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LEGISLATIVE COUNCIL, CEYLON.

ADDRESS OF HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, G.C.M.G., QN
OPENING THE SESSION OF THE LEGISLATIVE COUNCIL, OCTOBER 9, 1895.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

THIS is the sixth occasion on which I have had the honour and privilege of presiding at the opening of the Annual Session of the Legislative Council; and, as it will be the last, I consider that it is fitting that I should present to you, in addition to the customary review of the last year's history, a brief account of my five years' administration, showing the condition of the country at the present day, as compared with that at the time of my assumption of the Government.

The anticipations in which I indulged when addressing you in 1894, that the revenue of that year would be the largest yet collected, and exceed nineteen millions of rupees, have been fully realized. The collections amounted to Rs. 19,485,310, exceeding the revenue of 1892—the largest

then recorded—by Rs. 976,124, and being greater than that of 1893 by Rs. 1,433,360, of which excess the Railways contributed Rs. 615,572, Customs Rs. 433,055, and Land Sales Rs. 159,884.

The receipts from the Railways amounted to Rs. 5,572,054, the increase of Rs. 615,572 being largely due to the opening of the extensions to Kurunégala, Galle, and Bandárawela. The number of passengers carried was 4,215,994, showing an increase in the year of 506,670 persons compared with the increase of 224,930 persons in 1893 over 1892. This large rise in the number of passengers marks, in addition to increasing money-spending power, a growing appreciation of the facilities which the Railway affords as a means of communication, and indicates a change in the home-keeping habits of the people, which must be attended by important results in the future. The goods traffic, although it shows the satisfactory increase of Rs. 374,097, fell short of the estimate, owing, possibly, to the failure of the new lines to attract at once all the carriage with which it was thought that they might fairly be credited.

The Customs Revenue, which amounted to Rs. 4,931,967, exceeded the revenue of 1893 by Rs. 433,055, the increase being mainly attributable to large importations of spirits and kerosine oil, subject to a higher rate of duty than in 1892, as well as to larger imports of grain and sugar, and to an increase in the exports of hides and horns, in anticipation of the prohibition which came into force in the present year.

The expansion in the trade of the Colony continued, the imports, valued at Rs. 68,682,011, exceeding in value the imports of the previous year by Rs. 2,704,718, and the exports, valued at Rs. 78,939,599, exceeding the exports of 1893 by Rs. 5,679,001.

Of Ceylon produce the value exported amounted to Rs. 70,394,004, an increase, as compared with 1893, of Rs. 3,231,528, and as compared with 1892 of Rs. 10,384,855. The increase is confined to tea, cinnamon, arecanuts, desiccated cocoanuts, and tobacco; there being a decrease in coffee, cacao, cardamoms, copperah, and cocoanuts. Tea showed an increase of 3,106,969 lb., the total exported being 85,376,322 lb.

The produce of the cocoanut palm exported is valued at Rs. 11,017,549, showing an increase of Rs. 614,314 over the previous year, there being a very considerable increase in the value of desiccated cocoanuts and cocoanut oil, while the value of copperah was reduced by nearly one-half.

The Harbour Dues collected at Colombo amounted to Rs. 706,722, exceeding the collections of 1893 by Rs. 32,039. There were entered inwards 3,851 vessels with a tonnage of 3,210,207 tons, showing an increase over 1893 of 176 vessels and 107,396 tons. Three thousand eight hundred and twenty-three vessels of a tonnage of 3,155,646 tons cleared outwards, showing an increase of 192 vessels and 106,064 tons. The transshipment business of the port continued to show an increasing appreciation of the facilities afforded by the quiet water in the Harbour. There were 586,577 packages transhipped, as compared with 525,983 in 1893. Of these, 164,036 came from China and 177,335 from British India.

It is my good fortune to be able to repeat as to the present year the anticipation which I expressed as to the revenue of 1894. The returns for the first eight months of the year justify the confident anticipation that the revenue of 1895 will considerably exceed the sum of twenty millions of rupees. The collections exceed the estimates by Rs. 300,000. The Customs returns continue to show a most satisfactory increase, pointing to the continuous prosperity of the country and the remarkable growth of its sources of income.

The year 1889 gave a revenue larger than that of any year which preceded it, except 1877; but each of the succeeding years has shown a steady increase, except 1893, which, owing to exceptional causes, fell below 1892.

The average annual income of the last five years, amounting to Rs. 18,047,585, exceeded the average annual income during the previous quinquennial period by Rs. 6,360,524, although in the later period the grain tax had been abolished, leading to an annual loss approaching a million of rupees, and the effect of the increased tax on kerosine oil and spirits had been felt in only the last year. Imports reached their maximum value in 1889, when they were estimated at Rs. 60,695,136, the average for the five years from 1885 to 1889 being Rs. 44,191,779, but the maximum reached in 1889 was exceeded in each of the five succeeding years, the value of imports in 1894 being Rs. 78,113,072, the annual average for the quinquennial period being Rs. 70,173,712, nearly 59 per cent. higher than the average of the previous five years. Exports reached their highest value since 1880 in 1889, when they were estimated at Rs. 46,924,506, the average of the quinquennial period being Rs. 33,371,401, which was exceeded in the next period of five years by Rs. 29,269,301, or nearly 88 per cent. Equally strong proof of the growth of the trade of the Island is afforded by the great increase in the number of steamers entering and clearing at Colombo. In the years from 1885 to 1889, the average annual number was 1,655, with a tonnage of 3,095,943 tons, against an average of 2,437, with a tonnage of 4,579,180 tons, in the subsequent five years, the number in 1894 being 2,879, just double the number (1,439) in 1885. A satisfactory index of internal prosperity is afforded by the Railway returns. The number of passengers carried has increased from 1,846,427 in 1885 to 4,215,994 in 1894, while the receipts from goods traffic has risen from Rs. 1,695,646 in 1885 to Rs. 3,585,703 in 1894. The total receipts rose from Rs. 2,605,658 in 1885, with a mileage of 181 miles, to Rs. 5,555,058 in 1894, with a mileage of 270 miles, the average receipts per mile of Railway in the period from 1885 to 1889 being Rs. 16,770, against Rs. 22,031 in the subsequent five years, giving an increase of 31 per cent.

I said in the Speech with which I opened the last Session, that the credit of the Ceylon Government, which was previously excellent, had during the year then ending risen still higher. This satisfactory condition of credit has since then been fully maintained, if not still further improved. Ceylon three per cent. stock was a year ago quoted at a little over 100. By the most recent reports from London, it has risen to over 104.

The prevalence of serious crime, to which my attention was directed before I entered upon the Government of the Colony, has been to me a matter of great solicitude during the last five years. Much care and consideration have been given to measures for the abatement of this evil. With this object in view, the Police organization has been remodelled, various enactments have been passed for strengthening and facilitating the administration of justice, and the Prison system has been so modified as to make the punishment of imprisonment more deterrent. In my Speech at the opening of the last Session, I said that the measures taken by the Government had, to an extent, which might be held to be encouraging, fulfilled their purpose. The experience of the year which has since passed is, on the whole, not disappointing. The Acting Solicitor-General, on a careful review and analysis of the Criminal Statistics for 1894, states that a deduction from them that there had been an increase in the more serious crimes throughout the Island would be an erroneous one. He has supplemented his original published report by a statement illustrating and explaining it, in which he maintains that his deduction is perfectly accurate, and that he has erred on the side of caution rather than on that of optimism. It is true that the number of cases shown to have been tried in 1894 before the Superior Courts, which may be taken to include the most serious crimes, exceeds considerably the number of cases so tried during each of the three previous years. But the Acting Solicitor-General points out that the number of cases for each year, if taken separately, is misleading, inasmuch as the number of cases pending trial at the end of each year varies very considerably. For example, at the end of 1893 there was an abnormally large number of such pending cases, whereas, at the end of 1894, there were abnormally few. The Acting Solicitor-General has compiled a table showing, as near as may be, the actual number of cases appertaining to each year, from 1886 to 1894. This table shows the number of cases tried in 1894 to exceed the number tried in 1893 by one only. The average annual number of cases tried during the four years from 1891 to 1894, the period during which the measures adopted for reducing crime, to which I have alluded, have been in operation, is 820. The average number for the four previous years is 935. Even summary convictions show an improvement in all but the petty offences. Turning to the tables of summary convictions for offences against the person and against property and for cattle stealing, offences which come under the heading of Serious Crime, though in a minor degree, it is shown that the number of these convictions in 1894 was 3,923 only, actually the lowest number for any of the years 1884 to 1894, both inclusive, the average for the three years 1888 to 1890 being 4,535; for the three years 1891 to 1893 being 4,093; whilst for the four years 1891 to 1894, to which I have above referred, the average is 4,050, as against an average of 4,535 for the three preceding years.

The figures and facts which I have adduced seem to indicate some degree of success as the result of the measures taken to reduce serious crime. With respect to the prevalence of crime generally, the Government Agents, who, at their recent Conference, were desired to report on the subject, have informed me, either that there has, in their respective Provinces, been no increase of crime, or a diminution of it. The Prisons returns show that the daily average in prison of convicted persons has, year by year, steadily declined from 3,301 in 1890 to 2,273 in 1894.

It is only in the case of summary convictions for "other offences" that the figures for 1894 show any marked increase over the figures prior to 1893, though, as compared with 1893, the figures of 1894 show a decrease of nearly 2,000. These offences, as stated by the Acting Solicitor-General in his Report for 1893, are largely made up of petty offences committed in the Municipal and Local Board towns against the "Police," the "Vagrants," and the "Nuisances" Ordinances, and are for the most part punished by the imposition of a small fine. The large recorded increase of these petty offences during the last two years is due to increased energy on the part of Municipal, Local Board, and Police officers, and has been most marked since the time that the Police were placed more directly under the control of the Government Agents.

Having regard to all the facts to which I have called attention, and making allowances for the difficulty there is in discovering the real causes of crime, and to the necessary slow operation of measures designed to reduce crime, I maintain that the efforts which have been put forth during the last five years have not been without success. During the first six months of the present year, the number of convictions and the number of admissions to prison are such as to show a continuance of progress in the wished-for direction. I may observe that measures recently adopted in the Kurunégala District for checking a recrudescence of crime, which had manifested itself there, appear to have had a salutary effect. I have also just received a report showing that a tendency to increase of serious crime, which had been observed in a portion of the Southern Province, has been checked.

The Volunteer Forces of the Colony have, during the last five years, largely increased in numbers and efficiency. In the Mounted Infantry a new arm has been added. The Annual Camp of Exercise, which was formed for the first time in 1890, has since been held regularly every year. The Force assembled at the Camp this year has been larger and has shown itself more proficient in Military training and exercises than on any previous occasion.

The highly successful representation of Ceylon at the International Exhibition at Chicago, and the persevering efforts since made, to turn to profitable account the advantage thus gained, are among the many indications of the energy and enterprise of Ceylon,—which have so conspicuously marked its history during the last five years.

In the Postal and Telegraph business of the Colony there has been great activity and rapid progress. Foreign and internal postage rates have been largely reduced. Internal telegraph rates, which have already been lowered, are about to be still further cheapened by the introduction of the 25 cents telegram. Well-nigh every facility of modern invention, whereby the convenience of the public is served, by the Post Office, has been adopted by the Department. The expansion of the operations of the Post Office has been such that instead of loss having been caused to the revenue by the concessions and advantages accorded to the public, the Postal Receipts have almost doubled during the last ten years; and in 1894 a nearer approach was made to the establishment of a balance between Expenditure and Revenue, in the local working of the Department, than at any previous time. In the Foreign Postal business, the heavy loss by exchange only prevented the attainment of the same satisfactory result.

The lively interest which the people of this country have long shown in popular Education has not slackened during the last five years. Nor has the Government been wanting either in the matter of pecuniary grants or in the organization and promotion of new branches of the educational system. Since 1890, schools have increased in number by 90, from 1,420 to 1,510; and scholars have increased by 17,446, from 113,988 to 131,334. The sum spent on Education has been augmented from Rs. 485,317 in 1890 to Rs. 597,387 in 1894. A beginning has been made, which has been followed by encouraging success, in the technical teaching of the artistic and mechanical industries. In practical instruction in agriculture and veterinary science advancement has been made, and fresh branches have been added to our previously existing organization.

The Medical Department of Ceylon has always occupied a prominent place in the administration of the country. Its operations have vastly extended during the last twenty years. In 1875 there were 58 hospitals and asylums and 4 dispensaries; in 1894 there were 108 hospitals and asylums and 148 dispensaries. In 1875 there were 15,600 persons treated in hospitals, and 6,890 in dispensaries; in 1894, the numbers respectively were 49,000 and 651,987. The expenditure on Medical Aid, which in 1875 amounted to Rs. 443,245, had risen in 1894 to Rs. 1,288,952. The expansion of the work of this Department during the five years from 1890 to 1894 was probably more rapid than during any previous quinquennial period. The amount of public expenditure increased from Rs. 947,420 in 1890 to Rs. 1,288,952 in 1894. The system of European medical treatment is rapidly gaining the confidence of the native population. I am convinced that in no way do the poorer taxpayers of Ceylon get a better return for their money than by the benefit they derive from the Medical Department. I am strongly impressed with the belief that the medical aid given by the Government to the people contributes more largely to the mitigation of misery than any other of the many blessings of British rule in this country.

During the last five years the Department of Public Works has been enabled, through your liberality, to set on foot undertakings of public utility on a scale probably larger than during any previous period of the same length. Not including the expenditure defrayed from loan funds, the outlay on public works during the five years from 1890 to 1894 was Rs. 13,332,046, while for the previous five years the amount was Rs. 8,575,636. A large share of this expenditure has been incurred in the repair and construction of roads and bridges. The new General Post Office and the Victoria Bridge over the Kelani river, which have been recently completed, are, in their respective classes, the most important works ever executed in Ceylon. I am happy to be able to say that the Irrigation policy of the Government has been actively and systematically pursued. The only works of the first magnitude which have engaged the attention of the Central Irrigation Board have been the Deduru-oya scheme and the restoration of the Giant's Tank. But numerous less ambitious works have been carried out, and the repair and maintenance of existing works have been perseveringly and successfully effected. The amount expended on irrigation works during the five years from 1890 to 1894 has been Rs. 2,291,408, while the expenditure for the previous five years was Rs. 2,388,440. I invoke your sympathy and your liberality in support of the active continuance of the great and beneficent work of irrigation. The results already attained through your generous action in the past should be amply sufficient to reward you for the large outlay incurred, and to stimulate you to further sacrifices in the future. Life has been preserved to thousands of your fellow subjects, and health has been given to many more. It has been truly said that what is needed for the development of a country—is firstly, roads; secondly, roads; and lastly, roads. I am inclined to think that for the happiness and improvement of large regions of this Island a parallel aphorism would apply. For these regions, I would say that what is needed is—firstly, irrigation; secondly, irrigation; and lastly, irrigation.

Among public works, the cost of which is to be provided from borrowed capital, the most important undertaken during the last five years is the scheme for the improvement of the Harbour of Colombo. This work is of deep interest, not only to this country, but to a large portion of the commercial world. I share with you to the full your confidence in the future of the Port of Colombo, and I am proud to know that my name is associated with this great enterprise.

In the extension of the Railway system of the Island, important advancement has been made since 1890. The line has been carried through difficult country to Haputalé and on to Bandarawela, connecting the flourishing Province of Uva with Colombo. Railway communication between Colombo and Galle has also been completed, and an extension of this southern line through the populous and industrious District of Mátara will, in the course of a few weeks, be

opened for traffic. A branch line of Railway to Kurunégala has been open to the public since February, 1894. Its working has been fairly remunerative, and its construction derives additional importance from the fact that it forms the first section of the large project of connecting Jaffna and the northern districts with Colombo. I regret that, from delays that have taken place in obtaining trustworthy information as to the probable traffic of a Railway to Jaffna, it has been impossible to form an opinion as to the expediency of this work from a commercial point of view. As you are aware, a survey of the line and an estimate of its cost, showing a very moderate expenditure per mile, have been made. Apart from the advantages which this project offers, of bringing the numerous and enterprising population of Jaffna into easy communication with the capital and chief port of the Island, and of opening out the sparsely-peopled country which intervenes, it would greatly help to facilitate communication between Colombo and Trincomalie, the two chief points of defence. In this way the line, if carried as far as Anurádhapura, would serve to strengthen the Military position. The report of the Commission appointed to inquire into the proposal to construct a Railway from a point on the Main line into the Kelani Valley claims for the undertaking a prospect of considerable pecuniary profit. It is possible that these anticipations may be somewhat over-hopeful, but allowing for less traffic than the Commission expect, I am myself disposed to think that the line, if constructed at the cost roughly estimated in the Commissioners' report, would prove remunerative. In view of the fact, however, that cheap transport by road and river between the Kelani Valley and Colombo already exists, I do not consider this work to be one of urgency; and, pending your consideration of the scheme in all its bearings, I think it prudent to defer incurring the cost of a detailed survey and estimate.

I am of opinion that in the matter of Railway construction in Ceylon, the Government should continue the policy adopted in the past. I understand that policy to be,—to give consideration to such projects only as can be shown to offer a fair degree of certainty of profit, sufficient to cover all the charges incidental to the construction; and to undertake such projects in the order of their relative importance, in respect of the interests which they will serve. I think also that that policy should include a determination to resist all temptations to break of gauge. A pursuance of this continuity of policy would, I am disposed to think, result in the immediate future, (1) in the extension of the Southern Railway to Gandara, a distance of 6 miles, or perhaps to Tangalla or Beliatta, a further distance of about 16 miles; and (2) in the construction of the proposed Kelani Valley Railway to Avisawélla, a length of about 28 miles. I wish I were in a position to add to these projects the making of the line to Jaffna, but in the absence of complete information I cannot venture to do so. In the consideration of the expediency of this line, I wish to express a warning against a sanguine view of the effect of a railway in rapidly developing thinly inhabited and backward districts through which it may pass. The success in this respect of such enterprises in the United States, and in a less degree in the Dominion of Canada, must not be taken as an example applicable to Ceylon. The character and the proclivities of the peoples differ essentially. Whereas the people of the West may in a few years occupy a new country, and open up its resources, an Oriental people will not effect the same result in as many decades. In the meantime, if a length of railway such as that to Jaffna, representing a large proportion of the whole present length of the Ceylon Railway system, be worked at a loss, there would be a drain on the revenue, which would impede the prosecution of more profitable and desirable undertakings. Nor does the example of India, where there is a large extent of unremunerative lines of railway, apply to Ceylon. These lines were, I understand, constructed for Military and famine-protective reasons, which do not exist in Ceylon. Before I leave the subject of Railways, I think it my duty to correct a mistaken belief which exists in some quarters, that the open lines are paying a large percentage of profit. This was the case a few years ago, but it is not so now. The net profit, that is, the profit accruing on the original capital expenditure, after the payment of the interest due on outstanding capital and the amount due to the sinking fund, was in 1890, 3.5 per cent.; in 1891, 4.2 per cent.; in 1892 3.7 per cent.; in 1893, 1.8 per cent. In 1894 profit had ceased, and there was a slight loss. This state of things has been caused mainly by the increase in the percentage of expenses to gross receipts. This percentage rose from 44.6 per cent. in 1890 to 74.62 per cent. in 1894. The earnings per train mile during the same period have not seriously fluctuated. The highest rate of earnings during the five years referred to was in 1891, when it reached Rs. 6.42 per mile. The lowest earnings per train mile were in 1894, when they fell to Rs. 5.34 per mile. The large increase in working expenses is not attributable to defects or changes in management. It has been caused by large additional expenditure on rolling stock and by the cost of improvements and facilities introduced for the convenience of the public. In a railway managed by a trading company, it is true that much of this extraordinary expenditure would probably be charged to a capital or suspense account. But such a manner of accounting would not be admissible in an institution conducted as the Ceylon Railway Department is, on the strict principles which guide the management of Government undertakings.

The Legislative Enactments of the last five years have, for the most part, had for their object the amendment and perfecting of existing Laws. Innovations and radical changes have been few. That this should have been the case is, I hold, not necessarily a cause for regret. A wise ruler said:—"Let it suffice thee to improve things a little, and do not consider this result as a success of 'but moderate importance.'" Probably the most remarkable and far-reaching measure enacted during my term of Government is the Ordinance to abolish the tax levied on home-grown rice, commonly called the "Paddy Tax." It was believed that this measure would tend to ameliorate the deplorable condition of debt and difficulty into which many thousands of the Ceylon peasant proprietary had drifted, through their endeavours to raise means, in bad seasons, to meet the

payment of the tax. In a vast number of cases, this state of embarrassment had resulted in the loss to the proprietors of their holdings, sold to satisfy the dues of the Government on account of the tax or the judgment claims of usurers. The Ordinance has been in force for less than three years, but already the relief which it has given is widely and deeply felt. That the local cultivation of rice has been largely stimulated by the removal of the tax is not so generally and conspicuously shown, although in some districts of the Island the area under rice has considerably increased during the last two years. It was the happy return of financial prosperity that made it possible for my administration to carry out this generous measure of relief.

Honourable Gentlemen, the last five years of the history of Ceylon form a period of almost unclouded prosperity and of unchecked progress. I think we may look upon the record with pride and satisfaction. My share in the work of the *last lustrum* has been an easy and a pleasant one. I have had the help of the high example and of the good traditions of my predecessors; I have profited by the experience and wisdom of my advisers in the Government, and by the diligence and skill of an able body of Public Servants; I have been favoured by a steadily and rapidly increasing revenue. And by your generous support and your willing co-operation, I have been empowered to carry out our designs into good effect. There has been unanimity in our desires and efforts for the public good, and in this has been our strength.

The Estimates for 1896 are in an advanced stage of preparation, and will soon be placed before you. You will be asked to continue the progressive policy of the past by providing liberal grants for the improvement of means of communication, for the promotion of Education, and for the extension of the work of the Medical and Postal Departments. You will notice, on examining the draft Estimates, that I have, under the head of Military Contribution, proposed a vote of Rs. 1,545,000, an amount exceeding the estimated contribution of the current year by Rs. 176,333. This increased rate of contribution is based on the proposal of Her Majesty's Government to fix the Imperial Military charge for the current and ensuing years at three-fortieths of the revenue, after deducting the proceeds of Land Sales. It will be necessary to adjust, by a comparatively small supplementary grant, the amount of the contribution for the present year. Further information will be placed before you on the subject of the Military Contribution.

The Legislative measures which you will be asked to consider are not numerous, but several among them are of considerable importance.

Having carefully considered the report of the Select Committee of this Council, appointed during last Session, to report in what manner "The Municipal Councils' Ordinance, 1887," requires to be amended, I have caused a Bill to be drafted, to which your attention will be shortly invited, giving effect to such of the recommendations of the Committee as commended themselves to me and my Executive Council. It provides that the selection of a Chairman of the Municipality of Colombo shall no longer be confined to the Civil Service, and that the Governor shall be free to appoint any person whom he considers fit for the office. The person so appointed shall be deemed, for the purposes of the Ordinance, a Councillor nominated by the Governor. The definition of "annual value" has been amended, so that, in future the landlord will no longer have to pay a rate assessed on the gross annual value of the house, plus the rates and taxes payable in respect of the same, but merely on the gross annual rental. Thus a taxation which has been very properly stigmatized as unreasonable will disappear. It would occupy too much of your time for me to detail all the amendments contained in this measure; I need only add that the wish of your Select Committee, that provisions relating to buildings, similar to those enacted by the Singapore Municipal Acts, should be embodied in our Municipal Act, has been acceded to; and you will also find that the Ordinance contains salutary provisions for the supervision and regulation of dairies and laundries by the Municipal authorities, legislation in respect of which has been urged on Government both by Municipal Councils and your own Select Committee.

In view of the facilities for fraud offered by the unchecked sale of English Military and Naval uniforms, with all the badges, buttons, and distinctive marks attached to those garments, I have been asked by the Secretary of State for the Colonies to offer for your consideration an enactment framed on lines similar to the Uniforms Act passed by the British Parliament last year, to regulate and restrict the wearing of such uniforms. A Bill for this purpose will be placed before you in due course.

The application of electricity for lighting, and the probable extension of its use for other purposes, necessitates provision being made for the protection of persons and property from the risk incidental to such application and use. With this object in view, a Bill, drawn on the lines of the Electricity Act of India, No. XLII. of 1887, has been prepared, requiring persons intending to undertake the business of supplying electricity, or to use the same in any public place where there is likelihood of the public being affected, to give notice to the Government Agent of the Province of such intention, and empowering the Governor, with the advice of the Executive Council, to make rules for protecting persons and property from injury by reason of contact with appliances or apparatus used in the generation and supply of electricity.

A Bill consolidating the Law relating to Oaths and Affirmations in Judicial Proceedings, and providing for the summary punishment of perjury in open Court, will be submitted to you. It provides that Buddhists, Hindus, and Muhammadans may affirm, and all others swear, in such form as may, from time to time, be prescribed by the Judges of the Supreme Court. Any person however may, without assigning a reason, object to take an oath, and may, instead, make an affirmation

of the fact which he wishes to state to the Court. A person may make use of any oath, which is considered especially binding by persons of his race or persuasion, so long as it is not offensive, and does not purport to affect another person. A person may also offer to be bound by such an oath, if the opposite party will take it. Every person giving evidence is bound to state the truth, and the giving of false evidence is summarily punishable as for contempt of Court; power being reserved to the Court in lieu of summarily punishing any such person to proceed in manner provided by "The Criminal Procedure Code, 1883." Thus, the Bill utilizes whatever incentive to truth-telling religions or superstitions in any case can be supposed to give, and it brings an earthly incentive into play by providing speedy punishment for any false statement.

Your consideration will also be invited to a measure consolidating and amending the Law of Evidence, and having an important bearing on the administration of justice. The aim and object of every judicial inquiry, both civil and criminal, should be the discovery of the truth. It is therefore important that certain general principles as to the material out of which belief is to be formed, and the manner in which such material is to be brought before the Judge, should be clearly laid down. And where, as in this Colony, the major part of the judiciary consists of Civil Servants, without special legal training, it is desirable that the rules of evidence should be so consolidated and arranged as to be easily accessible to all, without the necessity of consulting English text books and reports of legal decisions. At present the rules affecting evidence in this Colony can only be ascertained by reference to the decisions in English Courts laying down the English Common Law on the subject, and the text books in which those decisions are more or less accurately collated and discussed.

There is no Ordinance setting forth what the English Law is, and no complete and systematic enactment on the subject has hitherto found a place in our Statute book.

This gap in the substantive law of the Colony, it is now desired to fill up by introducing a Bill adapted from the Indian Evidence Code, with such alterations as the circumstances of the Colony seem to require, which I hope will greatly improve the daily administration of justice in matters both civil and criminal throughout this Colony.

The recommendation made in paragraph 11 of their report of 26th March, 1895, by the Retrenchment Committee, consisting of Members of this Council, has been carefully considered by me, and I have caused a Bill to be drafted for the purpose of raising the jurisdiction of Courts of Requests accordingly.

It appears that the costs recoverable in petty cases in the District Courts are often out of all proportion to the subject-matter of the litigation. An examination of the taxed bills of costs in twelve cases in an outstation Court, in which the amount involved in each case did not exceed three hundred rupees, shows that the average costs payable by the losing party to his opponent amounted to one hundred and twenty-seven per cent., whilst in one case the successful party recovered no less than two hundred and sixty-three per cent.

Investigation further shows that a party against whom judgment has been recovered in an uncontested action may have to pay a maximum of seventy-eight per cent. on the property involved, and that the average payable is fifty-seven per cent.

The payment of these charges is frequently enforced by writ of execution, and the majority of the peasantry being poor, are forced to part with their small holdings, and, deprived of legitimate support, swell the ranks of the criminal classes.

It is clearly to the advantage of the litigant that he should be enabled to bring his action in the Court of Requests, wherein the procedure is simpler and costs more moderate than in District Courts.

In all cases over the value of one hundred rupees, suitors will, should this Bill become Law, be enabled to have their cases decided on the spot, expeditiously and cheaply by officers of the same standing in the Public Service as District Judges, for it is contemplated, after the passing of this Ordinance, to appoint to any Court, in which the Commissioner of Requests is not an officer of the same standing as a District Judge, the District Judge of the Province or of an adjoining district as Commissioner of such Court of Requests.

It will be the duty of District Judges to hold circuits within their Provinces or districts, to look into the records of the minor courts, and to supervise generally the work of the Magistrates.

Some such supervision has been a long-felt want.

While such District Judge is on circuit an Additional District Judge will be appointed to carry on the current work of his Court.

The Bill further contains provision for simplifying the procedure of these Courts, and, at the suggestion of the Chief Justice, provision has been made that in all money cases the defendant shall state his defence orally to the Commissioner, and that no appeal should be allowed of right in such cases from a judgment of a Commissioner, save on a matter of law or upon the question as to the admission or rejection of evidence; the right, however, being reserved to a Commissioner to grant leave to appeal in any such case, and in the event of such leave being refused, an appeal lies therefrom to the Supreme Court.

It will be remembered that when an Ordinance relating to the publication of intended sales of immovable property affected by the *Thesawalamai* of the Northern Province of Ceylon was introduced last Session, it was made clear to the Government that the people of that Province did not desire a continuation of the Schedule system, but preferred its total abolition. Accordingly, I directed that Bill to be withdrawn. A new Bill has now been prepared, and I have no doubt that you will give it your best consideration.

The practical working of the Buddhist Temporalities Ordinance during the last five years has shown the necessity for improving it in certain respects. The amendments suggested

appear in a draft Ordinance, which has been recently published preparatory to its introduction in Council. The definition of "temple" has been extended so as to bring the "Daladá Málígáwa" under the operation of the original Ordinance.

The Kandy Municipal Council having unanimously agreed with the recommendation of the Municipal Council Standing Committee, that on sanitary grounds the water-rate limits should be extended, a Bill has been drafted and will be submitted to you amending "The Kandy Waterworks Loan Ordinance, 1884," and extending, in accordance with the wishes of the Municipal Council, the limits for the purposes of that Ordinance.

An Ordinance to amend "The Ceylon Savings Bank Ordinance, 1859," as well as several other Ordinances of minor importance, have been prepared and published, and will be brought before you without delay.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

With the fullest assurance that your consultations and proceedings will, during this Session, be animated by the same loyalty to the Queen, and by the same devotion to the public interests, that have governed them in the past, I now, in Her Majesty's name, declare the Session of the Legislative Council to be duly opened.