue to the returns of Exports and Imports, equal cause for congratulation will be found. Trade outwards and inwards has expanded, and, looking at the steady increase exhibited in the returns of the past three years, there is reason to hope, in the absence of any emergency or misfortune at present unseen, for the continuance of its growth. The value of the trade of the Colony has risen from Rs. 100,269,274 in 1889 to Rs. 117,342,259 in 1891, showing an increase of Rs. 17,072,985, while a review of the past decade shows the increase in that period to be very little less than fifty per cent., the value in 1881 having been Rs. 78,794,252. The returns of Shipping are equally satisfactory, showing an increase of 281,900 tons inwards and of 297,138 tons outwards, compared with 1890. The total tonnage for the year inwards and outwards was 5,696,948 tons, the tonnage for the preceding year having amounted to 5,117,902 tons. The returns for the past months of the current year have been fairly satisfactory. They show that the revenue of 1892 may be expected to exceed that of 1891, though not to such a large amount as the revenue of 1891 surpassed that of 1890. The assets of the Colony on January 1, 1892, exceeded the liabilities by Rs. 2,741,086.

The review which I have given of the financial and commercial position of the Colony presents unquestionably a favourable aspect. But I should be wanting in my duty to you if I omitted to remind you of a circumstance which, to a certain extent, renders misleading the returns of Revenue and Trade to which I have referred. It is true that those returns record sums of rupees in increasing numbers, but unfortunately the value in gold of each one of those rupees has been becoming less from day to day, and at present there seems to be ground for fearing that this process of depreciation has not yet come to an end. The decrease of the purchasing power of the rupee in the markets of the world is affecting seriously the operations of commerce in the East. But its bearing on the finances of the Government is the point which I wish to bring to your notice at the present time. The Government has to meet in gold or its equivalent large and increasing liabilities. The cost incurred during 1891 in purchasing gold or its equivalents to meet the charges of the year was Rs. 4,888,617. The estimated outlay during 1893 for the same purpose, assuming that the charges to be defrayed remain stationary, will, taking the rupee at 1s. 2½d. (a little below its present value), amount to Rs. 5,735,653, an increased expenditure of Rs. 847,036. But, as the charges to be defrayed will have increased in amount, the actual additional expenditure will exceed that sum. It is manifest, therefore, that the increase of the number of rupees estimated to be received in the Treasury must not be taken as a correct measure of the additional means available for spending purposes.

I shall ask you to consider a Bill having an important bearing on the administration of justice. In 1890 you passed an Ordinance for the purpose of rendering less formal and technical the character of the proceedings in cases which are summarily triable by the Police Court. The practical effect of that Ordinance has undoubtedly been to relieve Police Magistrates of a certain amount of unnecessary labour, but the procedure for the trial of petty cases still remains so complicated and tedious that Magistrates are often unable to proceed to the investigation of graver

offences until a late hour of the day, and postponements are necessitated, which are manifestly prejudicial to the interests of justice. To remedy this defect in our system of procedure, I have caused to be drafted a Bill on the lines of Chapter XXII. of the Indian Criminal Procedure Code. The Bill does not repeal any of the general provisions of the Code, but applies only to cases in which no appeal can be taken save upon a matter of law or with the leave of the Court. It is intended that the new law should be administered not by all Police Magistrates, but only by those who may be specially empowered by the Governor in Executive Council, after consultation with the Judges of the Supreme Court. I propose to restrict the operation of the Ordinance at first to Police Courts in the larger towns, where the pressure of work is great and the Magistrates are officers of experience. I feel sure that the Bill will commend itself to you.

There will also be laid before you a Bill to consolidate and amend the Law relating to the granting of Exclusive Privileges to Inventors. It is sought to legalise a system under which an inventor can obtain protection for his invention for a short term by the payment of a small initial fee, and can extend such protection from time to time by payment of additional fees. As the law now stands an inventor is required to pay a comparatively large sum before he can obtain a patent, which extends to fourteen years. I trust that the Bill, into which have been incorporated some of the provisions of the latest Imperial Patent Act, will secure the reform which has from time to time been advocated by the Mercantile Community, and that it will tend to develop local inventive talent.

A Bill consolidating and amending the Law relating to Postal and Telegraphic communications and the rates of Postage and Telegrams will be submitted to you. Under the existing law, the Governor, acting with the advice of the Executive Council, determines the rates of postage to be levied on foreign correspondence, while the inland rates are regulated by the express provisions of the Ordinance No. 2 of 1878. The Bill aims at the introduction of one uniform system under which the inland as well as the foreign tariff shall be under the control of the Governor in Executive Council.

I have been strongly impressed with the necessity of providing for the conservancy and sanitation of towns and villages which are too small to be placed under the jurisdiction of Local Boards of Health and Improvement. It is right that the inhabitants should pay for the due conservancy of these places and for the preservation of the public health therein. With this object in view a Bill has been prepared authorising the Board of Health of the Province to assess and levy, subject to the approval of the Governor in Executive Council, a rate not exceeding 4 per cent. on the annual value of real property. As it will not be necessary to raise a large fund, the tax need not be burdensome.

A Bill will be introduced for removing doubts which have arisen as to the validity of the registration of births, marriages, and deaths, and declaring all entries in the books of the Registration Department legal and valid, unless they are void for reasons expressly specified.

A Bill will be introduced for imposing stamp duties on tavern licenses within Municipalities. In the case of the Colombo Municipality, it is intended that the amount of such duties, supplemented by an annual contribution from the General Revenue, should be funded for the special purpose of meeting the cost of the additional piping, which, in the opinion of the Engineer in charge of the Colombo Waterworks, will have to be provided in the near future for maintaining the water supply to the City. The stamp duties will vary in the different Municipalities, but will not exceed in any case the sum of Rs. 500. In Kandy and Galle the duties will be available for general Municipal purposes.

During the early part of this year my attention was invited by the Secretary of State, at the instance of the Manchester Chamber of Commerce, and also by the Ceylon Chamber of Commerce, to a difference between the Law relating to Merchandise Marks in India and in Ceylon respectively. The Indian Merchandise Marks Act of 1889 requires that all piece goods shall have the lengths stamped conspicuously on each piece, while the Ceylon Merchandise Marks Ordinance of 1888 contains no such requirement. It was represented that this omission in our law caused much inconvenience and injury to merchants engaged in the importation of cotton piece goods into Ceylon. I have therefore caused a Bill to be drafted in order to assimilate the law of Ceylon to that of India on this subject, and with the view of providing against any hardship being caused to local native manufacturers, all hand-made goods have been exempted from the operation of the Ordinance. In India, only such piece goods as are manufactured in factories as defined in the Indian Factories Act are required to be stamped.

The position of the local Government in relation to the Ceylon Savings Bank has long been ill-defined and anomalous. While, on the one hand, the Governor is President, the Colonial Secretary is Vice-President, the Colonial Treasurer is Treasurer, and the Trustees are appointed by the Governor; on the other hand, the effect of section 31 of Ordinance No. 12 of 1859 (which saved the enactment in section 6 of the earlier Ordinance of 1847) seemed to divest the Government of all responsibility for loss of any money deposited in the General Treasury by or on behalf of the Bank. It cannot, however, be denied that the natives of this Island have been induced to deposit their savings in the Bank by reason of its connection with the Government, and whatever its legal liability may be, there can be no doubt that the Government is morally responsible for the protection of the depositors. In this view, I have caused a Bill to be prepared to amend the Ordinance No. 12 of 1859, and to make the Government directly responsible for the control and management of the Ceylon Savings Bank. Before taking this step, I gave those interested an opportunity of electing whether the Bank should be conducted under a Board of Trustees to be appointed by the depositors, or whether it should be made an entirely Government institution. The election was unanimously in favour of the latter proposal.

I shall place before you a Bill relating to certain exemptions from Customs Duty of articles imported or supplied for the use of Her Majesty's Naval and Regular Military Forces and the allowance of rebate on such duty whenever the same has been paid. The Bill reserves to the Governor in Executive Council a discretionary power to order the payment of a commuted money allowance to the European officers and soldiers of Her Majesty's Regular Military Forces quartered in this Colony in lieu of all exemptions and rebate. Such a system obtains in other Colonies, and it may be of advantage to adopt it in Ceylon,

Suggestions for the amendment of the Municipal Councils Ordinance, 1887, have been received from the Municipal Councils of Colombo, Kandy, and Galle, respectively. The views of the Councils of the two last-mentioned Municipalities were received only in June last, and with the pressure of other Legislative work the Government has not yet been able to fully consider the numerous amendments which have been proposed. If practicable, however, a Bill to give effect to such of the changes as may commend themselves to me and my Executive Council will be laid before you during the present Session.

In the meanwhile, I shall ask you to pass a measure which has been applied for by the Municipal Council of Colombo, declaratory of their right to apply the surplus of rates on real property towards the general purposes of the Municipality.

I may also, during the progress of the Session, be able to ask your consideration of a few other Ordinances, including probably a measure to amend the Branch Roads Ordinance, 1874, so as to enable the Government to open roads through districts in which proprietors desire the construction of roads on the grant-in-aid system, but in which the number of such proprietors is less than the minimum number required under the present Ordinance.

The works on the Haputalé section of the Main Line of Railway are now not far from completion. It is hoped that the line will be opened for traffic not later than April of next year. The prospect of a saving on the original estimate, which I mentioned when addressing you at the opening of the Session of 1890, will be fully realised. The progress of the Southern line towards Galle is now fairly satisfactory. The line will be completed as far as Amblangoda by January, 1893, and it is hoped that Galle will be in railway communication with Colombo by the close of 1893.

Arrangements for constructing the branch line of railway from Polgahawela to Kurunégala have been made, and it is expected that this addition to the Railway system of the Island may be finished by the end of next year. The preliminary steps for the survey of a Railway line from Kurunégala to Jaffna have been taken.

The construction of new roads and bridges and the improvement of existing ones have been pushed forward during the last year. The Colony is to be congratulated on the excellence of its means of communication, and also on the far-seeing and liberal policy and on the skilful administration which have produced this result.

I informed you in the Speech with which I opened the last Session that plans and estimates for the construction of a North-Western Breakwater for Colombo Harbour and of a Graving Dock at Mutwal were in course of preparation. The consideration of the design which was submitted gave rise to certain questions of a technical and financial character, which are not yet definitely settled. The lamented death of Sir John Coode has probably been the cause of the delay that has taken place. A final and definite announcement on this important matter has thus been for a while deferred. In the meantime, I may inform you that the Secretary of State has expressed himself as being favourable to the execution of the work, and the Government have considered it advisable to take steps for acquiring sites in the neighbourhood of Mutwal. The correspondence which has passed on the subject of the work in question will be communicated to you when a decision has been arrived at with regard to matters which are still under consideration.

The preparation of the Estimates of 1893 is approaching completion.

You will be asked to continue, and in some case to increase, the liberal grants you have made in recent years for the improvement and extension of Roads, and for the construction, enlargement, and repair of Public Works and Buildings. Additional votes will be placed before you for the building of the new General Post and Telegraph Office, and for the bridge over the Kelani river at Colombo. In pursuance of the wish expressed in the resolution adopted by you at the meeting of the 1st June last, preparations have been made for carrying out an extensive reclamation and other improvements along the shores of Colombo Harbour in the direction of Mutwal. You will be asked to provide means for this work. The desirability of carrying out the scheme of flood-outlets for the neighbourhood of Colombo, which has been before you for several years, has been forcibly brought to the notice of the Government by the serious floods of last year, the sad results of which have been emphasised by a memorial on the subject addressed to the Government by several thousands of persons, who had either themselves suffered from the floods or who sympathised with those who had suffered. You will also be asked to consider small votes for flood-outlets for the town of Galle, and for the continuance of the work of removing obstructions in that portion of Galle Harbour which is frequented by shipping. It has become necessary to enlarge the Colombo Museum, if that institution is to continue to fulfil the purposes for which it is intended. Additional wharf and warehouse space at Colombo is urgently needed. You will be asked to make provision for these works.

No new irrigation work of the first magnitude will be recommended to you. But you will be asked to vote a substantial sum towards the completion of the Deduru-oya minor scheme, a work in which good progress has been made. An irrigation work of the secondary magnitude in the Eastern Province, known by the name of the Oniche scheme, has been reported upon as being easy of execution and likely to prove of advantage. I hope to be able to place before you, at a sufficiently early date, full particulars of this work, and to ask you to appropriate a sum not exceeding Rs. 50,000 towards its execution. The restoration and improvement of small irrigation works, which have resulted in much benefit in the past, will be pushed forward by the Central and Provincial Irrigation Boards. The Government are taking steps to recover, more completely than heretofore, the rates due under the law by those who benefit by irrigation works. In this way, the outlay incurred in improving the irrigation and cultivation of paddy lands will in part, but I fear not wholly, be recovered.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

In full confidence that you will, in disposing of the business before us, give me the same able assistance and the same cordial support as in the past, I now, in the Queen's name, declare the Session of the Legislative Council to be duly opened.