THE

"CEYLON HANSARD."

THE DEBATES

OF THE

CEYLON LEGISLATIVE COUNCIL

DURING THE

SESSION OF 1894-95,

WHICH BEGAN ON THE 24TH OF OCTOBER 1894, AND CLOSED ON THE 10TH OF JULY 1895.

REVISED AND CORRECTED BY THE SPEAKERS.

TWENTY-SIXTH YEAR OF PUBLICATION.

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1895.

MEMBERS OF THE LEGISLATIVE COUNCIL

DURING THE SESSION 1894-95.

President :

HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, G.C.M.G.,
GOVERNOR OF CEYLON.

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H.E. THE HON. W. CLIVE JUSTICE, C.M.G., Major-General, Commanding the Forces.
THE HON. J. A. SWETTENHAM, C.M.G., Auditor-General. [Succeeded by HON. W. T. TAYLOR, C.M.G.]
" " C. P. LAYARD, Attorney-General. [HON. P. RAMANATHAN, C.M.G. Acting *pro tem.*]
" " F. R. SAUNDERS, C.M.G., Treasurer. [HON. L. F. LEE, Acting *pro tem.*]
" " A. R. DAWSON, Government Agent, W. P. [HON. E. ELLIOTT, Acting *pro tem.*]
" " ALLANSON BAILEY, Acting Government Agent, C. P.
" " R. K. MACBRIDE, C.M.G., Director of Public Works.
" " R. REID, Principal Collector of Customs. [HON. L. F. LEE, Acting *pro tem.*]

Unofficial Members :

THE HON. SIR J. J. GRINLINTON, KT., General European Representative.
" " P. D. ANTHONISZ, M.D., C.M.G., Burgher Representative. [Succeeded by HON. H. L. WENDT.]
" " W. W. MITCHELL, C.M.G., Mercantile Representative.
" " A. DE A. SENEVIRATNE, (Lowcountry) Sinhalese Representative.
" " GILES F. WALKER, Planting Representative.
" " T. B. PANABOKKE, R.M., (Kandyan) Sinhalese Representative. [Succeeded by HON. W. ELLAWALA, R.M.]
" " M. C. ABDUL RAHIMAN, Muhammadan Representative.
" " P. COOMARASWAMY, Tamil Representative.

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ADDRESS

OF

HIS EXCELLENCY SIR ARTHUR ELIBANK HAVELOCK, K.C.M.G., ON OPENING THE SESSION OF THE LEGISLATIVE COUNCIL ON WEDNESDAY, 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.

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 lb.

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 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 advantage 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 Kandyans, 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.

ADDRESS

OF THE

LEGISLATIVE COUNCIL TO THE GOVERNOR IN REPLY TO HIS EXCELLENCY'S SPEECH OF OCTOBER 24, 1894.

To His Excellency the President of the Legislative Council, SIR ARTHUR ELIBANK HAVELOCK, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor and Commander-in-Chief in and over the Island of Ceylon, with the Dependencies thereof.

MAY IT PLEASE YOUR EXCELLENCY,

THE Legislative Council have received with satisfaction Your Excellency's assurance that the progress which has marked the later years of the Colony has been maintained during the past year, and they join with Your Excellency in regretting that the depreciation in the purchasing power of the rupee continues to exercise so unfavourable an influence upon the resources of the Colony available for expenditure.

They cordially agree with Your Excellency that a refusal to incur a liability for gold charges to meet expenditure designed to encourage the progress of the Island is to be deprecated, but they would urge the advisability of restricting such expenditure as far as may be compatible with the true interests of the Colony, and the provision of funds for necessary reproductive works by local loans.

The Council have heard with grave attention Your Excellency's remarks on the Military Contribution. In fixing the amount to be paid from April, 1895, they trust that it will be borne in mind that the Garrison required for local purposes was fixed in 1884 at four hundred men only, and that a loyal dependency like Ceylon is entitled to the most favourable terms from the mother-country.

The Council appreciate the efforts which have been made by improved Prison and Police administration to diminish serious crime, and they hope that further experience of the new Provincial Police System will justify the opinion expressed as to its success as a means of repression of lawlessness.

The improvement in the working of the Thoroughfares Ordinance is gratifying evidence of the care and consideration with which the provisions of the law have been administered.

The Council will attentively consider any schemes for Railway extension which may be put before them, and they learn with satisfaction that the extension to Mátara is being prosecuted with energy. They would view with approval proposals for the construction and improvement of roads to operate as feeders to the railway system.

The Council note that plans and estimates of the Giant's Tank irrigation scheme will be placed before them for their information, and they trust that an opportunity will then be afforded to the Council to discuss the policy of undertaking the work, and the manner in which it is proposed to provide the funds necessary for the purpose.

The Council will give the fullest consideration to the various Bills which it is proposed to bring forward.

In applying the ticket-of-leave system to the criminal population of Ceylon, the Council hope that care will be taken to exercise the power of conditional release with great discrimination, and with due regard to the fact that many prisoners of bad character behave creditably in prison.

The Council desire to express their satisfaction that the laws relating to Marriages, Births, and Deaths are to be consolidated and made more definite.

The Estimates for 1895 will receive the careful consideration of the Council.

The Council assure Your Excellency of their hearty co-operation and support in all measures calculated to be for the benefit of the Colony.

By order of the Council,

H. WHITE,
Acting Clerk to the Council.

Legislative Council Chamber,
Colombo, October 31, 1894.

THE GOVERNOR'S REPLY.

HONOURABLE GENTLEMEN OF THE LEGISLATIVE COUNCIL,

I THANK you for your reply, and your assurance of hearty co-operation and support in all measures calculated to be of benefit to the Colony.

THE DEBATES

OF THE

CEYLON LEGISLATIVE COUNCIL.

DURING THE SESSION 1894-95.

WEDNESDAY, OCTOBER 24th, 1894.

OPENING OF THE SESSION.

Present:—His Excellency Sir Arthur Elibank Havelock, K.C.M.G., the Governor, who occupied the chair; H.E. Sir Noel Walker, K.C.M.G., Lieutenant-Governor; H.E. Major-General W. Clive Justice, C.M.G., Commander of the Forces; the Hons. J. A. Swettenham, C.M.G., Auditor-General; P. Ramanathan, C.M.G., Acting Attorney-General; F. R. Saunders, C.M.G., Treasurer; E. Elliott, Acting Government Agent for the Western Province; Allanson Bailey, Acting Government Agent for the Central Province; Lionel Lee, Acting Principal Collector of Customs; R. K. MacBride, C.M.G., Director of Public Works; W. W. Mitchell, Mercantile Representative; Dr. P. D. Anthonisz, C.M.G., Burgher Representative; A. de A. Seneviratne, Lowcountry Sinhalese Representative; Sir J. J. Grinlinton, Kt., General European Representative; T. B. Panabokke, Kandyan Representative; the Hon. M. C. Abdul Rahiman, Muhammadan Representative; the Hon. P. Coomara Swamy, Tamil Representative; and the Hon. Giles F. Walker, Planters' Representative.

SWEARING-IN.

H.E. the GOVERNOR announced that Mr. Lionel Frederic Lee would take his oath as Acting Principal Collector of Customs—which that member proceeded to do. Mr. MacBride, the Director of Public Works, resumed his seat, thus displacing Dr. Kynsey who had filled the gap during his absence at home on leave.

ADDRESS OF HIS EXCELLENCY THE GOVERNOR.

His Excellency Sir ARTHUR ELIBANK HAVELOCK, then read his Opening Address to the Council. (See pages i to vi.) His Excellency the Lieut.-Governor took the chair.

THE REPLY TO HIS EXCELLENCY'S ADDRESS.

H.E. the LIEUTENANT GOVERNOR having taken the chair,

The Hon. the Acting ATTORNEY-GENERAL moved that the following do form a Sub-Committee to draft a reply to His Excellency's Address:—The Hons. the Auditor-General; the Government Agent, Western Province; the Principal Collector of Customs, Messrs. W. W. Mitchell, A. De A. Seneviratne, and Giles F. Walker.

This was agreed to and the rest of the business on the agenda was then proceeded with.

After the opening ceremony H.E. the Governor retired, and H.E. the Lieut.-Governor took the chair.

PAPERS.

The Hon. the AUDITOR-GENERAL on behalf of the Colonial Secretary laid the following papers on the table:—

Report of the Select Committee of the Legislative Council on the question as to whether any further measure of general assistance should be extended to the Kandyan pensioners residing in the Madras Presidency; Return called for by the Hon. P. Coomara Swamy, shewing:—(1) The Criminal Sessions of the Supreme Court held in all places, save Colombo during the last three years ended 30th June 1894; (2) The number of cases tried and disposed of at each session held at each place; (3) The number of witnesses examined at each session; (4) The batta and other allowances paid at each session to (a) the presiding Judge, (b) the Officers of the Court, (c) the Jurors and (d) the witnesses. Numerical abstracts of persons liable to perform labour in the several provinces, during 1894. Statement showing the total expenditure incurred on the Bandarawela Railway up to the 30th June 1894, also the expenditure incurred during the second quarter of 1894. Minutes of proceedings of the Central Irrigation Board 1st January to 31st March 1894. Bye-laws framed under the Ordinance No 19 of 1891, relating to markets in the Northern Province. Adminstration Reports, 1893, Part I., Revenue, Municipality of Kandy; Part IV. Miscellaneous, Report of Registrar-General of Marriages, Births, and Deaths; Report of Registrar-General of Lands. Sessional Paper No. 20 of 1894, Archæological Survey of Ceylon, Researches in the Kegalle District of the Province of Sabaragamuwa in 1893 and bound volume of Sessional Papers for 1893.

EXTENSION TO CEYLON OF THE INDIAN ACT NO. X.

The Hon. the Acting ATTORNEY-GENERAL:—I rise to move, sir, the first reading of "An Ordi-

nance to repeal No. 5 of 1879, and to make certain offences against the Indian Act 10 of 1885 punishable in Ceylon As the hon. members are aware there was an Ordinance passed by the Legislative Council in 1879, but in view of the fact that the Indian Act upon which our Ordinance 1879 was founded, has been repealed by the Indian Government is now found necessary to introduce a new Ordinance bringing into force in Ceylon certain of the offences made punishable by the Indian Act 10 of 1887. This Act of 1887, I may say, came into force in India on 1st June 1887. By an oversight we have been working upon the footing of the Indian Act of 1876, till our attention was called by the Government Agent of the Northern Province to the fact that the Act of 1876 had been repealed in India. I need not detain the hon. members for any length of time on this occasion because it is a familiar subject. Reference to the bill before the Council will show that the Indian Act 10 of 1887 forms part of the schedule of this bill, and that all that is proposed now is to make certain of the offences punishable in India also punishable in Ceylon. I I may say that section 3 in our bill is founded upon section 31 of the Indian Act, section 4 upon 33, 5 upon 34, 6 upon 36, 7 upon 37, 8 upon 39, 9 upon 32, 11 upon 47, 12 upon 46, 13 upon 49 and part of 14 upon part of section 50 sub-section 2 of the Indian Act. Having said this much, sir, it is my duty now to move the first reading of "An Ordinance to repeal Ordinance No. 5 of 1879, and to make certain offences against the Indian Act No. 10 of 1887 punishable in Ceylon."

The Hon. the AUDITOR GENERAL seconded.

The bill was unanimously read a first time.

The Hon. the ACTING ATTORNEY-GENERAL intimated that he proposed to take the second reading at the next sitting of the Legislative Council.

AMENDING THE VILLAGE COMMUNITIES ORDINANCE.

The Hon. the ACTING ATTORNEY-GENERAL:—I now rise, sir, to move the first reading of "An Ordinance to amend the Village Communities Ordinance, 1889.' The necessity for this bill has arisen in this manner. Rules framed by the inhabitants of a certain sub division of one of the districts of the N.-W. Province came up for the approval of the Governor in Executive Council, and it was at that time questioned whether those rules framed by the inhabitants in regard to levies of labour and taxes could be sanctioned as *intra vires* of the Village Communities Ordinance of 1889. It appeared to the Governor in the Executive Council that though there were no express words in the Ordinance of 1889, there could be no doubt whatever about the original intention of the Government or of the Legislative Council as to the contributions in question. I need only, sir, refer to the quotation which H.E. the Governor has made in his Address which we have just heard, and that was from a speech by Sir Hercules Robinson, in which he clearly says that the various powers, which were intended to be given in 1871 to the inhabitants of sub-divisions in regard to the operations which they are bound to carry out under the Ordinance, would involve expenditure of money and also contributions of labour. In that speech he distinctly says that the cost necessary for carrying out these operations ought to be apportioned among the different families of the village community. If the hon. members will examine sub-section 16 of section 6 of the Ordinance No. 24 of 1889, they will find that it provides "for the construction and maintenance of village roads not exceeding 12 ft. in width, provided that no inhabitant shall be required to contribute any labour or money towards any road other than a natural road, nor to give more than 10 full days' labour in any year for such village roads." Now a little consideration of the different sub-sections of section 6 will show that the inhabitants have been authorized to carry on a series of operations beneficial to the community, and that these operations necessarily involve an expenditure of labour and of money. Sub-sections 1 to 15 impliedly give the necessary authority for the levying of the labour and the taxes. When we come to the 16th sub-section, we find that the maximum of labour and taxes which the village community may levy is fixed, that is to say, that the contribution in labour and money towards any road should not exceed 10 days' full labour in any year. It must therefore be clear to hon. members that the omission of express words in regard to other village operations does not indicate that it was intended by the Legislature that those operations should be carried out without an expenditure of labour or money, or that the inhabitants concerned should not have the power to enforce the labour and the money contribution. After a careful consideration of the subject it has been thought desirable to invoke the aid of your authority to make clear what the original intention was and to state in express terms what has been an accidental omission in respect to the first 15 sub-sections of section 6. The bill before you contains only two or three clauses and the first clause provides for the amendment of the 6th section upon which I have been commenting. The amendments proposed are in these respects:—

"For imposing and enforcing an annual tax payable in labour, not exceeding that of fifteen days in the year for any one person, in respect of all or any of the purposes mentioned in sub-sections (1), (2), (13), (16), and (17) upon the inhabitants of the sub-division."

"For determining the number of days' labour to be imposed in respect of any one or more of such purposes."

"For calling out and compelling the performance of such labour."

I may say, sir, that up to now labour has been demanded of the inhabitants for a larger number of days than the 15 days referred to in the present bill, so that this bill is really an important relief given to the inhabitants of subdivisions in respect of these levies. I have much pleasure, sir, in moving the first reading of an Ordinance to amend the "Village Communities Ordinance 1889."

The Hon. the TREASURER seconded.

The bill was unanimously read a first time.

The Hon. the ACTING ATTORNEY-GENERAL then intimated that he proposed to take the second reading at the next sitting.

The Hon. A. DE A. SENEVIRATNE indicated that he would prefer if the second reading were taken a fortnight hence, if that were equally convenient for the others.

The Hon. the GOVERNMENT AGENT, W.P., asked if it was not the intention to refer the bill to a Sub-Committee to discuss.

The Hon the ACTING ATTORNEY-GENERAL.—Oh! yes, if it is the desire of the hon. members that the bill should be committed. I personally have no objections to such a course. I therefore consent, sir, to take the second reading this day fortnight.

H.E. the LIEUT.-GOVERNOR said that if the bill were to be referred to a Committee it might be advanced a stage next week. Otherwise they would have very little business at the next meeting.

The Hon. A. DE A. SENEVIRTENE said he asked for the delay on behalf of an hon. member who took a great interest in the bill and who would not be able to be present next Wednesday.

The Hon. P. COOMARA SWAMY said he did not think he would be able to be present next Wednesday and therefore he would be obliged if the second reading were postponed.

The matter then dropped.

THE DETENTION OF LETTERS WITH FICTITIOUS POSTAGE STAMPS.

H.E. the LIEUT.-GOVERNOR:—I rise to move the first reading of "An Ordinance to enable the Postmaster-General to detain any letter or postal packet bearing any fictitious postage stamps." The object of this Ordinance, as shortly stated in its title, is to give the postal authorities the power which they do not now possess, to detain any letter or postal packet which may bear either a counterfeit stamp or a stamp that has already been used. The intention is to treat the letter or other postal matter as a dead letter and return it to the dead letter office in the country of its origin with a view to endeavour to deal with the parties who have been guilty of making use of a counterfeit or already used stamp. Should this bill be read a first time today I will proceed with its consideration in the second reading at next meeting of Council.

The Hon. the ACTING GOVERNMENT AGENT, C.P. seconded and the bill was read a first time.

JAFFNA COLLEGE DIRECTORATE.

H. E. the LIEUT.-GOVERNOR:—I now beg to move the first reading of "An ordinance to incorporate the Board of Directors of Jaffna College." The Directors of this College who have been engaged for nearly a quarter of a century I think in a very useful educational work in Jaffna have expressed a wish to have powers to hold property and dispose of it. Such powers it will be understood are very necessary in the discharge of their trust, and I am sure the Council will have no hesitation in giving them to such a useful body by this Ordinance. I move the first reading, and in the event of the bill being read a first time today I give notice that I will move the second reading at the next meeting of Council.

The Hon. the ACTING ATTORNEY-GENERAL seconded and the bill was read a first time.

THE DESTRUCTION OF VALUELESS COURT DOCUMENTS.

The Hon. the ACTING ATTORNEY-GENERAL:—Sir the next bill that stands in my name is "An Ordinance to authorize the destruction of valueless documents preserved in Courts of Justice." The request of a judge to have his record room enlarged led His Excellency the Lieut.-Governor to visit the Court in question, and to suggest the advisability of destroying valueless records so as to admit of larger room for the preservation of the more useful ones. The proposal was followed by conference with the Judges of the Supreme Court who were of opinion that it was time that the Ordinance 17 of 1866 should be extended, and they also suggested the appointment of a small Commission. Such a Commission was appointed consisting of Mr. Arunachalam, the acting Registrar General and Mr. Gerard Grenier, Registrar of the Supreme Court. They visited a great many of the Courts in the island and at length drafted an exhaustive report which was forwarded to the Government in April last. Their recommendations may be classified and arranged as follows:—That fifteen classes of records should not be destroyed, namely:—

Land cases, testamentary cases, matrimonial cases, regular guardianship cases as distinguished from those in which applications for a guardian *ad litem* only have been allowed, insolvency cases, lunacy cases in which a person has been adjudged insane, cases which have gone up in appeal, other cases of public interest, money cases in which mortgage decrees have been entered, unclaimed suitors' moneys are lying in deposit, satisfaction of judgment decree order has not been recorded, judgment being revived or writ issued, ten years have not elapsed, cases prior to 1833 and a few cases later than 1833 as specimens of procedure, notarial and other documents which may be useful as evidence of civil rights, correspondence with Colonial Secretary.

Then comes a recommendation that the following classes of cases should be destroyed, namely:—

Money cases save those excepted above under 9, 10, 11 and 12, lunacy cases over five years old save those in which an adjudication of lunacy has been recorded, all J.P. cases, all inquest proceedings prior to 1881, non-summary inquiry cases over five years old, D.C. criminal cases over five years old, petitions, reports, cattle vouchers, &c., over five years old.

They also added:—

The utmost publicity should be given to the proposed destruction. Instructions should be issued to all Courts to prepare a list of missing and extant records, shewing in the list of extant records the damaged records also. In the destruction of entire cases, especially civil cases, the material particulars of each of them should be accurately made and carefully entered in a register. All cases destroyed should be entered and properly registered, in the forms F G H I and J, given in the appendix to the report. In the preservation of those of the records of District Courts and Courts of Requests which are enumerated in recommendation No. 1, the summons, subpœnas and other intermediate processes filed therein should be destroyed. In current cases, motion papers should not be filed in the case books, but the motions in full should be entered in the journal minutes prefixed to each case book. The motion papers should be filed separately and destroyed once in a few months. District Judges should be directed to keep forms K and L.

The bill before us gives effect to most of these recommendations, It will be found that by the the third clause the Governor is empowered by proclamation to bring any court of justice in the island under the operation of this Ordinance; and that in the fourth clause it is provided that, when any court of justice has been so treated, it will become the duty of the officer presiding over it to cause to be prepared in duplicate a register of all the records of his court, extant and missing, according to form I, given in the first schedule of the bill. The fifth clause provides that the different classes of documents enumerated in A of the second schedule shall not be destroyed but that the summonses, subpœnas, and other intermediate processes filed therein may be destroyed. The sixth section provides that the different classes of documents enumerated in form B of the second schedule may be destroyed under certain safeguards which are apparent on the face of the section; and in section 7 it is enacted that the preservation and destruction of the documents of each court in terms of this Ordinance shall be carried out under the personal direction of the Judge of such Court. I now beg, sir, to move the first reading of "An Ordinance to authorise the destruction of valueless documents preserved in Courts of Justice."

The Hon. the TREASURER seconded.

The Hon. the ACTING ATTORNEY-GENERAL:—If it is not inconvenient to hon. members I propose to take the second reading at next sitting.

The Hon. A. DE A SENEVIRATNE:—I would suggest, sir, that the second reading be taken three weeks hence and in the meanwhile, if there is no objection on the part of the Attorney-General, I would also suggest that the opinion of the higher judicial officers be solicited upon this bill.

The Hon. the Acting ATTORNEY-GENERAL.—I believe we have all the information available upon the point already, and I am quite prepared to lay before

the hon. members every paper that is before Government.

The Hon. P. Coomara Swamy.—Sir, I understood, from the Attorney-General that he had only the opinion of the Registrar-General and the Judges of the Supreme Court. I did not understand that he had the opinion of the several District Court Judges and Commissioners of the Courts of Request. If he has, there will be no necessity for postponing the matter for three weeks, but otherwise it will be advisable to postpone it to give time for its consideration.

The Hon. the Acting Attorney General —I hope there will be no objection to taking the second reading as I proposed and then allowing the subject to await further discussion. I do not think there is any principle involved that has not already been admitted by the Council. The principle is that certain documents should be destroyed.

The Hon. A. De A. Seneviratne said it was not for the sake of discussion but in order to obtain the opinion of the higher judicial officers that he suggested the second reading should be delayed till three weeks hence

H. E. the Lieut.-Governor said he might be mistaken, and the papers might not be among those with the Attorney-General, but he was under the impression that Government had obtained the opinion of the District Court Judges. He knew that the Chief Justice was very emphatic about getting rid of what he described (he thought) as quite useless documents. The late Chief Justice was strongly in favour of the measure.

The Hon. the Treasurer reiterated that the principle of the bill was merely to authorize the destruction of valueless documents. There could be no objection to the bill being read a second time, because it would be quite competent, when they went into Committee, for any member to move an alteration of the list that was attached to the bill. If any member considered any of the documents mentioned as likely to be valuable documents, it would be quite open to him to move that it be omitted when the Council went into Committee after the second reading.

H.E. the Lieut.-Governor said he should like to qualify what he had said just now by stating that he did not think the point as to what documents should be destroyed had been before the Judge.

The Hon. P. Coomara Swamy, thought the hon. member for the Sinhalese community not only requested that the matter should be postponed but that it should be referred to the different judges in the island. With all due deference to the Supreme Court Judges he thought the District Judges were more competent to give an opinion than their Lordships of the Supreme Court.

The Hon. the Acting Attorney-General then said he would take the second reading of this bill three weeks from now.

THE ADJOURNMENT.

On the motion of the Hon the Acting Attorney-General, Council then adjourned till Wednesday, the 31st inst., at 3 p.m.

WEDNESDAY, OCTOBER 31st, 1894.

Present:—H. E. Governor Sir Arthur Elibank Havelock, K.C.M.G., President; H. E. Sir E. Noel Walker, K.C.M.G. Lieutenant-Governor; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General; the Hon. J. A. Swettenham, C.M.G., Auditor-General; the Hon. F. R. Saunders, Treasurer; the Hon. E. Elliott, Acting Government Agent of the Western Province; the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Lionel Lee, Acting Principal Collector of Customs; the Hon. R. K. MacBride, C.M.G. Director of Public Works; the Hon. Dr. P. D. Anthonisz, C.M.G. Burgher Representative; the Hon. W. W. Mitchell, Mercantile Representative; the Hon. Sir J. J. Grinlinton, Kt., General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; the Hon. M. C. Abdul Rahiman, Muhammadan Representative.

Absent:—The Hon. A. de A. Seneviratne, Sinhalese Representative; the Hon. P. Coomara Swamy, Tamil Representative; and the Hon. Giles F. Walker, Planters' Representative.

H. E. the Lieut.-Governor presided at the outset.

PAPER.

The Hon. the Auditor-General:—On behalf of the Colonial Secretary I beg to lay on the table Sessional paper XXI, 1894, on Village Tribunals being a statement showing the districts, presidents, their salaries and staffs, and the number and nature af the cases disposed of during 1893.

NOTICE OF MOTION.

The Hon. the Government Agent, W.P.:—I beg to give notice, sir, that at a meeting of this Council not less than a month hence I shall move that from and after 1st January 1895 a toll be established at Hokandure, a point 12 miles from Colombo on the Talawattagodde-Hokandure minor road.

THE REPLY TO THE ADDRESS.

The Hon. Auditor-General brought up the draft Reply to H. E. the Governor Opening Address and moved that it be read. The reply will be found printed along with the address. (See pages vii to viii.)

The draft reply having been adopted, Council adjourned for a few minutes.

H.E. the Governor arrived shortly after when all the members standing, the Lieutenant-Governor read the Reply as given above.

H.E. the Governor replied. Honourable gentlemen of the Legislative Council.—I thank you for your reply and your assurance of hearty co-operation and support in all measures calculated to be of benefit to the Colony.

THE ESTIMATES.

H.E. the Lieut-Governor then brought up and read the following:

MESSAGE TO THE LEGISLATIVE COUNCIL.

A. E. Havelock.

The Governor has the honour of laying before the Legislative Council the Estimates of Revenue and Expenditure for the year 1895.

The items of receipts will, if present reasonable expectations are realized, aggregate, exclusive of the surplus revenue brought forward from previous years, R19,911,000, an amount which seems to be justified by the actual receipt of R18,051,950 in 1893, and by the revised estimates of R19,150,000 for the current year, as well as by existing circumstances, which indicate a continuance of the elasticity of the revenue. The principal increase is under the head of Railways, the receipts from which owing to the opening of extensions and to increase in traffic, are placed at R1,243,518 over those of 1893 and R716,457 in excess of what is expected to be collected in 1894. Under the heads of Customs, Port and other like dues, and Licenses, &c., which are strictly the only sources of taxation, the increase between 1893 and the expectations of 1895 is R587,000. Of this R126,000 are contributed by the import duty on spirits, of which large stocks

were laid in in 1892, in anticipation of rise in duty; R300,000 by that on kerosine oil, of which for the same reason there was no importation in 1893; and R100,000 by that on the miscellaneous goods. The arrack rents have been computed on the basis of the accepted offers for the year 1894-95 at R216,000 in excess of the receipts for 1893, which were a falling off on the previous year. The receipts from Sale of Government Property, which are placed at R93,640 over the actual revenue of 1893, are based on the estimates of the Government Agents, confirmed in the principal item of timber by an independent one of the Conservators of Forests. The amount is R131,783 less than the corresponding amount in the original estimates for the current year, which will, it is now considered, not be realized in this respect. The item for Land Sales is placed at less than is expected to be received in 1894, and, though at R105,000 more than the receipts of 1893, still at a little under those of 1892. There is a demand for land in small lots, which seems quite to justify the estimate which has been adopted for 1895. The remaining heads of the estimated revenue do not, on a comparison with the figures of previous years, call for any explanation.

The proposed appropriations are in the aggregate a little over a million rupees in excess of those for the current year. The usual comparative statement of the cost of Establishments shows an increase of R64,169 in 1895, but this is more than accounted for by the addition of R71,817 to the Railway Department, in consequence of the extensions, and of R7,824 to the Postmaster-General's Department, on account of increased Postal and Telegraph facilities, which will bring in commensurate receipts and advantages to the public. There are changes under other heads, in a transfer from the Provincial Administration to the Treasury, and in the assumption by the Public Works Department of the charge of the Colombo Waterworks. On the recent vacancy in the Office of Surveyor-General, the salary has been reduced from R14,400 to R12,000. The increase of R10,000 to the Police is due partly to the omission of provisions for 1894 in the distribution of the force among the several Provinces, partly to small additions to the force in some planting districts, for the cost of half of which repayment is made, and, to the extent of R1,470, to the provision of a small staff for the registration of criminals, which it is proposed to adopt. With the exception of R600 for a Sub-Inspector of Schools, and of an addition of R1,000 to the salary of the Mathematical and Science Master of the Royal College, with the view of securing a qualified officer, the increase of R4,772 in the Education Department is due to increments earned under the Code.

The approval of the Council will be asked to the interchange of the salaries of the Office Assistant, Kurunegala, and of the Police Magistrate, Panadure, which have hitherto been R4,500 and R4,000, respectively. This is proposed in the desire to render more attractive the Judicial side of the Service.

The fall in exchange from the time at which the last Estimates were prepared has necessitated an increase of over a million rupees in the provision for Debt, Pensions, Military Contribution, and other exchange charges, including the compensation to Public Officers. On the grounds which the Governor believes will be accepted as reasonable, the rate for the coming year has been calculated at 1s 1½d. Deductions have been made from the former provision under Exchange, as the stores are now to be issued at a price nearer the current rate of exchange, and as the election of the compensation allowance should permit of a decrease in the amount paid for family remittances.

Under the head of Debt there is, besides the addition for fall in exchange, an increase of R155,250 for the provision of interest for a full year on the money borrowed during this year. It is not intended to provide for any further issues in the coming year in the hope that the balances of those already made and the cash balances will be sufficient to meet the requirements of expenditure on capital account during 1895.

The Governor regrets that, notwithstanding his desire to keep down the Pension list as much as possible, the claims of length of service and of ill-health have necessitated an increase in the provision under this head. The greater part of the excess of R98,524 is however due to the fall in exchange on the pensions payable in England. In the last two years there has been an unusual number of retirements on pension, some being from the highest salaried officers.

The additional provision for the Port and Marine Department of Colombo is more considerable than is indicated by the net increase of R12,078. The union of the construction and maintenance branches has permitted the transfer from the latter of a proportionate amount as a charge upon the loan, and it is proposed to increase the special expenditure on Harbour appliances by R43,000.

Under the head of Prisons there is a decreased provision of R29,209. Apart from the reduction in the number of prisoners, to which the Governor alluded in his opening Address, there is a temporary saving of R15,000 by the transfer of the expenses of working the Mahara quarry to the Breakwater Works.

In Hospitals and Dispensaries there is an increase of R56,099. Of this, R23,353 is to afford additional accommodation in hospitals worked under the Medical Aid Ordinance, and R31,200 is for medicines and medical appliances. The general vote of R5,000 for opening new dispensaries has not been repeated, as it is thought desirable at the present time to check the extension of these institutions and the consequent increasing expenditure on them, useful and beneficial as they are admitted to be.

Under Education, the provision for grants-in-aid has been increased by R3,000, and that for the publication of Sinhalese school books by R1,000.

In Miscellaneous Services, provision is proposed of R1,500 for refunding the duty paid on refined sugar imported and used for the purpose of crystallizing products for export. This proposal is made with the desire of encouraging this industry, which its promoters have represented cannot bear the existing import duty, and the repayment will be made under due safeguards of Customs. A sum of R4,140 is included for meeting the expenses of continuing the checking of traffic on the Central Northern road, in connection with the proposed extension of the Railway to Jaffna.

The payment under Ordinance of interest at the rate of 6 per centum per annum on the deposits of the Widows' and Orphans' Pension Fund ceased on the 31st of March last, but as the Directors have not been empowered to invest the moneys of the Fund, which have been left in deposit in the Treasury, and the equivalent of the greater part of which has been invested by the Treasurer in Indian Paper, it has been thought only fair and reasonable to transfer to the Fund the profit which it might otherwise have earned on these moneys, and provision has been made accordingly.

The necessity for providing for the increasing issue of Currency Notes, and for the more liberal destruction of those in circulation, accounts for an item of R15,000, and the remainder of the increase under this head is due to the fall in exchange under several smaller heads.

The provision in the previous year having been in excess of what has proved to be necessary for such supplies of Timber as the Forest Department found opportunity for furnishing a reduction of R76,205 has been made in the vote proposed for 1895.

The increases in the Postal and Railway Departments have been made on account of the extensions, to which reference has been already made in dealing with the Establishments.

The amount of R893,356, which is assigned to New Roads, Buildings, and other Public Works, is very considerably less than that which has been proposed in the past few years. The reduction of this provision has been caused by the necessity to meet the claims consequent on the further fall in exchange, without impairing the means of general administation in the several Departments. Taking into consideration, however, the provision for annually recurrent expenses of maintenance and repairs on Works and Roads, the expenditure will be R2,434,904, an amount nearly equal to the vote for 1891 and

greater than any year previous to that one. While applications have been received for the expenditure of more than double the amount which it is proposed to ask the Council to vote, the Governor feels that all claims of any urgency have been met, and that a substantial contribution of provision for a number of smaller works will assist and advance the prosperity of the Island in all its interests.

It will be observed that the Council are asked to revote specifically the balances unexpended on provisions for special Public Works at the close of this year, instead of following the practice hitherto prevailing of authorizing the sum in one aggregate amount in the Supply Bill. A corresponding portion of surplus revenue at the close of the previous year, against which the unexpended balances would, under the previous practice, have been charged, is also brought forward, and appears at the head of the Estimates of Revenue.

By His Excellency's command,

E. Noel Walker,
Colonial Secretary.

October 31st, 1894.

FERRY TOLL.

H. E. the Lieutenant-Governor moved—That from and after January 1st, 1895, a Ferry Toll be established on the Amban-ganga in the Matale Pallesiyapattuwa of Matale East. He said:—This toll has been applied for by the Assistant Government Agent in the district of Matale. The toll will be situated at Gonamala Ella where the river is crossed by the minor road, from Kaikawela on the Ratotta Road to Kongahawela on the Naula-Elahera road. The Assistant Government Agent in reporting on the matter in April last said the road was largely used by tavalams. It is in fact the main tavalam road from Tamankaduwa, and as the Amban-ganga is often in flood, travellers are often detained at Gonamala Ella. A ferry toll is in the nature of a payment for services rendered and I presume that it would not be affected by the same question as some maintain with regard to tolls in general.

The Hon. the Acting Government Agent, C. P. seconded and the motion was agreed to.

ROAD TOLL.

H.E. the Lieut.-Governor moved:—"That from and after 1st January, 1895, a toll be established opposite the resthouse at Tanamalwila and between the 28th and 29th mile-post on the Hambantota-Wellawaya road, and in place of a toll to be abolished on the road between Wellawaya and Haputale." It will be observed, sir, that this is merely the removal of a toll from one place to another. The toll is established now at the 109th mile-stone on the way from Colombo. This is about 7½ miles from the junction of the Hambantota toll road with the Ratnapura and Badulla road, at a place differently called Katukelle and Lemastota. It is proposed to remove it a considerable distance, 36 miles away on the road towards Hambantota at a place opposite the resthouse between the 28th and 29th milestones from Hambantota on the Wellawaya road. That road is considerably used by carters taking heavy loads of salt principally for upcountry, and it is thought only reasonable that the carts which wear it so much should continue to contribute towards the maintenance of the road. With these observations, sir, I move the resolution.

The Hon. the Government Agent, C.P. seconded, and the motion was agreed to.

THE SUPPLY BILL FOR 1895.

H. E. the Lieut.-Governor in moving the first reading said:—This, sir, is the usual annual Ordinance to appropriate the revenue, the details of which are set forth in the bulky estimates with which hon. members are well acquainted. I may say, sir, that the changes of any importance in the bill form the subject of comment in the Message accompanying the estimates which has just been read. It may not, therefore, be necessary for me to take up the time of the Council at present in anticipating any desire for information, but I may say, sir, that in Sub-Committee on this bill I shall be prepared and pleased to afford hon. members all the information I can on the points on which they may desire information. The total amount of the estimates is R20,283,346. Of this sum R6,338,227 are already appropriated by permanent Ordinances leaving to be appropriated by this bill of R13,945,419. This is a larger sum than in the Appropriation Bill of last year by only R96,568. The principal feature in the Supply Bill of this year is the very large increase in the provision on account of the fall in exchange which as stated in the message, amounts to over one million rupees. That increase, however, has been partly met by the continued increase—by the elasticity of the revenue, and the remainder, R400,000, has been met by a reduction in the provision which has been made in the last two previous years under the head of Public Works. It is perhaps a matter of congratulation that we have been able at this particular time, when the charges on account of this fall in exchange have fallen so heavily upon us, but not without some difficulty and denying appropriations in some direstions, to meet the occasion without any additional taxation. I do not know that I need take up the time of the Council with any further remarks. Owing to circumstances the estimates and the Supply Bill have been introduced at a rather late time, and with the view of pushing forward its consideration, the effective part of which takes place in Sub-committee, I will with the concurrence of members move the suspension of the standing orders so that the bill may be read a second time and referred to a Sub-committee. That sir being my intention I now move that the bill be read a first time.

The Hon. the Treasurer seconded and the bill was read a first time.

On the proposal of the same mover and seconder the standing orders were suspended, the bill was read a second time, the Council went into Committee, and the Bill was referred to the Sub-committee whose names we gave yesterday.

Council then resumed.

AMENDMENT OF THE GEMMING ORDINANCE.

H. E. the Lieut.-Governor.—I beg, sir, to move the first reading of "an Ordinance to amend 'the Gemming Ordinance 1890.'" H. E. the Governor, in his opening Address, stated at some length the objects of this amendment, the amendments proposed are really only two. The first is to extend the definition of "mines" in accordance with the intention of the original Ordinance. It was never intended by those who framed the original Ordinance that a license should be required to be taken out for every hole which was scratched in search for gems. The first section of this bill merely carries out that intention. The other amendment is the repeal of the provision which required a written permit to be obtained from the Government Agent for each person employed in a pit and the payment for each such permit of a quarterly fee of 75 cents. It is proposed here to do away with the requirement of this permit and the accompanying levy. The other sections are only to make the principal Ordinance

conform with these two amendments. With these observations, sir, I move that the bill be read a first time.

The Hon. the Acting Attorney-General seconded and the bill was read a first time.

H.E. the Lieut.Governor :—I beg to give notice, sir, that I shall move the second reading of this bill at the next meeting of Council.

THE SUPPRESSION OF TOUTS.

The Hon. the Acting Attorney-General :—I rise, sir, to move the first reading of "An Ordinance to suppress intermeddlers with suitors in Courts of Justice." Certain legal practitioners of the minor Courts of Colombo addressed a letter to the Attorney-General in Nov. 1892 on the subject of the evil practices of a class of persons commonly known as touts, hawkers and outdoor proctors, and another class known as petition-drawers. The ranks of the touts were said to be composed of very needy and unprincipled men, of ex-convicts, ex-constables, and peons dismissed from public offices, and their work consisted in intercepting suitors who had to come to the Courts, and introducing them to the petition-drawers. It was urged that those two classes of persons fomented litigation, and were constantly engaged in magnifying trivial offences, in schooling witnesses, and concocting false charges, so that many an innocent person was unlawfully convicted in our Courts and large numbers of men who ought to have been punished were able to escape punishment. It was further alleged that some members of the legal profession encouraged these touts by feeing them upon the introduction of clients to themselves, and the signatories to the petition referred to, requested the Attorney-General to be good enough to provide an enactment in mitigation of the evils complained of. On reference to the Police Magistrate of Colombo and the Commissioner of the Court of Requests these officers informed the Attorney-General that the mischiefs in question had been very fairly stated by the practitioners of their Courts, and that legislation was imperatively necessary to suppress what they called simply a "public scandal." The Attorney-General, therefore, drafted a bill providing for the qualification and admission of proper persons as petition-drawers and for the suppression of touts. The Government submitted the draft bill to the consideration of the judges of the Supreme Court and they reported that they could not bring themselves "to approve of a measure which gave a professional status to persons commonly known as petition-drawers. So much miscarriage of justice is caused by defective pleadings in Civil and Criminal cases, that, as long as written pleadings are a part of our procedure, we consider no one should be recognised as competent to draft them except a professional lawyer. It may be said the plaints, answers, affidavits, and the like, are, as a matter of fact, drafted by petition-drawers, and find their way into the proceedings in all our Courts from the highest to the lowest. It is so, no doubt; but it cannot be denied that this is a deplorable circumstances, and we do not see why because an evil exists, for which there may be no immediate remedy at hand, it should be consecrated by legislative enactment."

In view of such opinions as these, the Attorney-General thought it proper to amend his draft. He deleted certain of the old clauses and introduced an enactment in the new draft prohibiting petition-drawers from taking any part in the proceedings connected with the Courts of the island. The Government thereupon issued a circular to District Judges, Police Magistrates, and Commissioners of Courts of Requests, requesting them to be good enough to report upon the practicability of the measure. A large number of answers was returned, and it appeared certain that as the Courts at present stood, it would be utterly impossible for the judges of the Minor Courts or their chief clerks to listen in full to the stories of the complainants or plaintiffs, and to take down in writing their complaints, and that the suppression of pleading and petition-drawers would force the suitor either to incur the comparatively heavy expense of employing a proctor or to hang about for days together in the hope of catching the eye or ear of the judges. If petition and pleading-drawers were ostracised from the Courts of the island, it would be absolutely necessary to employ a large number of Court officers for the work which is now commonly done by petition and pleading-drawers, and it was not at all certain that all petition and pleading-drawers were dishonourable men, and it did not seem just that, because there were a few, perhaps an appreciable number of men, devoted to the mischiefs I have mentioned, the living of a large class of respectable and useful persons should be interfered with in the drastic way that was proposed, especially as such a measure would involve a large cost needlessly to the Government. Such views as these have induced the Government to leave the petition-drawers alone, and to deal with that part of the subject which refers to the mischief caused by touts and vagrants meddling with parties who seek redress in the Courts of justice, and with those dishonourable members of the legal profession who think it consistent with their duty and the etiquette of the profession to fee touts in support of their professional earnings. The bill as it stands is a very simple one consisting of six clauses only. The second section provides that:—

Any person who—

(*a*) solicits or receives from any legal practitioner any gratification in consideration of procuring or having procured his employment in a legal business;

(*b*) retains any gratification, or withholds without just cause a portion, out of remuneration paid to be delivered to any legal practitioner for such employment;

(*c*) not being authorized under any law to practise in any court, solicits or receives from any person any gratification in consideration of procuring or having procured the employment of a legal practitioner in any legal business;

(*d*) being a legal practitioner, tenders, gives, or consents to the retention of any gratification for procuring or having procured the employment in any legal business of himself or any other legal practitioners—shall be guilty of an offence, and shall on conviction be punished with a fine not exceeding five hundred rupees.

Any legal practitioner who shall be convicted of any offence under this Ordinance shall be liable to be removed or suspended from office by the Judges of the Supreme Court, on the motion of the attorney-general or solicitor-general.

And in section [illegible] is enacted that:—

Any person not being a court officer, or the peon or messenger of any judge or legal practitioner, or registered clerk of any legal practitioner, who habitually frequents without any ostensible object the Supreme Court or any district court, court of requests, police court, or municipal magistrate's court, or the precincts of any such court; or who, without lawful excuse, accosts or attempts by words or signs to meddle with any suitor or other person having business in such court, shall be guilty

of an offence, and be liable on conviction to be punished with a fine not exceeding one hundred rupees.

I have no doubt, sir, that this measure, so very interesting to the public of Ceylon, will meet with the consideration which it deserves. I suggest the desirability of referring this bill, after the second reading, to a Committee of the members, and then it will be competent for the members of Committee to peruse the voluminous literature on the subject. I now move, sir, the first reading of the Ordinance.

The Hon. the TREASURER seconded, and the bill having been read a first time, the hon. the Acting Attorney-General gave notice that he would take the second reading at the next meeting of Council.

ABOLITION OF THE IMPORT DUTY ON METALS.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—I beg, sir, to move the first reading of a bill entitled an Ordinance to abolish the import duty on certain kinds of metals." This bill, sir, is introduced in conformity with an undertaking given to the hon. member who represents the mercantile interests at a recent session of this Council. Its object is to abolish the duty on certain raw materials used in certain manufactures. It was evidently inexpedient, sir, to continue the tax on raw metals whilst exempting from taxation machinery made of those metals. The natural result of such a proceeding was to favour foreign workmen at the cost of local artisans. In the same manner, sir, it was certainly unsatisfactory to continue the duty upon pig lead while exempting from the operation of the tariff tea lead which is made out of pig lead. The removal of these restrictions is likely to encourage existing industries, and with reference to the removal of the duty on pig lead the members of Council will be able to estimate the extent of the industry to which that is likely to give rise when they learn that the average annual importation of tea lead in the last three years has exceeded 2,000 tons approaching in value nearly half a million of rupees. The removal of the duty upon this particular material will, it is hoped, give rise to a new industry. Naturally the removal of this import duty cannot be done without some loss of revenue, but this loss is so small that it will doubtless be counterbalanced by the encouragement which is given to existing industries and by the inducement which will be given to the undertaking of novel enterprises. With these few remarks, sir, I beg to move the first reading of this bill.

The Hon. W. W. MITCHELL seconded and the bill was read a first time, the Hon. the Acting Principal Collector of Customs giving notice that he would move the second reading at the next meeting of Council.

THE THESAVALAMAI AND LAND SALES THEREUNDER.

The Hon. the ACTING ATTORNEY-GENERAL.—I beg, sir, to move the first reading of "an Ordinance relating to the publication of intended sales of immovable property affected by the 'Thesavalamai' of the Northern Province of Ceylon." This bill is the outcome of representations made by the Government Agent of the Northern Province that the practice of publishing notices of intended sales in Jaffna and the entire system of granting what are called schedules for the sale of land, should be abolished. It has been reported that some headmen have proved unfaithful to Government by unlawfully granting schedules in respect of crown lands to private parties; that dismissed headmen have had in their possession copies of extracts for the purpose of granting schedules whenever opportunities afforded themselves; and that incessant complaints have been made that schedules have been granted by the headmen irregularly and withheld without just cause. For these and other reasons which I need not go into today, the Government Agent thought that the time had arrived for dispensing with the duty of publishing intended sales of land in the Northern Province and for repealing the whole system of granting schedules. But in view of the fact that it was reported by the Government Agent himself that it was the desire of the people that the present system of publication by granting schedules under Ordinance No. 1 of 1852 should be continued as affording some safeguard against the execution of false deeds, the Government have felt reluctant to give effect to his proposal to repeal the system. Upon consideration of the question, it appeared that publication was an essential part of the customs of the people of Jaffna, and that the mode of publication has been changed from time to time. For example, the Dutch Governor Bloem required that publication should be made in the parish church of the parish in which the land in question was situated, and in the early part of this century that mode of publication was dispensed with and another substituted, namely, that Udaiyars should be vested with the duty of making these publications through the intervention of the schedules I have referred to. In these circumstances it appeared to the Government that, so long as it was possible to deal with the evils in question by altering once again the mode of publication, it was not right that the substantive part of the law, which the people of Jaffna seem to be so fond of, should be repealed. The present bill leaves intact the duty of publication on the part of intending vendors of lands, but it transfers the publication of the notice given by such landholders from the shoulders of the Udaiyar to the Registrar of Lands who, after all, is the proper party to deal with any transaction connected with land. The third section of the present bill enacts that upon receiving notice from the intending seller the Registrar of Lands shall endorse thereon the true date of such receipt and shall file every such notice with the records of his office, and shall cause the fiscal to make the necessary publication in the village where the land is situated. The fourth clause provides that upon the expiration of 21 days after the return made by the fiscal it shall be the duty of the registrar to issue to the vendor a certificate of publication under his hand, provided that no lawful cause be shown to the satisfaction of such registrar why such certificate should not issue. The fifth clause provides that if any cause be shown to the satisfaction of the registrar against the issue of such certificate of publication, the registrar shall forthwith make report thereof to the District Court, and the District Court is empowered to deal with the matter as to it may seem meet. I may say that it is not intended by the Government to do anything that may be adverse to the wishes of the people in this matter. All the Government is anxious about is that the mischiefs which undoubtedly exist in connection with the publication by schedules should be

remedied in some satisfactory form, and if hon. members, on a fair consideration of the merits of this bill, are able to provide a scheme better than the one which has found favour with the Government, I have no doubt that H. E. the Governor will be prepared to prefer such a scheme to the one propounded in this bill. I beg, sir, to move the first reading of the Ordinance.

H.E. the LIEUTENANT-GOVERNOR seconded.

The bill was read a first time.

The Hon. the Acting ATTORNEY-GENERAL :—I beg to give notice that I shall move the second reading of this bill a fortnight hence.

EXTENSION OF THE INDIAN ACT NO. X. 1887 TO CEYLON.

The Hon. the Acting ATTORNEY-GENERAL :—I now beg, sir, to move the second reading of "An Ordinance to repeal Ordinance No. 5 of 1879 and to make certain offences against the Indian Act No. X of 1887 punishable in Ceylon." The reason for the bill and also the principles of it were explained at the first reading sir, and it is now simply my duty to move the second reading of it.

H. E. the LIEUT.-GOVERNOR seconded and the bill was read a second time.

On the motion of the Hon. the Acting ATTORNEY-GENERAL, the Council went into Committee on the bill ; and the Clerk proceeded to read the various clauses, it being agreed to dispense with the reading of the schedule on the explanation of the Hon. the Acting Attorney-General that it was simply word for word with the Indian Act and was not a matter which admitted of discussion.

On clause 5 being reached,

The Hon. the ACTING PRINCIPAL COLLECTOR OF CUSTOMS referred to the phrase "Collector of Customs" and asked what was proposed in the case of ports where there were no Collectors of Customs.

The Hon. the Acting ATTORNEY-GENERAL :—I have simply followed the wording of the old Ordinance.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—But this would not be practicable : would it ?

The Hon. the Acting ATTORNEY-GENERAL :—It would not be practicable literally, but there must be some other equivalent officer.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—Make it the chief Customs officer.

On the suggestion of H.E. the LIEUT.-GOVERNOR, it was agreed that the expression should be "the principal Officer of Customs of the port" —and this phrase was adopted throughout the bill.

The Hon. the Acting GOVERNMENT AGENT, C.P., said that he had been trying to understand clause 8 since it had been read, but had failed and he thought there must be some mistake.

The clause was :—

If the master of any ship lands any passengers at any port or place other than the port or place at which he may have contracted to land, unless with his previous consent, or unless such landing is made necessary by perils of the sea or by unavoidable accident, the master shall for every such offence be liable to a penalty not exceeding two hundred rupees, or to imprisonment for any term not exceeding one month, or to both.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS explained that the word should be "passenger," the Hon. Acting Attorney-General further remarking that somehow an "s" had got added to the word and that the use of the pronoun "he" was grammatically correct as referring to the preceding noun "passenger."

The necessary correction was made.

The Hon. the Acting ATTORNEY-GENERAL afterwards reported the bill as amended, and on his motion it was referred to the law officers of the Crown for their report.

Council thereafter resumed.

THE DETENTION OF POSTAL MATTER WITH FICTITIOUS STAMPS.

H. E. the LIEUT.-GOVERNOR :—I beg to move the second reading of "An Ordinance to enable the Postmaster-General to detain any letter or postal packet bearing any fictitious postage stamp."

The Hon. the Acting ATTORNEY-GENERAL seconded, and the bill was read a second time, the Council thereafter going into Committee upon it.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—With regard to the section which gives authority to "any officer of the postal department" to do certain things, we know what the expression means in the ordinary sense, but we must remember that this Ordinance is to be read with the principal Ordinance No. 13 of 1892, and this term would therefore have a particular significance. In the interpretation clause of the principal Ordinance it is stated that "'postal department' shall mean the postal and telegraph department of the island," so that if this Ordinance passes it will give power to any postal or telegraph peon to detain any letter which he thinks may bear any fictitious stamp. I hardly think that that would be desired by the Council. I would suggest in place of these words the expression "postmaster" which possesses a technical signification, namely "any person appointed as such by the Governor."

The Hon. the ACTING ATTORNEY-GENERAL :—The first section states that this Ordinance may be cited as "The Ceylon Postal and Telegraph Amendment Ordinance," so that I do not know what effect the proposed alteration would have. No. 13 of 1892 defines "postal department" in a certain way and we shall have to keep to that definition. I have no objection to the insertion of the word "postmaster" for it is really intended that the postmaster and he only should have the power.

H.E. the GOVERNOR :—I suppose the Postmaster-General would of course have the power.

The Hon. the ACTING ATTORNEY-GENERAL replied in the affirmative and quoted from the interpretation clause :—"The expression 'Postmaster-General' shall mean the Post-Master General and Director of Telegraphs of this island, or the person for the time being lawfully executing the duties of his office." The clause might begin "the Postmaster-General or any Postmaster."

H.E. the LIEUT.-GOVERNOR, while not objecting to the proposed amendment, was understood to say that he did not think a Post Office peon could be regarded as an "officer of the postal department."

The alteration suggested by the Hon. the Acting Attorney-General was then made.

The Hon. the ACTING PRINCIPAL COLLECTOR OF CUSTOMS afterwards moved the omission of the words "letter or" because on reference to the principal Ordinance the term "postal packet" was defined as "a letter, post card," &c. The words "letter or" were, therefore, superfluous and as a matter of legal construction might cause some incovenience.

The Hon. the ACTING ATTORNEY-GENERAL had no objection and the alteration was made.

The Hon. the ACTING PRINCIPAL COLLECTOR OF CUSTOMS also moved the omission of the words "containing or." He said :—It has usually

been considered not altogether right that the facility gained by the constant handling of letters should be exercised with a view to the examination of their contents. I think, sir, that Council will agree with me that the offering of an inducement to postal officers to pry into the contents of letters may encourage a practice which in the past has been attended with considerable danger to the contents of letters. It is surely enough that a postal packet found in the Post bears any fictitious postage stamp. I do not know that such an inquisition into the contents of letters is advisable by any post office official under the Postmaster-General. I would move the omission of the words "containing or."

H.E. the LIEUT.-GOVERNOR:—I think we had better leave in the words for the reason that they are taken from a foreign and colonial postal warrant at home which I presume is framed with the same care and consideration as an Act of Parliament. I do not myself see, as the hon. member implies, how the Postmaster-General or postmaster is to find out that fictitious stamps are contained in a postal packet, but still as the words are in the warrant to which I have referred I think we ought to leave them in. I do not see that it would afford any inducement to improper practices, because you have limited that power to the Postmaster-General or postmaster.

H.E. the GOVERNOR:—It might so happen, assuming the omission of the words "containing or" that if it were discovered that a postal packet contained fictitious stamps a prosecution for sending fictitious stamps in the letter would fail. That is a point of great utility in retaining these words. Do you follow me?

The Hon. the ACTING PRINCIPAL COLLECTOR OF CUSTOMS replied in the affirmative and withdrew his amendment, pointing out at the same time that the words "containing or" would require to be inserted in the title.

The Hon. W. W. MITCHELL asked if by any possibility the retention of the words "containing or," would confer the power upon postmasters to open letters for the purpose of ascertaining whether fictitious stamps were there.

H. E. the LIEUT.-GOVERNOR:—With the consent of the addressee I presume a letter could be opened. It was the intention, I understand, that letters detained should be sent home and treated in the country of their origin, and I suppose the hon. member would wish that to be obviated in the case of suspicion not being well-founded, unreasonable or inconvenient.

H. E. the GOVERNOR:—The existence of these words would not authorise the Postmaster-General to open a letter?

The Hon. the ACTING ATTORNEY-GENERAL:—Certainly not.

H.E. the GOVERNOR:—I think you may rest satisfied with that.

The Hon. W. W. MITCHELL:—Yes.

H.E. the LIEUT.-GOVERNOR afterwards reported the bill as amended and on his motion it was remitted to the law officers of the Crown for their opinion.

Council resumed.

THE JAFFNA COLLEGE DIRECTORATE.

H.E. the LIEUT.-GOVERNOR:—I beg to move the second reading of "An Ordinance to incorporate the Board of Directors of the Jaffna College."

The Hon. the Acting ATTORNEY-GENERAL seconded and the bill was read a second time.

Council thereafter went into Committee on the bill.

In reply to H.E. the Governor, the Hon. the Acting Attorney-General said they were not empowered to amend the constitution.

The Hon. the GOVERNMENT AGENT, W. P.:—The Ordinance gives the trustees the power to sell, dispose of or exchange, but does it give them the power to invest money?.

The Hon. the ACTING ATTORNEY-GENERAL:—If I remember rightly, the powers that are given here are the powers that they asked for.

H. E. the LIEUT.-GOVERNOR afterwards reported the bill as having passed Committee and on his motion it was referred to the law officers of the Crown.

ADJOURNMENT.

On the motion of H. E. the Lieut.-Governor. Council then adjourned till Wednesday next, 7th November, at 3 p.m.

Council rose after a sitting of about two hours.

WEDNESDAY, NOVEMBER 7th, 1894.

Present:—H. E. Sir Arthur E. Havelock, K.C.M.G., President; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General; the Hon. J. A. Swettenham, C.M.G., Auditor-General; the Hon. F. R. Saunders, C.M.G., Treasurer; the Hon. E. Elliott, Acting Government Agent of the Western Province; the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Lionel Lee, Acting Principal Collector of Customs; the Hon. R. K. McBride, C.M.G., Director of Public Works; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative; the Hon. W. W. Mitchell, Mercantile Representative; the Hon. Sir J. J. Grinlinton, Kt., General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative; the Hon. P. Coomaraswamy, Tamil Representative; and the Hon. Giles F. Walker, Planters' Representative.

Absent:—The Hon. A. De A. Senaviratne, Sinhalese Representative.

PETITIONS.

The Hon. P. COOMARASWAMY presented a petition from certain residents at Negombo praying that the Assistant Agency of Negombo might not be abolished; and another from the inhabitants of certain villages with regard to a bridge over the Moratuwa lake.

PAPERS.

H. E. the LIEUT.-GOVERNOR laid on the tabl; the Revised Code for Aided Schools for 1895; and the volume of Administration Reports of 1893.

EXCHANGE COMPENSATION.

H. E. the LIEUT.-GOVERNOR read the following message from H. E. the Governor:—

MESSAGE TO THE LEGISLATIVE COUNCIL.

A. E. HAVELOCK.—With reference to the resolution passed by the Legislative Council on the 19th July last, regarding the grant of compensation to Public Servants for fall in Exchange, the Governor has the honour to place before the Council a copy of a despatch received from the Secretary of State on the subject.—By His Excellency's command,

E. NOEL WALKER, Colonial Secretary.

Colonial Secretary's Office, Colombo, Nov. 7, 1894.

The Most Hon. the MARQUESS OF RIPON to Governor Sir A. E. HAVELOCK, K.C.M.G.

Ceylon.—No. 303.

Downing Street, 9th October, 1894.

SIR,—I have the honour to acknowledge the receipt of your despatch No. 267 of 26th July last, regarding the proposed compensation to Public Officers for the fall in Exchange.

2. I am unable to accept the suggestion of the Unofficial Members of the Legislative Council, that the compensation allowance should only be granted to existing members of the Service, and not to any one entering the Public Service hereafter. It is always open to the Secretary of State and to the Colonial Government to revise the scale of remuneration offered to candidates on vacancies, but the distinction proposed to be drawn is to be deprecated, as it would be sure to cause discontent, and would be difficult to maintain. If the existing scale of remuneration, as now enhanced, is considered needlessly favourable, it would be better to reduce the scale of salaries than to withhold the compensation allowance from new officers. But I doubt whether the existing scale is too high, at all events as regards officers appointed from home, having regard to the fact that Ceylon has to compete for its officials with so many Colonies which can offer the advantage of salaries on a sterling basis.

3. I will not however refuse to accede to the recommendation of the Unofficial Members, that domiciled officers in the higher branches of the Government Service should be treated in the same way as non-domiciled officers, and receive one-half, instead of one-fourth, of their salary at 1s 6d.

4. In reply to the 7th paragraph of your despatch, I have to inform you that my intention was that the 10 per cent. increase to the salaries of the clerks and subordinate officers should be pensionable, and should appear, not as a separate allowance, but as salary on the Estimates; but that the compensation allowance to the higher officers should not be pensionable, and should be shown separately on the estimates, as a distinct charge, which may be subject to revision each year, if necessary.—I have, &c., RIPON.

VILLAGE COUNCILS AND THE NORTHERN PROVINCE.

The Tamil Member.

The Hon. P. COOMARASWAMY asked why Village Councils had not been established in the Northern Province, and moved for papers. He said:—The Village Councils Ordinance was passed in 1871 by this Council in order to facilitate the administration of Village communities in the island and to establish Village Tribunals where minor matters of litigation might be speedily and inexpensively settled. Since the passing of that Ordinance, and not taking into account the bill that is at present before us, there have been, I believe, seven Ordinances passed amending and remodelling the principal Ordinance, the last Ordinance being in 1889. In addition to this the Government every year lay on the table of this Council a statement showing the Presidents, their staff, their salary, the courts, and the number of cases tried by the Village Tribunals, so that we may take it for granted that this subject is always present to the mind of Government. Now, it is very strange that the Northern Province should be the only place excluded from the privileges of this Ordinance. One may well ask now, as it was asked in 1877 by the then Tamil member, why this should be so. The reply then given to him was unsatisfactory, not consistent with fact, and, if I may say so, unworthy of those who are placed over the people of this island—those whose duty it is to consider the well-being of the people and not to be led by the biased views of interested persons, whether those persons are officials or otherwise. I hope now that 23 years have elapsed since the introduction of that Ordinance, and the Government have duly given consideration to the different subjects in that and the subsequent Ordinances, the Government will not hold themselves bound by the views then expressed but that they will give us some assurance that the Northern Province will speedily be brought under the [illegible]s published in the Ordinance. Why the Northern Province, with a population of over 300,000 Tamils, has not a single Village Council, has not a single Village Tribunal, while the adjoining Province—the Eastern Province—with less than half the Tamil population has six Councils and four Tribunals, I do not know. It will I think be unwise to state now, as it was stated in 1877, that what is good for the Tamils of the Eastern Province is not equally good for the Tamils of the Northern Province. I think it will be more unwise to state now, as it was then stated, and I hope it will not be stated today, that a communal government is a strange institution to the Tamils, for that would betray utter ignorance of the social and political institutions of the Tamils whether they belong to this island or to the neighbouring continent.

The Kandyan Representative.

The Hon. T. B. PANABOKKE:—I have much pleasure, sir, in seconding the resolution of my hon. friend. I do not profess to know anything about the Northern Province and the habits and customs of the people there, but I hope that the result of this motion will be to enlighten hon. members as to the reason why such a salutary measure, which has been found so useful to the inhabitants of other provinces, has been withheld from the inhabitants of the Northern Province.

The Lieut.-Governor.

H.E. Sir E. N. WALKER:—I may say, sir, that while I do not positively know of the existence of Village Councils in the Northern Province I infer that some such Councils do exist. My inference is taken from a statement made by the Government Agent of the Northern Province within the last four days in which he says that the irrigation rules in the district of Jaffna are worked under Village Councils. These are the Councils that are elected under the Ordinance of 1889 I presume. Village Councils have functions of two characters. They have a judicial function, and they have what I may call a deliberative, consultative, function. This latter function is given to them by the rules under the Ordinance of 1889, and, as I said just now, I infer from the recent remarks of the Government Agent that such Councils do exist. When the predecessor of the hon. member on the 22nd Nov. 1876 in this Council asked a somewhat similar question he was told by the Colonial Secretary of the day that the Government Agent of the Province was strongly opposed to the establishment of tribunals, that was Village Councils, as I characterized them, in their judicial capacity. The Government Agent's opposition to their establishment proceeded from his candid opinion that these Tribunals were not suited to the circumstances of the people of Jaffna. The Government Agent within the last four days has said that the experience of the intermediate 18 years has much strengthened that opinion. Necessarily, sir, in a matter of this sort the Government are guided very much by the opinion of the Government Agent, and, taking a practical view of the matter, were the Government to act in opposition to the Government Agent and to have the Government Agent unwilling, if not opposed

to the establishment of these Councils, there could be little hope of success, and certainly not much hope of that close supervision which is necessary if the powers of the Village Tribunals are to be properly exercised. As I said the Government naturally rely much upon the opinion of Government Agents [illegible] I have reason to know —and it must have come in another place to the knowledge of the hon. member who has asked the question—that the Government Agents are very much divided in opinion as to the relative advantages of these Village Tribunals as compared with the minor magistracies. Indeed, sir, I think I am correct in saying that in the other place where the hon. member has been labouring, a preference was expressed by what would represent one half of the Government Agents for the minor magistracies rather than these Tribunals. I merely mention this, sir, to show that the difference of opinion does not exist in Jaffna alone. I do not know whether the papers that the hon. member moves for are only mythical ones, but perhaps in view of this explanation that part of his resolution will be withdrawn.

The Tamil Member.

The Hon. P. COOMARASWAMY:—I only wish to say a few words, sir. The Councils which the Lieut.-Governor has mentioned are not the Councils that I have alluded to. These are the Councils under the Irrigation and Paddy Cultivation Ordinance, whereas the Village Councils have a larger organization and deal with other matters than those in that Ordinance. One remark of H. E. the Lieut.-Governor startled me—that because one particular Government Agent is against the introduction of any good measure into his Province, Government would rather therefore stay their hand than benefit the people. I would say that Government ought rather to send the Government Agent about his business than delay any advantage to the people. My argument now, and the argument of the Tamil representative in 1877, has not yet been met. How can it be said that what is good for the Tamils of Batticaloa who are the kith and kin and the descendants of those who went from Jaffna to this district, cannot be beneficial to the same race, the same people in the Northern Province which adjoins the Eastern Province? That argument has not been met, and, therefore, I must take it that Government have yielded to the pressure of an obstinate servant, which I think is a misfortune to the country.

The matter then dropped.

The Burgher Member.

HAMBANTOTA WATER SUPPLY.

The Hon. Dr. P. D. ANTHONISZ asked whether the request of the inhabitants of Hambantota to have water supplied from the Walawe river will be favourably considered by Government. He said:—If I remember aright, there was a scheme for introducing water to Hambantota from the Walawe river. Why the scheme was not carried out, I cannot say, and I trust that Government will see their way to supply water from the Walawe river at as early a date as possible, as it would be a great boon to the Hambantota inhabitants.

The Lieut.-Governor.

H. E. Sir E. NOEL WALKER:—I may say generally, sir, in reply to the question of the hon. member, that such a request is one that would naturally receive the most favourable consideration of the Government. In this particular instance, if any feasible, and not too expensive, plan is suggested, which will at the same time permit of the intervening land being irrigated, it will certainly be most favourably entertained.

HABITUAL CRIMINALS.

The Hon. Acting Attorney-General.

The Hon. the Acting ATTORNEY-GENERAL:—I rise, sir, to move the first reading of "An Ordinance relating to Criminals." The want of a systematic method of dealing with habitual criminals has been felt for many years past. A return prepared by the Inspector-General of Prisons and published in his Administration Report for last year shows that in 1893, 54 persons were sentenced to imprisonment for six months and under, even though there were several previous convictions against all of them. Against 29 there were 6 convictions or more, 11 had 10 convictions or more, and a few had even 21 convictions. The majority of the 54 had not been out of jail for more than a few weeks and they certainly ought to have been tried by the District Courts or by the Supreme Court. It is now acknowledged that the system of short severe sentences has failed to reform prisoners and to deter them and their associates from preying upon the public, and it has become necessary, therefore, to organize stronger and more effective measures to protect the public and to restrain the evil propensities of such persons. The first requisite is obviously to ascertain who are the habitual offenders, the second to register the marks considered necessary for their identification, the third to subject them to heavier punishment than would be meted out to first offenders, and the last that when they are out of jail their every movement in the country should be watched. The bill before the Council aims at these objects upon lines sanctioned in England. The Secretary of State for the Home Department in October last year appointed a Committee of three gentlemen to enquire into the methods of registering and identifying criminals in England and to report what system might with advantage be adopted and subject to what rules. A very interesting report was presented to Parliament early this year in which it was pointed out that the existing methods of identification were extremely inadequate. The Committee therefore recommended the adoption of the system of identification invented and carried out by M. Bertillon, and which was enforced in France. It consists of certain measurements, mainly of the bony structures of the body, coupled with a description of the features and a photograph of the full and side face. The Committee thought that upon this system of Bertillon's should be engrafted the system which was strongly recommended by Mr. Francis Galton of registering impressions taken from the inner side of the finger tips. In drafting this bill I have not encumbered it with enactments relating to the Bertillon system, but the Governor is given power to make ample rules upon the subject. In the case of persons sentenced to imprisonment there is indeed no difficulty at present felt in taking the necessary measurements when once these persons are within the walls of the jail. Legislation is necessary only in the case of unconvicted persons who, being charged with an offence, are suspected of having been

in the schedule to the bill. These offences are mostly in the nature of thefts or offences marked by violence and are called crimes in the bill. It will be thus seen that the scope of the first part of the bill, namely clause 1 to 9, is limited to a certain class of offenders: firstly persons who are charged with a crime as defined, or suspected to have been previously convicted of a crime; secondly persons called habitual criminals, that is, persons convicted of a crime against whom a previous conviction of a crime, has been proved; and I would beg leave to add persons who have been ordered by the Police Magistrate acting under sections 90, 91, and 92 of the Criminal Procedure Code, to find security for honest or peaceful behaviour. The Police Magistrate, of Colombo with whom I had a conference yesterday strongly urged upon me the desirability of extending the scope of this bill to the class of persons I have just described. I shall therefore consider it my duty in due course to move the addition of the necessary words so as to bring within the purview of this Ordinance the class of persons I have just characterized. Section 4 of the bill empowers the Police Magistrate to remand for identification a person falling within the first category, and section 5 provides that upon identification he shall not be tried summarily by the Police Court but shall be tried upon indictment by the District Court or by the Supreme Court. Upon mature consideration—and I have no doubt the subject will be duly considered by hon. members—it seems to me desirable to exclude from the operation of section 5 old offenders who have merely been fined, and old offenders who though repeatedly punished with sentences of imprisonment have yet not suffered in the aggregate a period of imprisonment of more than three months. I think that some words will have to be imported into the bill to give effect to this suggestion also, in case it harmonises with the opinions of hon. members. Sections 6 to 9 relate to the second category of persons I have referred to as habitual criminals. When such persons are convicted of a crime the Court may, in addition to any punishment that it may inflict for the particular offence in question, direct that after discharge from jail such persons should be subjected to police supervision. I need not go into the details of the supervision which the police are called upon to exercise, because they are all fully stated, as far as can be stated in this enactment, in the bill itself, and the Governor, I may say, is empowered to make rules upon the subject for such a purpose. The remaining part of the Ordinance from clause 10 downwards relates to convicted prisoners deemed worthy of being enlarged on license even before the sentence passed upon them has expired. As your Excellency pointed out in your opening address, it was considered in 1886 whether the powers vested in the Governor by clause 394 of the Criminal Procedure Code to remit or suspend, upon conditions, the sentences of a Court, could be utilized for the purpose of trying in Ceylon the English ticket-of-leave system, which is based on the belief that good conduct in jail deserves to be recompensed by a modified freedom, and that such freedom properly safeguarded would lead the prisoner in question to live conformably to law and to take to some useful occupation in life. Sections 10 to 15 deal with the principles upon which licenses to convicts who have shown exemplary conduct in jail may be issued by His Excellency the Governor. These clauses also refer to the conditions convicted before of an offence—not convicted of all and every offence found in our Statute Book but a certain class of offences which are named upon which licenses when once granted, may be revoked or forfeited. These, sir, are the grounds and reasons upon which the bill now before the Council rests and I have much pleasure in moving the first reading of the bill.

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

The Hon. the Acting ATTORNEY-GENERAL then gave notice that he would take the second reading at the next sitting of Council.

AN ABSENT MEMBER.

The Hon. T. B. PANABOKKE :—Before my hon. friend the Attorney-General proceeds to move the second reading of the other bills, 4, 5 and 6, I would wish to bring to Your Excellency's notice that the hon. member who represents the Low-country Sinhalese is absent through indisposition, and he is particularly anxious, if it can be so arranged, that the second reading of these three bills should be posponed.

H. E. the GOVERNOR :—I do not know the point to which the hon. member is now speaking, but I can tell him at once that his wishes, as far as I can gather from what has fallen from him, are already known to the Government and that proper consideration will be given to them.

VILLAGE COMMUNITIES.

The Acting Attorney-General.

The Hon. the Acting ATTORNEY-GENERAL :—I rise, sir, to move the second reading of "An Ordinance to amend The Village Communities Ordinance 1889." On the first reading I explained somewhat the principles of this bill, and my hon. friend who represents the Lowcountry Sinhalese, who is unfortunately not present today, told me at the close of that day's sitting that he desired to oppose the second reading of the bill. I don't know upon what grounds he was going to oppose it—because he did not mention them to me—but I would ask hon. members to remember that according to this Ordinance the duty is cast upon Village Communities to perform many an act which would involve expenditure of both labour and money. Confining myself to the sub-sections which are dealt with by the amending Ordinance before us to day, I would point out that the first sub-section refers to the constructing and maintaining village roads, bridges, and ambalams, wells, market places, water-courses, and so on. The second sub-section refers to the building and repairing of schoolrooms; the 13th sub-section to the building and repairing of court-houses for the Village Tribunals; the 16th section to village roads; and the 17th sub-section to the repairing and maintaining of village schools. Now, it must be quite plain to hon. members that all those operations are of vital importance to the concerns of the Village Communities, and I ask them how it is possible to make rules for regulating these affairs without also giving them the power to levy labour and money contributions in respect of these matters. I quoted a paragraph from Governor Robinson's address, which was pointedly brought to the notice of hon. members by His Excellency the Governor in his opening Address, showing in clear terms that it was originally intended by Government that such powers of levy should be granted to the Village Communities, and I have also shown that on principle this power should be given. It there-

fore appears to me that it would be idle to contend that Village Communities should not be entrusted with the powers which are so necessary for the maintenance of the operations in question. Up to this time it has been possible for Village Communities to levy labour for several days together in respect of these transactions, but, after the doubt that was raised upon this point, the present Government has seen fit, it will be noted, to reduce the period of labour from several undefined and uncertain number of days to a period of only 15 days in all. It will be remembered that under the 16th subsection of the Ordinance of 1889 the inhabitants were liable to work for 10 full days, in any year, for constructing and maintaining village roads. And what does the present Ordinance do? It provides that, *including* the 10 days I have referred to, the labourer should not be called upon to work for more than fifteen days. So that, if there be any contention upon this point, the bone of contention can relate only to the 5 days in excess of the express terms of the Ordinance of 1889. I submit with great confidence that those five days are nothing at all for a villager to give in the course of a year, considering the important work he has to do in regard to the community of which he is a unit. I therefore, earnestly trust that, before hon. members seek to attack a principle of such a plain character, they will remember what they are attacking. They would attack, I would say, the principle that only five days are asked for over and above the ten which are expressly provided in the Ordinance of 1889. It might be argued that under the Road Ordinance the general community are bound to give six days' labour in a year, and that the villager should not be asked to give 15 days' labour in excess of those six days' labour. The objection would be a very good one if it could be shown that the villager is fully occupied throughout the day, or is as much occupied throughout the day as a man about the town. We know, as a matter of fact, that he is very idle. The villager is very idle in his village for the most part of the day, and I do not see why, having so much time on his hands, he should not be called upon to give 15 days' of his time in the course of a whole year for the benefit of his kith and kin in the village. We all prize public service. It is considered, both in England and in every civilized country, that public service is one of the most holy things for a man to be engaged upon. Why should not the villager be made to take his first step in the region of public service and contribute for the benefit of the community 15 days' labour out of the abundance of idle time that hangs so heavily upon his hands? I submit, therefore, that both upon principle and upon authority this enactment in question is a very good one, and I am quite sure that, if properly considered, the inhabitants of Ceylon ought to be thankful to the present Government for reducing their burden to so small an extent as that marked by this Bill. I move the second reading of the Ordinance.

The Hon. the AUDITOR-GENERAL seconded.

The Muhammadan Member.

The Hon. M. C. ABDUL RAHIMAN:—Sir, I understand that it is proposed to increase the labour to be enforced upon the helpless villagers, who are burdened with the road tax six days in a year by 15 days, the whole making 21 days, which, I think it is too much for any man, who has the misfortune to live in a village to bear. In the Road Tax Ordinance, there is a provision as to working between the ages of 18 and 55, but I fail to find, in this Ordinance, any such limits. There is also no exemption allowed to such men as are unable to perform the work on account of infirmities. The object of this Ordinance is to promote the welfare of the villagers, by the exertions of the villagers themselves, and it is a matter to consider when Ordinances are passed in this Council, on the representation of the chief officers of the village communities, whether the villagers have any knowledge of the increased burdens to be enforced upon them. It is our duty to see that the unfortunate villagers are not harassed with heavier burdens, because, as a rule, they are a voiceless class of men controlled by native headmen. I appeal to your Excellency that Her Majesty's subjects should enjoy equal privileges, whether they be intelligent or ignorant. I have some experience of village life, and am personally acquainted with those people, who have very often to be contented with a single meal a day, and when they fail to secure labour, are still worse off. There are exceptions, but the majority of the people are extremely destitute. I strongly object to the passing of this bill.

The Tamil Member.

The Hon. P. COOMARASWAMY:—Sir, I do not know, now that the second reading has been moved and seconded, whether the Government are going to accede to the request made by the hon representative of the Sinhalese to postpone the matter, in order that he may tell us what he has to say on the subject,—for I think this is a bill that affects the Low-country Sinhalese most, and it would be important to hear what he has to say. It seems to me rather a large order, as it is sometimes called, to put on fifteen days' labour without hearing what the man who represents the people affected has to say on the subject.

The Hon. T. B. PANABOKKE:—I also wish to say a few words.

The Hon. the ACTING ATTORNEY-GENERAL:—I think that the hon member who represents the Sinhalese will have ample opportunity in Committee of expressing his views.

The Hon. P. COOMARASWAMY:—As it is the intention of Government to refer the bill to a Committee, I need not say much about the matter now but, as the Muhammadan member has said, I think this bill is going to work an enormous amount of injustice to the poor villager. Fancy asking a man to give up one-eighteenth of his annual income—for in this matter a man's labour is his income and 20 out of 360 days represents one-eighteenth—to do the work that this Ordinance provides for. Why are not those who are in the towns—why are not the planters—why are not the rich men and the land-holders asked to give up their time and do this work? Why force this Ordinance only on the poor man who cannot make himself heard before this Council? I would ask the Attorney-General, who draws his salary of R18,000 a year, what proportion of that *he* pays for only *two* of the things mentioned in this Ordinance. Does he pay a penny for the construction, and repair, of village schools for the education of boys and girls, or for the construction, repair and protection of Village Tribunal Courthouses—in this instance it would be for the construction and repair of courthouses in the city. I would ask any member here whether he does it? Why then should we go and put this tax on the poor people when the rich people are not taxed. I say that if it is

necessary to have fisheries according to local customs, if it is necessary to have schoolrooms, courthouses, etc., let them be paid for out of the general revenue as you do in respect of other courthouses and other fisheries. It was stated by the Attorney-General that the villager's time hung heavily upon him. I do not know what authority the Attorney-General has for saying so, but I suppose that I may claim to have about as much experience of the subject as the Attorney-General; and I say that the villagers' time does not hang heavily on his hands or if it does it is a very good thing too? What are we all trying to do? Trying to make as much money as possible, so that, afterwards, we may allow our time to hang heavy upon our hands for such purposes as we want. Why should not the poor villager try to do so too. Considering that we who can afford to pay, pay only R2 of road tax and that we don't pay a tax for any of the purposes mentioned in the Ordinance, I think it would be almost a crime to increase the punishment, already existing, of six days' labour to 21 days' labour. I therefore would oppose this bill with all the influence I possess in this Council.

The European Representative.

The Hon. Sir J. J. GRINLINTON:—Your Excellency, I agree with a good deal that has been said by the hon. member for the Moorish Community, but I cannot agree with all that has been said by my hon. friend the member for the Tamil community. I think the Ordinance is well intentioned, and I believe myself that all the objects that are named here are highly desirable. I do not think that those are things which can be done by the Government of the country. I think that the people might assist themselves, but I do say this, that if you exact 15 days' labour from those people for various works in their own communities, I think in the event of their performing those 15 days' labour you should exclude them from the action of the Road Ordinance, and I shall be happy to support the bill provided a clause to that effect is inserted.

The Burgher Member.

The Hon. Dr. P. D. ANTHONISZ:—The Ordinance is a good one if the labour is not increased to 15 days as proposed. At present a villager has to give six days' labour to public roads and ten days to his village roads and other works, this making sixteen days for the year, which I think quite adequate considering that he earns only 6d per day. To have forced labour for fifteen days would make twenty-one days labour for the year. I hope this matter will receive the attention of Government and that the 15 days' labour will not be passed in Council.

The Kandyan Member.

The Hon. T. B. PANABOKKE:—I wish also, sir, to make a few remarks on this subject. If I have understood and read the Ordinance correctly, I think it is not only intended to exact fifteen days, but a great deal more. The clause runs:—"For imposing and enforcing an annual tax payable in labour, not exceeding that of fifteen days in the year for *any one person*, in respect of *all or any* of the purposes mentioned in the sub-committee (1), (2), (13), (16), and (17) upon the inhabitants of the sub-division; For determining the number of days' labour to be imposed in respect of *any one or more* of such purposes." If I understand the wording correctly it would mean that power could be given to the villages tribunals to exact fifteen days for *any one* of those purposes. Now there are 21 purposes, and if you multiply by 15 you get 315. That is to say that 315 days of labor would be exacted from the villager according to the wording of this Ordinance. I do not mean to say that for every purpose 15 days could be exacted, but it is just possible, that where the Committee think that such and such works should be done, they would say that 15 days' work should be demanded or, say, ten. That is, I think, a very good way of punishing a man for having a lot of idle time on his hands. As I said before, I fully support the principle of the Bill; that is to say it has worked very well hitherto, and it should be the aim of Government to extend the working of the Ordinance, and give the villager every facility to carry on desirable works in his village or neighbourhood. I quite agree with that, but the present Ordinance, it seems to me, would, if enacted, cause a state of things that would work most detrimentally to the interests of the villagers. This is not an idle fancy of mine. We have had recent experience of certain presidents building palatial court-houses and such like things. They have gone very far beyond the scope of their authority, and instead of working for the benefit of the villagers have done so to their detriment. His Excellency the Lieut.-Governor, in reply to the hon. the Tamil member, told us that the Government Agents were not unanimous as regards the working of this Ordinance, and that I say is a very good reason why we should be very careful in enlarging the powers of the Village Communities. There is also this point: where the country is largely populated the number of days work required from the villagers would not fall so heavily, as in places where there is a sparse population, and if the president and his advisers chose to undertake works on a large scale, it can easily be imagined what the effect would be on poor villagers. The effect would be that a man would be taxed to the fullest extent and it is not impossible that a man might be taken away from his proper calling to serve in these "holy works"—as the Attorney-General has very well called them—for three or four months of his time. If Your Excellency and this Council would consider this matter and agree to a more reasonable term of days, or to some other limit, I would be very glad to support the second reading of the Bill. With these remarks I hope the matter will be referred to a strong sub-committee so that matters may be adjusted in a more favourable way.

The Auditor-General.

The Hon. J. A. SWETTENHAM:—I think, sir, members have pretty generally forgotten what was stated by the Attorney-General in moving this bill, namely that it is not sought in this bill to make any change in what has been the custom in the working of the administration of the Village Tribunals ever since they were introduced in 1871. We have now 23 years' experience of the working of the Ordinance, and the objection which has been the ground work of the present bill was simply a lawyer's, objection taken last year to some rules which came before the Governor in Council. I can state without the slightest fear of contradiction that for the last 23 years the villagers have been in the habit of constructing their own court-houses, under Village Tribunal rules, and

I for my own part can say that I am not conscious of any complaint having been made to Government in consequence of that, except in one case in the Southern Province, where it was represented that the authorities were in too great a hurry to complete a school, and that they were making, in one year, contributions of labour or by way of commutation of labour, which might conveniently be be spread over two years. That is the only complaint of which I can remember in the course of 23 years with respect to the working of these rules. It was pointed out by the Attorney-General in moving the first reading of this bill that it was the express intention of Governor Sir H. Robinson on introducing the first Ordinance for village communities that schools should be amongst the works to be undertaken by villagers, and schools have been provided ever since. The objection which this bill seeks to meet is not one made by the villagers or by any person on their behalf, but it is merely a legal technical objection; and this bill instead of leaving the number of days labour which may be called for annually to remain unlimited as in the previous Ordinances, since 1871 up to the present day, has gone out of its way to make a merciful provision for the villagers against any excessive demand on the part of the Village Communities by putting on the limit of 15 days time. Whether 15 days, is or is not, an excessive maximum limit is a matter which can be settled by discussion in Committee. From the point of view of those who object to the Ordinance as compelling labour on the part of the villagers this law is really a much more merciful one than any which has gone before, and it ought to be hailed with satisfaction and not with repugnance on that account. Then, sir, it has been said in this Council that 15 days is an eighteenth part of the whole working year, and that therefore 15 days' labour is practically an eighteenth part of the income of the villager. That is so, but I would remind Council that there are few villagers who do not hold land. Every villager as a rule has a bit of land; the exception is to find a landless villager, so that his income does not depend entirely upon his day's labour. Then the hon. the mover of this bill has been challenged to show that he or any of us gives as much as an eighteenth part of his income for education and the building of schoolhouses. I think it is the experience of nearly every father of a family in this Council that he spends a great deal more than an eighteenth part of his income on education; and I am quite sure that in making payment for education nobody escapes his share of the expense incurred for the building of schoolhouses. The people who conduct the school have to pay rent and the people who send their children to school have to pay the school charges which include rent, maintenance, repair and staff. With us, it is voluntary, but with the villager, compulsory, for the reason that he is not alive to the advantages of education, and it is necessary that a paternal Government should compel him to give his children the chance of education. With persons in the position of the hon. member who moved the bill, no such compulsion is necessary. A great deal has been said about the way in which the average villager wastes his time and I should like to quote a few words from a report which reached me as Chairman of the Committee on public expenditure. The report is by an authority which I think the hon. the Tamil member will not dispute and the passage I should like to quote is as follows:—

Nothing can be sadder both in itself and in its consequences than the lack of occupation and amusement to the inhabitants of a village in Ceylon. Deprived of influence and interest in village affairs and of the opportunities of co-operating for the public good, reduced to a state of abject dependence on officials in whose appointment they have no voice, they devote to quarrel and litigation, drink, gambling, and crime, their time and energies which might be usefully employed.

The Acting Attorney-General in Reply.

The Hon. the Acting Attorney-General:—I would just make one or two remarks. I am afraid that the hon. the Tamil member is grievously mistaken in his percentage calculation. I take it that the average monthly wage of a villager is about R7·50 which for twelve months gives R90. I also say that the 15 days' labour which is contemplated by this bill is worth, at the rate of 30 cents, R4·50. That sum in proportion would be very simple. If R90 bears a certain relation to R4·50 what should be the relation of 100 to an undetermined figure, that is 5 per cent? Then, sir, I fail to follow my hon. friend when he says that a villager is burdened far more heavily than I am, or persons of my standing. Surely the hon. member should know that the Government provides the teacher and pays him, and that the villager's boy gets his education free while I have to pay for the education of my children—and heavily too. I, therefore, think, sir, that the argument of the hon. the Tamil member upon this point cannot hold water. But really, sir, it is in a most gingerly spirit that some opinions have been expressed upon a point on which all of us ought to be agreed, that it is the villagers' good that the Government of Ceylon are contemplating by means of this bill; and, I think, it is very illiberal, and that very little appreciation has been shown around this Board, of the concession which has been made by the Government to the public of Ceylon.

A division then took place as follows:—

Ayes:	*Noes:*
The Hon. G. F. Walker	The Hon. P. Coomara-Swamy
,, T. B. Panabokke	,, M. C. Abdul Rahiman
,, Sir J. J. Grinlinton	,, Dr. Anthonisz.
,, W. W. Mitchell	
,, the Director of Public Works	
,, the Prin. Col. of Customs	
,, ,, Govt. Agent, C. P.	
,, ,, Govt. Agent, W. P.	
,, ,, Attorney-General	
,, ,, Treasurer	
,, ,, Auditor-General	
H.E. the Major-General	
,, the Lieut.-Governor.	

H. E. the Governor declared that the ayes had it by 13 to 3.

The Hon. the Acting Attorney-General:—I move, sir, that the house go into Committee on this bill, and in view of the suggestion made by my hon. friend, I propose that the bill be left in Committee till the hon. the Sinhalese member returns to Council.

Agreed.

THE GEMMING ORDINANCE.

H. E. the Lieut.-Governor:—The next resolution standing in my name is the second reading of "An Ordinance to amend the Gemming Ordinance 1890." The hon. member who represent the Sinhalese community whose absence has been referred to, has expressed his general concurrence in the bill, but at the sametime a wish to speak to one or two points. The hon.

member was associated as a member of the Sub-Committee in the enquiry into the working of this Ordinance, and as I think that probably the Council would be specially desirous of hearing anything he has to say on the subject, I would with the permission of Council postpone the second reading of the bill till next meeting when I hope the hon. the Sinhalese representative will be able to be present.

The postponement was agreed to.

THE SUPPRESSION OF TOUTS.

The Hon. the ACTING ATTORNEY-GENERAL:—I beg, sir, to move the second reading of "An Ordinance to suppress intermeddlers with suitors in Courts of Justice." Since the first reading of the bill, certain members of standing at the bar have interviewed me upon this question. They think that the bill is a very desirable one, but they complain about the effect of sub-section D of section 2 by virtue of which legal practitioners alleged to be tendering, giving, or consenting to the retention of any gratification for procuring, or having procured employment, in any legal business for themselves or other legal practioners, shall be held to be guilty of an offence and shall, on conviction, be punished by a fine not exceeding R500. They urge in very strong terms that the opportunities, afforded by that section would be taken advantage of by designing men who wish to pay off grudges against legal practitioners, to institute false proceedings; and supposing the Magistrate who is called upon to consider such a complaint is ill-disposed towards the practitioner, owing to his independence, or owing to his caustic tongue, or to any other circumstance, it is contended that the Police Magistrate may, unconsciously, be biassed in the trial of such a practitioner, and that, therefore, all things considered, it would be desirable that the power of dealing with such dishonourable practitioners, supposing they are dishonourable, should be left in the hands of the Supreme Court on the footing of the law as it stands now. They, therefore, think that that particular section should be amended and that it should be made the duty of the Police Magistrate, upon receipt of such a complaint, to enquire into the matter and then to report the result of his investigation to the Attorney-General or to the Supreme Court, and leave the Supreme Court to find the punishment for the individual in question. I may say, sir, that the bar in Colombo is very sore upon this point, because they think that this would strike at the independence of the profession, and that the profession should not be exposed to any such annoyance on the part of people who may be dissatisfied with the treatment they may have received from members of the bar. I hold in my hands a detailed statement of their case, and considering that my hon. friend who represents the Sinhalese is not in his place today—and I wish particularly that he should have the opportunity of expressing his views on the subject—and considering also that these objections have been raised by members of the profession, I think it would be desirable after the second reading of the bill is taken, to send the bill into Committee and appoint a Sub-Committee to consider the statements made in this memorial. With these observations, sir, I beg to move the second reading of the bill.

The Treasurer.

The Hon. F. R. SAUNDERS—seconded. He said—With reference to what has fallen from the hon. the Attorney-General, I presume there is no intention whatever of deleting from the Ordinance the fact that any person being a legal practitioner acting in the way detailed in sub-section D of section 2 shall be guilty of an offence. All I understand is, that the Bar's request is, that the members of the Bar should be tried for that offence, not before the Police Court, but before some other tribunal. If that is the case provision could very well be made in section 6 which gives power to the Police Courts to try the offences enumerated in this Ordinance. Power could be given to the Police Courts to try the offences in sub-sections A B and C of section 2 and any Court which the Attorney-General might think sufficient and which would meet the wishes of the Bar might be declared to be the court which should try the offences committed in sub-section D; but it stands to reason that if the offences committed by touts are to receive punishment undoubtedly any offences committed by a member of the honourable profession of the Bar should receive punishment. Therefore the only amendment that I trust will be made in the Ordinance will be to provide a Court which will meet with the views of the senior members of the Bar to try the offences committed under this Ordinance by persons who are legal practitioners. With these remarks I beg to second the second reading of this bill.

The Hon. the Acting ATTORNEY-GENERAL:—Will you allow me to explain, sir, that what I wished to say was that the prayer of the petition, by the members of the Bar should go before the Committee who should report upon it. That prayer is embodied in the 9th paragraph of the petition setting forth that sub-section D of section 2 is objected to and should be omitted altogether, there being inserted in lieu thereof some provision making it obligatory on the Police Magistrate or Judge, before whom the conduct of a legal practitioner comes, to report the matter to the Attorney-General who may in a proper case move the Supreme Court with a view to the removal or suspension from office of the legal practitioner. That is the proposal made by the Bar and the Sub-Committee may reject it or accept it. Council will thereupon be able to determine what the best course would be, but I advise no course to you now except the appointment of a Sub-Committee.

The Tamil Member.

The Hon. P. COOMARASWAMY:—Sir, I do not know anything about this petition which has been presented to the Attorney-General, although I heard about it when I was coming here; but I think the bill is a very good one and that the Hon. the Treasurer's remarks are worthy of consideration. There is one thing that I would remind the Council of. The Hon. the Treasurer said that if we introduced the Ordinance to punish touting, how could we leave the offending lawyer out of the punishment. But what I say is that jurisdiction is given to the Court now to punish an offending lawyer but not by the ordinary process of going to the Court and having all that kind of worry and trouble. A man has simply to present a petition that a lawyer has offended and the Supreme Court judges are bound to take notice of it. And what greater punishment could there be for a lawyer than to be disbarred? I think it is a pity to include in an Ordinance affecting men of the lowest reputation, a class of honourable men and put them at the same bar to be tried along with these others. In the English Courts there is nothing of the kind. You simply go before the Association of the Bar or what-

ever it is called and the man is punished. Therefore I think it would be very much better if that clause were deleted, and the suggestion of the members of the bar adopted whereby power should be given—not to Police Magistrates because I certainly object to that, and I think the Hon. the Treasurer and others have lived long enough in the island to know a particular case in which great hardship and injustice was worked to a poor man because a judicial officer and some of his friends were against him. Certainly the junior members of the Civil Service form an honourable body, but you can conceive of a special man for special reasons taking a dislike to a special lawyer and then woe be unto him, because on a question of fact the Supreme Court never interferes. On a question of fact A comes and swears "I did this," B says "no." The Police Magistrate says I believe A, and the Police Magistrates, finding on that question of fact is a final finding. You may appeal ever so long and spend ever so much money upon appeals but the finding of that fact stands. What then is the good of having an appeal to the Supreme Court on a question like this when the Supreme Court is bound to deal with an offender and punish him. It would be very much better to allow an honourable body of men, amongst whom I admit there are scoundrels as there are in every body all over the world, to be tried by tried and experienced judges where bias and petty feelings will not come into play. I certainly think that this clause should be deleted, but that at the same time some clause should be brought in to give a man a proper mode of complaint to the District Judges, because I think that would be enough, or to the Supreme Court, or let a clause be defined here giving the power to the Attorney-General whose duty, as the head of the Bar, is to keep the profession quite pure, and who would do his very utmost, if he is convinced that a man has done wrong, to have him severely punished.

The Muhammadan Member.

The Hon. ABDUL RAHIMAN :—Sir, this bill deals with one of the evils prevailing in the Courts of Justice, in almost every town in the island. These men are working, in conjunction with disreputable pettifoggers, and those proctors who encourage the touts, in order to procure more clients, are to be blamed as much as the touts. Personally known to me, there are others—respectable proctors,—who would not and do not aid or associate with touts. As soon as these evildoers can be got rid of, so much the better for the suitors, as well as the Courts of Justice. Most of the false litigation that we hear of arise from the interference of touts. No differential justice should be introduced into this colony as in India, but every offender should be equally punished without any difference.

The Kandyan Representative.

THE HON. T. B. PANABOKKE :—I wish, sir, to make a few remarks on this subject. This appears to me to be quite a lawyer's bill from beginning to end so far as regards the benefits as well as the hardships that may accrue to a lawyer. The Hon. the Attorney-General said that it was initiated at the request of certain lawyers in the lower courts of Colombo, but I am not at all convinced of the necessity for a bill of this sort. I think it is a piece of special legislation which has no precedent in the statute book of this island. If all the offences that it is contemplated this Ordinance will meet, had not already been met by the Criminal Procedure Code and the other laws of the island I could have understood a new Ordinance being enacted, but I think that all these offences are met and punishment provided by the laws that are administered at present. Therefore I say that I am not at all convinced of the necessity for this measure. Then as regards the provisions of the bill, section 2 provides punishment for any person who solicits—solicits what?—"Solicits or receives from any legal practitioner any gratification in consideration of procuring or having procured his employment in a legal business." I do not think, sir, that there is any law parallel to this in practice or in force, and I earnestly hope that the matter will receive the consideration of the Council. A poor ex-constable, or ex-peon as my hon. friend put it in introducing the first reading is to be charged with soliciting a gratification from a legal practitioner, and if the Police Magistrate chooses to give the full penalty of the law, he is to be find R500. Where? Why in the Police Court itself. It has been urged, sir, and with great reason that a legal practitioner should not stand his trial before a Police Magistrate with a lesser punishment than R500. I ask you, sir, in the name of justice why should a poorer man stand his chance of being tried before a Police Magistrate. He is said to have practised his trade in that Court or in the precincts of it, and is there not as much prejudice against him there as there is against the independent lawyer? I think that the inference is that it is greater and the chances of it being realized greater. Besides in sub-section D of the same clause it is made penal for a legal practitioner to give or tender a gratification to a tout. If the receiving is made penal, and the giving is made penal, why go further and make the soliciting also an offence? I think it will press very hard upon poor people if the present wording of the Ordinance is allowed to pass. Further in sub-section B it is proposed to be enacted that any person who :—

"retains any gratification, or withholds without just cause a portion, out of remuneration paid to be delivered to any legal practitioner for such employment" shall be liable to pay the penalty. I ask you, sir, whether such an offence cannot be met by the law as it stands. Does not that offence come under either fraud or cheating. If I give ten guineas to A and ask him to pay to B, and if A only gives B five guineas and keeps the other five to himself, is not that a breach of trust seeing that he has deceived me and improperly withheld part of the money? Is not that an offence under the law as it at present stands? If that is so, why enact another law? Then as regard section D do hon. members think that that affects any of the respectable portion of the legal fraternity? I think not. A man from the northern point of the island or from Galle would know when he started from home where to go for his Counsel, because the eminent men are well-known; but supposing I came from the Kandyan country and not knowing the Court here, happened to meet a friend and, telling him that I had got into trouble, asked him who was the best man about the Courts, would it be an offence on the part of that man to introduce me to an able proctor, I ask you, sir, whether that is justice?

The Hon. P. COOMARASWAMY :—If he receives a gratification for it.

The Hon. T. B. PANABOKKE :—I beg your pardon. The Ordinance goes further, for it says

that if he accosts or attempts by words or signs to meddle with any suitor. (A voice—without lawful excuse.) Yes, but it is after he has got into all the trouble that the lawful excuse comes; he is perhaps taken up and put in jail for hours and hours and then the lawful excuse comes in. Another feature of this Ordinance is that it recognises "registered clerks." What are the functions of these clerks? It has been said that when it was proposed to enact an Ordinance touching petition-drawers, it was objected to by the Judges of the Supreme Court, as it would give a sort of status to these petition-drawers who are not professional men. If the principle is correct let it be applied to registered clerks also who are also unprofessional men. Although it is not expressly stated in the Ordinance I think it is the intention that pleadings hereafter should be accepted only through these registered clerks. If not, I cannot conceive why these registered clerks should be mentioned in the Ordinance; and it is also stated that:—"Registered clerk means the clerk of any legal practitioner registered in any court as a clerk authorized to submit pleadings, affidavits, or other documents to the secretary, chief clerk, or other subordinate officers of such court." I must confess that I do not understand the definition at all. If it is not intended to exclude the clerks of persons known as petition-drawers—I do not know why that definition is placed there; and, if that is the intention of the framer of this Ordinance, it is in direct violation of the principle laid down by the Judges of the Supreme Court. I am, under the circumstances, bound to oppose the second reading of this Bill. I know that in doing so I shall have no support, but still I persist in this because I consider it my duty to do so. However, as I expect to be out-voted, I trust that the sub-Committee which will be appointed to consider this Bill will give attention to these matters and try to make the Ordinance as workable as possible. With these remarks I oppose the second reading of the Bill.

The Hon. the Acting ATTORNEY-GENERAL:—I have nothing, sir, to add to what has been already said, except to say that the observations my learned friend has made may be very well met in sub-Committee. I do not propose to detain the Council and I simply move the second reading of the Bill.

The Bill was read a second time, and referred to a sub-Committee for which the Auditor-General was nominated but who at his own request was replaced by the hon. the Acting Principal Collector of Customs who, he said, had more recent experience of the Courts and would probably be of much more service than he would.

THE ABOLITION OF THE IMPORT DUTY ON METALS.

The Acting Principal Collector of Customs.

The Hon. L. F. LEE:—Sir, I beg to move the second reading of "An Ordinance to abolish the import duty on certain kinds of metals." In introducing this bill I pointed out what were its objects, and what were the anticipations formed of its results. I do not, therefore, consider it necessary to trouble the Council further than to emphasize the fact that this Ordinance proposes to deal only with raw materials. This Ordinance is designed in the interests of local industries as against foreign manufactures. When the Council goes into Committee on the bill I shall move certain amendments in the first and second sections so that the Ordinance shall come immediately into operation. I move that the bill be read a second time.

The Mercantile Member.

The Hon. W. W. MITCHELL.—In seconding the motion for the second reading of this Ordinance, sir, I wish to give expression, on behalf of the mercantile and industrial communities, to the gratification which is felt at the prospect of it being enacted. It exhibits an enlightened and liberal policy on the part of Your Excellency's Government which, if carried out, will undoubtedly give facilities to private enterprise in the industries in which metals are used. It is somewhat difficult to enumerate the different industries, but they may be stated to be chiefly those in which science is, or may be, applied. In local industries already in existence, the Government are very properly, I think, giving what encouragement they can, to use such materials as are produced, or can be procured, locally, instead of importing them from Europe. This policy has been largely fostered by the Government of India, and I may be allowed to read a short extract from a resolution of the Finance Department of the Government of India in 1883:—

"His Excellency the Governor-General in Council desires again to invite the special attention of local Governments to the expediency of supplying the wants of Governments by the purchase in the local markets of articles of *bona fide* local manufacture. The Government of India is desirous to give the utmost encouragement to every effort to substitute for articles now obtained from Europe articles of *bona fide* local manufacture, and when articles of European and Indian manufacture do not differ materially in price and quality, the Government would always be disposed to give the preference to the latter."

As I said before, the Government are giving a large amount of encouragement already, but I think that possibly this may in time be very largely extended. The public workshops such as our Government Factory have undoubtedly rendered great service in the past and still continue to be very useful, but it must be remembered that workshops of that nature have their materials imported free of duty, have no rent whatever to pay, and incurr no expense in interest on the valuable machinery which may be employed in the various manufactures which they turn out. The day may, and I hope will, come in Ceylon when, largely aided by technical education which is now being so successfully imparted, private enterprise may to a great extent supersede the public workshops with advantage to the genteral interests of colony. I would have been glad to have seen a more extended list of metals to be exempted from import duty. Taking the figures of 1893, the list embodied in the schedule attached to the Ordinance will involve a loss of revenue to the extent of about R8,500. In addition to those articles I would have liked to have seen exempted, copper sheets and sheathing, spelter, zinc, (perforated) iron and brass wire gauze, and galvanised iron (not corrugated). I find that the duty on these articles in 1893 yielded as follows:—

Copper	R2,045·43
Spelter	126·77
Zinc (perforated)	45·72
Iron and brass wire gauze	168·77
Galvanised iron (not corrugated)	11,662·95

If these had been added to the list of exemptions they would have involved a further loss of R14,049·64. I hope that later on it may be possible to abolish the duty upon these articles that I have enumerated, but in the meantime, sir, I can only say

that we are thankful for the instalment we have now got, and the concession is undoubtedly duly appreciated.

The Muhammadan Member.

The Hon. ABDUL RAHIMAN said :—Sir, I heartily support the motion, but I am bound to say that while the abolition of the import duty on metals, is intended to encourage the local manufacture of machinery in connection with the tea industry, the majority of the natives are debarred from drinking the tea grown in the island, because they cannot drink it without sugar. The import duty imposed upon sugar, is very exorbitant—far too high as compared with other articles. Refined sugar has to pay R3 per cwt. and unrefined R1·75 per cwt., which is more than 25 per cent on the original value. The nominal value put upon sugar in the Customs tariff, is totally different from the market price ; in fact it is wrongly valued. Sugar is one of the chief articles of the food of the people, and yet it is made liable to pay a duty four times more than any other goods. The Customs duty levied upon all other ordinary goods is only at the rate of 6½ per cent on the value. Sir, sugar ought to be free from duty to encourage tea drinking. When sugar is cheaper, every native will go in for tea drinking, and gradually abandon intoxicating drinks, so that the local consumption of tea would amount to several millions of pounds annually. I hope Your Excellency will be graciously pleased to give consideration during this Session to the advisability of reducing the duty imposed upon sugar. I beg to point out that the people in England are paying very much less for sugar, than the people of Ceylon who are residing nearer the sugar producing countries.

The Tamil Member.

The Hon. P. COOMARASWAMY :—I am glad, sir, that this Ordinance has been introduced, but I am sorry that the list of exemptions does not include one of the metals which is largely used in native local manufacture. A large number of people get their living by making out of this metal, articles which are to be found in every native household. The hon. member for the mercantile community has told us that if the duty on copper sheets and sheathing were abolished there would only be a loss of R2,045, and this metal plays as important a part in local native industry as any of the others in the schedule. I am glad that articles intended for local manufacture in connection with the tea industry have been exempted, but I would also ask that copper be put in the schedule.

The Acting Principal Collector of Customs.

The Hon. L. LEE :—I think, sir, that the chief consideration in dealing with the suggestions for the inclusion of articles in the list of exemptions and which resulted in the schedule being so short, was the existence of that animal described in a recent article by a financial writer as the lodging-house cat—exchange. It is the existence of that animal that has prevented the further extension of this schedule, and I do not think it is possible at the present moment for any further raw material to be included. I should have liked to have considered the question of the inclusion of copper, if sufficient notice had been given to enable me to receive a return of the import, but no notice was given and I am unable to say what is the duty at present accruing from the importation of that article. I move the second reading of the bill as it stands.

The bill having been read a second time, Council, on the motion of the Acting Principal Collector of Customs, went into Committee on it.

The schedule having been read,

The Hon. P. COOMARSAWAMY moved that copper sheets and sheathing be included.

The Lieut.-Governor.

H.E. Sir E. N. WALKER :—I may state, sir, that any proposals for large additions to be made to the exemptions already proposed in the bill would jeopardise the bill altogether. On account of considerations, some outside this colony, reference on a money bill of this sort has to be made to the Secretary of State. Reference has been made to the Secretary of State and he has given his sanction to this bill. and if any material alterations are proposed a further reference to the Secretary of State will be necessary. I may mention, sir, that it would hardly be in fairness to the other interests which have suggested exemptions to do as proposed now ; and I think, sir, that before the Government finally resolved to introduce this bill, an assurance was given in this Council that no proposal for a further reduction of the import duty would be made at present. I may state that the schedule to this bill was prepared in pursuance, as far as my recollection goes, of a list which was furnished to me by those interested in the measure, and who have promoted it, and I think I am right in saying that copper was not in that list. I can in no other way account for the omission of the item. I am aware that copper is a metal used in local native manufacture and I think it possible that, had it been proposed at an earlier stage of the scheme, to include it, it would have been included.

The Tamil Member.

The Hon. P. COOMARASWAMY :—I would be the last person, sir, to ask that anything should be included in this schedule that would cause any appreciable loss of revenue to the Colony. His Excellency the Lieut.-Governor says that an assurance was given that nothing else would be asked to be included, but of that I did not know. If there has been this assurance, I am certain I am bound by it, but all the same I would appeal to the Government whether the paltry loss of R2,045 is such as to prevent the inclusion of what is admitted to be a very important metal in local native industry. It was just now stated that this bill was prepared at the request of some people who were interested in the matter, and whoever is interested and is to be benefited by the bill, I am glad that the Colony will be benefited so far ; but, if we allow this occasion to pass without asking for the inclusion of copper, it may be several years before the Government will be in a position to introduce another bill to exempt copper, and, therefore, it is, that I ask Government to consider whether the paltry loss of R2,045 should stand in the way of the exemption of copper which will appreciably benefit native and European industry.

The Planting Member.

The Hon. GILES F. WALKER :—If I am in order, sir, I should like to say that I am opposed to the suggestion of the hon. the Tamil member —not because I object to the inclusion of copper in this Ordinance, but on account of the assurance that the hon. the Colonial Secretary has alluded to just now as having been given by certain unofficial members to Government, and I think that before omissions in the schedule are remedied there are other things which several

members of this Council consider should have priority. I might allude for instance to the tax on kerosine oil to which very strong exception has been taken by the community which I represent in this Council, and I believe that if the oil were reduced in cost it would come considerably into use for machinery on tea estates. As I understand that an assurance has been given to Government that in view of this Ordinance being brought in, the question of the remission of the tax on kerosine oil would not be brought before the Council at the present time, I feel myself bound to fall in with the unofficial members who gave that assurance. On that account, and because there are other articles the remission of the duty on which ought to claim precedence of the remission of the duty on copper, I am obliged to oppose the motion made by the Hon. the Tamil member.

The Kandyan Member.

The Hon. T.B. Panabokke—I wish merely to say, sir, that I am not aware myself of any assurance being given that no other metal would be asked to be included in this Ordinance, and I think that seeing the amount involved is only R2,045, and that copper is so largely used by natives in making domestic utensils, it would be a great boon if Government would see their way to include this metal in the category of those to be exempted. However, on the principle that half a loaf is better than no bread, I shall not oppose this Ordinance, while, of course, I would be glad if copper could be put in the schedule.

The Mercantile Member in Reply.

The Hon. W. W. MITCHELL.—I wish, sir, to correct a slight inaccuracy on the part of the Colonial Secretary. After I saw the schedule attached to this bill I drew attention to the fact that certain articles I have already named were not included in it. When the subject of the abolition of the duty on metals was first mooted the intention was that it should apply to all metals and not to any particular metal, and it was only when the draft bill was issued that I first saw what was included in the schedule. Those who were moving in the matter supplied the details of the articles they would like to see freed of duty. That list, I believe, included copper, galvanised iron, and a number of other things. I pointed this out to the Colonial Secretary and on being informed that it would necessitate further reference to the Secretary of State who had sanctioned the schedule as it now stands, I at once concluded that the best thing would be to accept it as it is, and try to obtain further concessions at a future time. In view of this I would appeal to the hon. the Tamil member to accept the half loaf which was better than no bread and not to jeopardise the abolition of the duty on metals in the list now before us by insisting upon the insertion of other articles.

The Hon. P. COOMARASWAMY:—I am certainly bound to give heed to the appeal of the hon. member for the mercantile community and I withdraw my motion, but I cannot see how it could jeopardise this bill.

The schedule having been passed the clauses were dealt with. In the first clause providing when the import duty should cease.

The Hon. the Acting PRINCIPAL COLLECTOR OF Customs moved the deletion of the words "from and after the coming into operation" and the substitution therefor of the words "From the date of the passing of this Ordinance."

This was unanimously agreed, as was also the hon member's motion for the deletion of the second clause as to the date when the Ordinance should come into operation.

Council thereafter resumed and on the motion of the Hon. the Acting Principal Collector of Customs the bill was referred to the law officers of the Crown for their report.

ADJOURNMENT.

On the motion of H. E. the Lieut.-Governor. Council adjourned till Wednesday the 14th inst. at 3 p.m.

Council rose at 5-30 p.m.

WEDNESDAY, NOVEMBER 14th, 1894.

Present:—H. E. Sir Arthur E. Havelock, K.C.M.G., President; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General; the Hon. J. A. Swettenham, C.M.G., Auditor-General; the Hon. F. R. Saunders, C.M.G., Treasurer; the Hon. E. Elliott, Acting Government Agent of the Western Province; the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Lionel Lee, Acting Principal Collector of Customs; the Hon. R. K. McBride, C.M.G., Director of Public Works; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative; the Hon. A. De A. Seneviratne, Sinhalese Representative; the Hon. W. W. Mitchell, Mercantile Representative; the Hon. Sir J. J. Grinlinton, Kt., General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative; the Hon. P. Coomaraswamy, Tamil Representative; and the Hon. Giles F. Walker, Planters' Representative.

A FERRY TOLL.

H.E. the LIEUT.-GOVERNOR:—I beg to give notice that at a meeting of this Council, not less than a month hence, I shall move that from and after 1st January 1895, a ferry toll be established on the Valaichenai river, at Valaichenai, in the Koralai pattu, in the district of Batticaloa.

THE THESAVALAMAI AND PROPERTY SALES.

The Hon. P. COOMARASWAMY:—I beg, sir, to present to the Council a petition from the inhabitants of Jaffna, regarding the bill entitled "an Ordinance relating to the publication of intended sales of immovable property affected by the 'Thesavalamai' of the Northern Province." The petition, while agreeing to the abolition of the schedule system, protests against the introduction of any system, which the petitioners characterise as cumbersome. I also beg leave, sir, to present along with the petition, for the information of members of the Council, proceedings of the public meeting held at Jaffna on the 10th November, a letter from Mr. A. Sinnatamby, and telegrams on the subject, as well as copies of the *Hindu Organ*, the *Morning Star*, and the *Ceylon Patriot*. When the second reading is moved I shall ask, sir, that it be deferred in order to enable members of Council to consider these papers:—

THE PETITION

was as follows:—

HUMBLY SHEWETH.

1. That your petitioners have learnt that an Ordinance has been introduced into your Hon'ble Council relating to the publication of intended sales of immovable property

in the parts of the Northern Province to which the 'Thesavalamai' applies.

2. That your petitioners beg to submit that there is no necessity for enacting the proposed Ordinance to regulate the transfer of immovable property in this Province, as no exceptional conditions exist here to justify the adoption of a measure found unnecessary in other parts of this island, and as the abolition of the schedule system would only leave the disposal of landed property in this district subject to the rules that prevail in the Maritime Provinces.

3. That it is now four years since the Hon'ble the Supreme Court declared that the custom, requiring publication and Odear's schedule for alienation of immovable property, was obsolete, and that these formalities were not essential to the validity of deeds affecting lands. Since then, the vast majority of the deeds executed in this district have been executed without publication or schedules, and the people have not felt the want of these formalities or of any substitute for them.

4. That your petitioners would also submit that it is extremely undesirable and highly impolitic to compel vendors of immovable property to resort to the procedure prescribed by the proposed bill, the provisions of which are ill-suited, cumbersome and oppressive and would give rise to unnecessary and vexatious litigation causing trouble, expense and delay to a people occupying a large district with one Land Registrar's Office, extending from Jaffna to a distance of about 50 miles.

Wherefore the petitioners pray that your Hon'ble Council may be pleased not to enact the proposed Ordinance, and your petitioners as in duty bound,—Will ever pray.

Jaffna, Nov. 10th.

At the public meeting the following resolutions were passed.

Mr. Advocate Kanagasabai moved, Mr. Proctor Santiagopillai seconded:—"That there is no necessity for enacting the proposed Ordinance to regulate the transfer of immovable property in the parts of the Northern Province to which the 'Thesavalamai' applies, as no exceptional conditions exist here to justify the introduction of a measure found unnecessary in the other parts of the island, and as the abolition of the shedule system would leave the disposal of landed property in this district subject only to the rules that obtain in the Maritime provinces."—Carried unanimously.

Mr. Advocate Nagalingam moved and Mr. Proctor A. Visuvalingam seconded :—"That it is extremely undesirable and highly impolitic to compel vendors of immovable property to resort to the procedure prescribed by the proposed bill, the provisions of which are ill-suited, cumbersome, and oppressive and would give rise to unnecessary and vexatious litigation causing trouble, expense and delay."—Carried unanimously.

At a later stage,

The Hon. the Acting ATTORNEY-GENERAL moved the second reading of the Ordinance. He said :—I do not know whether the hon. member who represents the Tamil Community desires that the second reading of the bill should be postponed or whether the second reading should be taken now, and the bill be left in Committee to consider the objections raised by the people of the Northern Province.

The Hon. P. COOMARASWAMY :—What I proposed was that when the second reading was moved and seconded, I would ask that the discussion be adjourned and give my reasons.

The Hon. the Acting ATTORNEY-GENERAL :—The Government have no objection to such a course. I move the second reading.

H. E. the LIEUT.-GOVERNOR seconded.

The Tamil Member.

The Hon. P. COOMARASWAMY :—Sir, when the Hon. the Attorney-General moved the first reading, he said that the Government Agent of the Northern Province had proposed the abolition of the schedule system, and that the schedule was not totally abolished because the people themselves wished the continuation of the system or some other system. The paper I have laid before the Council today, if studied, will show that the information before the Attorney-General was incorrect—that instead of the people wanting a continuation of this system they desire it to be totally abolished and that there should be no substitution for it. To enable members to read the petition which I have presented from men who represent the different communities in Jaffna, the resolutions passed at the public meeting held on the 10th inst. and also the letter and telegrams I have submitted to the Council today, I think it is necessary that the discussion should be postponed. I, therefore, move that the discussion of this question be postponed till this day fortnight.

The Acting PRINCIPAL COLLECTOR OF CUSTOMS seconded.

The Lieut. Governor.

H.E. Sir E. N. WALKER :—There can be no possible objection, sir, to the adjournment of this matter further than the general one of adjourning business. The Government Agent of Northern Province has himself telegraphed to state that he objects to this measure and has promised a communication on the subject. When I find the Government Agent of the Northern Province and the hon. member who represents the Tamil Community in agreement in objecting, I confess that I am considerably impressed with the strength of the objection. I should like to state, sir, in the same spirit in which Government have no objection to adjourning the consideration of this bill, that this bill was published with the avowed object on the part of Government of eliciting public opinion. It was published on the 12th October last, and until I saw the report of an indignation meeting at Jaffna last Saturday I never heard or received any expression of opinion. For my own part, and I think I can say also for the other official members, we are not particularly wedded to this measure, and I myself came to the Council in the expectation of hearing some explanation on the subject of the contingent effect of the operation of this Ordinance. Reading it, it is in itself a most harmless and simple measure, namely that a person desiring to pass his property to another has merely to give notice of that in a simple constituted method. To that in itself there seems little objection, but those with practical experience may be able to show objection to it, and I am sure the Government will be very ready and willing to consider it, for Government is in no way pledged to this measure which has merely been suggested as a remedy for a state of things which is represented at present not to be satisfactory. The advice and assistance that are now offered to us have come forward at rather a late time after we had been in search of it.

H.E. the GOVERNOR afterwards intimated that consideration of the bill was adjourned till that day fortnight.

OUR MILITARY EXPENDITURE.

Mr. MITCHELL gave notice that at the next meeting of Council he would ask the following question:—"With reference to the allusion in the Address of H.E. the Governor at the opening of Council to the question of Military Expenditure from the 1st April 1895, to ask if any communications have been received from the home authorities respecting it, and whether an early date can be appointed for the discussion of the subject.

RAILWAY IMPROVEMENTS.

H.E. the LIEUT.-GOVERNOR :—I now beg to move the motion which stands in my name, viz., "that, with reference to the discussion in this Council on the 14th of December last, the removal and re-building at a cost of R121,600 of the Engine Shed at the Colombo Terminus of the Railway, and the alterations in the Railway Service at the Customs Wharf premises at an estimated cost of R87,844, be charged to the

proceeds of the Loan authorized by Ordinance No. 17 of 1893 to be raised for the improvement of the Harbour of Colombo and for the construction of Railway and other Public Works." He said :—Hon. members will remember that, in Ordinance 17 of 1893 authorising the raising of a sterling loan, it was set forth that, amongst the purpose to which that loan was to be applied, were the "improvement of the harbour and the construction of railways and other public works in the colony." When that bill was under discussion in the Legislative Council, in December last, it was stated by myself, in reply to a question as to the more precise purposes to which the loan should be applied, that the loan would be applied "to the four extensions of railway which were in course of construction, to the expense of railway surveys, and to the large harbour works"; and subsequently, the Attorney-General stated that it would be applied "to the two breakwaters pointed out in the bill, the extension of the railway to Galle, the farther exxtension of the railway to Matara, the present extension of the railway to Kurunegala, and the Jaffna survey." Therefore, under the terms of that Ordinance, the expenditure on the two objects mentioned in the resolution would appear to be very proper and perfectly authorized but still there was a limitation in these remarks in the Council, which I have just read, and in these circumstances the Government thought it was better to make it understood to the Council that we were going beyond these other purposes. The first work proposed is the removal of the engine running-shed from its present position, in the centre of the Colombo railway terminus yard, to a position at the side. Hon. members can well understand that the terminus which was constructed for the comparatively small railway of 72 miles to Kandy 25 years ago with an estimated traffic of two million rupees—hon. members can well understand that that terminus and its accommodation is not sufficient for the present requirements, seeing that the railway has been extended to over 300 miles, and we are in the expectation, next year, of receiving certainly six millions. Under these circumstances, some extension of the accommodation at the terminus is absolutely necessary. A somewhat large and comprehensive scheme is under consideration, but it has not yet arrived at a stage at which it can be put before the Council. I may state, however, that this removal of the engine shed from the centre of the yard to the side of the premises, will, ultimately, form a part of this larger extension. What I mean to say is, that what we now propose to do will not be thrown away, but, on the contrary, form part of the larger scheme which will be ultimately adopted. The other sum of R87,844 is to improve the railway service at the Wharf. The railway service, as it now stands, sir, seems to have been added to, and altered from time to time, just to meet the emergencies or circumstances of the moment, and the result of it is that there is a net work of Railway lines placed in far from the most convenient position. The expenditure which is proposed is for the purpose of entirely relaying the line in a more convenient position and to suit present requirements. It may be said, sir, that these are services which could be met out of current Revenue. I may say, sir, that the Government are always mindful of avoiding the danger of the charge of throwing on the capital account what our critics may consider should more properly be met out of our current revenue; but, sir, at the present financial juncture with so many claims on us, it has been found impossible to meet it out of current revenue. On this behalf it may be said that these are services which will not only serve the present moment but at least one generation; it is one of the excuses for their being put on the loan and distributed over what we call posterity. In concluding these remarks I should like to say, sir, that if any hon. member would wish to have further information or further time for more deliberate consideration of the matter, I shall be very glad, with the consent of the Council, to postpone its consideration. Otherwise I shall move that the resolution do pass.

The Hon. the Acting ATTORNEY-GENERAL seconded.

The Mercantile Member.

The Hon. W. W. MITCHELL.—I think, sir, that this is a motion which may very well and very fairly be agreed to. The accommodation that was sufficient for the housing of the limited number of engines that we had a number of years ago, is clearly not sufficient for the extended railway system that we have at present and the providing of this accommodation is a work which, I think, may very well come under the loan authorised by Ordinance 17 of 1893. That part of the resolution which relates to the railway engine shed may very fairly come under other things which may be required in connection with railways as stated in the Ordinance. These things other than the construction of a line of railway may fairly be looked upon as comprising railway engine sheds. If it had only been an addition to the existing railway running shed then it might have been contended that the cost ought to be defrayed from revenue, but inasmuch as an entirely new structure will have to be erected, I think it is fair that it should be charged against the loan. In respect to the line of railway at the Wharf the improvement there is absolutely necessary. The block at the Wharf, as everybody knows, has been such as to be almost intolerable, and those who best understand the matter have done their utmost to advise some means of getting over it. This fresh line of railway is part of that scheme for the accomplishment of this object, and I think it may fairly be charged under this loan bill for the improvement of the harbour of Colombo, as it is distinctly of the nature of an improvement, in fact an essential. I have pleasure in supporting the motion.

The European Representative.

The Hon. Sir John J. GRINLINTON—I would also beg to add a few words to what has fallen from my hon. friend, mentioning what the practice is with large companies who do the work that the Ceylon Government is doing, here, that is Companies who own docks and Companies who own railways. I have had some considerable experience in matters of this kind as a shareholder in companies, having had connection with a Dock Company and a Railway Company in England, and whenever they had occasion to extend their business to any great extent a loan was invariably called for, the amount raised being added to the capital account. The shareholders would never permit the current profits of a Company to be devoted entirely to extensions of that nature. In the first instance they would get no dividend on their shares, and posterity would benefit by what the present shareholders had earned Therefore the owners of the property for the time being would be expending all their money and others would be reaping the advantage hereafter.

I am very glad indeed to see this departure as I may call it, because it is the first that I recollect—there may have been something of the kind before but I have no recollection of it—I repeat that I am very glad to see this departure on the part of Government from their stereotyped mode of doing business and that they are adopting a commercial mode of transacting matters of this kind. I have great pleasure in supporting the motion before the House.

H.E. the GOVERNOR thereafter announced :—I understand that the Resolution is unamimously adopted.

THE ABOLITION OF THE IMPORT DUTY ON METALS.

The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS brought up the report of the law officers of the Crown on "An Ordinance to abolish the Import Duty on certain kinds of metals."

The clerk having read the Report, the bill was read a third time and passed on the motion of the Hon. the Principal Collector of Customs, seconded by the Hon. the Auditor-General.

A long discussion took place on the Village Communities' Ordinance, but we are obliged to hold over our report of it. The discussion on other Ordinances, however, will be found in our supplement.

VILLAGE COMMUNITIES.

The ATTORNEY-GENERAL :—I now move that the Council resume consideration in Committee of "An Ordinance to amend 'The Village Communities' Ordinance, 1889.'"

Agreed.

The Sinhalese Member.

The Hon. A. De A. SENEVIRATNE :—Sir, with reference to the first section of the Ordinance, I beg to make a few remarks. My hon. and learned friend the Attorney-General, in moving the second reading of the bill, intimated to the Council that I had told him that I was opposed to the bill. To speak correctly I was not opposed to the bill so much as to the number of days' labour mentioned in the bill. On this point several hon. members of Council gave their opinion, and I may say that mine agrees entirely with the opinion expressed already by the unofficial members of Council. That is, not that the villagers should not be empowered to make rules for the enforcement of labor for their own purposes in the village—not by any means that—and not a single member of the Council contended that for a moment—but the contention, as I understand. it, was that fifteen days would be too much to expect a labourer to contribute in addition to the six he has to contribute under the Thoroughfares' Ordinance. Now, it may be said, perhaps, that the villagers themselves make the rules to enforce labor under the Ordinance; but, although the Ordinance provides that the village communities should make rules, practically it is not the villagers, but the committees appointed by those communities, that make rules. I doubt if any village communities themselves have made any rules at all. I believe that all the rules that have been made have been made by the village committees appointed by the village communities. The making of rules may be delegated by the village communities to committees, under section 16 of the Ordinance, and naturally a smaller body of men is more capable of considering rules than a large number of villagers of ordinary intelligence who, perhaps, have not been accustomed to any business of the kind before, and therefore it is that the village committees have had the making of the rules. Practically, therefore, it comes to this, that the village committees make the rules to enforce the villagers to labour, but if the villagers themselves were asked point blank whether they would consent to give up fifteen days in the year in addition to the six days under the Thoroughfares' Ordinance, I feel pretty sure they would say, certainly not. It is not as if these fifteen days were taken at a time when the villager is not otherwise employed, but the villager can be compelled under the rules to labour whenever the Committee pleases. That is where the hardship comes in. I, therefore, say that while it is a very desirable thing indeed to give the villagers power to enforce labour in order to do useful work for their own benefit, yet the imposing of fifteen days is a great deal too much. I remember raising this question before, in Council, and it was then stated publicly that, although the maximum number of days that a villager may be compelled to labour was ten, as a matter of fact, in very few cases indeed were they compelled to work more than six days under the Village Communities' Ordinance. It seems fair enough to fix a maximum of that kind. I was saying just now that it was the village committees that made those rules. In section 10 that will more clearly appear. There it provides—"Whenever it shall be necessary to appoint an officer to carry into effect or supervise the working of any rules lawfully made or to be made by the inhabitants of any sub-division under this Ordinance it shall be lawful for the said inhabitants to create an office for such purpose within their own sub-division, by a rule to be made subject to the approval of the Governor with the advice of the Executive Council." And yet the very heading of that section is "Village Committees may create offices." There is nothing at all in the substance of that clause about village committees but about "inhabitants." Still the marginal reference to the clause is "village-committees may create offices." It was not intended that the inhabitants themselves should make rules; they could delegate the power to the village committees. I see nothing wrong in that, and I only say this in reply to the argument that may be advanced that the villagers make the rules knowing what they are about.

The Hon. the Acting ATTORNEY-GENERAL :—In what section is the marginal reference you speak of?

The Hon. A. De A. SENEVIRATNE :—Section 10. Now it will be very useful to know whether all the inhabitants of a village are made to labour under this Ordinance. How many of those members of Committee are called upon to labour? I have heard—I do not know how far my information can be relied on, but I have heard that the members of Committees are completely exempted from the performance of this labour, and they insist on only the poorer villagers performing labour under the Ordinance. ["Hear, hear" by Mr. COOMARASWAMY.] I say that would not be fair, and I think that it would be much fairer to work the Ordinance in the same manner as the Thoroughfares Ordinance, is worked—that is ascertaining the number of days' labour that is required for the different buildings and roads and dividing the labour equally amongst all the villagers without exception. Now the question is whether 15 days' labour is really

necessary for the maintainance of the works indicated here? I say that fifteen days' labour is utterly unnecessary, because a breach of rules is made punishable by village tribunals under section 31, and by Village Committees under section 46, the punishment being a fine. Where do the fines go to? The appropriation of the fines, is provided for under section 56 of the Ordinance. In that section it is provided :—

All fines paid to, or recovered by, the village tribunal or Village Committee shall be deposited with the Government Agent, to be by him appropriated in the manner prescribed by such tribunal or Committee; the balance, if any, shall be applied to the payment of the necessary expenses of carrying this Ordinance into execution, and for such Village purposes as the inhabitants of the division or the Committee (where the same shall be established) shall, at any meeting to be convened for that purpose, with the concurrence of the Government Agent, determine.

So that the surplus of those fines goes to defray the expenses of carrying out those very rules, breach of these rules is punished by fines, and, therefore, I say the rules themselves provide the means of carrying out the rules. There is, therefore, no necessity for any additional number of days' labour. At the same time I must say I would not entirely exempt the villager from any labour at all on the ground that he has to labour under the Thoroughfares Ordinance. It is true enough that the villager has to contribute his labour for the maintenance of roads which he very seldom uses, and it is true enough that the richer townsman, although he may use the village roads, has not to contribute anything for the maintenance of the village roads, but still for the benefit of the village I am ready to give the Village Communities or Committees the power to impose a certain number of days' labour. What I say is that fifteen days is too high, and I would move, in section 1, the omission of the word "fifteen" and the insertion of the word "six" in lieu thereof. From what I have heard elsewhere, it will not be necessary at all to impose more than six days' labour. My hon. and learned friend the Attorney-General, at the second reading of the blll, stated: "Up to this time it has been possible for village communities to levy labour for several days together in respect of these transactions, but, after the doubt that was raised upon this point, the present Government has seen fit, it will be noted, to reduce the days of labour from several undefined and uncertain number of days to a period of only fifteen days in all." Is it contended that under this Ordinance the inhabitants can be called upon to labour for an undefined and uncertain number of days for each of the works that are mentioned? I would submit that the Government is bound by the opinion that has been given by the Attorney-General and that the inhabitants could not be enforced to labour more than the ten days upon the roads under that Ordinance. With regard to the making of the rules by the inhabitants, there is one remark which I should like to make, which is applicable to rules made, not only by the inhabitants of villages, but by any bodies whatever, under any Ordinance. Some years ago, His Excellency the Lieutenant-Governor will remember my asking a question as to when the rules made under the Forest Ordinance were tabled, as required by that Ordinance. It was then found that, although the Ordinance required that the rules should be placed upon the table of the Council within a certain period, up to the time that I asked the question the rules had not been so tabled and the explanation was given that that clause had not been observed. That was in 1891. Up to this day have those rules been placed upon the table of this Council? No. And it is necessary, also, I think for the Council and for the public to know what are the rules that are made by the inhabitants for their own benefit, or for the purpose of imposing labour. I say it is necessary for us to know what these rules are. We are in the dark, and do not know what sort of rules have been made so as to judge whether there would be hardship in working them, and we are obliged to rely upon the information given to us by the Government Agents, or anybody else. I think all the rules made under any Ordinance whatever should be placed before the public. The motion was adopted by the Council that all rules should be placed before Council before the 30th of November. That motion was made before last November, and I think I may safely say that the rules under no Ordinance whatever have yet been codified and placed on the table of this House. Under these circumstances we must be very careful indeed as to how we grant power to inhabitants, or Committees or any body of men to make rules which we may perhaps not see.

The Hon. P. COOMARASWAMY :—I second that motion, sir.

The Auditor-General.

The Hon. J. A. SWETTENHAM :—I should like to say a few words, sir, to explain why I, as an officer of the Government, advised the Government to fix fifteen days as the maximum limit in this case. We have to conceive all kinds of cases in large and small villages, and I assume that it is not the wish of any member of this Council that education should be denied to villagers where there is a wish to have it, even though the village be a very small one. In the case of a small village it may happen that the whole of the inhabitants working together for only six days may not be able to put up the building so completely and permanently that it would last practically for a year. It is in consequence of that consideration that I have advised the Government to fix the maximum at 15 days. What I have in view is the case of a small village where the people are anxious to have a school but where the united action of the villagers would not suffice, working together even for so much as 15 days, to do more than put up a permanent building. A case might happen where the villagers working together for only six days might leave the building in such an incomplete state that it would be washed down by the next rains. Next year they might work six days also and the same thing happen again, and so they might go on until the villagers would tire of making the experiment. The thing has happened with regard to irrigation works before and it may happen with regard to school-houses. That is the reason which actuated me in advising that 15 days should be fixed, while I admit that it may be in very few cases that such an enormous maximum would be required. The villagers are practically divided into two classes—the rich and the poor. The rich ones have wealth and the poor have not. After the 15 days' labour by the poor man he would be subsidised by his richer co-villager for whom he would work as a substitute, and in that way profitable labour would be provided for the poor labourer for a large number of days which would compensate him in a degree, perhaps more than compensate him, for the number of days gratui-

tous labour which he would be compelled to contribute under these rules. In that way rules of that kind would be a great blessing in providing the poor man with work within sight of his house, for which he would receive wages. It would also provide a school for the education of [illegible] the children stand in need. Something has been said in Council as to want of publicity of the rules which are passed. I believe it is the rule that every member of this Council receives a copy of the *Government Gazette* and that the rules made under the Village Communities Ordinance are published in the *Gazette*, so that if any member is in ignorance of the rules, that ignorance arises from his neglect to read the *Government Gazette*. I think that by publishing the rules in the *Gazette* they are more effectually brought under the notice of members, than by merely laying them on the table of the Council.

The Acting Government Agent, W.P.

The Hon. E. ELLIOTT :—Having had experience of the working of this Ordinance in several districts, I think it is perhaps as well, sir, that I should explain that some of the objections taken by the hon. member for the Sinhalese are certainly not supported by my experience. For instance the matter of exempting members of Committee has never come under my notice ; I have never had a complaint of that sort. And after all it would be such a drop in the bucket. The Committee of a korale consists of from 5 to 10 members while the people who are liable to work are numbered by thousands. I have held many meetings of these committees and I have always felt that they took an interest in the matter and were willing to give more than six days' labour to the various works proposed. As regards the rules being made by the inhabitants that is impossible. You cannot get a large number of people to discuss the rules practically. I have tried it and in the end we have generally wound up by appointing a certain number of persons who knew the feelings of the villagers and could be trusted to see they were carried out properly. The rules are not only published in the *Gazette* but are translated into Tamil and Sinhalese and circulated throughout the district. Almost every headman gets a copy and a great many private persons have access to the rules if they do not actually have them in their possession. It is gratifying to find that the Sinhalese member has no objection to the principle of the Ordinance and has really reduced his objection to the number of days which a villager may be called upon to labour. On this question, sir, I am not aware on what information, my hon. friend on my right (the Auditor-General) acted in advising Government to fix the number of days at 15. Under the old Ordinance the maximum was 10 days for roads alone, and as my hon. friend said on the last occasion it was a small legal point that brought to notice that there was no provision fixing the maximum number of days which could be exacted for other works. That is a point which those who practically carried out the Ordinance never noticed. We carried out the Ordinance to the best of our ability, and my experience is that we never wanted even ten days. In the Galle district of the Southern Province, two years ago, we had some difficulties. We met and discussed the matter fully and fixed 3 days as the number which would be required for all works and which might be commuted by a payment of 50 cents. I recently made enquiries and I found that that commutation brought in R3,500 besides having some days' labour which would be useful for odds and ends. I think, sir, that in practice it will be found that if we have the old limit of 10 days it will be ample for all purposes.

The Muhammadan Member.

The Hon. M. C. ABDUL RAHIMAN :—At last meeting, sir, I made a remark, and I now wish also to say a few words as to whether it is justifiable to exact 21 days' labour from the villager while all the other people are only giving 6 days' labour. The villagers not only give 10 days, but the headmen exact from them also additional work for their own purposes. For instance when there is an official visit the people have to give their labour for decorations and other sorts of amusements. I can see no reason for increasing the number of days to 15 and my experience is that even the present 10 days are not fully taken from the villagers. The Hon. the Government Agent, W.P., has just said that even the ten days was not required, and when a statement like that is made by such an experienced officer, why should we seek to exact more than ten days. Therefore, I think it is quite useless to exact 15 days, and I beg to move, sir, that the bill may be withdrawn.

The Treasurer.

The Hon. F. R. SAUNDERS :—It seems to me, sir, that the hon. member who has just spoken fails to apprehend exactly the reason for bringing in this bill, although it is very fairly stated in the preamble ; and I think, after what has fallen from the hon. member who represents the maritime Sinhalese that it will be seen that the question for discussion is a small one—in fact very small indeed. The point is simply this : An Ordinance was passed in 1889 providing that rules might be made on certain subjects. The subjects were detailed in sub-secs. of sec. 6, and in sub-section 16 it was stated that the rules made might provide for the calling out of labour, to the extent of ten days, for the maintenance and construction of village roads. A legal question has been raised as to whether labour might be properly called out for any of the other purposes mentioned in clause 6, and I believe it has been held that the labour cannot legally be called out except for the purposes mentioned in sub-section 16, and then for ten days. Now the present bill proposes that, instead of limiting the labour of ten days to the village roads, that labour may be called out for all the purposes mentioned in section 6, and that the number of days may be increased from ten to fifteen. That is a very small addition indeed. But we are bound to consider whether even that small addition is necessary or is advisable. I am inclined myself to think, both from experience and from what we have heard round this table, that the word "ten" might be substituted for "fifteen" in the clause with advantage. I say that, firstly, because I believe that it would secure unanimity. I think that nobody can very well object that whereas power has been given to call out 10 days' labour for roads, that power should be extended to call out 10 days' labour for the building of schools or any other public purposes which may be necessary. The hon. the Auditor-General has stated that cases might occur in which fifteen days were absolutely necessary. My experience leads me to say that, if ten days were fixed as the limit which persons might be compelled to perform labour, there would be no difficulty in cases of emergency in getting voluntary labour for the re-

maining five days. I think, myself, that, in dealing with the mere question of the number of days, we should, in passing this bill, as much as possible affirm what we believe to be the intention of the past bill, and I think the very fact that sub-section 16 provided for ten days, and that no labour is provided for the other purposes, makes it perfectly clear that ten days was intended to be all that should be called out; in order to settle the matter and make perfectly clear the object of this bill, I think we should decide that the word "ten" take the place of "fifteen" and I shall vote for ten days if any hon. member moves it.

The Principal Collector of Customs.

The Hon. L. F. LEE :—I think, sir, that if it were inquired why in the 16th section of the 6th clause ten days were fixed, it would be found that that number was fixed because for the performance of road-work it was possible to fix a definite number of days; but when you come to provide for such other work as the construction of school-houses it was impossible to fix a time. Say that a school-house has to be built in a village, the way it would be managed would be this: an estimate would be made of the number of days it would take and the amount of work it would take to build the school-house, that that number of days would be divided between the persons liable to render the work, and in that way in one year possibly a man might have to do twenty or thirty days' work, and for the next three or four years no work at all. How could a school-house be built if the number of days' labour we could exact in the year from a villager were not sufficient for the building of the school-house? Are they to do fifteen days' labour and leave the building unfinished, to tumble to pieces, and then try to build it next year? (Hear, hear.) In village life it would be impracticable; if we fix a certain number of days, it will be impracticable to carry on the work. These are matters that should be decided by the discretion of the village Committees. We have heard the committees spoken of as doing nothing for themselves but exacting as much labour as they can from the poorest classes. These are arguments always used on these occasions, but I think it will be found they are the proper persons to trust. They are the respectable trustworthy elders of the village, and the inhabitants repose confidence in them, and rely upon them to divide the labour justly amongst those liable for it. I have taken the trouble, since the last meeting of Council, of going to what I consider would probably be the best authority on this subject. I have searched through the volume of Rules of Village Councils. We see, there, what the inhabitants have decided for themselves. We have in that book what the Council very seldom has, the authority of the people themselves as to the law they wish laid down—they speak for themselves and they leave it entirely to the Committee. Every rule runs in this manner:—"The necessary work is to be executed by those who are to be benefited thereby in any manner which may be deemed expedient by the Village Committee." Everything is left to the Village Committee, and I am afraid—and I think it will be found hereafter—if the Ordinance defines the number of days' work to be performed, village work must cease; and if village work is to cease the progress which is shown in such provinces as the North-Central Province (in which the advancement of the people has been attributed to the efficient working of the Village Communities Ordinance) must also cease. For myself, I should follow the bidding of the people as shewn to us in these Village Communities Rules, and leave the number of days indefinite. (Applause.)

The Tamil Member.

The Hon. P. COOMARASWAMY :—I do not understand, sir, what the argument was that the Principal Collector of Customs stated just now. He said that if we define the number of days, village work will cease, and yet the Government are going to define the number, and not only define it, but make it 15 instead of 10.

The Hon. the Acting ATTORNEY-GENERAL :—Define the maximum.

The Hon. P. COOMARASWAMY :—Here is one Government officer of experience, stating that the number of days should not be defined, while two other officials admitted that fifteen days' labour was not required, and what was wanted was only ten days. I am sure, after what has fallen from the Principal Collector of Customs, the Government will see the necessity for at least reducing the number of days. The other day I opposed the Ordinance altogether, but, as my opposition was of no avail and the second reading of the bill was successfully moved, it will now be my duty to try and get as much reduction as possible in the number of days; and, now that it is admitted that fifteen days are too much by those on the other side who have most experience of these matters—the Hon. the Government Agent of the Western Province, the Hon. the Treasurer who was himself the Government Agent of the Western Province, some years ago, and now by the Principal Collector, who also has had considerable experience of these matters, having been in various places as District Judge and performed other duties of a like nature—I ask the Government whether they are not prepared, in view of what has fallen from their own side, to reduce the number of days from fifteen to six as the unofficials proposed, or at least to ten as proposed by two Government Agents themselves.

The Acting Attorney-General.

The Hon. P. RAMANATHAN :—I should just like to make a few observations to remove some erroneous impressions as regards the nature of the labour that is insisted upon in this bill. Reference has been made to the circumstance that labour is necessary for the building of school-rooms. Of course, hon. members will remember that it is not school-rooms only upon which such labour is required to be expended. There are 16 or 17 sub-sections of the Ordinance detailing the various methods and various operations necessary to be done by the villagers, and school-room repairs and school-buildings form only one of these heads. Then it must also be remembered what is the nature of the labour given by a villager. It is not a continuous sustained labour such as is exacted from a hired labourer by us in the towns, but it is a fitful labour and almost a voluntary labour left to the discretion of the villager himself. For instance, supposing a school-room had to be built or repaired, the headman would in a friendly way, ask the villager for, say, half-a-dozen jungle-sticks, and he would say: "Now, my good fellow, get them up during the next two or three days." The plea on the part of the villager might be that he had to attend a wedding house or a feast, or some other reason might be given, and he would ask for the postponement of his duty, and very possibly the village headman would agree to

it and the villager would, on a convenient day, go to the jungle and produce half-a-dozen sticks for the construction of the school-room. Of course, we around this table speak of it as labour exacted by the village committee, but in the practical operation of it we find it smacks very little indeed of labour exacted from villagers in the sense in which labour is exacted from the hired labourers, so you might go through all the 16 or 17 classes of operations and you would find in the end that there were perhaps not more than two or three hours of labour given on the days the villager is called upon to work. I would beg hon. members to remember these circumstances when they speak of the labour required from the villagers; it is very different from the labour insisted upon by employers of hired labour. Then, I understand my hon. friend who represents the Maritime Sinhalese, to say that he does not attack the principle of the bill. I am very thankful to him for that concession because he confines his opposition to the number of days which the village committee may call upon the villagers to contribute. He says it ought to be six days; another member says it ought to be ten; and the Government has upon a consideration of all things, said it ought not to exceed fifteen. Now, considering that there is such a numerous class of things upon which a villager has to work, I ask if it is advisable for the Government, with open eyes, to fix the maximum of the labour at ten or six and not fifteen days. In view of the example put forward by the hon. the Auditor-General of a schoolroom that has to be built in six days but might be washed down by the first rain—because schoolrooms in such places are not built of brick and mortar but of mud and wattle—I ask is it desirable that the days should be limited to the extent proposed? I submit that it would be unwise. We are not going to work the Ordinance in the most rigorous manner possible. We fix a maximum and we leave it to the Committee—the men who are the elders of the villagers—to use their discretion, to choose such a number of days within that maximum as may be necessary to complete the work required. It is a matter of purely village concern, and I do not see why there should be so much anxiety on the part of hon. members when the labour is to be regulated by the elders of the villagers. I submit, sir, that purely as a point of administration, it seems advisable to give the village Committee the power to exact a maximum amount of fifteen days' labour, and, as we have heard in the actual working of the Ordinance—we have heard one of the Government Agents say that no more than three days would be required, and another said no more than ten; surely, if things have been going on in this merciful fashion for so many long years hon. members can trust the village Committees to do the same thing in the future. I have no hesitation in regard to the advisability of leaving fifteen days, as determined by Government, to stand in the bill. I do not think I need trouble the Council about the other observations made by the hon. the Sinhalese member, because the moment he said he was not going to attack the principle of the bill, it was not necessary for me to go into details as to the question whether the rules are made by the villagers themselves or by the village Committees. Under the Ordinance it is specially enacted that the villagers have the power to make the rules, and in a subsequent clause it is said that the villagers may delegate this power to members of the Committee. It may be of some use to the hon. the Sinhalese member to know that every rule passed by the Executive Council is published for general information in the *Government Gazettte*, only hon. members do not look into the *Gazette* or if they do see the rules they do not care to wade through them; but if they did so and put themselves to the trouble, in addition, of going to the villages and ascertaining how the Ordinance had been working, I am sure the anxiety they seem to be labouring under now would greatly subside. I very much suspect that few hon. members amongst the unofficials have taken the trouble to consult a villager upon this point. I believe they are talking in a theoretical way, and that if they had gone to the villages and spoken to villagers, they would, perhaps, say—as I feel sure they would say—that in the practical working of the Ordinance the villagers had very little to complain of. I, therefore, earnestly hope the limit fixed by the Government will be adhered to by hon. members.

The Sinhalese Member.

The Hon. A. de A. SENEVIRATNE:—If the official members of the Council are not committed to the views expressed by the Attorney-General, I shall be willing to modify my amendment, but if, on the other hand, the Government have actually decided, and the official members are bound, therefore, to carry out that decision, there will be no need for me to modify it.

The Kandyan Member.

The Hon. T. B. PANABOKKE:—Sir, I would wish to be enlightened on the point I raised last week, namely, whether the fifteen days' labour is intended for one or all the purposes enumerated in the Ordinance?

H. E. the GOVERNOR:—All or any.

The Hon. T. B. PANABOKKE:—I am afraid that it is not very clear from the wording of the clause.

The Hon. the Acting ATTORNEY-GENERAL:—I may at once say, to avoid any further discussion on that point, I will make it as clear as a pike-staff by adding the words, "provided that no person shall be liable to contribute more than 15 days' labour in any one year."

The Hon. T. B. PANABOKKE:—That makes it clear as regards the number of days a man may be called upon to work. I can assure the Council that I have had experience of the practical working of this Ordinance for the last twenty years, and I quite bear out the statement of the Hon. the Government Agent for the Western Province that during that time I have never had occasion to call for the labour of any villagers for more than four or five days at the most. I have had very large districts, and districts where schools, roads, and all the other works mentioned were undertaken, and I, therefore, see no reason why we should have such a high maximum number of days fixed. There has not been the slightest reason shown why it should be fixed as high as fifteen days, and I would rather trust the Committee, and agree to the proposal of the Principal Collector of Customs to leave the matter to the discretion of the Committee than fix a certain number of days. If the Council is prepared to trust the Village Committee let us trust it,—why fix the time at fifteen days?—or if we do not trust the Committee, let us fix a lower number of days. There is nothing whatever to prevent a President exacting the fullest extent of days; it is not improbable that there might be such extreme cases; and, therefore, it is, that I suggested

when the second reading of the bill was proposed that it should be limited. As regards the method of working pointed out by the Attorney-General, I may also tell you that the labour that is exacted from a villager is not so easy as was pictured by my hon. friend. It is not that a villager is called upon to go to the jungle and cut a few sticks; but he is called upon to give his labour from a certain fixed hour in the morning to another fixed hour in the evening; otherwise these works cannot be properly undertaken and finished. I do not, therefore, think it is quite so easy a matter for the villager to contribute 15 or 10 days' labour as the Attorney-General suggested. And what is there to prevent a President exacting a man's labour from six in the morning till six in the evening? There is nothing in the Ordinance. Therefore, I think it is but right we should fix the number of days' labour or leave it to the discretion of the Village Committee; either one thing or the other is the just thing to do. When the Road Ordinance was introduced into the country the labourers worked on minor roads near their dwellings. As time passed they were made to break stones, and eventually, being unable to perform their quota of labour as skilled labourers did, they were sent to jail, and what guarantee, I ask, is there that a similar state of things may not occur in regard to this Bill? I, therefore, earnestly hope that the matter receive the full consideration of the Council.

The European Representative.

Sir JOHN J. GRINLINTON :—On a recent occasion when I spoke on this subject, I said I would give my full support to the Bill because its principles were, I thought, founded on justice and equity, and most desirable for the Village Communities; but I thought that the number of days' labor required to be given under the Road Ordinance ought to be taken into consideration. The hon. the Treasurer has made a proposition, which meets my views exactly, namely, to reduce the number of days in the present Ordinance from fifteen to ten. If this be done, then those ten days and the six days required for the Road Ordinance will not be excessive, taking into consideration that ten days will be the maximum and might not be exacted in all cases. I would add a few remarks, from experience, to those made by previous speakers in reference to the work required from villagers. I do not lose sight of the fact—and I hope hon. members will not do so either—that the villagers have to perform a great number of days' labour in a year in addition to the work required by this Ordinance. They have to work in connection with dams and channels paddy cultivation, for irrigation purposes, weeding, and other things of that kind (hear, hear), and if you take these into consideration and add up the labour they give for all such purposes, you will find it amounts to a considerable number of days in a year. I feel sure the Village Committees would not as a rule exact fifteen days, and possibly might not exact more than the number which my hon. friend the Government Agent has stated to be the general practice; but I think they should not be empowered to exact so many days as fifteen, taking into consideration that these same people are subject to labour on the roads and a great number of days in addition, for their paddy field channels and repairing of irrigation works. I shall be very glad to support the Bill in its entirety if the number of days be reduced from fifteen to ten, as proposed by the Treasurer.

THE AMENDMENT AMENDED.

The Hon. A. DE A. SENEVIRATNE :—I will withdraw my amendment in favour of that suggestion and, in order not to carry on the discussion on that point, I will say at once that I am prepared to accept ten days instead of fifteen.

The Mercantile Member.

The Hon. W. W. MITCHELL :—I think, sir, a good deal of the time of the Council has been taken up with the consideration of an unimportant technicality. (Hear, hear.) It seems to me to matter very little whether ten or fifteen days is inserted. The Village Committees have not exacted fifteen days hitherto, so we are told on all sides; when there has been no limit imposed by the Ordinance, and I think they may be trusted not to exact that number although it is inserted in the Ordinance as the maximum. We have been told on the authority of the Treasurer that ten days have been found quite sufficient hitherto, and in view of that and what has fallen from other members having experience of the working of the Ordinance, I would be prepared to support the proposal for ten days.

H. E. the ACTING ATTORNEY-GENERAL :—I have the authority of His Excellency the Governor to announce the acceptance of ten days. (Applause.)

Afterwards the Hon. the Acting Attorney General moved the deletion of the words "not exceeding that of fifteen days in the year for any one person," and the addition of the words "provided that no person shall be liable to perform more than 10 days' labour in any one year."

This was agreed to with the exception that "inhabitant" was substituted for "person" on the motion of the Hon. the PRINCIPAL COLLECTOR OF CUSTOMS who said that the word "person" would include every human being and it was hardly the intention to exact labour from children in arms. (Laughter). He thought the word "adult" might be substituted.

The Hon. the Acting GOVERNMENT AGENT C. P. remarked that the rules always provided that no one should labour except those between 18 and 55 years of age. That was a matter which might be left to the Committee.

The Hon. the Acting GOVERNMENT AGENT W. P. was understood to say that he thought that there might be a practical difficulty if they had to deal with appeals for exemption from village work and it was not desirable that the time of officers should be taken up in this way when they wanted to go in for Retrenchment. An hon. friend had said that the fixing of the number of days might be left to the discretion of the Committee. If that was worthy of consideration, the point of leaving it to the Committee to consider who should carry out the work was much more worthy of consideration.

The clause was amended as already stated.

On the motion of the Hon. the Acting ATTORNEY-GENERAL it was agreed that the Ordinance should come into operation on 1st Jan. 1895.

Thereafter the Bill was reported as amended and referred to the Law Officers of the Crown for their report.

THE DESTRUCTION OF VALUELESS DOCUMENTS.

On the motion of the Hon. the Acting ATTORNEY-GENERAL seconded by the Hon. the TREASURER "An Ordinance to authorize the destruction of valueless documents preserved in Courts of Justice" was read a second time.

The Hon. A. De A. SENEVIRATNE said he had no objection to the bill, but it had been suggested that the opinion of the higher judical officers should be obtained. Had that opinion been obtained?

The Hon. the Acting ATTORNEY-GENERAL replied that the best course [illegible]ld be for the Bill to be referred to a Sub-Committee and then the hon. members could see all the papers on the subject.

The Hon. A. De A. SENEVIRATNE agreed to that.

Council then went into Committee on the Bill and on the motion of the Hon. the Acting Attorney-General the Bill was referred to the following Sub-Committee—the Hons. the Treasurer, the Principal Collector of Customs, A. De A. Seneviratne, P. Coomaraswamy, M. C. Abdul Rahiman, and the Attorney-General.

AMENDMENT OF THE GEMMING ORDINANCE.

H.E. the LIEUT. GOVERNOR.—I now beg, sir, to move the second reading of "An Ordinance to amend 'the Gemming Ordinance' 1890". The bill was brought forward for the second reading at the last meeting, and it was on my motion postponed in order that the hon. member, who represents the Sinhalese Community, and who took an active part in the enquiry into the operations of this Ordinance, might be present. At the first reading I explained the two amendments that were proposed to be made in the bill, and I, therefore, need do no more now than simply move the second reading of the bill.

The Hon. the Acting ATTORNEY-GENERAL seconded.

The Sinhalese Member.

The Hon. A. DE A. SENEVIRATNE.—I am very much obliged, sir, to H.E. the Lieut.-Governor for allowing the second reading to be postponed until I was present. As he has said I take a very great interest in the question of this Ordinance because representations were made to me from time to time, even when the Ordinance was originally proposed by people who were affected by it. Immediately after the publication of the bill, which is now called "the Gemming Ordinance," a petition was given against it, which petition will be found on page 103 of Hansard for 1889-90. In it I find that the petitioners objected in very strong terms to the bill then proposed. On a subsequent petition, after the Ordinance was enacted, I moved (Hansard 1890-91, page 112) for a special Commission to be appointed to enquire into the working of the Ordinance. That special Commission consisted of His Excellency the Lieut.-Governor, the hons. the Treasurer, the Kandyan member, and myself. The hon. the Kandyan member was not able to proceed to Ratnapura, but the other members went and the special Commission found as a matter of fact that the Ordinance was creating a great deal of hardship and had done a lot of harm, and it was the opinion of this Commission that the Ordinance should be repealed. Although it was felt that it was too early to make such a proposal, yet the Commission thought it their duty to make that recommendation. After that reference was made to the Government Agent and the Ordinance went on working much in the same way as it had worked before. Then my hon. friend the member for the Muhammadan Community brought forward a motion for the amendment of the Ordinance. The reply that was given on the very first occasion that my hon. friend brought up that amendment is very instructive. The hon. the Attorney-General said, the amendment was entirely out of order, because an unofficial member could only get leave to bring in an Ordinance, and could not move for the amendment of an Ordinance in this fashion. I make these remarks in view of what fell from Your Excellency in your opening address to this Council, that the measures were delayed in consequence of no action having been taken by any unofficial members. I was surprised to hear those words, because I did not know that any further action could be taken by the unofficial members. There was a special Committee consisting of the gentlemen I have named recommending a certain course. The Government did not follow that up, and His Excellency informs us three or four years afterwards that no unofficial member took any steps and therefore the matter lay by. I, therefore, desire information, sir, as to what was expected from unofficial members under these circumstances. Were they expected to draft an Ordinance and in the teeth of the opposition of the Government to introduce it into this Council. I take it that that could hardly be expected in view of the smaller number of unofficials at this Board. I would have been glad, if the proposal had been to repeal the Ordinance; but as half a loaf is better than no loaf, I accept the amendments. I think the amendments as they are ought to be accepted by the people who are principally concerned, and the people of Ratnapura have signified their wish that these amendments should be given effect to, but they still say that as long as the licensing system continues the hardship will continue. A gentleman whom H.E. the Lieut.-Governor will remember as having taken a very prominent part in this matter when the Commission went to Ratnapura, has written to me, under date 8th September 1894, saying that "the several provisions embodied in the draft are reasonable and fair, and I am confident they will be accepted by the generality of the public; but the practice which has prevailed of issuing licenses on the report of headmen should, I respectfully submit, be discontinued." That grievance still continues. I need not dwell at length on that because the grievance came up very forcibly indeed before the Commission, and the Commission expressed its views upon it, that a great deal of hardship was caused by the headman's report being always wanted before license was issued. If a headman wanted to get hold of a share in a fine bit of gem-digging land he would give a favourable or unfavourable report just as the circumstances suited him. The difficulty is, not that the inhabitants are not willing to give the crown its share, but that all these obstructions are caused by the minor headmen having necessarily to report to the Government Agent before a license is issued.

The Muhammadan Member.

The Hon. M. C. ABDUL RAHIMAN :—Sir, the amendments, in their present form, are in no way obstructive to the gemmers but, give some control to prevent digging out pits everywhere without reference to the title to the land, particularly small plots of unoccupied lands belonging to unknown persons. As a rule the gemmers go wandering in the forests to search out precious stones, whether the land belongs to the Crown or to private persons. The first thing they do is to make a trial by digging holes, without obtaining permission from the owner. The small fee of a rupee for a license is a very great safeguard to the land-owners, whose interests are self-protecting.

The Acting Attorney-General.

The Hon. P. RAMANATHAN :—I would make a few observations with regard to what has fallen from my hon. friend who represents the Maritime Sinhalese. In their report the Special Committee did not express an altogether unanimous conclusion, and I believe that when the views of the Government were not in harmony with the views of the Special Committee it was clearly the duty of one of the members of the Committee to move the adoption of the report in Council. Then discussion would have developed and the matter might have proceeded to a division. I think Your Excellency was quite right in stating that for want of action under these circumstances, on the part of the hon. the unofficial members Your Excellency required no time to consider more in detail the merits of the question.

Council afterwards went into Committee on the bill and when the last clause was reached as to the date when the Ordinance should come into operation.

H.E. THE LIEUT.-GOVERNOR said :—I know of no reason why there should be any delay in bringing this Ordinance into operation, but I presume it may be better to give some little notice in order to prevent any confusion in the levying of the fee. I move that the Ordinance come into operation on the 1st December which I think will be sufficient notice. If we are going to give relief we may as well give it early.

Agreed.

The Mercantile Member.

The Hon. W. W. MITCHELL :—Before we pass from the consideration of the Ordinance, I would like to ask one question of the Attorney-General. In view of the number of substitutions and repealings throughout this Ordinance from beginning to end, should not the principal Ordinance have been repealed altogether and a fresh Ordinance drafted? With all these amendments the difficulty of reading the "Gemming Ordinance" appears to me to be now so great that I think no one, unless he is possessed of a very large amount of legal acumen can follow its provisions at all,—so intricate has it become. I know that officials in the position of the Attorney-General have frequently before shown a great objection to the repealing of a whole Ordinance and the substitution of a new one. I do not know why, but there is some official dislike to that. I think, however, that in cases like this a fresh Ordinance would simplify matters a great deal.

The Attorney-General.

The Hon. P. RAMANATAN :—I can tell my hon. friend an easy method of understanding both the principal and the amending Ordinance, and that is by taking the original Ordinance and striking out in red ink the words repealed and writing on the margin the words enacted here. If he has the Ordinance and the amendments before his eyes there would be no necessity for exercising any acumen; the ordinary process of seeing would be enough. I think, sir, that if the principle of my hon. friend were to be carried out, namely that whenever an Ordinance is amended in four or five clauses the whole original ought to be repealed, it would cost an enormous sum of money to reprint the Ordinances. In this case. There is really no necessity for it because the original Ordinance consists of a larger number of clauses than the amending one.

The Lieut.-Governor.

H.E. the LIEUT.-GOVERNOR :—I would like to say, sir, that I sympathise very much with the object that the hon. member has in view, namely having one Ordinance to read by itself. Where there are several amending Ordinances I agree that that course is not only desirable but almost necessary; but in this case there is no a practical objection and I may say that we follow the present course out of consideration for the hon. the unofficial members as much as for anybody. The hon. member will observe the time taken up in the discussion of these two points. If we had the whole Ordinance before us and as much attention given to the other points as to these two, a great deal of the time of this Council would be taken up. I frankly admit that the amending Ordinance avoids the necessity of having the old battle fought over again on the several sections in the Principal Ordinance, and I think that is a practical objection to the course which the Hon. member has indicated.

Afterwards Council went into committee on the bill, the bill having passed through committee it was referred to the law officers of the crown for their report.

HABITUAL CRIMINALS.

The Hon. the Acting ATTORNEY-GENERAL :—I beg leave, sir, to move the second reading of "An Ordinance relating to Criminals." I explained the object of the bill at the first reading and I shall now, therefore, simply move the second reading.

H.E. the LIEUT.-GOVERNOR seconded.

The Muhammadan Member.

The Hon M. C. ABDUL RAHIMAN :—I beg to support the bill, and I hope that it may take effect at once, from the date of passing, to check the great evils prevailing in this colony. Since the expansion of the trades of this colony, undesirable refugees of every description, from outlying districts and from the coast, frequent the island either for good or evil purposes. Among these there are men whose characters cannot be detected. The proposed scheme undoubtedly, will give a check to those professional criminals repeatedly convicted in the Police Courts. I need not point out the great extent, but 75 per cent of the people of this colony, have been victimized. A better means of identification is to brand a mark upon the habitual criminals, (laughter) but Her Majesty's Government would not sanction the exercise of such cruelty. Sir, section 10 provides for the granting of licenses to convicts to be at large on leave tickets. Section 3, fully provides every safe-guard which I hope will be carefully exercised. The convicts are behaving better, within the jails, than outside. There are exceptions among those men who have the misfortune to undergo punishment for some trifling offences, and innocent persons have been victimized with false charges. That is common in Ceylon. The long sentenced prisoners, of doubtful character, should not be allowed to mix up with innocent people where they could not find favors. If a colony could be provided for such prisoners in a remote part within the island, where they could settle down and find a living by cultivation, that would improve the condition of those men. A limited extent of Crown land, should be allotted to them, on easy terms with stringent conditions not to depart therefrom without permission.

The Burgher Member.

The Hon. Dr. P. D. ANTHONISZ :—Sir, with reference to the measuring and marking of criminals, as we have taken a page from china regarding competitive examinations if I am properly informed, there is a system in

China which I think we might adopt here in regard to criminals and that is, tatooing them. (Laughter). That would not be considered very cruel as we all know that men, women, and children do get themselves tattooed. If a person committed a crime a second time a letter could be tattooed on some part of his body that is covered, as under the arm and for every subsequent offence a mark could be put on so that the police could identify him at once and ascertain how long he had been in jail.

The bill was read a second time, and the Council went into Committee upon it when it was referred to the following Sub-Committee on the motion of the Hon. the Acting ATTORNEY-GENERAL:—The Hons. the Auditor-General, the Principal Collector of Customs, Dr. Anthonisz, W. W. Mitchell, Sir John Grinlinton and the Attorney-General. The Hon. Mr. Seneviratne was originally nominated for the Sub-Committee, the Attorney-General remarking that he thought the hon. gentlemen being a lawyer he might like to serve on it, but Mr. Seneviratne intimated his desire to be relieved and Sir John Grinlinton's name was substituted.

THE ADJOURNMENT.

On the motion of H. E. the LIEUT.-GOVERNOR Council adjourned shortly after 5 o'clock till Wednesday, the 21st inst., at 3 p.m.

WEDNESDAY, NOVEMBER 21st, 1894.

Present:—H. E. Sir Arthur E. Havelock, K.C.M.G., President; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General; the Hon. J. A. Swettenham, C.M.G., Auditor-General; the Hon. F. R. Saunders, C.M.G., Treasurer; the Hon. E. Elliott, Acting Government Agent of the Western Province; the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Lionel Lee, Acting Principal Collector of Customs; the Hon. R. K. McBride, C.M.G., Director of Public Works; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative; the Hon. A. De A. Seneviratne, Sinhalese Representative; the Hon. W. W. Mitchell, Mercantile Representative; the Hon. Sir J. J. Grinlinton, Kt., General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative; the Hon. P. Coomaraswamy, Tamil Representative.

Absent:—The Hon. Giles F. Walker, Planters' Representative.

THE HIGHER EDUCATION OF GIRLS: PROPOSED COLLEGE IN COLOMBO.

The Hon. W. W. MITCHELL:—I beg, sir, to present a memorial from a large number of Ceylonese of all denominations desiring that a College for the higher education of girls may be established, and setting forth the reasons for having such an institution in Colombo. Amongst the signatories are Kandyans and Lowcountry chiefs, members of the learned professions, and of the Public Service and members of the Burgher, Sinhalese, Tamil and Moorish communities 460 adhibited their signatures and more will follow. On behalf of so important and so deserving a body of memorialists I bespeak earnest and attentive consideration. I move that the memorial be read.

SIR JOHN J. GRINLINTON seconded.

The memorial was read as follows by the Clerk:—

To His Excellency the President and the Hon'ble Members of the Legislative Council of the Island of Ceylon.

THE MEMORIAL OF THE UNDERSIGNED RESPECTFULLY SHOWETH:—

1. That they are deeply impressed with the deficiencies of the higher education of females in this Island, and with the necessity of providing a remedy. The memorialists appreciate the excellent work done in this direction by schools maintained by various religious bodies as well as individuals and the success which has attended their work. But it is felt that the scope and depth of their beneficent influence have been restricted by the fluctuating character that usually attaches to private enterprise of the kind in the Island and by the limitations imposed by the exigencies of denominational founders or supporters.

2. The memorialists are convinced that it will rebound greatly to the public benefit if at least one college for the higher education of girls be established and maintained by the Government on a broad, comprehensive and non-sectarian basis. So far from injuring existing schools, such a College would, like the Royal College, set a standard for honourable emulation likely to prove beneficial to them and to the cause of female education generally, while it would extend the inestimable benefits of higher education to the females of those sections of the community whose religious or other scruples prevent them from availing themselves of existing institutions.

3. While the higher education of boys has made rapid strides among all classes of the community, the higher education of girls has made but little progress, especially among the Sinhalese, Tamils and Mohammadans. It cannot be to the advantage of the State that its future wives and mothers should lay behind te men in education and intelligence. Not only would homes be rendered happier by the removal of such inequality, but loyalty to the Crown would be more firmly rooted if higher education reached the women, and with it there grew, as in the case of the men, an intelligent appreciation of the benefits of British rule.

4. The memorialists are aware that a Committee of the Legislative Council is now sitting to consider what retrenchment may be made in the public expenditure. But tuch a College as the memorialists desire has been estimated to cost less than seven thousand five hundred rupees a year, which is but a small sum to add to the present educational vote of nearly R600,000 and which will be amply repaid by the vast benefits that will accrue to the people and to the Government.

5. The memorialists, therefore pray that your Excellency and Hon'ble Council will be pleased to make provision in the estimates of the year 1895 for the establishment in the capital of the Island of a College for the higher education of girls. Should the College be named after Her Gracious Majesty the Queen, no fitter memorial can be raised to perpetuate her name, not as yet duly commemorated in the Island, and to enshrine in the hearts of the women of Ceylon and of generations yet to come the example of her pure and perfect life as wife and mother.

And your memorialists, as in duty bound, shall ever pray.

THE MUNICIPAL COUNCILS ORDINANCE.

The Hon. P. COOMARASWAMY:—I beg to give notice that at the next meeting of the Council, I shall move that a special Committee be appointed to consider and report in what respects the Municipal Councils' Ordinance of 1887 requires to be amended.

THE TOLL ORDINANCE.

The Hon. W. W. MITCHELL:—On behalf of the hon. the Planting Member, I beg to give notice of the following motion for the next meeting namely that a Special Committee, consisting of five members, three to form a quorum, be appointed to enquire into and report upon the working of the Toll Ordinance No. 14 of 1867, and amending Ordinances.

OUR MILITARY CONTRIBUTION.

The Hon. W. W. MITCHELL asked—With reference to the allusion in the Address of His Excellency the Governor at the opening of Council, to the question of Military Expenditure from 1st April, 1895, whether any communications have been received from the Home authorities respecting it, and move that a date may be appointed for the discussion of the subject. He said:—In bringing up this motion I take it for granted, sir, that no one

will deny that the subject of my motion is one of paramount importance, especially at this time when a special Committee on public expenditure is engaged in their deliberations with a view to retrenchment. It is said that communications have been received from home on the subject of Military Expenditure, and if so, it is of the utmost consequence that information should be furnished to us. It is not my desire to provoke a debate on the whole question at this meeting, but I move that a date may be fixed for discussion so as to afford Government the fullest opportunity of stating all that can be properly communicated to the Council at this time.

The Hon. Sir J. J. GRINLINTON ;—I beg to second the motion, sir.

The Lieut.-Governor.

H.E. Sir, E. N. WALKER :—Sir, in reply to the question and the resolution of the hon. member, I may state that nothing for communication to the Legislature has been received from the Imperial Government. The Governor has had an opportunity of expressing confidentially his own views on the subject, which views His Excellency, naturally, is not at liberty to submit to the Council. I may say, however, that the Government have no objection whatever to the fullest discussion at the earliest possible time of this question of the Military Contribution when Unofficial members will readily receive any information and assistance they can, but owing to the peculiar character of the question involving a matter, I may say of imperial policy, the Official members will not feel at liberty to take such a very active part. I may state, further, that it is not anticipated that the views of the Home Government will be submitted to Council before the middle or end of January next.

The Mercantile Member.

The Hon. W. W. MITCHELL :—Whilst thanking the Government for what has fallen from H.E. the Lieut.-Governor I would suggest that if possible, for the information of the Unofficial members, some statement might be made by Government with regard to the position of the whole question of military expenditure more especially with a view to indicate to us what line of action would be most likely to be most successful if pursued by the Council at this time. I think that if that were done, it would facilitate matters very much and possibly give us something to go upon if a day is set aside for the discussion of this subject. If it were indicated what line would be most likely to be attended with success, it would be of very great service to us at this juncture.

The Treasurer.

The Hon. F. R. SAUNDERS :—In response, sir, to what has fallen from the hon. member I would ask permission to say a few words to the Council in order to indicate to such members as may not have had an opportunity of studying the past history of this question a few of the salient points showing how the matter stands at the present time; and I hope that I may be able to refer hon. members to certain official documents that have been published, and to which they will have access before the date on which they propose to take the debate, in order that they may from the recorded facts and opinions there stated find material on which to found the arguments which they may wish to adduce in support of the views which they may hold on this very important question. I am quite sure that every hon. member will agree that this question is not only a very important one, but that it is one extremely difficult of solution. If military expenditure has to be incurred it has to be met by someone, and the question really is—who is to pay that expenditure? On this point naturally there are a great many views. The colony holds very decided views as to what it should pay and what it is ready to pay. On the other hand no one can read the despatches that come to us from the home authorities without feeling that they, too, believe in the justice of their own view no one, for instance, can read the despatch from Lord Knutsford dated 23rd July 1891 in which he conveys to the Governor the decision of H. M. Government adverse to the colony, in which he assures him that the matter has been most carefully considered by three Departments of State in England and after that had formed the subject of special conference between the Chancellor of the Exchequer, the Secretary of State for War, and himself the Secretary of State for the Colonies, and in which he most earnestly asks the Colony, to believe that although this decision is adverse to them it is a decision that has been formed with every possible desire to be fair and just to Ceylon, and to study the interests of her inhabitants in common with those of other Dependencies of the British Empire. I mention this in the first place, not because I wish to infer that hon. members ought not to continue to argue this point when the debate comes on or that they should cease to combat the views which have been put forward by the Home Government; quite the contrary. I put this forward in order that we may, Official as well as Unofficial members, claim for ourselves that which we are willing to concede to others, namely that we are all actuated by an earnest desire to have this question fairly and justly settled, and that so long as this question is open for debate, so long do we consider that everyone of us holds, as it were, a brief for the colony in which we are all interested and are bound by every constitutional means in our power to try to persuade the Home Government of the justice of our views, because it is only by the soundness of our arguments and the justice of our cause that we hope, or indeed would wish, to secure a decision in our favour (applause). Now the principal points on which, I think, we should be perfectly clear before we enter upon any debate are these.

POINTS TO BE CLEAR UPON.

Some of them may seem very simple, but I have seen them lately mis-stated in some of the organs of public opinion, and I think it is necessary, therefore, that we should be perfectly clear about them. The first is, what amount of military contribution are we now paying; the second, what amount of military contribution did we pay prior to 1890, then on what principle was the sum of R600,000 demanded from us in 1885 and up to 1890 and on what principle was it raised to the sum of £75,400 sterling in 1890 to 1895; next, what amount is likely to be demanded from us from the year 1895 onwards; and lastly what the hon. member has asked, although I may not be able to give him so much information as I should wish, namely what argument do we think is best adapted to meet the arguments by the Home Authorities and likely to carry conviction to their mind. Now, gentlemen,

the amount of the annual contribution that we are now paying is £75,400 sterling per annum. It is very necessary that we should state that distinctly and not allow it to be supposed that we pay an annual contribution of £81,750. It is true that we have paid for the last four years that sum of [illegible]y into the Military Chest, but that is merely because for the first year of the quinquennial period we paid only a sum of £50,000. That was for the year 1890, and we are now paying a sum of £75,400 for each year subsequently, and an additional sum of £6,750 being the balance unpaid—the difference between the £50,000 which we did pay and the £75,400 which we were bound to pay for the year 1890. It must be perfectly clear that we have never consented to pay a higher annual contribution than £75,400. Hon. members will recollect that the proposal was made to this Council that instead of paying a fixed annual sum we should pay £50,000 in 1890, £65,000 in 1891, £75,000 in 1892, £87,000 in 1893, and £100,000 in 1894, but the colony saw that it would be a very mistaken policy to admit for a moment that it could for any one year pay so large a sum as £100,000, and therefore we accepted and adhered to the original proposal namely, that we should pay annually £75,400 sterling. With reference to the amount paid annually from 1885 to 1890 hon. members are doubtless aware that the sum was R600,000—a sum which I may say was a little less than half of what we are now paying even taking the rupee at 1s 3d. The history of how the colony was permitted to pay that comparatively small sum will be found in a very valuable published paper,—Sessional Paper XIII of 1885 entitled "Despatches relating to the Military Contribution of the Colony." I think I may say that these papers are most valuable and that a persual of them will be found by all hon. members to be essential to a right understanding of the question of the Military Contribution. The matter was then most ably discussed between the Secretary of State for War, the Lords of the Treasury, the Secretary of State for the Colonies and the Governor of this Colony, and there is a mass of information in these papers bearing on this question which I am sure will be extremely useful to hon. members. The correspondence began in 1883, but it was not until August 1884 that any very important dispatch was written. On the 28th August 1884 the Lords of the Treasury addressed a letter to the Colonial Office in which they entered very carefully into the question and came I may say to a decision. The Lords of the Treasury stated then :—

My Lords have wished the Military expenditure in each Colony to be divided between Imperial and Colonial purposes, because this affords a guide to what ought to be the minimum contribution. It does not follow that a Colony ought to pay nothing towards Imperial expenses; on the contrary, my Lords hold it to be the duty of every portion of the Empire to make some contribution towards those expenses, according to its means.

That, I am sure, is a principle which no member of this Colony has any desire to contend against. In pursuance of that my lords state :—

The logical order in which the several elements of the question of Colonial Military contribution must be considered, seems to be as follows :—

1. The force to be maintained in the Colony—
   (*a*) For internal and external defence of the Colony.
   (*b*) For purely Imperial purposes.
2. The cost of that force divided as above in the Colony and at Home.
3. The amount of contribution that ought to be demanded of the Colony, having regard to its resources and to its obligations towards itself and towards the Empire; whether the amount should be the same in peace and war; for what period it should be fixed, &c.
4. The mode of payment.

DIVIDING THE COST.

This question of dividing the cost of the military into Colonial purposes and Imperial purposes was precisely what the Colony had desired and what it had been for sometime contending for. On the 22nd September 1884 the War Office which had been engaged in fixing and determining what in their opinion should be the force employed in the Colony, and what portion of it might rightly be said to be employed for island defences and what for Imperial purposes, wrote to the Treasury stating that they considered :—

1. That the garrison of Ceylon be maintained at its present established strength of about 1,200 officers and men.
2. That of this force one-third (or about 400 men) be considered as kept in the Island for purely Colonial purposes, and the remainder for Imperial service.
3. That the Colony be required to pay a yearly contribution of R600,000 as a payment of the whole cost of the 400 men kept for Colonial service, and in consideration of the further advantages which the Colony will derive from the retention of the force for Imperial service, and from the transfer to Army votes of the cost of providing barrack and store buildings which previously fell upon the Colony.

That despatch went before the Lords of the Treasury and they thought fit to alter the terms slightly. They went more carefully into the question as to how the 1,200 men should be divided and they stated that 800 men costing £86,000 per annum are required for Imperial purposes, that 400 men costing £43,000 are required for colonial purposes. Having that definitely fixed, they state :—

It is clear from the terms of both Mr. Meade's letters that, in the opinion of the Secretary of State, the full cost of the purely Colonial portion of the garrison instead of being, as my Lords regard it, the minimum contribution that could be accepted as sufficient from a solvent Colony, is the outside that can equitably be demanded in the form of a Military Contribution, so much so, that any excess beyond that cost in previous payments ought, in strict justice, to be taken in diminution of future claims.

This, however, is a view of the obligations of a British Colony which as intimated in the letter from this Department of 28th August last, my Lords are unable to adopt, so long as no contribution be demanded from it towards the expenses of the Royal Navy. But I am to state that their Lordships will consent to the reduction of the Military Contribution from Ceylon to R516,000 per annum, payable by equal monthly instalments in the Colony for five years from 1st January next, if the Secretary of State will concur in the demand of some reasonable contribution from that Colony, so soon as its finances have recovered from their present embarrassment, towards the cost of Her Majesty's ships on the East Indian Station.

My lords go on further to say that they are of opinion :—

That, so soon as the public revenue of Ceylon has reached £1,200,000 per annum, it could afford, and might justly be called upon to pay, a Naval contribution not exceeding R360,000 per annum, in addition to the charges of a new loan for fortifications.

It is necessary here to point out that the Revenue of Ceylon has only twice, that is in 1890

and 1891, reached the sum £1,200,000, and that owing to the fall in the value of the Rupee it was below that sum for 1892 and 1893. They further point not in a letter dated 17th Nov. 1884 :—

A combined Military and Naval contribution of R876,000 would not very seriously exceed the amount which the Secretary of State proposed last year to charge the Colony permanently as a Military contribution.

STUDYING THE PAPERS.

A study of these papers will, I am sure, convince hon. members that the policy then settled was this—that the colony was bound in addition to paying a certain sum for the troops employed in its local defence, to contribute something towards Imperial expenditure. Whether that addition should take the form of an increased Military Contribution as was first proposed or whether it should take the form of a payment on account of a Naval Contribution is a matter of very little importance to this colony ; but it was laid down that a Military Contribution of £43,000 and a Naval Contribution of £30,000 making a total of £73,000 would constitute a full acquittal of all demands that might reasonably be made of the colony of Ceylon as a colony owning allegiance to the British Crown, and that this maximum could only justly be demanded when the revenue of the colony had reached the sum of £1,200,000 If hon. members will read these papers and study them they will find that that was what was offered to the colony at that time.

AFTER TEN YEARS.

Looking at the matter after 10 years' further experience it may appear to us that it was unwise that the colony did not at once close with that offer. It must be remembered however that at that time the amount in itself was considered excessively high and the colony thought that it was better to pay R600,000 and take its chance of some further small claim afterwards than to pay R516,000 and commit itself to being charged with £30,000 afterwards as an additional Naval Contribution. I think, however, that hon. members will agree that we should now endeavour by all the means in our power to get back to the position that we then occupied—that we should point out that all that is required for the safety of the colony itself is a force of 400 men costing £43,000, that we are willing to pay £30,000 in addition either as a further contribution to the military or, as the Secretary of State then asked as a contribution to the Navy, but that as the Lords of the Treasury named the sum of £73,000 as a combined Naval and Military contribution we are ready and willing to pay that and that is all that was demanded or that was thought reasonable to ask for in 1885. The next point is the principle upon which we were called upon in 1890 to pay an increased contribution of £75,400. For a reply to that question I must refer hon. members again to Lord Knutsford's despatch of 23rd July 1891, and I must ask the Council to read very carefully the paper drawn up by the

CEYLON ASSOCIATION IN LONDON

which was signed by several ex-Governors of this Colony and contained a most able and exhaustive argument in favour of the views of the Colony. Indeed, there can be no doubt that the proposal which was about to be made in 1890 was exactly the same proposal which is likely to be made in 1895, namely, that the Colony should pay a very much larger Military Contribution than the £75,400 it pays now. The Association stated, at the commencement of its paper, that it noted that it was proposed to charge to the colony the whole cost of the Imperial troops maintained in Ceylon including that of the Garrison at Trincomalee. Now, the despatch from Lord Knutsford does not tell us exactly the principle on which the sum of £75,400 was fixed, but he states that it is one-half of the total military expenditure of the island including Trincomalee, and that £75,400 may be taken to represent the charge for the garrisons of Colombo and Kandy so that the colony is now paying either the whole cost of the troops for Colombo and Kandy or the half of the cost of the whole military force in the island whichever way you may apply the sum of £75,400. The principal question however now is—what are we likely to be called upon to pay after 1895 and that is perfectly clear from Lord Knutsford's despatch. He states in the fourth paragraph of that despatch :—

"After 1894, should the state of the finances of the Colony warrant it, a further increase may be asked for, and the Lords of the Treasury, and the Secretary of State for War have intimated that the question of the justice of charging for the garrison of Trincomalee must then be reconsidered."

Now this is precisely what the Home Government were about to demand in 1890 when the Ceylon Association presented that paper to which I have referred :—

The Association understands that it is proposed to charge to the Colony the whole cost of all Imperial troops maintained in Ceylon, including that of the garrison of Trincomalee.

THE ASSOCIATION'S CONCLUSION.

The Association then argued out the question and at last came to the conclusion :—

That the strength of the force required in Ceylon for other purposes than the defence of Trincomalee is estimated by the Military Authorities in England at one half of the total garrison of 1650 men. We understand, however, the estimate arrived at in this country of the cost of the force in question to be £75,000 sterling, and this amount the Legislature, if satisfied of its correctness, and that it is a final settlement, may possibly be induced to vote ; but it is clear that it will not voluntarily grant anything beyond that sum.

Hon. members will see on reading this paper that the Ceylon Association felt that this sum of £75,000 was the amount which might be paid by the Colony on the principle that £73,000 had been demanded before, at least had been put forward before as the maximum that might be charged to the Colony, and they thought that in view of the fact that the Colony had consented to erect fortifications in Colombo very possibly they might be deemed liable to be called upon to pay a small sum additional for the men required to man those fortifications. They, therefore, thought that the Colony might, if they were sure that that was the correct cost and that it was to be regarded as a final settlement, agree to pay £75,000 per annum. But the main question that the Association devoted itself to arguing was that on no account should the Colony be asked to pay for the expenses of Trincomalee, and this is the point which you will find very strongly contended for in these papers. I think it is only necessary that I should quote one paragraph and that is the one in which it is pointed out that this Colony was induced to build the fortifications of Colombo on the distinct understanding that

the Home Government should accept all expenses as regards Trincomalee and that it was not to call upon this Colony to pay any of the expenses connected with the fortifications or the defence of Trincomalee. The paper goes on to say:—

"In other words, the Government was directed to persuade the local Legislature that it ought to provide for the defence of Colombo *because* the Imperial Government had undertaken the whole cost of the defence of Trincomalee. It would savour of a 'smartness,' happily not as yet characteristic of the dealings of the Imperial Government with the Colonies, if the object for which that argument was used having been obtained, the engagement which it involved were at once repudiated."

THE DECREASE IN THE GOLD VALUE OF SILVER.

I feel sure that if this statement of fact were properly put forward the justice of not demanding any contribution for Trincomalee will be at once admitted by the home authorities. (Applause). There is one other point which His Excellency has already brought to the notice of hon. members in his speech at the opening of the Council, and that is that this question of the Military Contribution is very materially affected by the decrease in the gold value of silver. I have already shown that £75,400 is more than double R600,000 which sum was paid some years back. Having to pay £75,400 with the rupee worth only 1/1¼ creates a charge on the rupee revenue of this colony which, coupled with the gold payments which we have to make in England for the purpose of carrying on the Civil Government of the island, makes our expenditure so large that the actual number of rupees left for expenditure in the colony is absolutely smaller than it was in 1890 when the sum of £75,400 was fixed as our Military contribution. If hon. members will ask for the figures which can be supplied to them before next week they will find that after paying gold charges and after paying Military Contribution and for the Volunteer Force we have only R10,977,000 left to spend in the Colony out of a revenue of 18 millions, whilst in 1890 with a smaller revenue of 16 millions we had a sum of R11,899,000 available for expenditure in the Colony. The line, therefore, that I think hon. members will find would be advantageous for the Colony to take in this matter is to endeavour, if possible, to take our stand on the principles which were laid down and the decision which was come to in 1885, and if that be not admitted and if any further demand be made *above* the sum we are already paying, we should show how very deeply our revenue is affected by the shrinkage of the rupee, and by the large gold payments which we have to make in England, I am afraid that I have detained the Council very long. My apology must be that there are some hon. members who may not have had the opportunity of studying these papers to the salient points in them some members I know (I can speak from personal experience) find it very difficult to know where to look for information, and though papers published some 10 years ago may at the time have been carefully studied by members of Council, yet the salient points which governed the decision at that time have been forgotten. Therefore, I think that before we enter upon a debate of so serious a nature as this, it is only right and proper that all hon. members should be informed as far as we officials can inform them, and I feel sure that having that information before them they will do all in their power to place this question in such a light as will convince the home authorities of the justice of the view which this colony has always taken as regards its responsibilities to the home government. (Applause).

The Mercantile Member.

The Hon. W. W. MITCHELL.—Sir, on behalf of the unofficial members more especially, I can only say that we are greatly indebted to the hon. the Treasurer for the able and lucid statement he has made and for the history of the whole question into which he has entered. It will undoubtedly be of very great service to be able to refer to the different documents to which he has alluded. I would only now move, if I am in order, that a day be appointed for the consideration of this question in Council, say this day fortnight if that would be convenient to the Government.

H.E. the GOVERNOR :—This day fortnight will be quite convenient.

The Hon. W. W. MITCHELL then formally moved "that Wednesday the 5th December be fixed for the discussion of the question of Military Expenditure and the passing of a resolution with reference to the same.

Sir JOHN J. GRINLINTON seconded.

H. E. the GOVERNOR :—I take it that this resolution is adopted unanimously. (Applause).

The Hon. P. COOMARASWAMY hoped that the papers referred to by the hon. the Treasurer might be printed and circulated.

H.E. the GOVERNOR said the paper referred to was sessional paper XIII of 1885 and was printed.

The Hon. P. COOMARASWAMY said it was difficult to get such papers now. He had already applied for sessional papers and he had received the reply that he could not get them now. Therefore, he thought it would be necessary to print all the documents referred to by the Treasurer as well as the connected papers, in the shape of a pamphlet in order that the question might be studied properly.

The Hon. the TREASURER said the Ceylon Association paper would have to be printed.

H.E. the GOVERNOR addressing the Tamil member :—To the best of our ability your proposal will be carried out.

The Hon. the AUDITOR-GENERAL thought the hon. member who had brought forward this matter should also give due notice of the motion which he intended to put before the Council.

H. E. the GOVERNOR addressing the Mercantile member:—The resolution of which you give notice should be communicated to the Clerk of the Council in accordance with the standing rules in order that it may be discussed at the meeting to be held this day fortnight.

The Hon. W. W. MITCHELL :—It would be somewhat difficult to frame a resolution until we have had the discussion.

H.E. the GOVERNOR :—Oh, I see; you do not propose anything now.

The Hon. W. W. MITCHELL :—The resolution was intended to be the outcome of the discussion.

H.E. the GOVERNOR :—Very well.

THE FORESHORE RECLAMATION.

H.E. the LIEUT.-GOVERNOR :—I beg, sir, to move the resolution which stands in my name, viz. :—

That, with reference to the discussion in this Council on the 14th December last, the extension by fifty feet of the width of the area to be reclaimed between St. John's and Mutwal in Colombo Harbour, at an estimated increased cost of R190,386, be charged to the proceeds of the loan authorized by Ordinance No. 17 of 1893 to be raised for the improvement of

the Harbour of Colombo and for the construction of Railway and other Public Works.

The object and scope of this resolution is very well expressed in its own words. I may say that the suggestion emanated from the Harbour Board in a letter of 14th June last in which it was pointed out :—

The plan of the Harbour Works published with Sessional Paper XIII of 1893 shews the proposed reclamation along the shore from the end of the present reclamation ground to be a narrow strip which we apprehend, will, in the future, be found insufficient for the requirements of the port of Colombo, in which case it will then be a matter of deep regret that a wider strip had not been taken in the first place.

The presence of one of the Consulting Engineers has been taken advantage of to ask their opinion on the proposal, and Mr. Matthews, on behalf of the firm, has replied :—

We see no reason except that of the additional expenditure involved, why the reclamation area should not be made 50 ft. wider than proposed by us. It would certainly be an improvement of the new frontage if this were done, but we are not in a position to advise definitely whether the advantage to be derived from the increased space would be commensurate with the further outlay which would be necessitated by the change. With our present knowledge of the locality we should say that in all probability this would be the case.

The extra cost is estimated at R190,000. One question which may arise is, as to the necessity of the acquisition of this additional land. I am told, sir, that about 20 years ago, at the time of the construction of the Breakwater, when the land which is now reclaimed was about to be reclaimed, no one supposed that it would be so completely occupied in the short time that has intervened as it now is, and, judging from that fact in the past history of the harbour, and the assumption—and, I think, I may say the reasonable hope—that the port of Colombo will go on extending in the next 25 years or next generation. The extent of land which it is now proposed to reclaim will, almost necessarily I should say, be required. At present, sir, I am not in a position to state the purposes to which the reclamation land will be put; that depends upon the adoption of other schemes which are not yet determined. There is the possibility of the Admiralty joining us in the construction of a graving dock which will necessitate much larger premises; there is also the question of the coal sheds which has not yet been settled; and when these questions are still in suspense one is naturally unable to state with any precision or certainty the purposes to which the reclaimed land may be put. I think, however, sir, looking to past history and experience in the full occupation of the land we have already reclaimed, we may assume that this land will also be usefully occupied even taking into consideration the cost at which it will be reclaimed. A suggestion was made to me, sir, that if we want more land we might possibly get it by extending landwards rather than encroaching on the harbour. Sir, that was a very reasonable point of caution to take into our consideration. From the hurried inquiries which I have been enabled to make from the Government Agent who is a member of this Board and who can give further information if required, I gather that the acquisition of land farther inland would be more expensive than reclaiming from the sea. The extension of this reclamation will amount to 8½ acres, the cost being, at the rate of exchange upon which the Consulting Engineers have made their calculation, about R22,000 per acre. Comparing this price with the probable cost of acquiring land inwards my hon. friend the Government Agent for the Western Province has given me the following information arrived at as the result of experience in acquiring the large extent of land which we have taken up in the neighbourhood of the shore. He says from the Racquet Court to St. Thomas's the cost would be from R60,000 to R80,000 per acre. Well, that is hardly the ground that this would occupy; but coming to a fairer comparison the land from St. Thomas's to Skinner's Road would cost from R50,000 to R60,000 including buildings for which, of course, we would have to pay; and from Skinner's Road to the turn to the Cathedral at Kotahena on which there are no buildings R10,000 per acre at least, possibly R12,000. Then there is the swampy land farther in which would cost a much less sum, but that does not bear comparison with the much more valuable ground on the immediate sea-board. Another element which enters into the comparison is that while this reclamation of about, 8½ acres would cost R22,000 an acre we have rented the temporary coal sheds at R4,000 per acre which would give the handsome return of very nearly 20 per cent on the outlay. That would certainly be a very handsome return but that rate was only obtained for what we call the temporary coal-sheds—those that are occupied on short notice and under circumstances perhaps of some pressure and necessity for space, and it would not be fair to take that figure as an indication of the return which we may expect from the rest, though I think it leaves a very large margin under the 20 per cent in which we would get a very fair return, on the R22,000 per acre that it is proposed to spend on the reclamation. I should perhaps mention sir, the point of ways and means to meet this expenditure. It will be observed from the wording of this resolution that the object of my application to the Council is to charge the expenditure to the sterling loan under Ordinance 17 of 1893 of which loan half-a-million has just been advertised, the other half we see noticed in the papers being offered for sale. I presume from that, that some valuable opportunity has been offered for placing the latter half million on the market. But the point I was going to mention is that of that loan there is sufficient remaining to meet this expenditure two or three times over. I do not know, sir, that I need detain the Council any more in moving this resolution, but if any hon. members would desire any further information I shall be most happy to furnish it, or if they should wish further time for the further consideration of the measure I am quite in the hands of the Council, and am quite prepared either to refer it to a committee or to ask for its postponement. With these remarks, sir, I beg to move that the resolution be passed.

The Hon. the TREASURER seconded.

The Mercantile Member.

The Hon. W. W. MITCHELL :—Sir, on the 8th of Nov. 1893 when a motion was brought forward in Council approving of the scheme proposed by the Consulting Engineers in their Report of 20th May 1893, I was able to give my hearty support to it, and at the same time to intimate that it had the entire approval of the Harbour Board and of the Chamber of Commerce. The proposal which is put before us

today is one that is altogether new to me. It is a departure from that scheme to a certain degree, and it has not been before the Harbour Board, nor has it been in any form before the Chamber of Commerce. It was stated by H.E. the Lieut. Governor that this proposal had emanated from the Harbour Board; but I think I will be supported by three other members of that Board at this table in saying that no such proposal has been before that Board at all. It is true that on the 14th June the Collector of Customs and the Master Attendant addressed a communication to Government making the proposal that is now before us with regard to the extension by 50 ft. of the width of the area to be reclaimed, but, sir, a communication from these two officials is not a communication from the Harbour Board.

H.E. the LIEUT.-GOVERNOR I beg the hon. member's pardon. The letter was dated from the Harbour Board office and it was put before me as a letter from the Chairman of the Harbour Board.

The Hon. W. W. MITCHELL.—The letter is on paper bearing the heading "Harbour Board office" but it does not purport to be signed by the Chairman of the Harbour Board. There is, in my opinion, a right and a wrong way of doing things, and I think that in simple courtesy this ought to have been referred to the Harbour Board. The scheme that has been decided upon is one that has been made public and any departure from it, I think, ought to be made equally public. It seems to me that the Chamber of Commerce might have been informed of what was going to be done, for I think that as representing the individuals who have to provide the money to pay for works of this kind they had a certain right to be consulted. I am not in a position to say whether the work is a desirable one or not. I have not had an opportunity of going into it, but if the matter had come before the Harbour Board we should have been in a position to have gone fully into it and to say whether this departure from the scheme was a desirable one or otherwise. It will, undoubtedly, take off 8½ acres from the area of the harbour. Now if there is one thing that we are more jealous in regard to than another, it is in the matter of giving up or infringing upon one single foot of the superficial area of space available within the harbour. The reason why this extension is wanted is not given and we do not know to what purpose the land is intended to be put. In the plan attached to the scheme in Sessional Paper XIII of 1893 it is shown that 26 acres of land beyond St. John's will be reclaimed and available for the needs of the harbour in the future whatever they may be. In addition to that, there is the space now being devoted to the blockyard. That, I think, is somewhere between 15 and 20 acres, but I am unable to say exactly what the area is. The whole of that, however, when the harbour works are completed will be available for the requirements of the port. Now, seeing that that is the case, it becomes a question how far it is desirable, or if it is necessary that we should be committed to the expenditure of R190,386 in addition to what was previously determined should be expended. If it can be shown that this work is a desirable one I have no desire whatever to be hostile to it, but I think that that has not been shown; and if it is unnecessary it seems to me a pity that we should commit ourselves to that large additional expenditure. I would move as an amendment:—

"That the extension by 50 ft. of the width of the area to be reclaimed between St. John's and Mutwal in Colombo Harbour be referred to the Harbour Board for report."

I think, sir, that that is the proper course to adopt. H.E. the Lieut.-Governor has suggested that a sub-Committee of the Council might be appointed. I would be perfectly willing to agree to that, if it is thought that that is the desirable course to adopt, but my opinion is that the proper way is to refer the matter to the Harbour Board.

The Lieut.-Governor.

Sir E. N. WALKER:—Before the discussion goes any further, sir, I should like it to be clearly understood by the Council that the letter came to me from the Harbour Board and the proposal was reported to me as one that came from the Harbour Board Office. The letter was headed "Harbour Board" and it was signed by the Chairman of the Harbour Board; but I see on looking at it again that another official who happens to be a member of the Harbour Board has also signed it. I have been dealing with the matter all along as a proposal from the Harbour Board, and I must apologise to that Board for having attributed to them what I consider a very good proposal and one which has received such an emphatic expression of approval from the Consulting Engineer. I do not suppose that the Harbour Board propose to review the work of Messrs. Coode, Matthews & Co. At the same time I am in the hands of the Council, and it is always my disposition to be ready to give the fullest information and fullest consideration either in Committee or in any other way possible. Sir, I think, however, that it would be a waste of time to refer the matter to the Harbour Board. I prefer the opinion of the Consulting Engineer to the Harbour Board.

The European Representative.

The Hon. Sir JOHN J. GRINLINTON:—I beg sir to formally second the amendment. I think it desirable to state that there is no part of the Lieut.-Governor's motion that I take exception to. With my hon. friend the Mercantile member I simply take exception to the fact that the papers were not before the Harbour Board as a Board, either formally or informally. Had they been so I feel almost convinced that the expression of opinion would have been unanimous that the 50 ft. extension which is now proposed should be made along the whole length of the reclamation certainly I would have given my vote in favour of it, because I am perfectly satisfied that as time goes on and as improvements go on in connection with the harbour, it will be found that the reclamation in so far as it was determined in 1893 will not be sufficient. You will have I believe, in the course of a few years, tramways running round the harbour—a double line of tramways necessitating the widening of the road, —and other improvements will require to be made to shut out some of the unsightly places now existing, and which you cannot possibly shut out if you only have the amount of reclamation proposed in 1893. I therefore approve of what the Government has now proposed. It is only the method in which this has been brought forward that requires amendment, and I feel sure that if the Government will refer the matter to the Harbour Board it will receive that attention which such an important matter deserves. I, for one, will be most happy to support it at the Board, unless something of which I have no

knowledge at present, should be shown to induce me to change the views which I hold now.

The Tamil Member.

The Hon. P. COOMARASWAMY :—Sir, the proposal that has been made is either good or bad. If it is good why should it be put before the Harbour Board now when it has been clearly stated that if it went before the Board it would be unanimously approved of. If that be the case I do not see why we should waste time. The proposer has said that in his opinion it is a very good one, and the seconder agrees with that. If then it is a good one I do not see why the proposal should be sent to the Harbour Board. I shall vote against the amendment.

The Treasurer.

The Hon. F.R. SAUNDERS :—I feel sure, sir, that hon. members will see on a little consideration, that a mere breach of etiquette, ought notto cause us to suspend operations in this Council and send the paper back (hear hear). It has been shown that the Government received a letter headed "the Harbour Board Office" and bearing the signature of an officer who is Chairman of the Harbour Board. It naturally was put in precis as coming from the Chairman of the Harbour Board the opinion of the Government officials has been taken on it : the opinion of the Consulting Engineer has been taken on it; everybody has agreed that it is a good proposal, and it has been brought before this Council. I can easily understand that there are members of the Harbour Board who consider that their Chairman ought not to have signed that letter without some reference to them, but that is entirely a matter for them to settle with their Chairman. He has been guilty apparently—I have no doubt he will be able to explain it—of some accidental breach of etiquette; but if hon. members here are all persuaded that the scheme is a good one—and there are more members of the Harbour Board than those who have spoken here —surely they will at once vote for the motion and settle this matter of difference with their colleague outside this Council. For the mistake I am sure he will feel sorry and offer an ample apology to the members whose dignity has been offended. But that does not effect the question in the least. As the hon. member for the Tamil community has said, if it is a good measure—and we all admit it is—the fact that certain members have not been consulted in another capacity, ought not to lead us to postpone the question in order that we may satisfy them. I think myself that the resolution should be passed.

The Lieut.-Governor.

H.E. Sir E. N. WALKER :—I should like to mention one circumstance, and that is the matter of urgency. Some portion of the work—of the Engineer, has been suspended pending this decision.—I do not know precisely the nature of the work that has been suspended, but it is something in connection with the disposal of the dredging and the bringing of the rubble. The Engineer and the Consulting Engineer wished to avoid this suspension and they asked me, if possible, to give a decision before the present week. I should like to add that the Chairman of the Harbour Board who seems to have led us all into so much trouble is not our hon. friend who is now filling the office, but the holder of the substantive appointment who is absent on leave.

THE AMENDMENT WITHDRAWN.

H.E. the GOVERNOR :—Does the hon. member who represents the Mercantile community wish to press his amendment.

The Hon. W. W. MITCHELL :—No, sir, I shall not press the matter. I may take this opportunity of saying that I accept at once the assurance of H.E. the Lieut.-Governor and feel quite certain that he dealt with this in the manner he has described—that he looked upon this as a communication from the Harbour Board which it really was not. I would, therefore, ask the leave of the Council to withdraw the amendment but I think that in doing so I must say that the verdict will be "not guilty, but don't do it again." (Laughter).

H.E. the GOVERNOR then put the resolution which was unanimously carried.

The Hon. the TREASURER :—I should like to add, sir, that I hope the verdict passed by the hon. member for the Mercantile community refers to the Hon. Mr. Reid and not to the Colonial Secretary. (Laughter).

THE PREVENTION OF ACCIDENTS BY EXPLOSIVES.

The Hon. the TREASURER :—I rise, sir, to move the first reading of "An Ordinance for the prevention of accidents by gunpowder and other explosives." Hon. members will have been prepared for this Ordinance by the allusion made to it in the address by H.E. the Governor at the opening of Council. His Excellency there stated that when he submitted to the Secretary of State for the Colonies a transcript of the Explosives Ordinance No. 10 of 1893, which was passed by this Council but which was not proclaimed, and is not yet in operation, th Secretary of State sent it back with a report by the Chief Inspector of Explosives in which certain amendments were suggested. It is in order to give effect to these amendments that the new Ordinance has been prepared and is now submitted for the consideration of Council. The Chief Inspector of Explosives pointed out that whereas we had provided that our magazines and stores should containing mixed explosives we had adopted rules which in England were held to apply merely to gunpowder stores and magazines; and he suggested that it would be better that we should alter these rules so that they might be useful with regard to stores which held mixed explosives, that is gunpowder, dynamite and other combustibles and explosives. The new Ordinance has been circulated amongst the Executive and I may mention that the Council is indebted to His Excellency the General Officer Commanding the troops for some valuable suggestions in preparing this Ordinance to meet the views of the Chief Inspector of Explosives. With these few words I beg to move the first reading of the bill.

H.E. the MAJOR-GENERAL seconded and the bill was read a first time.

The Hon. the TREASURER :—I would now, sir, with the permissionof Council, move the suspension of the standing orders so that we may take the second reading of the bill today. I do so because it is the intention of Government to refer the bill to a Sub-Committee of the Council to consider the details. I shall not, however, move to commit the bill today because I am doubtful whether the Ordinance has been published sufficiently long. I shall however move the second reading so that we may get at least one stage

further on. I now move the suspension of the standing orders.

H.E. the MAJOR-GENERAL seconded and the standing orders having been suspended, the bill was read a second time.

THE SUPPLEMENTARY CONTINGENT CHARGES FOR 1893.

The Hon. the AUDITOR-GENERAL:—I rise, sir, to move the first reading of "An Ordinance for making final provision for the Supplementary Contingent charges for the year 1893." The object of this bill is to extend the Legislative authority which has already been obtained for expenditure in 1893 as contained in the Supply Bill for 1893 which was passed in 1892 and the Supplementary Supply Bill for 1893 which was passed last year. On closing the accounts for the year it was found that in a few items sufficient Legislative authority had not been obtained to cover the expenditure of the year, and the object of this bill is to obtain from the Council that authority. I need hardly say, sir, that the expenditure has already taken place. The items which are in the schedule of this bill are as follows:—Pensions R36,212·26. The rate of exchange which was calculated upon for 1893 was 1/3, but our expectations were belied, the rate having been considerably lower, thus rendering it necessary to provide more rupees for the sterling expenditure on pensions awarded to officers who have taken up their residence in Great Britain. It has also to be borne in mind that a number of retirements took place in that year notably of two Judges of the Supreme Court and two Crown Counsel, all of whom settled in England and pensions became payable to these officers in 1893 making a large excess of expenditure under this head. The next item is —exchange R162,883·87; and the same explanation as to the fall in the exchange value of the rupee holds good with regard to it. Under the heading "Miscellaneous Services R3,112·18" there are two items one of which is "Commissioner of Stamps R2,849·86" that amount being for stamps ordered out from England which had to be paid for in gold currency so that the depreciated rupee is also responsible for this item. The other item is "Government and Agents in India R262·32" which is really due to an underestimate. There is also a very small amount R33·91 on account of public works which is really due to a mistake in bringing a particular item to account. Besides the items in this bill there has been expenditure on account of repayment of public debt. These items are not provided for in this bill because the separate Ordinances under which the monies have been borrowed provide for their repayment and no further Legislative sanction is necessary. Whatever may be necessary to cover the repayment of debt, has to be paid, and we have already received the sanction of this Council to pay it.

The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS seconded and the bill was read a first time.

Thereafter, on the motion of the same mover and seconder, the standing orders were suspended and the bill was read a second time, the Hon. the AUDITOR-GENERAL giving notice that he would ask the Council to consider the bill in Committee at next meeting.

THE SUPPLEMENTARY CONTINGENT CHARGES FOR 1894.

H.E. the LIEUT.-GOVERNOR:—I beg leave to move the first reading of "An Ordinance for making provision for the supplementary contingent charges for the year 1894." The bill has been published in a recent issue of the *Gazette*. The estimates have only just been completed and I fear that copies are not in the hands of hon. members, but I hope they will be in the course of the day. Hon. members will probably be somewhat astonished as I have been, myself, at the very large total to which the schedule of the supplementary estimates reaches. It has annually been my duty to make an apology for the large amount, and to give the Council my assurance that every endeavour had been made to keep the public expenditure within the limits of the Supply Bill in chief, but that these efforts had not met with entire success and that the services were, in every case, reasonably unforeseen and really urgent and unavoidable. I can say the same, sir, of the present somewhat long list of items. The total of the estimate is R2,209,428 and more than half that amount, sir, is due to the fall in the rupee since we prepared our estimates for the year just closing. When we prepared the estimates the rate of exchange was taken at 1s 3¼d, and as hon members, are aware, the actual rate this year has been very much lower. This fall in exchange really accounts for the amounts on account of public debt and pensions. The provision of R15,277 for the Secretariat is on account of the printing branch and due to the increase in printing. I am sure hon. members are satisfied, as I am satisfied, that the printing establishment is one that is carried on with great efficiency and economy. For provincial administration there is the somewhat large amount of R53,505·53 which is mainly due to the increased provision which we have allowed for the manufacture and collection of salt. That is an expenditure which we have less hesitation in incurring because it always brings in a commensurate revenue in the sale of salt. Under the head of "Port and Marine Department," there is a sum of R49,032·44 which is, to a large extent, due to the purchase as a police hulk of the ship that was recently used for visiting the light-houses of the Board of Trade. I believe, sir, that it has been admitted that it is absolutely necessary to have a more effective police force than we have hitherto had on duty in the harbour, in view of the increasing trade and the larger amount of shipping and greater despatch of vessels, and that efficiency cannot be attained without having a floating police station. Though the item (R19,032·44) may appear to be large, a station could not have been built on a sufficiently convenient and accessible site on shore for that sum. Indeed there would have been considerable difficulty in securing a site anywhere sufficiently near the water side. The other item under this head is R30,000 for renewing the rails on the Breakwater. These rails are absolutely necessary for the conveyance of the Titan to lay the blocks for the preservation of the Breakwater, and it was found after the estimates of last year had been prepared that the rails must at once be renewed. The sum of R42,052 for hospitals and dispensaries is mainly due to the increased medical comforts that have been administered not only in the shape of medicines supplied, but also increased admissions into the hospitals. It is a very difficult thing when patients present themselves at times of prevailing sickness, to refuse their application, but at the sametime I am satisfied all possible measures have been taken by the head of this large department to keep down the expenditure as much as he could, and I also feel sure that all

money entrusted to the Principal Civil Medical Officer for expenditure is well applied in the interests of the people. The item of R23,321·4 under "education" is an increase of the grant-in-aid. I regard this also in the light of a statutory payment being in accordance with the regulations in the Code, and if the grant earned exceeds the amount which the Government has proposed to the Legislature the Government are really bound to provide the additional amount. The next item of exchange R420,000 is entirely due to the compensation to public officers for the fall in exchange. Hon. members will have learned from the despatch laid before the Council at the last meeting but one that the Secretary of State has accepted the view of the Unofficial members and has made no distinction between the domiciled and the non-domiciled members of the higher branches of the Public Service and they are equally to receive compensation at the rate of 1s 6d the rupee on one-half of their salary instead of in the case of the domiciled to the extent of only one-fourth as previously proposed. That has caused an increase of about R35,000. The fall in exchange also accounts for the sum of R133,660 under military expenditure. The sum of R124,066·19 under "miscellaneous services" is mainly made up of three items. One is R54,000 odds for expenses connected with the Jaffna railway survey. Hon. members will remember from the discussion in Council on 14th Dec. last year that it was contemplated that this should be charged to the loan, but the Secretary of State did not agree to that course, and thought it was more prudent that it should be met from the annual revenue, and hence the necessity for the provision here. The other sum of R25,000 is merely the refund of certain items which Boards are entitled to receive and against this there will be a corresponding increase of revenue received. The last item of R20,000 explains itself being an additional vote for the sea conveyance of mails. That questions mixed up with that of exchange as is also the item of R31,600·88 under the heading of "Post office and Telegraphs" which includes R25,000 for the sea conveyance of mails, loss of mails &c., the amount being partly due to fall in exchange. If additional mails are carried the presumption is that there is additional postal revenue. There are several small items also mainly payments for conveyance of mails and a sum of R5,000 for the repair of the Mannar Gulf Cable. Hon. members will observe that in the Supply Bill there is a proposal for a considerable amount for a new case, and in Committee of supply for 1895 we have to provide a still further amount of R23,000 for putting, in good and effective condition, the duplicate cable. That is our only means of telegraphic communication with the outer world and it is not prudent that we should go on with only one string to our bow. The next item is that of railways R643,287·72 of which more than half-a-million is the balance of an amount which the Government undertook to give the General Manager for increasing his rolling stock. The first instalment of R600,000 was provided from the Surplus Funds Ordinance 22 of 1892, and this is the remainder. The amount also includes some items for buildings which were urgently wanted and which, in the administration of the railways, it was thought undesirable to postpone. The chief one is R11,492 for water supply. During the recent long drought the water supply had failed at stations where it had not hitherto been known to fail, causing the stoppage of trains and considerable inconvenience thereby. To prevent a recurrence of this, the application of the General Manager to provide a water supply at Moratuwa at the cost I have stated, was granted. Another large item under railways is that of R100,000 for loss in exchange, stores having been issued at a certain fixed and high rate which has been the rule in these transactions for some years past, while the current rates we have been paying have been so much lower. Public Works, extraordinary, take up a sum of R126,136·77 embracing several items, but I do not know that I need offer any explanation to the Council with regard to any of them, other than what may be desired, and will be afforded by me, in Sub-Committee to which this bill will, as usual, be referred. Large as is the amount of the Supplementary Supply Bill, I have no apprehension that we shall not be easily able to meet it. I think, sir, from what we know of the revenue received this year, together with what will not be spent of the revenue voted for the year, that the balance of assets over liabilities will be quite sufficient to meet even this large sum. I say quite sufficient, but it will leave an exceedingly small margin, if any at all. I repeat my expression of confidence, however, that we shall certainly be able to meet this amount as well as the expenditure which is proposed for next year. With these observations, I beg to move the first reading of the bill which has been introduced not later than that of last year which I think was brought in about the 23rd Nov. I do not know, sir, if it would be convenient for hon. members that the standing rules should be suspended with the view of advancing the bill a stage. The custom is to refer the Supplementary Supply Bill to the same Committee that sits on the Supply Bill proper. If hon. members have no objection, I will ask that the standing orders be suspended, and the bill be read a second time and referred to the Supply Committee.

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

Thereafter, on the motion of the same mover and seconder the standing orders were suspended and the bill was read a second time. A further suspension of the standing orders was agreed to on the motion of H.E. the Lieut.-Governor who explained that he had been reminded by the hon. the Auditor-General that the Supplementary Supply Bill had not been published in two successive *Gazettes* as was required by the standing rules and orders before a bill can be committed. He, therefore, asked hon. members to waive that formality.—The Hon. W. W. Mitchell, for the unofficial members, consented, as it was intended to refer the bill to Committee. The standing orders were, thereupon, suspended. The Council resolved itself into Committee, and on the motion of H.E. the Lieut.-Governor, the bill was referred to the Committee appointed on the Supply Bill for 1895.

VILLAGE COMMUNITIES.

The Hon. the ATTORNEY-GENERAL brought up the report of the law offices of the Crown on "An Ordinance to amend the Village Communities Ordinance 1889", and the report having been read by the Clerk of Council, the bill was read a third time and passed, on the motion of the Hon. the Attorney-General, seconded by the Hon. the Treasurer.

THE GEMMING ORDINANCE.

H.E. the LIEUT.-GOVERNOR brought up the report of the law officers of the Crown on "An

Ordinance to amend the Gemming Ordinance, 1890," and the report having been read by the Clerk of Council, the Bill was read a third time and passed, on the motion of H.E. the LIEUT.-GOVERNOR, seconded by the Hon. the AUDITOR-GENERAL.

THE TOUT ORDINANCE.

The Hon. the Acting ATTORNEY-GENERAL brought up the report of the Sub-Committee appointed on "An Ordinance to suppress intermeddlers with suitors in Courts of Justice."

The report was as follows:—

We consider that the Bill should be amended, as shown in the accmpanying draft, for the purpose of making it better suited to the objects for which it was proposed. We have considered a representation made to the Attorney-General by certain legal practitioners, and are of opinion that the evils of which they are apprehensive will be cured by the provision which we have inserted in the new section 5. We do not think it desirable to exclude legal practitioners from the purview of the Ordinance, as we are convinced that the class of touts owes its maintenance in some degree, at least, to the encouragement afforded by certain unworthy members of the legal profession, and that existing means of reaching and punishing such members do not appear to have proved effective. —P. Ramanathan, F. R. Saunders, Lionel Lee, A. Seneviratne, J. J. Grinlinton, P. Coomaraswamy.

Thereafter, Council resumed consideration of the Bill in Committee.

The Kandyan Member.

The Hon. T. B. PANABOKKE said he should be glad to be enlightened as to the clause defining "legal practitioner." He understood, as stated, that it meant "an advocate or proctor" but the clause went on to say "or any person authorized by any law for the time being to practise in any Court in this island."

The Acting Attorney-General.

The Hon. P. RAMANATHAN:—I may say, sir, that I found this bill so drafted by Mr. Layard and I saw no objection to leaving in the words. Personally, I have no objection to the deletion of the words if my hon. friend insists upon it.

The Tamil Member explains.

The Hon. P. COMARASWAMY:—I think it is well known that, in India, the Judges of the upper Courts can give a license to men who are not lawyers, to practise, in certain places and I believe that the reason why the Attorney-General put these words into this clause was, that, probably, there might be such a law introduced here. Otherwise the Ordinance can only cover "Advocate or Proctor."

The Hon. the Acting ATTORNEY-GENERAL:—There is no such law here.

H.E. the LIEUT.-GOVERNOR:—There is no possible harm in the words.

The Kandyan Member.

The Hon. T. B. PANABOKKE moved the omission of the words "or any person authorized" &c., and said:—It seems to me that the reason stated by my hon. friend the Tamil member is quite a prospective one, and if such a law were passed, as he mentions, I think the authors of that law would take care to add some phrase that would suit the purpose. At present I do not think there is any necessity for these words, and I move their deletion.

The Lieut.-Governor.

H.E. Sir E. N. WALKER:—It is to meet a contingency which may possibly arise, that these words are inserted. Will the hon. member point out what possible objection there is to the words? There may be some objection to it. I do not, however, see any, but rather some convenience.

The Sinhalese Representative.

The Hon. A. DE A. SENEVIRATNE supported his hon. friend on his left in urging the omission of these words.

The amendment was, thereafter, put to the Council and H.E. the Governor declared that the noes had it, the amendment being, therefore, rejected.

THE DEFINITION OF "COURT."

On the motion of the Hon. the Acting ATTORNEY GENERAL the sect in of clause I. defining "registered clerk" was omitted and the following inserted:—

"Court" means the Supreme Court, any District Court, Court of Requests, Police Court, or Court of a Municipal Magistrate.

SOLICITING.

The first section of clause 2 dealt with offences brought under the Ordinance any person who "solicits * * * any gratification."

The Hon. T. B. PANABOKKE moved the deletion of the word "solicits" reminding the Council that when the Bill was read a second time he contended that this word covered a wide area and might give rise to great complications.

The Hon. the Acting ATTORNEY-GENERAL:—It was carefully considered in Sub-Committee and we were all agreed that the second clause should stand as amended, and I do not see my way to yielding to the objection now pressed upon the Council by the hon. member. I submit that soliciting must be considered an offence as much as actually receiving a gratification.

H.E. the GOVERNOR:—Do you wish to press your motion?

The Hon. T. B. PANABOKKE.—No.

The Hon. the Acting GOVERNMENT AGENT W. P. was about to point out that the first clause provided for receiving a gratification from "any legal practitioner" and that that would leave the tout at liberty to take a gratification from a person who was not a practitioner.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS pointed out, however, that section C dealt with that point, the phrase there being "receives from *any* person."

Verbal alterations were made on sections B and C. In the former the phrase "remuneration paid to be delivered to any legal practitioner" was replaced by "remuneration entrusted to be paid to any legal practitioner"; and in the latter the words "employment of a legal practitioner as such" were inserted for "employment of a legal practitioner in any legal business."

The Sinhalese Representative.

The Hon. A. DE A. SENEVIRATNE.—My hon. and learned friend the Attorney-General in moving the second reading referred to certain representations made by members of the profession with regard to sub-section D, and he was good enough to state just now that the members of the Sub-Committee unanimously agreed to clause 2. I am afraid there must be some misunderstanding. I think my hon. friend will remember that there was a good deal of give and take in this matter and the agreement was not by any means unanimous. There was, however, a sort of compromise arrived at, because my hon. friend was

not willing to go any further. My own view is that the legal practitioner should not be brought at all within the purview of this Ordinance for the reason that at present means exist for punishing a legal practitioner if he does any of the acts that are provided for here. As soon as you have created certain offences with the view of punishing the tout and as soon as it is reported to the Supreme Court, that a legal practitioner has been concerned in a matter for which a tout has been punished, it will be for the Supreme Court, I submit, to deal with the legal practitioner. I would refer the Council to section 18 of the Courts Ordinance :—

Subject to the rules hereinafter set out in the third Schedule to this Ordinance annexed, the Supreme Court is authorised and empowered to admit and enrol as advocates or proctors in the said court, and as proctors in any of the district courts of the Island, persons of good repute and of competent knowledge and ability.

The appointment is made by the Supreme Court and hitherto the dismissal has also been by the Supreme Court, and it will continue to be so. The next clause provides :—

Every person so admitted and enrolled as such advocate or proctor as aforesaid, who shall be guilty of any deceit, malpractice, crime, or offence, may be suspended from practice or removed from office by the judges of the Supreme Court, collectively.

The Courts Ordinance, therefore, provides a means of dealing with an advocate or proctor who is guilty of malpractices, and undoubtedly this would be malpractice—an acknowledged offence against the profession and one that can be severely dealt with by the Supreme Court and which has hitherto been adequately dealt with. The only objection which has ever been stated is, that there are admittedly some unworthy members of the profession and the Supreme Court has failed to deal with such unworthy members. Now, if the Supreme Court has failed to deal with them, these cases or offences were never reported to the Supreme Court ; but as soon as an offence is created with regard to touting and a report is made to the Supreme Court that a practitioner has been concerned in that offence, the Supreme Court can remove or suspend him, which is a greater punishment than the fine of R500 the maximum penalty provided under this Ordinance. Considering therefore that an urgent request has been made by members of the profession to this Council, and considering also the fact that means at present exist for punishing a legal practitioner, I think there is no necessity for degrading the profession by including legal practitioners in this Ordinance. Holding these views and finding that I could not prevail upon other members of the Committee to adopt them, it is true enough that I entered into a compromise, but it cannot surely be said that there was unanimous agreement as to the clause.

The Hon. the Acting ATTORNEY-GENERAL :—A compromise is an agreement.

The Hon. A. DE A. SENEVIRATNE :—In order to send up a report at all we agreed to a compromise on this clause but there was not unanimous agreement with regard to it. I was anxious that that explanation should be given, because there are some words even in this amended Ordinance, which some people might interpret in a different way from what my hon. and learned friend does. For instance "meddling" and "inter-meddling" and words like that. I think, sir, that on the whole the amendments that have been made are a very great improvement on the original bill, and, therefore, I have signed the report, but at the same time I think it my duty to express my own opinion with regard to what I think is desirable. I do not move an amendment on sub-section D for the reason that as far as I can make out, the other hon. members do not seem to be inclined to take the same views as I do. I thought it my duty, however, to state what my views are.

The section was passed with verbal alterations, the words "or gives any gratification" being inserted for "gives" and "as such practitioners" for "in any legal business."

The Muhammadan Member.

The Hon. M. C. ABDUL RAHIMAN said :—Sir, it seems to me that of two different persons, committing one offence, one is to have preference over the other, in being tried differently in a separate Court. Whether that is right or wrong in principle, I leave it to Your Excellency to determine. The hon. gentleman was proceeding to refer to the Sub-Committee's Report and Chap. 26 of the Criminal Procedure Bill when he was interrupted.

The Hon. the TREASURER :—May I assure the hon. member that he is mistaken in his reading of the Ordinance. The great object of the Sub-Committee has been to draw no distinction whatever. Where two parties are both of them parties to an offence they will be tried before the same Court and no distinction will be drawn between one and the other.

The Hon. M. C. ABDUL RAHIMAN :—I understand. If the Ordinance is to be enacted to deal with the touts only then the matter is quite a different one. In the present case they are combined together. The touts are styled as "intermeddlers." Meddling with whom? There must be three parties. One sells, another buys, the meddler is the tout (Laughter). The other day I pointed out that the proctors and the touts are equally blameable, and are defiling the Courts of Justice. Such persons deserve prompt punishment. Honourable lawyers have presented a petition to be excluded from the jurisdiction of the Police Courts, and the touts should also have the right to ask to be excluded. The business is entirely in the hands of those hon. members of the profession. If they do not encourage the touts to hunt up clients and fees, the touts have no power to interfere. With Your Excellency's permission, I take the liberty to disclose the facts. The senior lawyers usually paid a certain commission to the touts to procure clients and the junior lawyers paid much more, in order to get more clients, and the touts had the opportunity to over-ride, and to exact as much as they could from the suitors and the lawyers.

A POINT OF ORDER.

The Hon. A. DE A. SENEVIRATNE :—I would ask, sir, if it is in order to make such a statement. I do not know if it is within the knowledge of my learned friend that leading members of the profession—

The Hon. M. C. ABDUL RAHIMAN :—I did not say leading but senior and junior lawyers. This bill is framed with impartiality and with good intention to wipe off the disgraceful conduct prevailing in the Courts of Justice ; every honest man, with sensible knowledge must accept it in order to relieve the abuse and injustice freely prevailing in the Courts of Justice. Personally, I am uninterested in the matter, and I hope, other members who have more ex-

perience in the Court practice, could not deny the present state of affairs.

The Hon. A. De A. SENEVIRATNE:—With regard to the point of order, sir, may I call Your Excellency's attention to No. 28 of the rules and orders.

The Hon. M. C. ABDUL RAHIMAN was about to resume when he was again interrupted by

The Hon. A. De A. SENEVIRATNE who said.—There is a point of order.

The Hon. P. COOMARASWAMY;—Surely your Excellency will not depart from the privilege that has been allowed to the hon. the Muhammadan member all this time.

H.E. the GOVERNOR:—I would ask the hon. member who has called attention to the point of order to specify the exact breach of order.

The Hon. A. De A. SENEVIRATNE:—"No member shall be permitted to read his speech," and it appears to me that the hon. member has been reading his speech.

The HON. M. C. ABDUL RAHIMAN.—It is only my memorandum; and every one can use a memorandum. He then continued:—I must, admit the penalties imposed are far too large, and I hope, it may be agreed to reduce them somewhat. I understand that the lawyers themselves do not appear to approve of the Bill, and I presume the touts also do not approve of it through fear that they will b punished (Laughter). I am sure that, no on will be punished unless he commits an offence.

The Sinhalese Representative.

The Hon. A. DE A. SENEVIRATNE:—I move the omission of the third clause because I think ample provision is made in the Courts Ordinance. In the section I have quoted power is given to the Supreme Court to remove or suspend a legal practitioner who is found guilty of unprofessional conduct.

The Hon. P. RAMANATHAN:—This point was urged by my hon. friend in Sub-Committee but the other members were agreed I think that it would be desirable to keep the clause in the bill so that legal practitioners and others concerned in cases of this kind might know exactly what is the full penalty of the law.

The Kandyan Member.

The Hon. T. B. PANABOKKE thought it would be more in keeping with the sequence of events if clause 3 were put after clause 5.

The Hon. the Acting ATTORNEY-GENERAL:—That is a matter of detail and we need not waste time over it. The meaning is quite clear.

The Hon. T. B. PANABOKKE:—But it is a matter that should be taken some notice of.

Clause 3 was afterwards passed.

Clause 4 was amended in the draft to read as follows:—

4. Any person who, without lawful excuse, accosts or attempts by words, signs or otherwise to meddle with any suitor or other person having business in such court, shall be guilty of an offence, and be liable on conviction to be punished with a fine not exceeding one hundred rupees.

THE MEANING OF ACCOSTS.

The Hon. T. B. PANABOKKE:—I do not quite understand what is meant by the word "accosts." It may take a wide range of meaning and I think it would be quite as well not to have the word in the Ordinance.

The Hon. the Acting ATTORNEY-GENERAL:—I do not think I can agree to that, sir. "Accosts" means "addresses" there. We have already made penal the offence of soliciting and I do not see why we should not keep the term "accosts" in the Bill in the sense that it means addresses. It might even mean making motions to a person. I move the omission of "or signs" and the insertion, therefor, of the words "signs or otherwise."

Agreed.

The Hon. T. B. PANABOKKE:—May I call attention to my motion, sir?

The Hon. A. DE A. SENEVIRATNE:—I do not think there is any seconding required in Committee, but I second the motion.

The Hon. the TREASURER:—I would point out that originally it was proposed that any person even attending a Court without lawful excuse should be held guilty of an offence, but the Sub-Committee have omitted that provision because it would be extremely difficult to prove that a man was not a mere innocent spectator; but what it is essentially necessary to have the power to do is this, that any person attending a Court, who is seen to accost or speak to or interfere in any way by words or signs, with a person having a case, or with a legal practitioner, should be at once brought before the Magistrate and charged. It is very difficult, indeed, to catch a tout at the proper moment. At one time the recommendation went so far as to make a man guilty of an offence who was continually attending the Court without apparently any lawful excuse, but we deleted that clause, as too strong but to go any further, I think, would be extremely dangerous to the bill.

THE LIBERTY OF THE SUBJECT.

The Hon. T. B. PANABOKKE:—With Your Excellency's permission, I would point out, and I have no doubt that the hon. the Attorney-General and the members of the legal profession will agree with me, that in curtailing the liberty of the subject in going to a court, you strike at one of the greatest safeguards of the English law.

The Hon. P. COOMARASWAMY.—That is not done here.

The Hon. T. B. PANABOKKE.—By making it penal for a person to go and accost a suitor, you prevent people going to the court altogether; there is a terror held over them. One of the sanctions of the Courts of Justice is publicity and if people are debarred from going to the court in this manner I think you strike at one of the fundamental privileges of the British Constitution.

The Hon. the TREASURER.—But we don't do that.

In reply to a remark by a member that a person could go to the Court without meddling with a suitor without lawful excuse,

The Hon. T. B. PANABOKKE said it would be very difficult to draw the distinction.

HIS EXCELLENCY put the amendment to the house and declared that the Noes had it, the word, therefore, being allowed to stand as in the draft.

A verbal alteration having been made by the substitution of "any" for "such," clause 4 was passed.

The following was inserted as clause 5, what was formerly clause 5 becoming No. 6, and the original No. 6 giving jurisdiction to Police Courts being omitted:—

5 It shall be competent to any person to prefer to a police court a complaint or report that an offence under section 2 of this Ordinance has been committed within the territorial jurisdiction of such court, when such court shall proceed with the inquiry as provided in chapter XVI. of the Criminal Procedure Code,

and shall in due course forward the proceedings taken in the case to the Attorney-General, whereupon the Attorney-General may, in his discretion, direct the accused to be either discharged or committed for trial before any district court having jurisdiction, or may make any other order as provided in chapter XX. of the Criminal Procedure Code.

Council, thereafter, resumed, and the bill was reported as amended and referred to the law officers of the Crown for their report.

THE ADJOURNMENT.

On the motion of H.E. the Lieut.-Governor Council adjourned about 5-30 till Wednesday 28th inst. at 3 p.m.

WEDNESDAY, NOVEMBER 28th, 1894.

Present:—H. E. Sir Arthur E. Havelock, K.C.M.G., President; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General; the Hon. J. A. Swettenham, C.M.G., Auditor-General; the Hon. F. R. Saunders, C.M.G., Treasurer; the Hon. E. Elliott, Acting Government Agent of the Western Province; the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Lionel Lee, Acting Principal Collector of Customs; the Hon. R. K. MacBride, C.M.G., Director of Public Works; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative; the Hon. A. De A. Seneviratne, Sinhalese Representative; the Hon. W. W. Mitchell, Mercantile Representative. Hon. Giles F. Walker, Planters' Representative; the Hon. Sir J. J. Grinlinton, Kt., General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative; the Hon. P. Coomaraswamy, Tamil Representative.

PAPERS.

H.E. the LIEUT.-GOVERNOR laid on the table the report of a Committee of the Ceylon National Association on the proposed amendment of the Municipal Councils' Ordinance, and a return of expenditure by the constructing engineers on the Matale railway up to 30th Sept. 1894.

THE NEW KELANI BRIDGE.

H. E. the LIEUT.-GOVERNOR gave notice that at the next meeting of Council he would move that a toll be established on and after a date to be named hereafter at the Victoria Bridge over the Kelani River, Colombo, with a view to the abolition of the adjacent toll now exsisting at the Bridge-of-Boats.

RAILWAY EXPENDITURE.

The Hon. G. F. WALKER gave notice that he would move at the next meeting for a return showing the expenditure in connection with the Railway from Nanuoya to Haputale and from Haputale to Bandarawela from the date of the opening of the line in each case to this date, and the receipts from each for the same period.

THE COLLEGE FOR GIRLS.

The Hon. W. W. MITCHELL gave notice that, with reference to the Memorial presented to the Council on Nov. 21st, praying for the establishment of a College for the higher education of girls—at the next meeting he would move that a Committee be appointed to report on the same.

THE TOLLS' ORDINANCE.

The Planting Member.

The Hon. GILES F. WALKER moved—That a Select Committee of five Members, three of whom shall form a quorum, be appointed to inquire and report on the working of the Tolls Ordinance, No. 14 of 1867, and amending Ordinances. My reason, sir, for moving for the appointment of this Committee is that there has been a strong feeling upcoming lately that the present rates scheduled in the Ordinance are unsuitable to the smaller currency that we have now. These rates were fixed when the Indian divisions of the rupee formed our minor currency and the levying of 12½ cents at the present time, when our coins are decimals of a rupee, is found to be a very great inconvenience. The question is further, sir, as to expediency of reducing certain rates now charged under the schedule, and as to a proper definition of what constitutes an empty cart in certain cases. As an instance I may mention, sir, that the leaf from which tea is manufactured is now very largely carried down from the top of estates to the factories at the bottom, along private cart roads. In the case of carts transporting this leaf having also to cross a Government road and to pass a toll bar, two carts making two trips a day would have to pay 48 cents a trip or R1·92 per day. Calculating 26 working days in the month this would give R49·92 per month or R598·04 a year, roughly R600 per annum. You may have half-a-dozen estates along a road, five of which could send their carts along their private roads and across the main road to their factories at the bottom without having to contribute anything to the tolls because they did not pass a toll-bar, whereas the sixth estate might have to pay the R600 per annum. I think hon. members will see that it is a pretty considerable hardship that one estate should be mulcted in this way whilst others which perhaps used the road to a larger extent got off scot free. I may also explain sir, that the leaf carts are skeleton vehicles carrying baskets in which the leaf is deposited for conveyance. Now these carts returning empty are treated under the Ordinance as full carts because they happen to have these baskets in them, though the baskets are loose and really form a part fo the carts. I think, sir, that undoubtedly such carts ought to be considered empty carts so long as they do not carry produce. Carts carrying coconut husks are exempted from the payment of more than one toll and I think, sir, it is only fair, and at any rate worthy of consideration whether the same exemption should not be allowed in the case of tea leaf carts. One or two other points have been brought to my notice although I cannot personally speak to them as facts. One instance given to me as true—and such a thing certainly might happen under this Ordinance is that two coolies carrying a sick cooly to a hospital were stopped on the road for toll and the sick cooly had to be paid for as a load. No one will doubt, I think, sir, that an exemption should be granted in such cases as this. It is on account of the strong feeling that there has been for sometime past in connection with several hard ships under the schedule in this Ordinance that I move for the appointment of this Committee.

The Hon. W. W. MITCHELL seconded.

The Lieut.-Governor.

H.E. SIR E.N. WALKER:—I may say on behalf of Government that there is no objection whatever to the enquiry that the hon. member contemplates. I may, at the sametime, state that I am not aware of the Government having received within the last 6 or 7 years any representations in connection with the grievances referred to by the hon. member. I presume that the resolution

will be agreed to, and, perhaps, the hon. member will name those whom he wishes to constitute the Committee.

The resolution was unanimously agreed to, and, on the motion of the same mover and seconder the following were appointed the Committee :—The Hons. the Treasurer, the Government Agent W. P. the Government Agent C. P. the Hons. W. W. Mitchell and Giles F. Walker.

THE MUNICIPAL COUNCILS' ORDINANCE.

The Tamil Member.

The Hon. P. COOMARASWAMY moved—That a Select Committee be appointed to consider and report in what respects the Municipal Councils' Ordinance of 1887 requires to be amended.

I need not say many words sir, in submitting this motion to the Council. It will be remembered that in December 1893 a bill was introduced in this Council called "the Municipal Councils' amending Ordinance" and that it was withdrawn as my hon. friend the member for the Sinhalese and myself opposed it strongly because many needed amendments had not been introduced. In moving to withdraw the Ordinance the Hon. the Attorney-General now in England said :—

"He (the Hon. P. Coomaraswamy) has raised questions which are very important which could not possibly be inserted in a bill of the nature of that which is now before this house."

And when the discussion was closed your Excellency was pleased to say :—

I may say here that there will be no indisposition on the part of Government to introduce, possibly during this session or at any rate during next one, another bill for the amendment of the Municipal Councils' bill of 1887 embodying in it such amendments as are suggested in the present bill and others of a moderate nature such as Government can properly accept that may be found in the representation of the National Association which has just been received, and at the same time any further recommendations from the various Municipal Councils will have the consideration which is due to them. (Applause.)

I note, sir, that the memorial of the National Association which was certainly in the possession of Government in December 1893 is only now laid on the table of Council. It will also be remembered that your Excellency in your address to this Council at the opening of the session said :—

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 of that purpose,

My desire, sir, in bringing forward this motion is that the recommendations from the different Municipal Councils and from the National Association may be considered—not that I believe that Government will grant us all we want, but in order that the matter may go before a select Committee and that their report should be laid before the Government soon, so that by at least the middle of next year, we may have a Draft Ordinance ready to be considered. It is the more necessary that there should be no delay as your Excellency who has studied this question for the last two years may not, be in Ceylon after one or two years, and therefore will not give us year help towards a bill of the nature I propose, and a new Governor will necessarily require more time,—two, three, or perhaps four years—before he can consent to give us a bill. I, therefore, move, sir, that a select Committee be appointed.

The Hon. A. De A. SENEVIRATNE seconded.

The Lieut.-Governor.

H.E. Sir E. N. WALKER :—I may state, sir, that while there is no objection to enquiry in the direction which the hon. member indicates in his resolution the matter has already been taken in hand in pursuance of the expectations held out in the address with which your Excellency opened the session, and the opinions of the Municipal Councils have been invited. If, however, the hon. member thinks,—and I think it is very possible,—that enquiry in the direction he indicates will assist the consideration of the subject, the Government have no objection and particularly they have no objection if the recommendations are of the moderate character to which the hon. member refers.

The resolution was then passed and on the motion of the same mover and seconder the following were appointed the Committee.—The Hons. the Attorney-General, the Treasurer, the Government Agent W.P., the Government Agent C.P., Sir John J. Grinlinton, the Hons. A. De A. Seneviratne, Dr. Anthonisz, and P. Coomaraswamy,—three to form a quorum.

THE REGISTRATION OF MARRIAGES.

The Principal Collector of Customs.

The Hon. L. LEE.—I rise, sir, to move the first reading of "an Ordinance to consolidate and amend the laws relating to the Registration of Marriages other than the marriages of Kandyans or Mohammadans." The necessity for the consolidation of the laws on this subject is to be found in the fact that the statutes relating to marriage registration extend from 1847 to 1892 and are scattered in various portions of the Statue Book. The object a of marriage law as defined by the Royal Commission of 1868 on the marriage laws of England is to provide the maximum of simplicity and the maximum of certainty—simplicity because the law deals with every class and every person, and certainty because it affects a social relation—the most important that can arise between human beings. The Ordinance, as at present framed, follows to a considerable extent the Ordinance which was published in the *Government Gazette* in 1882, but which was withdrawn because there was not then time left to the Council to consider it. It contains all that is contained in the Ordinances which it consolidates and a few novel provisions. The most important of these provisions is that which re-enacts the requirements of the Ordinance of 1847 relating to registration. In the regulation of 1822 which was followed in the Ordinance of 1847 no marriage was valid which was not registered. In 1863 an Ordinance was passed amending in certain particulars the Ordinance of 1847. The Ordinance of 1863 repealed the provisions of the Ordinance of 1847 relating to registration but did not re-enact them. In 1882 a question came before the Supreme Court in Appeal as to whether that repeal by the Ordinance of 1863 of the provisions regarding registration existing in the Ordinance of 1847 had altogether removed the necessity of registration to the validity of marriage. The Supreme Court then held that registration was no longer necessary, and, therefore, substantially the requirements of the Ordinance of 1847 and of 1822 ceased to exist. In 1885 however the same question again came up before the Supreme Court sitting collectively and the Court then reversed the decision of 1882, and held that although the Ordinance of 1863 repealed the provision in the Ordinance of 1847 still registration was necessary to the

validity of marriage. Since then, sir, it has been absolutely impossible for those interested to say certainly whether registration is or is not a necessary element to the validity of marriage. The present Ordinance puts that beyond all possible doubt. It expresses the necessity for registration in such words as shall put it unquestionably in the power of everyone who is desirous of understanding the law to construe it as the Legislature intends, and it puts it beyond the power of those who are desirous of misinterpreting the law, to misinterpret it. Another amendment of considerable importance, sir, is that it reduces the period of domicile necessary, prior to giving notice. Under the existing law residence of 21 days is required before giving notice. The present enactment reduces the time from 21 to 10 days. This is a provision which will prove especially convenient to those persons who come to Colombo to meet ladies to whom they propose to be married. As Registrar-General from 1879 to 1882 I had frequent experience of the inconvenience to which our present law subjected persons who were desirous of marriage. On various occasions I have had to send people away telling them to go back to India because in Ceylon they could not be married under 21 days. That was an unchivalrous order which the future Registrar-General, if this bill is passed, will not have to give. The present law simply requires that one of the parties should be resident in the registration division for 10 days before giving notice and the marriage can take place on the arrival of the other party. There is also another amendment. Hitherto it has been the law that only certain parties according to whose "habits and feelings" it is contrary to require their females to appear in public should obtain licenses to have marriages contracted in their own houses. It has been found in practice—it was found in 1882 and to greater extent since—that the wealthier class of the natives desire to have their marriages solemnized in their own houses, and the Ordinance provides that upon application to the Registrar-General special license to that effect can be given. It has hitherto been the practice that a special license should issue only from the Governor, but it has been found that this provision esntial inconvenience which it is not necessary to perpetuate. Power to issue licenses for the future will rest with the Registrar-General, or it may be that Council will deem it not improper that it should be reposed in the provincial registrars. It does not appear to be necessary to detain the Council further at this time. Most of the amendments are amendments of detail rendering the Ordinance simpler and easier to be understood. When the Ordinance comes to the second reading I shall propose that it be referred tr a Sub-Committee who shall be called upon to report to one of the early meetings of the coming year, in order that there may be sufficient time for the Ordinance to be well considered by the public as well as by the Committee of the Council. With these observations, sir, I beg to move the first reading.

The Hon. the Acting GOVERNMENT AGENT, C. P. seconded, and the bill was read a first time, notice being subsequently given by the mover that he would take the second reading at the next meeting of Council.

THE REGISTRATION OF BIRTHS AND DEATHS.

The Acting Principal Collector of Customs.

The Hon. L. LEE :—I now beg, sir, to move the first reading of "An Ordinance to amend and consolidate the law relating to the Registration of Births and Deaths." The observations which I have already made to Council in the first reading of the connected bill with regard to marriages apply equally to this. Hitherto the Ordinances relating to the registration of marriages, births and deaths have been worked together, but it has been found more convenient now to separate them. The principal amendment in this Ordinance is that whereas under the existing Acts the Office of Registrar of Marriages was not separable from that of Registrar of Births and Deaths, it will, hereafter, be competent to the Governor to appoint as Registrars of Births and Deaths, persons who are not Registrars of Marriages. This provision is calculated, it is thought, to ensure the work of registering births and deaths being done more accurately, and the territorial divisions being smaller will secure more personal attention on the part of the registrar than he has hitherto been able to give. The registration of births has not hitherto been absolutely compulsory under the provision of the Registration Ordinance and it is now proposed to make it compulsory. There is one point regarding the manner in which notice is to be given of births and deaths on estates which is of some little interest. It is provided that the Superintendent of any estate having ten acres in extent under cultivation, shall be informed by the persons living on his estate of the occurrence of any birth or death and that he shall convey that information to the medical officer appointed under the "Medical Wants Ordinance." There are also certain provisions rendering the registration of past births easier, and a novel provision for the registering of still births. It is novel to the laws of England, but is not unknown to the laws of Canada and Australia and some of the European States and it will be for the Council to consider how far that provision can be introduced in Ceylon. With these few words, sir, I beg to move the first reading of the bill.

The Hon. the Acting GOVERMENT AGENT, C. P. seconded, and the bill was read a first time, notice being given by the mover that he would take the second reading at the next meeting of Council.

WIDOWS' AND ORPHANS' PENSION FUND.

The Treasurer.

The Hon. F. R. SAUNDERS :—I beg, sir, to move the first reading of "An Ordinance to amend the law providing for the granting of pensions to widows and children of deceased public officers of this colony." The Draft Ordinance is a very simple one and requires very few words of explanation. Hon. members are doubtless aware that under Ordinance 20 of 1885 which regulated the Widows' and Orphans' Pension Fund it is made compulsory on every public officer to submit to an abatement of 4 per cent from his salary provided his appointment was subsequent to the passing of this Ordinance and that his salary exceeds the rate of R250 per annum. The duty of making this abatement was cast upon the Treasurer of the Colony, but the framers of the Ordinance evidently overlooked the fact that the Treasurer does not pay all public officers. Some are paid by Government Agents a outstations and public officers on leave are paid by the Crown Agents, and very soon after the working of this Ordinance began it was found necessary to cast upon the heads

of Departments the duty of furnishing the paying officer with a list of all officers from whose salaries abatements might properly be made. These abatement statements have been sent in very fairly regularly, but omissions have occurred, names have been left out, and arrears have become due. These arrears have hitherto been recovered without any difficulty, the legal advisers of the directors and of the Government being of opinion that there was no objection to that course; but doubts have lately arisen as to whether any officer should he object to pay the contribution which was due from him under the ordinance, but which had not been stopped at the time of the payment of his salary, could be made liable to pay that amount. It is in order to remove such doubts this ordinance puts in the shape of law what has hitherto been the practice. It merely requires that where an officer has drawn his salary, the duty should be cast on him, after he has received his salary of paying the amount of the abatement due to the Fund into the Treasury; with these few words, I move the first reading of the bill.

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

THE TOUTS' ORDINANCE.

The Hon. the Acting ATTORNEY-GENERAL brought up the report of the law officers of the Crown on "An Ordinance to suppress intermeddlers with suitors in Courts of Justice."

The report having been read by the clerk, the bill was read a third time and passed on the motion of the Hon. the Acting Attorney-General seconded by the Hon. the Treasurer.

THE DESTRUCTION OF VALUELESS DOCUMENTS.

The Hon. the Acting ATTORNEY-GENERAL brought up the report of the Sub-Committee on "an Ordinance to authorize the destruction of valueless documents preserved in Courts of Justice." The Committee consisting of the Hons. the Acting Attorney-General, the Treasurer, the Acting Principal Collector of Customs, the Sinhalese, Tamil, and Muhammadan members merely reported the bill with the amendments shown in an accompanying draft.

Council then resumed consideration of the bill in Committee.

In clause 4 providing for the keeping of a register of extant and missing records the word "proclamation" was substituted for "treated," and the following words were added "and he shall certify to the correctness of such register."

To clause 5 providing what documents are not to be destroyed it was proposed to add the following proviso:—

"Provided that no such processes shall be destroyed except in such cases which have been determined more than ten years previous to the date of destruction."

The Acting Government Agent W. P.

The Hon. E. ELLIOTT thought ten years a rather long period for Minor and Police Court cases, which were really the documents that filled up their almirahs. He did not know what induced the Committee to fix upon ten years but he thought that at all events in Minor and Police Court cases the period might be shorter.

The Hon. the Acting GOVERNMENT AGENT C. P. was understood to say that as it was only processes that were referred to, the term might be shorter.

The Tamil Member.

The Hon. P. COOMARASWAMY explained that ten years was a definite period known to the law and if the processes were destroyed before that time elapsed any new suits which had arisen from the old ones might lose important evidence. The period stood at 5 years in the bill as originally drafted, but the Attorney-General yielded on the point for the reason that he (the speaker) had stated. He also believed that the Hon. the Principal Collector of Customs who had presided over important law Courts in the island consented to that proposition. For himself he must say that it was very important that these documents should be preserved for at least ten years. Many of the processes might be of no value whatever, but until the time came one could not state which process was valuable and which was not, or which process was required for the purpose of evidence. Therefore, he thought the time was not at all too short.

The Acting Government Agent, W.P.

The Hon. E. ELLIOTT thought the proposed form of register was a stumbling block in the Ordinance, and that it would be found that the preparation of this register would entail a great deal of clerical work and require the expenditure of money. In most Courts he thought there were registers which would be sufficient for all practical purposes, although they were not exactly in the form of the proposed one. With the view of getting over the difficulty, he suggested that the register be kept "in such form as H. E. the Governor and Executive Council may authorize."

The Acting Attorney-General.

The Hon. P. RAMANATHAN:—This question, sir, was carefully considered by the Commissioners appointed on the subject and I see that they state that the forms referred to by the Hon. the Acting Government Agent for the Western Province are meagre and unsatisfactory. They state:—

"The District Court registers, civil and criminal, as now used in most Courts are very meagre and unsatisfactory, and we recommend the adoption of the forms K. and L. It is necessary to impress on the presiding officer of each Court the necessity of giving his personal attention to the due preparation and maintenance of the prescribed registers and to their safe custody. Unless these are properly kept the registers must be prepared at great expense every time records have to be destroyed; but if the registers are duly kept from day to day the labour and time involved will be inappreciable."

This paragraph of the Commissioners' report meets I think the objections by my hon. friend as regards the utility of keeping the existing registers and as regards the fear that much time would be required for the preparation of these registers. There is also this argument that it is important that the public should know exactly what the registers are which the Legislature intends to destroy and that there should be some uniformity in the registers. I can assure my hon. friend that this point was very carefully considered both at the time of the preparation of the bill and in Committee.

The Acting Principal Collector of Customs.

The Hon. L. LEE said the registers prepared under the provisions of this Ordinance would occupy a very much more important place than those to which the hon. the Government Agent

W. P. referred. These registers were to contain certain details of what had occurred in the course of certain cases and copies of these registers were to furnish certain evidence which would have been furnished by the case itself. The register would occupy small space but should take up every one of the points which might have been proved by the case itself. Therefore he moved that the recommendation of the Sub-Committee be retained.

The Acting Government Agent, W.P.

The Hon. E. ELLIOTT said the special record he had in view was the record book of the Court of Requests which, under the old procedure, up to 15 years or so was a recognised record, and he thought it was still kept in an amended form. In the Police Court too there was also a register of the calendar.

he Auditor-General.

The Hon. J. A. SWETTENHAM said he should like to point out to the Attorney-General that in some Justice of Peace records, which were preserved in the Courts, there were valuable documents belonging to suitors which had not yet been returned, and he thought that before a case was destroyed all connected documents filed in the case should be returned to the parties to whom they belonged.

The Acting Attorney-General.

The Hon. P. RAMANATHAN :—That is the reason why importance was attached to the fact of the intended destruction of these documents, as was urged in Committee, being published not only by beat of tom-tom, printed notice, and advertisements, but also by proclamation in the open Court from time to time. I think, sir, that the fear of the hon. the Auditor-General would be met by publication of this kind and I have no doubt that the interested suitors would appear in due time and claim back these documents.

The Auditor-General.

The Hon. J. A. SWETTENHAM doubted whether the proclamation would reach the ears of the parties interested. In Justice of Peace cases it was recorded by whom the document was produced and it would not be difficult to return it to the proper party.

The Sinhalese Member.

The Hon. A. De. A. SENEVIRATNE :—The point raised by the hon. the Auditor-General was not brought before us so forcibly until he mentioned it in Council today, and I think it would be desirable to have some provision in the Ordinance to give notice to the parties who have produced documents before the documents are destroyed. Mere proclamation in the Court might not reach the ears of the parties and I do not think would sufficiently safeguard their interests.

The Acting Attorney-General.

The Hon. P. RAMANATHAN :—I think a small amendment might be easily introduced in the third line of form B so as to read "all Justice of Peace cases except notarial and other documents which may be useful as evidence of civil rights."

The Treasurer.

The Hon. F. R. SAUNDERS :—I would venture to ask whether if it is necessary to do that in all Justice of Peace cases, it would not be necessary also in District Court and other criminal cases and in all other cases in which private documents may be filed.

H.E. the GOVERNOR :—Matrimonial cases for instance.

The Hon. A. DE A. SENEVIRATNE said the same remark would apply to District Court cases as to J. P. cases.

H.E. the GOVERNOR :—To matrimonial cases, testamentary cases, and cases which are important.

The Hon. A. DE A. SENEVIRATNE :—Yes.

The Tamil Member.

The Hon. P. COOMARASWAMY said one fact which seemed to be forgotten was that if a man produced a document before the Court in a J. P. case or any other case he could always get it back after the proceedings were closed. It was only in those cases where a document was of no value to a man that he left it in the Court, and he did not see why all these amendments should be allowed.

The Acting Attorney-General.

The Hon. P. RAMANATHAN :—I agreed because two hon. members, the hon. the Auditor-General and the Sinhalese member, desired that the amendments should be made, but I feel that the case put forward would be a very extreme case and need not require any special legislation.

The Auditor-General.

The Hon. J. A. SWETTENHAM :—I will explain my reason for having brought this matter to the notice of Council. I perfectly agree with the hon. the Tamil member as to what ought to be the practice and what parties ought to do, and I believe the very likely the people about Colombo and that district may claim back their documents promptly, but at outstations there is amongst the villagers a belief that the Court is the safest place to leave documents in and afterwards if a villager requires a document he can produce the summons and say that it will be found in the case. The result of not putting in some such clause as suggested would be that at many outstations documents which were left by villagers would be destroyed when the case was destroyed.

The reasurer.

The Hon. F. R. SAUNDERS :—I venture to think, sir, that that would be met by sub-section 15 which dealing with the classes of documents not be destroyed, recites "Notarial and other documents which may be useful as evidence of civil rights? I take it that those documents are to be extracted from all cases even from those documents from which may be destroyed, subject to the provision of section 6, and I do not think that the duty would be any better performed if those words were again inserted after "Justice of the Peace cases" because it would rather lead to the presumption that in District Court criminal cases these words do not apply. I think myself that having declared in the second schedule A that notarial and other documents are not to be destroyed it is hardly necessary to insert those words after "Justice of the Peace cases."

The Acting Attorney-General.

The Hon. P. RAMANATHAN :—That would be a liberal reading of the Ordinance, sir. If the Council are willing to be guided by what has fallen from the hon. the Auditor-General and the hon. the Sinhalese member I would suggest that a proviso be put in at the bottom of schedule B "provided that notarial documents and other documents which may be useful as evidence of civil rights shall be removed from such records." That would apply to J. P. cases in-

quest proceedings, District Court criminal cases, and so on. Personally, sir, I do not see the utility of such an amendment because as I have said it would apply to only very extreme cases.

This amendment was unanimously agreed to, and clause 6 was afterwards passed with "proclamation in Court" inserted as a means of publication.

In the following clause "officer presiding over such Court" was inserted for "judge of such Court" and a new clause was added as follows:—

A true extract from any register made in terms of this Ordinance, duly certified by the officer presiding over a court, shall be received as *primâ facie* evidence of the matters and things therein contained.

The schedule was thereafter amended as in the draft sent up by the Committee.

The Hon. the Acting ATTORNEY-GENERAL afterwards reported the bill as amended and on his motion it was referred to the law officers of the Crown for their report.

THE PREVENTION OF ACCIDENTS BY EXPLOSIVES.

On the motion of the Hon. the TREASURERR Council went into Committee on "An Ordinance for the prevention of accidents by gunpowder and other explosives," when the bill was referred to the following Sub-Committee :—H.E, the Major-General, the Hons. the Acting Attorney-General, R. K. MacBride, W. W. Mitchell, A. de A. Seneviratne, Abdul Rahiman, P. Coomaraswamy and the Treasurer.

THE SUPPLEMENTARY CONTINGENT CHARGES FOR 1893.

On the motion of the Hon. the AUDITOR-GENERAL Council went into Committee on an Ordinance for making final provisions for the Supplementary Contingent charges for the year 1893.

The Hon. A. DE A. SENEVIRATNE said that in the statement of sums qrought to account in 1893 in excess of the provision made in the ordinary appropriation ordinances of the year he noticed the item "to meet other matters—excess expenditure. R118,730." He wished to know what was included in other matters.'

The Hon. the AUDITOR-GENERAL :—I explained that we have to make payments in gold in England and that the rate of exchange was taken for the year at 1/3 which was far greater than the rate which actually ruled. The consequence was that we had to make up a supplementary amount. The "other matters" included stores and materials of all kinds.

The bill was afterwards reported as amended and on the motion of the Hon. the Auditor-General it was referred to the law officers of the Crown, the hon. the mover giving notice that he would move the third reading at next meeting of Council

THE "THESAVALAMAI" AND PROPERTY SALES IN THE NORTHERN PROVINCE. WITHDRAWAL OF THE ORDINANCE.

The Hon. the ACTING ATTORNEY-GENERAL :—Sir, in view of the petition which was presented by the Hon. the Tamil member a fortnight ago in regard to the Ordinance relating to the publication of intended sales of immovable property affected by the "Thesavalamai" of the Northern Province and in terms of his request that the second reading of the bill should not be completed, the Council agreed to postponing the further consideration of the bill at the second reading. I would remind hon. members that in introducing the measure I stated that it was not intended by the Government to do anything in connection with this measure adverse to the wishes of the people of the Northern Province, and that the Government were only anxious that the mischiefs which were undoubtedly in existence in connection with the publication of these sales should be romedied in some form or another. The Government Agent recommended that the best form of dealing with these mischiefs would be to repeal the whole law relating to the schedule system (slight applause from the Tamil member's side of the house) but unfortunately Government could not accept that proposal owing to the information it had then before it, that the people of the Northern Province were quite opposed to the abolition of the law in question. The Government Agent himself, in his letter to the Colonial Secretary, dated 24th August 1893, said :—

"There is also a strong feeling that the schedule ssytem or something similar to the schedule system should be retained as a safeguard against fraud in transaction relating to the sale, transfer otty dowry donnation market, &c. of land, and I have always given it as my opinion that the schedule system somewhat modified to meet existing circumtances should be retained."

Then in a letter written on 30th May 1894, he said in para 17 :—

"I have in deavoured to ascertain the wishes of the people and from all I have heard it is their desire that the present system of publicatin by granting schedules under Ordinance 1 of 1842 should be continued as affording some safeguard against the executions of false deeds."

In view of such a plain statement of what appeared to be the wishes of the peope, it was utterly impossible for the Government to accept the recommendation of the Government Agent that the law should be repealed. It now appears that the people have changed their mind ('No' by the Tamil member) and that they are now willing to abolish the system. Such abolition would undoubtedly put an end to the mischiefs which the Government were trying to contend against. In these circumstances, Your Excellency, the Government have agreed to withdraw the bill now before the Council, and in lieu of it to submit another bill, in due cours,e abolishing the system (applause by the Tamil member). I hope the people of the Northern Province will not again change their mind. So far as the Government are concerned it will be quite content if the mischiefs are put an end to whether by abolition of the law or amendment of the existing law.

The Tamil Member.

The Hon. P. COOMARASWAMY :—I beg leave, sir, to correct one or two statements made by the Attorney-General. He charged the people of the Province with having changed their mind without a tittle of evidence of their having said one thing and then another. All he showed was that the Government Agent had changed his opinion and the Government Agent said that the people had changed their opinion. I refer, sir, to the petition that I have presented, and I say that, if the Government, before preparing a bill of this nature, had consulted the people who knew anything about the subject, they would have known

hat the people of the Northern Province complained against this cumbersome and expensive system that was intended to be substituted for the old one—if even the Government, without going outside the service, had consulted men who occupied the bench of the District Court of Jaffna and who had opportunities of judging whether the people desired the system or not, without asking the Government Agent to ascertain their opinion they would soon have found out the wishes of the people. Where is the proof I ask that the Government Agent consulted the people? The Government Agent says he has consulted the people, but I suppose what is meant by that is that he consulted the Mudaliyar of his Kachcheri about the opinion of the people. I say, sir, the system is utterly rotten. I am not talking about any particular Province now. I say that if this is the system which is pursued in our Kachcheries, and if this is the system under which Ordinances are prepared, the system is utterly rotten and the sooner it is mended the better. I am thankful now that the Government have changed their mind and withdrawn the bill, being pressed thereto by the very influential and important petition that I had the honour of presenting to this Council; and I am still more glad that the Government are to introduce a new bill entirely doing away with this obnoxious system. The only thing I would ask is—when is the new bill to be brought in—this session, next session, or next century?

The Acting Attorney-General.

The Hon. P. RAMANATHAN:—My hon. friend has asked me a pertinent question as to whether the Government Agent consulted the people, and I may say positively that he consulted the people and did his utmost to understand the feelings of the people. I hold in my hand a letter from the Maniagar of Jaffna (Tambapillai) in which he says:—

"I explained in Tamil to the people assembled, the object of the meeting and it was unanimously resolved that the Thesavalami should not be abolished and that the schedule system which was to some extent fallen into disuse after a recent decision of the Supreme Court should be restored by means of fresh legislation if necessary." These are almost the identical words of the Government Agent, and I could also quote the opinion expressed by some of the other Maniagars of the Northern Province, and would also refer my hon. friend to the proceedings of the public meeting held in the District Court of Jaffna. Of course my hon. friend may say in regard to that meeting that they spoke generally and not particularly, but what does he say to the opinion conveyed to the Government Agent of the Northern Province by the different Maniagars as regards the wishes of the people in respect of the schedule system? I submit, sir, that in this matter the Government Agent was obliged, by the action of the headmen of the district and by the leading people of the district, at all events a great many of them (no, no), to say to Government what he has stated, namely, that the people required that the law should be maintained in the first instance, and that now they have changed their mind.

The Ordinance was then withdrawn.

THE ADJOURNMENT.

H. E. the LIEUT GOVERNOR:—Sir, as regards the adjournment, it has occurred to the Government that the next ordinary day, Wednesday, will probably be largely taken up with the discussion on the important subject of the military contribution and that, therefore, another matter which may take up considerable time, the Supply Bill, may not be entered on, on that day. In these circumstances, sir, I propose, if it is not inconvenient to hon. members, to move that the Council do adjourn till Tuesday next week with the view of sitting on Wednesday also, and if necessary on Thursday.

The Hon. the GILES F. WALKER asked if it would not be equally convenient to meet on Wednesday and to meet again on the following day if necessary.

H.E. the LIEUT.-GOVERNOR said that that would be equally convenient. He thought the Supply Bill could be got through on these two days but would hon. members be ready for a third day.

The Hon. the Planting member indicated that he would for one.

H.E. the GOVERNOR afterwards intimated that Council adjourned till Wednesday 5th proximo at 3 p.m. with the understanding that there will be a probable sitting on the following day, Thursday, and possibly a further sitting on Friday.

Council rose about 4-40.

WEDNESDAY, DECEMBER 5th, 1894.

Present:—H. E. Sir Arthur E. Havelock, K.C.M.G., President; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General; the Hon. J. A. Swettenham, C.M.G., Auditor-General; the Hon. F. R. Saunders, C.M.G., Treasurer; the Hon. E. Elliott Acting Government Agent of the Western Province: the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Lionel Lee, Acting Principal Collector of Customs; the Hon. R. K. MacBride, C.M.G., Director of Public Works; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative; the Hon. A. de A. Seneviratne, Sinhalese Representative; the Hon. W. W. Mitchell, Mercantile Representative; the Hon. Giles F. Walker, Planters' Representative; the Sir John J. Grinlinton, Kt., General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative; and the Hon. P. Coomaraswamy, Tamil Representative.

OUR MILITARY CONTRIBUTION.

A POINT OF ORDER.

The Hon. W. W. MITCHELL:—Sir, I now rise to move the motion which stands in my name, viz., that the question of the Military Contribution from Ceylon be discussed, and that a resolution in respect of the same be passed.

H.E. the GOVERNOR:—Before the hon. member proceeds to speak to his motion, I think it my duty to observe that I understand that he intends to supplement his motion by a substantive motion. If he does so, such a resolution will not be in order inasmuch as the terms of it have not as yet, as required, been delivered to the clerk of Council. I understand, however, that the hon. member has communicated to each individual member a copy of his proposed resolution. Assuming the correctness of this understanding, the object of the rule has, I hold, been virtually secured and with the permission of the Council the hon. member may proceed to move his resolution. The course thus taken must, however, not be taken to hold as a precedent.

The Hon. W. W. MITCHELL :—I now beg to hand to the clerk of Council a copy of the resolution which I intend to move.

H. E. the GOVERNOR :—A copy of that resolution, I understand, has been communicated to each individual mem[illegible]

The Hon. W. W. MITCHELL :—Yes, sir, to each member of the Council.

H. E. the GOVERNOR :—Then, with the permission of the Council, I think, as I have already said, that the object of the rule to which I referred has been secured, and with the indulgence of the Council the resolution, though not communicated in writing to the clerk of the Council, as provided by the rules, 48 hours before the meeting of Council, may be proceeded with.

The Mercantile Member.

The Hon. W. W. MITCHELL :—As the resolution has been slightly altered in the wording, I may, perhaps, be allowed to read it before speaking to it. He then read the resolution as follows :—

The Legislative Council, having had under their attentive consideration the whole question of the Contribution levied from Ceylon for Military Expenditure, affirm—(1) That the force required for purely Colonial purposes is, as confirmed by the Imperial authorities in 1884, about 400 men, costing £43,000. (2.) That Trincomalee is maintained wholly for Imperial purposes, and the Colony is not liable for the expenditure connected with it. This was recognized by the Commission of 1865; by the War Office authorities on 19th October, 1875; by the Lords of the Treasury on 19th December, 1875; and by the Secretary of State for the Colonies on 15th October, 1885; and the Legislative Council will firmly deprecate any departure from the engagement entered into with the Colony, that it should not be called upon to defray any portion of the expenditure incurred in connection with its defence or its garrison.

(3.) That the sum of £75,400, the amount now annually paid, is an already excessive contribution from the Colony for its defence, both Military and Naval, and that it is impossible for it to meet a further increased payment without reducing necessary expenditure in administration, and thereby creating discontent and retarding the further development and prosperity of the Colony.

(4.) That although the gold contribution for Military Expenditure since 1890 has been £75,400 per annum, equal then with exchange at 1s 6½d per rupee to R991,561·63, the same sterling amount now, with exchange at 1s 1½d per rupee, is equal to R1,340,444·45, or nearly 35 per cent. more than it was in 1890, in addition to which the Colony now pays R115,000 for the support of a Volunteer Force, whilst a rebate of R47,856·26 in Import Duty is made to the Military in terms of Ordinance No. 20 of 1892.

(5.) The estimated revenue for 1894, R19,149,942, at 1*s*. 2*d*. per Rupee, is eqeivalent to only £1,117,079. 19*s*., whilst that of 1895, assuming the rupee to be 1*s*. 1½*d*., is estimated at (the equivalent of) £1,119,993. 15*s*., an amount that after providing for obligations in gold, will doubtless, as in 1893, leave the Colony with fewer rupees for all other Public Expenditure than was available in 1890.

For these reasons the Council would regard as unjust and indefensible any attempts to exact a larger contribution for Military Expenditure than is at present paid, whilst they feel convinced that the adoption of such a course by the Imperial authorities would be attended by results calculated to create widespread dissatisfaction, inasmuch as revenue raised for internal development would be appropriated in a direction that did not contribute to the progress of the Colony, but the raising of which revenue would impose a burden of an impolitic and oppressive nature by increasing the nonreproductive charges on the resources of the Colony.

The subject of military expenditure, sir, is one of exceeding gravity affecting as it does such a large portion of the colony's revenue. I have no doubt that all the members of this Council will approach the study of the question with a view to giving their opinion upon it with a great sense of the responsibility that attaches to them in handling it inasmuch as the subject of the defence of a colony of the British Crown is always one fraught with importance. This subject of military expenditure is one that returns, in our experience, with painful regularity, I may say, almost every five years. It is laid and comes round again like a sort of nightmare. The discussion that we are now about to engage in should be taken up, I need hardly say, in a loyal spirit.

LOYAL CEYLON.

Ceylon has at all times been noted for its loyalty; it has been pre-eminent for that; and there has not been the semblance of disturbance in the colony, I may say, since 1848, and, even then, it was hardly necessary that troops should have been called out to quell it. We approach the question of Military Expenditure with a desire to act fairly towards the mother country, and I think we have a right to expect equal fairness —we have a right in fact to expect parental treatment. (Hear, hear).

THE NUMBER OF TROOPS.

The first question, as it appears to me, that we have to consider is—what number of troops is required for our defence. Our local Executive and Military authorities fixed this at between 400 and 500 men in 1884. The War office Committee confirmed this, as also did the other Imperial authorities. That Trincomalee is maintained for Imperial purposes and that no part of the cost of garrisoning it should fall upon Ceylon was agreed to by the Military commission in 1865, by the War office on 19th Oct. 1875, by the Treasury on 19th Dec. 1875, and by the Secretary of State on 15th Oct. 1885. With reference to the Secretary of State's corroboration of this agreement I may be allowed to quote from the communication of the Ceylon Association in London to the Secretary of State dated 23rd Dec. 1890 in which they say :—

On the 15th October, 1885, the Secretary of State for the Colonies, Colonel Stanley, wrote to the then Governor, referring him to a despatch written a year previously by Lord Derby, in which Sir Arthur Gordon had been informed that "the Imperial Government undertook the defence of Trincomalee, the Colonial Government being left to decide whether they will incur the expense of defending Colombo." Colonel Stanley added that "the decision to defend Trincomalee was taken on *purely Imperial* grounds," and concludes with the intimation that "the Imperial Government having thus *definitely stated their intention* to undertake *the sole charge* of defending Trincomalee, and having now expressed their readiness to provide the whole armament required for Colombo, *it remains for you to urge upon the Colonial Government the necessity for action on their part*, in order to secure the adequate defence of the principal commercial harbour of the Colony."

TRINCOMALEE.

In that same communication Trincomalee was described as

A small village without commerce or industry, and is surrounded, and well-nigh separated from the rest of Ceylon, by jungles, marshes, and all but impenetrable forests.

If Trincomalee were entirely given up by us, the island would not be one whit the poorer, and it might be handed over wholly to the Imperial Government to be maintained by them and put to whatever purpose they might please. To quote again from the communication of the Ceylon Association :—

If the cost of the maintenance of a protective garrison for the security of the naval establishments at Trincomalee were divided in proportion to the interests it serves, it is

India and England which would have to pay at least ninety-nine hundreths of that expenditure.

An additional reason why the maintenance of it should not be expected to be paid for by this colony lies in the fact that it is contemplated to provide accommodation for the Naval Establishment at Colombo.

THE COMBINED NAVAL AND MILITARY CONTRIBUTION.

In the year 1885 a sum of R516,000 would have been accepted as the military contribution by the Imperial authorities if we had agreed to pay other R84,000 towards Naval protection; but on 26th Feb. 1885 Sir Arthur Gordon preferred to pay R600,000 per annum without such condition, and this was confirmed and accepted by Lord Derby on 27th March 1885. In the Address of this Council to the Governor in Sept. 1890 it was stated that the utmost limit that the colony could provide was R750,000, and it was added:—

As regards the sum of R750,000 which has been inserted in the Draft Estimates on account of Military Contribution, the Council take this, the earliest opportunity of expressing their emphatic opinion, that this amount is the very highest the Colony can afford or can equitably be called on to contribute; and they are glad to find that Your Excellency concurs in the opinion which is generally felt throughout the Colony, that the largely increased payment which is suggested should fully meet the claims of the Imperial Government. The Unofficial Members desire to add that they consent to consider the question of voting so large a sum as R750,000 for the purpose, only on the undertaking that, as anticipated by Your Excellency, a final settlement of this question will thereby be secured.

The Imperial authorities, however, ordered an exaction of £73,000, that is, £43,000 for military expenditure and £30,000 as a Naval contribution. In referring to this Lord Knutsford in his despatch of 23rd July 1891 said:—

The annual cost of the garrison of Ceylon at its lowest footing, and including the ordinary and current repairs to barracks and works, is estimated to amount to £151,172, one-half of which, or £75,586, may be taken to represent the charge for the garrisons of Colombo and Kandy and the balance that for Trincomalee. During the current year, under the decision already stated, the Colony will pay less than the charge for Colombo and Kandy, viz., £65,000, and in subsequent years it will pay from £75,000 to £100,000 in 1894, the average for the five years 1890 to 1894 being £75,400, or practically the minimum cost of the troops at Colombo and Kandy.

This consolidated sum, if I may so call it, of £75,400 was the sum fixed upon in order to make up for a deficiency in the year 1890. It had been said by the Imperial authorities that when the revenue of the colony reached £1,200,000 we should then be called upon to pay something more. It was stated in a despatch from the Colonial Office to the Treasury dated 29th Oct. 1884:—

My Lords are of opinion that, so soon as the public revenue of Ceylon has reached £1,200,000 per annum, it could afford, and might justly be called upon to pay, a Naval Contribution not exceeding R360,000 per annum, in addition to the charges ofa new loan for fortification.

THE REVENUE.

Now, sir, if we look at the revenue from 1890 onwards we find that, except in the two years 1890 and 1891, it never touched £1,200,000. I may be allowed to state the figures showing the revenue in rupees, the ruling rate of exchange, and the equivalent in sterling as follows:—

	REVENUE.	RULING RATE.	STERLING.
	R		£
1890	16,228,769	1/6¼	1,234,062 12 10
1891	17,962,710	1/5¾	1,275,866 19 4
1892	18,509,187	1/3⅛	1,166,464 7 9
1893	18,051,950	1/3	1,128,246 17 6
1894	19,149,942	1/2	1,117,089 19 0
		(Estimated)	
1895	19,911,000	1/1½	1,119,993 15 6

This table gives the estimated revenue for 1894 and 1895, and I am sorry to say that during the past week exchange has fallen considerably below the rate of 1/1½ which I have mentioned. As our revenue is under the equivalent of £1,200,000 it appears to me that we cannot, without a gross breach of faith, be called upon to pay more at all events than we do now.

FINANCIAL MODIFICATIONS.

In looking at the totals representing our revenue and expenditure it must be borne in mind that these are now-a-days swelled very much, both on the credit and debit side, by, for instance, railway receipts and expenditure, and some items in the revenue account are, of course, not of a permanent nature. We have, for instance, on the credit side, no pearl fishery now coming in with the small expenditure that usually attaches to it. The paddy tax has been abolished and no revenue can be looked for from that source. Then again such excessive taxes as that on kerosine oil were not intended to be permanent. The increased rate rather resulted in no imports to speak of in 1893 and consequently no revenue from duty. With regard to the gold payments and the net revenue available I should like to point out that in 1890 with a revenue of R16,228,769, after paying our gold obligations, we had for all other expenditure a sum of R11,966,329, and that in the year 1893 with a revenue of R18,051,950 we had a balance available for all other expenditure of only R11,093,629. Well sir, exchange has fallen very much since 1893, and in 1895 even with an estimated revenue of R19,911,000 we shall have still less for expenditure in the colony after meeting all our gold obligations.

THE MEASURE OF OUR CONTRIBUTION.

The amount of revenue, however, was never intended to be the measure of our contribution. It seems to me that what was to be the measure of our contribution was what the colony could afford to pay. I cannot help feeling that where control is exercised by one country over another there arises the duty of protection over that country, to some extent at all events, without compensation, and in our case where there is control by the Imperial country I feel that we are entitled to a large share of that protection which we get from the mother country, without compensation. I may be allowed again to quote from the letter of the Ceylon Association on this point, namely:—

That a colony is liable to bear the whole cost of such protection as it asks for, the Association does not dispute. But if the strength of the force to be maintained, and amount of the sum to be employed, for purposes of defence, are to be dictated from home, and simply provided, without question, by the Colony, the case is very different. It may be open to argument whether the discharge of the duty of self-defence can be altogether dissociated from the right of self-control and self-government; and it may, at least with plausibility, be argued that the duty of protection on the part of the State by which the Colony is absolutely controlled, and through the differences of which with other Statesthe Colony is alone exposed to external danger, is at least as strong asthat of self-defenc etn heo part of the Colony itself.

WHAT AN EXCESSIVE CONTRIBUTION MEANS.

To exceed what we can afford to pay in the way of military expenditure means, I think, the necessity for undue retrenchment. and this would, naturally, be followed by discontent and estrangement from the Crown, and possibly weakness in allegiance to it. In addition to the £75,400 we are at present contributing in the way of military exaction we pay R115,000 annually for the maintenance of the Volunteers, and in the way

of rebate in duty allowed to the military under Ordinance No. 20 of 1892, I find that in the year 1893 as much as R47,856·26 was given up. With regard to

THE QUESTION OF FORTIFICATIONS

the sessional papers show that we have expended a sum of £24,000, and I am not at all sure, sir, that that money has been well or wisely spent. For my own part, I must say that it seemed to me from the very beginning that the expenditure on the battery at Galle Face was imprudent; in fact I think that the money might almost as well have been saved. What vessel is likely to come up in broad daylight and be fired upon from that battery? Hostile vessels would very naturally give it a wide berth and keep out of sight, or would make for Colombo under cover of night. That battery does not cover the harbour in any way, for, as we all know, the Fort intervenes. Then, take Mutwal battery. We all know that certain properties have been acquired there lately, and I believe it is an open secret that the battery is not where it should be; in fact that the guns would have to be placed in another position in order to be of much use. There, again, money has been spent, I won't say uselessly, but it might have been very much better expended, and I certainly cannot compliment the engineers who were here in charge and on whose bidding and advice the colony has expended all this money. The only battery really of use may be said to be the Battenberg battery which commands almost the whole sweep of the horizon and covers the entire harbour.

THE PROTECTION AFFORDED BY THE BREAKWATERS.

In this connection it may, perhaps, be worthy of note that harbours closed by breakwaters are now finding favour with both naval and military experts, and I think we may congratulate ourselves upon the prospect of the addition of the northern arms to our breakwater which will enable our harbour to be much more easily protected by means of booms and torpedoes and when the openings are closed we shall be tolerably safe from attack from the outside,—at all events we shall be fairly safe against an entrance being effected by an enemy into our harbour.

WISE LIMITS MAY BE EXCEEDED.

Expenditure in providing against attack is undoubtedly wise and prudent within certain limits, but it is possible that these limits may be exceeded. Such expenditure may be looked upon as of the nature of insurance, but the premium on such insurance should bear some reasonable proportion to the risk involved. If that premium be £100,000 to £150,000 yearly then that would mean a payment of some £700,000 to £1,000,000 by the colony every seven years. Now, sir, it seems to me a question whether it would not be better for the Colony to save the premium and take the risk. The Colony might ask the withdrawal of the forces and the abandonment of armaments and dispense with Imperial protection. If the military exaction is pressed too far, some such course might commend itself and might possibly be followed; but concurrently with this, there would probably be

A DEMAND FOR A CHANGE OF CONSTITUTION,

and that change would in all probability be in the direction of those enjoyed by such colonies as Jamaica and Mauritius.

COMPARISON WITH OTHER COLONIES.

Referring once more to the Ceylon Association's letter they say on this head:—

Should any changes take place in the constitution of the Legislative Council, it is safe to predict, in these days, that they will be in the same direction as those which have been made in Jamaica and Mauritius, and will confer on the Council a more extended control over the finances of the Colony than it now possesses.

If provision for self-defence be the primary duty of a Crown Colony, it is as much the duty of Jamaica as of Ceylon. But no demand for a Military Contribution is made from Jamaica, for in Jamaica the Unofficial Members of the Council form the majority, and it is notorious that such a demand if made promptly be rejected. Simons Town is of more interest to the Cape Colony than Trincomalee to Ceylon; but the Cape Colony is not asked to pay for its garrison, for the Cape Colony has an independent Legislature.

No military demand is made on Jamaica, Mauritius, or Cape Colony. These and such colonies as Hongkong and Singapore have not got the large demands upon them as Ceylon has; they have not got thousands of miles of roads, irrigation works, public buildings, sanitation, education and administration of justice to provide for on the same scale as we have

EXCHANGE COMPENSATION.

We have lately been called upon to provide compensation to our public servants for loss in exchange. In order to do this it has become necessary to cast about and see if retrenchment in our expenditure can be brought about. We have found during the past week since the new loan was floated in London involving a large expenditure beyond what we had anticipated in interest to cover the borrowing, that we are unable to provide the full amount of compensation or this loss in exchange during 1895 as we had hoped to do; and if this increased military exaction any is, by chance, insisted upon, I fear very much that the compensation which we desire to see paid to the public servants cannnot ponsibly be provieed. In India the excessive expenditure for milieary purposes shows at this time the largest increase under the heads of expenditure and this, I feel sure, it is chiefly respossible for the crippled state of the finances of that country. I trust that we may not have the same thing to deplore in Ceylon. It is to be hoped that the pressing of the military exaction will not come to this, and that wiser counsels will prevail. But if not, then I would counsel

AN APPEAL TO PARLIAMENT

for an Inquiry into the whole Fiscal system of the island. The War Office and the Treasury are hardly likely to push matters to such extremities for they must know full well that the result would not be to their advantage in the settlement of such a question. On the other hand I feel sure that Ceylon has nothing to fear from such an inquiry. What we, as representing all her various interests desire, is to place our case honestly before the Imperial Government, in the full hope and confidence that the justice for which we plead will be extended to us. England has not always been distinguished for her wisdom in the treatment of her colonial possessions in the past, nor indeed have some of her statesmen been very successful in later times nearer home in gaining the affections of her people; but in their dealings with Ceylon our heartfelt aspirations must be that the result of the present negociations may be a strengthening of the bonds that unite this Dependency to the mother country, whilst demonstrating more prominently than ever, perhaps, that Ceylon is what she has all along been, the foremost in affection

towards the throne as she is in her loyalty, amongst the colonies of the British Empire. In bringing forward this resolution I would have preferred to see it somewhat more strongly and pointedly worded, but, I am perfectly aware that official members are unable to subscribe to what their unofficial brethren are at liberty to put forward, and I have drafted the resolution in its present modified form in the full hope that it may command unanimity and go forward, if possible, as the voice of the entire and undivided Council. I have only one more remark to make and that is, that I hope the official members may be permitted to look upon this as an open question and one on which they are at liberty to vote according to their consciences. (Applause).

The European Representative.

The Hon. Sir JOHN J. GRINLINTON :—Sir, in seconding the motion that has been proposed by my hon. friend, I would remark that I have followed the statements he has made with great attention, and I concur with all. It is, therefore, not my intention to repeat his criticism of what has occurred during several years past. In fact it has been a repetition of events in which we were called upon to pay larger sums of money than we felt ourselves able to meet, and it was simply because we were in such a position, enfeebled, I may call it, that we did our best to resist the calls of the home Government. I am aware, as most of the members of Council are, of the part that has been taken in this matter by the former Governors of Ceylon, and I am sure we feel extremely grateful to them for all they did, and for the manner in which they addressed the Secretary of State, more especially your Excellency's predecessor, Lord Stanmore, who went with his whole heart and soul into this work for us and did everything he possibly could to get a reduction. We have now come to the period when the demands are to be renewed, and it is our imperative duty to resist these demands to the utmost of our power.

WHAT CEYLON HAS DONE FOR ENGLAND.

I have often heard it said by public men in England—why should England contribute anything whatever to the military forces of Ceylon? What has Ceylon done for England? Such expressions display great ignorance on the part of these public men. Ceylon does an immense deal for the mother couutry in the way of commerce, I may mention what the majority present, no doubt, know, but which may not have been recorded hitherto in such a manner as to bring it forcibly before the public, namely, that the value of the imports of his island for the year 1893 amounted to R65,977,293, exclusive of specie and seeing that all these imports came from the mother country, I should like to know whether the manufacturers of England have not benefited very largely by Ceylon. In addition to the manufactures, the Government of the country have benefited, for the richer the manufactures are in England the richer the Government and the lessser the amount of the taxation which will fall upon the people. We have also contributed largely in other respects. We have contributed largely in exports, the value of those in 1893, amounting to R73,260,593. As nearly all these exports go to the English market where there are merchants anxiously looking out for the disposal of them and shopkeepers ready to purchase from those merchants, will any one tell me that Ceylon does not do a great deal for England andthat commerce requires to be protected on the seas and also here. What I maintain is that the Military and Naval forces in the island and round the island are not exclusively maintained for the purposes of the island, but also for imperial purposes. Over this ground, however, I do not intend to travel because my hon. friend on my left has done it so well that I need not supplement his remarks even by a word.

THE CONSTITUTION OF THE COUNCIL.

I now come to what I may term a delicate subject, but delicate as it may be, I think it is my duty to state it more especially as I may not, possibly, be here many times more to address you. I have seldom or ever, to use a common phrase, "mixed myself up" in anything concerning the constitution of this Council. I have refrained from doing so hitherto. I intended to wait for the opportunity when the pressure of circumstances would bring the matter very near our own doors. Before I proceed to say what I think ought to be done, I would take the liberty of reading from the remarks made by our late Governor, Lord Stanmore, bearing on this subject, and showing that he really almost anticipated what is now taking place or will take place with regard to the demand made upon us. The first remark he made, and it is fresh in my own recollection, was that "the exaction would be resisted to the last possible moment and by every means legally available," and then further on he stated :—

The island "would resent the imposition of a burden on it because it is weak and powerless which Her Majesty's Government does not venture to impose on communities of greater strength."

I could not, nor could any unofficial member of this Council, use stronger language than that used by Lord Stanmore, the late Governor of Ceylon. (Applause). But these expressions, powerfull as they were, have not had the desired effect. The intention was good but the effect that has followed in preventing further demands has been *nil* comparatively speaking. It is only by obtaining

A MAJORITY OF THE UNOFFICIAL ELEMENT

in this Council, which majority cannot be coerced into giving a vote on the finances of this colony by desire of the home Government that the desired effect can be brought about. So long as the home Government, the Treasury, and the War office can grasp the money, you may depend upon it that whenever they see that we are in a favourable condition, however little that may be, they will put their hand upon that which we want for our own needs. There is only one way of preventing this, sir, and the way to prevent it is to increase the number of unofficials in this Council. When you make the unofficials one more than the officials, and as the unofficial vote cannot be commanded, we believe the official vote is commanded, it won't be in the power of the home Government to exact the pound of flesh from us. There is the little colony of Mauritius, which is not as large as any one of the nine provinces of Ceylon. I have served in Mauritius and know it. That little colony has a Legislative Council consisting of 19 members, 9 being officials including the Governor and of the 10 unofficials one is also a member of the Executive Council. Then, again, Jamaica has 6 official members of Council including the Governor,

2 nominated members, and 9 unofficials. Thus the unofficials are one in excess of the officials and the nominated element. If I mistake not, there is also one unofficial who is a member of the Privy or Executive Council. The former statement I have taken from the Colonial List, and I think the latter statement is correct, but I am sure H.E. the Lieut. Governor will be able to put me right in that respect. Now, what has this colony done that it should not be placed on

AN EQUAL FOOTING WITH MAURITIUS AND JAMAICA ?

(applause). Has it done anything? Have those composing the unofficial element in this Council ever banded themselves against the Government on any one occasion to do an injury to this colony? Never! And if an additional number were brought in somewhat similar to the element now existing, I do not see any reason to fear that the Government of the country would not move on as pleasantly as it has moved on hitherto, and, certainly, it would have the satisfaction that it would know that every five years an additional demand would not be made upon us for Imperial purposes. Conservative as I am, I feel, in taking up a line like this, perhaps, a little out of my element. Therefore, if I am not sufficiently strong, you must make excuse for my education; my intentions are good. I was brought up in a school that has always looked upon the Official element as a thing that must not be touched, but lately I have began to think, more particularly after recently sittings on the Retrenchment Committee, that the Unofficial element is quite as well advised and has the interests of the country as much at heart as the Official element to say the least of it.

SOMETHING PRACTICAL DESIRED.

Now, Your Excellency, all this talking in Council today, my hon. friend's remarks and my own, will be lost sight of in the course of as little time. It may never reach the very person that we wish to reach, and my object in coming forward is not merely to ventilate my own views and to stand up so that I may be heard talking, but that practical effect may be given to what I say. I should, therefore, be glad if my hon. friend on my left, the proposer of the motion, would consent to add another paragraph to his resolution. I am not going to upset all at this table by springing a mine upon you or anything of that kind. I am merely going to ask that a paragraph be inserted in the resolution which is

A REALITY AND ONLY COMMON SENSE.

The paragraph which I wish added to the motion, with every word of which I thoroughly agree, is as follows:—

"The Council affirm that a demand for a larger contribution than that indicated in paragraph 3 could only be met by obtaining the votes of the official members in Council who have a majority of two over the unofficial members, who represent the island and who are thus powerless against a majority solely composed of officials whose votes can be commanded by Government."

With the permission, sir, of the hon. mover and of Your Excellency and this Council, I would be very glad indeed to see this added to the motion now before the house. That would be the first step in the ladder which I hope may be mounted by those who succeed us here, if not by the present Council, and I sincerely hope it may be the present Council. I trust that this subject will be boldly taken up by the Council so that we may have a larger number of unofficial members and that we may be treated in a similar manner to Mauritius and Jamaica. The former colony is no more than a little speck on the sea and I do not think Jamaica is of equal importance to Ceylon. I won't say anything against Jamaica, but I do not see what reason there is for Ceylon being treated as we are, so that the strong man armed may take from us at any moment he pleases, the taxation to which the unofficial members of this Council say no, but which the officials who are in the majority say yes, to, not because they believe in it, but because they are compelled to vote for it. With these remarks, sir, I shall sit down in the hope that what I wish added to the motion made by my hon. friend will be carried unanimously. (Applause).

The Planting Member.

The Hon. GILES F. WALKER:—Sir, the subject which is now before the Council is a very important one, but it has been so fully entered into in the letters and extracts from Despatches, Sessional Paper 13 of 1885 and the other papers before us, and it has also been so fully gone into just now by the hon. member who has proposed the resolution and the hon. member who seconded it, that I shall not attempt to take up the time of Council at any great length.

WHAT WE ARE LIABLE FOR.

I should like, however to say, sir, that after a careful perusal of the papers submitted to hon. members recently, the conclusion, to which I have come, is that we have admitted or at any rate are bound to admit that we, as a colony, are liable for the cost of maintaining internal order or what I may call internal defence, and we are also liable for some contribution, great or small, towards the Imperial defence of the colony or what I may call our naval defence. That, a reference, sir, I think to these papers will show, has been passively admitted by us, and I, think, it is an admission we are bound to make. But when we come to consider what is a fair quota towards naval or military expenditure it is very difficult to make a comparison on the rate per head of the population or on the proportion which our expenditure bears to our general revenue as compared with the proportion of the Imperial expenditure to the Imperial general revenue. In the first place the population of this country is very much poorer on the whole than the population of Great Britain and in the next place I do not think you can plead the same arguments and the same reasons for taxing a subject race that you can for taxing the dominant race in the mother country. Further than that, sir, the question is one in which Imperial interests are involved as well as Colonial interests. I believe, that for Imperial interests, it will be absolutely necessary to have troops in this Colony even though the Colonial interests are left out of the question altogether. Therefore, from that point of view, the contribution that we make for the maintenance of 400 or 500 men, even admitting that they are kept for Colonial purposes, may be taken as a contribution towards the expenditure which the mother country would have to make in any case, so that when we come to consider first what is an equitable contribution, and next what the Colony can afford to pay, we must take that into account. Looking over these papers, sir, I find that the Lords of the Treasury in their despatch of 28th August 1884 states:—

It does not follow that a Colony ought to pay nothing towards Imperial expenses; on the contrary, My Lords

hold it to be the duty of every portion of the Empire to make some contribution towards those expenses, according to its means.

Following that up in their despatch of 6th November 1884 they say :—

Their Lordships will consent to the reduction of the Military Contribution from Ceylon to R516,000 per annum, payable by equal monthly instalments in the Colony for five years from 1st January next, if the Secretary of State will concur in the demand of some reasonable contribution from that Colony, so soon as its finances have recovered from their present embarrassment, towards the cost of Her Majesty's ships on the East Indian Station.

And then at the end of the same despatch there is the paragraph which was quoted by my hon. friend the mover of the resolution :—

My Lords are of opinion that, so soon as the public revenue of Ceylon has reached £1,200,000 per annum, it could afford, and might justly be called upon to pay, a Naval contribution not exceeding R360,000 per annum, in addition to the charges of a new loan for fortification.

That sum of R360,000 was taken in a further letter to be £30,000 sterling. Referring to this dictum of theirs afterwards they stated :—

My Lords thought it expedient to give some general indication of what they meant by a reasonable Naval Contribution, and ability to afford it in the case of Ceylon and it is this part of their letter of the 6th instant which fails to meet with the approval of the Secretary of State.

And further on :—

Nevertheless, my Lords do not expect that the Secretary of State will pledge himself to any precise amount of Naval Contribution, when they themselves have only felt justified in suggesting what might be a maximum under certain circumstances.

WHAT THE LORDS OF THE TREASURY HAVE ADMITTED.

Now, sir, I think it is very evident from this that the Lords of the Treasury have admitted that with a revenue greater than the colony has at the present time, taking it in sterling, the maximum amount they can ask us to pay as a naval contribution is £30,000 sterling, and if to that you add what has been estimated by the War Office and the Treasury as the cost of the maintenance of 400 to 500 troops, whose presence is necessary in the island for internal defence and protection against disorder, you have a sum of £73,000 sterling or rather less than the amount of the Military Contribution that we are paying now. I think, sir, in connection with this it may be well to quote a paragraph from the despatch of our late Governor, Sir Arthur Gordon, dated 26th February 1885 in which he said :—

I will not now discuss at any length the principal of Colonial contributions for general Imperial purposes. Its adoption would mark a very new departure in English Colonial policy, and an abandonment of what has hitherto formed one great superiority of the English over the Dutch system of Colonial Government, viz., that the revenues of the Colony were expended on the Colony. I believe that in the long run it will be found far more advantageous to the Empire and to the Imperial Government itself that surplus revenues should be spent on the development and improvement of a Colony, than that its wants should be inadequately met, and public works and general progress starved and stinted, in order to extract from the Colony sums, large as regards the Colony deprived of them, but contributing only a paltry assistance to the Imperial Exchequer.

Well, sir, I think that that shows that the amount we pay at present as our Military and Naval Contribution is somewhat in excess of what was laid down as the maximum sum that could be exacted from us under even somewhat more favourable circumstances as regards revenue than exist at the present time. As regards the question of

TRINCOMALEE,

I think, sir, that it may be taken for granted, as any one may see who had read through these papers, that Trincomalee has been admitted by the home authorities to be an Imperial station and one that does not affect us as a colony. In the letter of the Ceylon Association in London dated 23rd December 1890 it is stated :—

On the 19th October, 1875, the War Office wrote to the Treasury that "the Military Force at Trincomalee is maintained, *as their Lordships are already aware*, for the protection of our naval interests, and is not required for Colonial purposes."

And further on in that letter, which was signed by five ex-Governors of Ceylon amongst others, they say :—

Every plea which has been assigned for the payment of the garrison of Trincomalee by Ceylon can be urged with ten-fold force in the case of Simons Bay, lying, as it does, immediately behind Table Bay and Cape Town. The defence of Simons Bay is of immeasurably greater importance to Cape Colony than the defence of Trincomalee is to Ceylon. Yet the whole cost of the fortifications, armament, and garrison of Simons Town is defrayed by Imperial resources; nor, so far as the Association is aware, has any suggestion that it should otherwise be met been even mooted.

I need not dwell further on this question. I assume it to be admitted that the maintenance of the Trincomalee Garrison is an Imperial question and I do not believe for one moment, in spite of some ideas that have got abroad recently, that the home Government is likely to ask us to contribute to what they have already admitted to be a purely Imperial question.

WHAT THE COLONY CAN AFFORD TO PAY.

Assuming, sir, as I think I am justified in doing, that the amount we are paying at the present time is the full amount we can be equitably called upon to pay, the question is whether the colony is in a position to afford the full amount. That, sir, is a more doubtful question. I think a payment of this kind does undoubtedly press hardly upon the colony in a certain sense, and yet at the same time I am not prepared to say that it is a contribution that we are unable to pay, at any rate in the present state of our revenue. But I believe, sir, that if the full amount we pay now be continued for a series of years it will come to be felt as a very heavy drain unless our fiscal system is to some extent revised. I think, sir, that the

REVISION OF OUR FISCAL SYSTEM

in some respects is necessary, and it is a question that cannot be postponed for very long. At the present time there is a strong feeling, in which I confess I share, that the incidence of our taxation ought to be more fairly distributed, and that at present it presses unduly, heavily in some respects on some of the poorest classes in the community, and this incidence is unequal not only as between these poorer classes, but as between the larger industries of the country. I think, sir, that the time is not far distant when this question will have to be seriously taken up in order that the burden of this Military Contribution may be less severely felt. I cordially support the resolution before the meeting because, I believe, that in agreeing to pay the amount that we are paying at present we are treating the mother country generously and fairly in every respect, and because, while I believe, that we cannot afford to pay more than at present I think, that amount is all that we can in justice be called upon to pay. (Applause).

The Muhammadan Member.

The Hon. M. C. ABDUL RAHIMAN :—Sir, the contribution is not a new one to this and other colonies as each contributes its own share for

defence. It may be legitimately termed the premium of insurance paid for the protection. The exaction falls very hard upon us being a sterling charge and the unfavourable exchange is doing more mischief.

REPEATED APPEALS

with reasonable arguments have been made with the supports of Your Excellency and your predecessors. Notwithstanding all the appeals a further increase is coming upon this colony. His Lordship the Secretary of State has elaborately explained his exhaustive reasons and has determined to exact an increase of a round sum which would be not much less than two millions of rupees from a rising colony, which has just begun to shoot out from the depressed state.

THE COLONY REQUIRES EXTENSIVE IMPROVEMENTS

and the expenditures involved and to be involved are very great. At this stage to strike a blow with an increased demand would injure and discourage very many useful public works, and we would have to curtail expenditure. It is true the estimated revenue of next year is one of the largest we have had, but the proposed expenditure is also not small. The colony being saddled with an increased amount of contribution under the plea of flourishing revenue is unjust. Considering the loyalty of the subjects, and the peaceful attitude of the European powers, there is no reason to anticipate any breach of peace to take place. The harbour of

TRINCOMALEE,

is mainly for the use of the East Indian Fleet of the Royal Navy which is entirely for the purpose of the Imperial Government and the garrison of that station, should be maintained by Imperial Government, who should take over that District with its revenue. Until the burden of Trincomalee is removed from the Colony, there is no chance to decrease the Contribution. Once

POINT DE GALLE,

was considered, to be an important port, and maintained its Garrison, with considerable charge. Since it was removed, nothing new has happened but a saving.

COLOMBO HARBOUR

is becoming, one of the prominent ports in the East. Ships of all nationalities frequent it, and whenever any emergency arises the proposed new "Mutwal Battery" will answer the purpose. The object of the founder of

THE VOLUNTEER FORCE

was to reduce the cost of the Military Contribution, and the Volunteer Corps is pronounced to be very efficient and almost equal to the Regulars.

Therefore, a considerable reduction could be effected in the number of the troops now stationed in the Colony. Sir, after the disbandment of

THE GOOD OLD CEYLON RIFLE REGIMENT,

the two Companies of native Artillery, known as Gun Lascars, were retained in the Service, and locally recruited to fill the vacancy. Lately they have discontinued the local recruiting and a certain class of men, from India, are pronounced, physically unequal and more expensive. I hope, His Excellency the Major-General will be pleased to give consideration to this.

The Burgher Member.

The Hon. DR. ANTHONISZ :—I do not wish to take up the time of the Council in repeating what has already been urged by the hon. members regarding the Military Contribution. Hon. members have gone through all the arguments which could be adduced to show how unreasonable and excessive is the demand made on the colony for the Military Contribution. The dispatches of our late Governor and the Ceylon Association in London have clearly pointed out how inequitable and unjust the demand is on a colony like Ceylon.

COMPARISON WITH THE CAPE.

We must consider the manner in which this colony was attached to British rule. During the wars with the French the Island of Ceylon and Java and the Cape Colony were under British protection, and after the termination of the war Java was restored to the Dutch, and the Cape and Ceylon, both being on the highway to India, were retained by the British to protect British trade and serve British interests. This island, like the Cape, was ceded to the British Government and not conquered like Hongkong or Singapore. True the Central Province or hill country was conquered and the same was the case at the Cape when the Kaffir war broke out. From this fact both these colonies should be treated alike and it would not be proper to exempt the Cape Colony from a large Military Contribution and to fix a heavy demand on this island. The demand made on this island is because it is not a representative colony like the Cape. If a demand of this nature was made at the Cape it would not be paid, but it is different here; the demand must be paid whether the people like it or not, or the sum demanded would be taken against their wish. When the colony was annexed to serve British interests and to promote and protect British trade, it is just that the Military Contribution should be paid jointly by the island taxpayer and the British taxpayer, in which case the troops to be stationed in the island, the 400 men, intended for interval defences should be at the cost of the colony and the 800 men, (as 1,200 men is the number fixed upon) should be at the cost of the Imperial Government This will make Trincomalee a Military Naval Station at the cost of the British taxpayer.

THE STATE OF THE REVENUE.

It is said that we should pay Military Contribution according to the state of our revenue; if our revenue increases, the demand should become greater. But it does not say when our revenues falls that the contribution would decrease. It was with no little difficulty that our late Governor had the heavy contribution reduced to save the colony from being placed under great difficulties. At the present time although our revenue has increased, there has been a corresponding decrease owing to the fall of exchange; this has placed the revenue in an unsatisfactory state and has also forced Government to give compensation to its public officers and increased our debt in England. If a heavy Military Contribution, an unproductive expenditure, is to be paid.

OUR REPRODUCTIVE WORKS

could not be carried on, and works which have been constructed and should be kept in proper repair would have to be neglected. Take for instance the Breakwater. This work was constructed after a heavy expenditure of money and labour, and more is to be done to perfect the work. Who derives the lion's share of the benefits of this work. It is not the taxpayers of the island, but the tax-payers in England. What benefit is the Breakwater to the people in Jaffna, Bat

ticaloa, Matara, and other places? None, certainly Colombo is greatly benefited and the merchants and traders are better enabled to ship and load their goods and passengers with greater safety and ease, which would not be the case if no work of this kind existed.

To the British taxpayer goes the larger share of the benefits of this work, for the ships and coals belonging to the people in England and not to those in the Island.

NO NECESSITY FOR A LARGE FORCE.

It has been contended that, as we paid a larger military contribution in former years when our revenue was less, it is unreasonable to refuse to pay a heavy contribution now. In former years if we had a heavy military contribution to pay there was the necessity for it, which does not exist at the present time. When such is the case, to pay an exhorbitant military contribution is unjust. Formerly we had a native Regiment—the Ceylon Rifles, which did the Police duty; the disbanding of that Regiment has necessitated the organizing and increasing of our Police Force for which there is an extra expenditure. A Volunteer Force is now maintained at some cost to the Island, of Infantry, Artillery and Mounted Infantry—all these are expenses incurred since late, and consequently there is no necessitating for stationary a large military force in the Island. In fact our late Governor thought he could do away with a military force altogether for a time, to show what little need there was for a large body of troops in the island to be maintained at the cost of the colony. And even this small force may be drawn away at any emergency without our feeling any alarm, as has been the case when troops were sent away to India, and I believe to New Zealand, and paid from the revenues of the country. Education is extending and people know the benefits of British rule so that a rising among the people is an impossibility, and whatever may have occurred in the past among an ignorant and discontented few, is not likely to occur in the future is my firm belief

CEYLON AND INDIA.

It is stated that Ceylon like India should pay all the cost of its military stationed both for internal and external defence as it was at one time attached to India. This does not appear reasonable when the state of the two countries is considered. India has a restless and turbulent population on its borders, that requires to be kept down by frequent military expeditions, and also to annex countries to promote, commence, and secure peace. Such is not the case in Ceylon; no country to be annexed as the ocean extends to the South Pole, and no restless people to be kept in order, unless it be our plucky and enterprising planters, who are for ever asking for more and better roads, cheap lights, less tolls, and cheap transports. All these are for the benefit of the country to develop its resources. True the island when ceded to British rule was for a short time governed by officers from Madras, until a settled Government was formed, and for this reason it could not be said it forms a port of India. During the Dutch occupation it was not connected with India and for the short space of time it was governed by officers from Madras the salt tax was introduced and, I was told,—and could not say how far I am correct,—that a land tax was imposed which nearly caused a rebellion among the population. The troops in India are for the protection of India and could not be withdrawn, as it is said it must be held at the point of the bayonet. The troops here may be withdrawn without any serious consequence to the island as it was stated by our late Governor.

PAYING FOR OTHER PEOPLE.

The Secretary of State in the despatch of 23rd July 1891 states that the colony should pay the expenses necessary for the defence of the island and especially the coaling stations, in the island, in time of war, and why should not Ceylon, like other countries, provide for its self-defence. We have always said that we are prepared and willing to pay our full share for the necessary protection of the island, but, surely, we could not be expected to pay for the protection of other peoples' goods when they are fully able to do so. The coals and the ships do not belong to us, but to the British taxpayer who is bound to look after his own interests. If we have to make our own arrangements to protect ourselves from any invasion, we need not have troops in the island, and only pay a suitable sum for our Naval defence. To do this, the island should be made a representative colony and not as it is, to be taxed, but not to have the power to spend it as we will, not as others think. Lord Rosebery in his speech at the Guildhall made the following remarks about colonies:—

His Lordship said—"First, that colonising is a decentralising influence as regards our military power and makes for commerce; and secondly, that no colony can be made directly a remunerative affair to the mother country. A colony may be, and has been, made by ourselves directly advantageous by the bonds of commerce and of sympathy, but commerce and sympathy in every part of the world can only spell peace."

Is this large demand, as a military cost, one of the means of shewing the sympathy of the mother country towards such a loyal colony as Ceylon; and is obstructing or preventing the development of a country, or not promoting commerce, a sure way of securing the blessing of peace?

WE PAY ENOUGH ALREADY.

Already we pay quite enough and could pay no more, unless we are made so poor that we would be unable to secure a sufficient revenue to keep our reproduction works in a satisfactory condition. It is to prevent this state of poverty that we make this request on the Government of England, as it is, the sum we have to pay in rupees for the Military Contribution, Volunteers and the duty exempted from Imports to the military is no less an amount that R1,503,300-71 a year. If the rupee was worth 2s the amount now paid will be nearly equal to what was paid in former years when our military wants were greater than at present £160,000.

The Lowcountry Sinhalese Member.

The Hon. A. DE A. SENEVIRATNE:—I do not desire, sir, to add anything to what has fallen from my hon. friends especially as this question has been thoroughly threshed out by the Ceylon Association in London and in the representations made by Your Excellency's predecessor. There is one remark, however, which has fallen from some of the hon. members to which I must take exception, and that is with regard to the increase of revenue. Undoubtedly in the number of rupees there has been an increase, but the value of the rupee has diminished in value, and I ask whether there has been such a great increase in the revenue when you take into account a large payment in gold

we have to make with the depreciated rupee. There have been only two questions presented for our consideration today. The first is as to the sufficiency of the sum contributed for the maintenance of a garrison here, and the other is as to whether the colony should be called upon to pay for the garrison at Trincomalee. As has already been pointed out the question relating to Trincomalee has been already settled —I should have thought that it had been definitely settled—and I do not know that we could be expected to contribute towards the maintenance of a garrison for Imperial purposes. As regards the garrison here, if 400 or 500 men were sufficient in former years much less I should have thought would be sufficent now that there is a very competent volunteer Force in existence, and as far as coping with any internal strife, I believe, it could be done, as Sir Arthur Gordon said, even if the Military were withdrawn. If it could be done before the Volunteer Force was started how much more easily could it be done now when we have a competent body of Volunteers. I do not wish, sir, to take up the time of the Council repeating arguments that have already been advanced, but there is one other remark that I would like to add, that is, that if the Military Contribution from this colony be increased, it appears to me that, it should not be taken from the native population but from the shipping that needs this greater protection—from the English merchants and shippers. Looked at it in that spirit. I think it will bring home to the English mind that it should be unfair to expect the natives of the country to contribute to the protection of their merchandise.

The Tamil Member.

The Hon. P. COOMARASWAMY :—I have great pleasure, sir, in supporting the resolution before the Council. I would only say with regard to what as fallen from the last speaker, as to bringing the matter home to the English mind, that it is the English mind that has started the matter now. It is the English mind that is working out this question, and I think the English mind, with the powerful influence it can command, can do more than we can do to settle the question. I concur with all that has been said in favour of this motion., and that has been said so well, and I have nothing to add except to say that I have great pleasure in supporting the motion.

The Kandyan Member.

The Hon. T. B. PANABOKKE :—There is hardly any occasion, sir, for me to speak on behalf of this motion, but although I cannot add any other reasons in support of this motion I wish to take this opportunity to add, or to speak, my testimony to the correctness and soundness of the arguments that have been advanced. I have had an opportunity of carefully reading over all the correspondence connected with this question, and I am glad to say that the speakers, who have preceded me, have not missed one argument that could be stated in support of the motion. It would therefore be idle for me to take up much more of the time of the Council. The hon. the mover of this resolution stated at the outset that this subject should be discussed in a

SPIRIT OF LOYALTY,

and I think from what fell from himself and the other speakers, no discussion could be carried on with greater loyalty than we witness now. (Hear, hear). I touch upon this point more for another reason than the one I have just stated. It has been mentioned that the number of troops necessary for the internal purposes of Ceylon would be between 400 and 500. Now, amongst the reasons for curtailing the number of English troops which have been forcibly put before the War Office and the other authorities is that the people of Ceylon are very peaceful and loyal: since the year 1880 there has been no disaffection shown towards the crown. It was in the Kandyan district that the small riot, if it can be so termed, broke out, and therefore I wish to assure Your Excellency and this Counil as well as the home authorities that in the Kandyan country this spirit of disaffection has been entirely wiped out. (Applause). My bare statement may go for very little in lending weight to the arguments, but I would beg of your Excellency and the hon. members to look at little into the past history of the Kandyans. There was a great longing on the part of the Kandyans to see any representative of the reigning Queen and when it was first known that H.R.H. the Duke of Edinburgh was to visit Ceylon the loyalty which characterized high and low, the rich and the poor, the aristocracy, if I may be allowed to use the term, as well as the commonality of the people affords ample evidence beyond which nothing is required to show the spirit of the present generation of Kandyans, although further instances are not wanting as in the case of H.R.H. the Prince of Wales and other Princes visiting the Island, the people rising as one man and taxing themselves, so to speak, to give a hearty reception to their Royal Highnesses. These facts, I think, go to show that if there had been any spirit of insurrection that spirit has been entirely swept away from the Kandyan country not through any force that has been applied but through the clemency and strict though stern justice of the British Government in administering the country. I believe that in deciding this question the home Government will be moved by that traditional spirit of clemency and justice towards the governed race. Additional evidence of the peaceful character of the inhabitants is, that in the Peninsula of Jaffna there are no military whatever, and there is no need for troops in Kandy. The troops stationed in Colombo are quite enough for all internal purposes with the body of police we have and the Volunteer Force. It is not for me further to take up the time of this Council, but I would merely point out that the successive Governments of this country, by which I mean the Executive and Legislative Councils, the press and all creeds and nationalities comprising the people of the country, are unanimous in asking for a reduction of the Military Contribution, and I think that would be a great argument and have a great deal of weight with those with whom this matter rests for decision. As regards the prosperous state of the revenue it has been stated by one of the speakers that

THE ABOLITION OF THE PADDY TAX

has diminished the income to some extent. I admit that, but at the sametime I wish to state publicly that no greater act of kindness and justice could have been to the poorer class of the people of the country than the abolition of the paddy tax, and, I think, it is needless to introduce that question into a controversy of this kind. We have, sir, to deal with the question of

compensation for the fall of the rupee, and there is also the question of retrenchment before us, and I do not think that these facts can show that we have a flourishing or increased revenue. As regards what has fallen from the hon. the Planting Member as to the fiscal policy of Ceylon requiring alteration, I do not think that this is the proper time for us to consider that question; it will be time enough to consider that question when it comes up for discussion. With these remarks, sir, I wish to say that I heartily support the motion before the house.

The Treasurer.

The Hon. F. R. SAUNDERS:—Sir, having addressed this Council at some length last time with reference to this question it is not my intention to say very much today, but I feel that I should like to add a very few words to what has fallen from the Unofficial side of the Council in order, if possible, to supply a few points which in my opinion ought to be urged in the consideration of this question when the matter takes a shape which I have every reason to believe it will take after it has left this Council Chamber.

THE RIGHT OF OFFICIAL MEMBERS.

Another reason why I should not wish to give a silent vote on this question is that I should like to assert in my person as an official member the right, I believe, of every official member to express his own personal opinion on a question of this nature so long as the matter is one open for discussion, and is intended to aid the home Government in coming to a right and just conclusion. (Applause). Hon. members have referred to and quoted very freely from papers which show what has taken place in the earlier stages of this Military Contribution question; but I think we should endeavour to ascertain what are the principles upon which the Military Contribution is now and in future to be levied. I have looked through the vast correspondence and I cannot find that at any time except in the years 1884 and 1885 have

THE PRINCIPLES UPON WHICH THE CONTRIBUTION IS MADE

been thoroughly discussed. Sometimes we have been told that the colony is liable to pay for the troops required for local purposes, and a very small sum in addition as a naval contribution. At other times we have been told that we are justly liable for one half of the troops employed in the island. At another time we have been told that we should pay for the whole of the troops except those for garrisoning Trincomalee; and then again we have been told that we must pay for the whole of the troops employed in the island of Ceylon. We have been told that it may some day come to that and furthermore, that we may have to pay in addition to that a naval contribution towards the cost of Her Majesty's Indian Squadron. Well, I think it is very necessary that we should know exactly what are the principles which are to regulate this payment and to what extent they may ultimately be pushed. It was for that reason that at the last meeting I pointedly called the attention of hon. members to the discussion which took place in 1885, because I hold that the question of principle was then thoroughly discussed by all the departments who are entrusted by H. M. Government with the settlement of such matters. The Lords of the Treasury, the War Office, and the Secretary of State for the Colonies all entered into that discussion and furthermore the representatives of this colony were allowed to take part in it. What was the result of that open and full discussion. The result of it was that it was laid down as

A DISTINCT PRINCIPLE

that Ceylon, as a British colony, was bound to pay, as a minimum, the full cost of that portion of the garrison required for purely colonial purposes, but in order to fulfil its obligations to the mother country it was also bound to make some reasonable contribution towards Imperial defence according to its means either by increased Military Contribution or by a combined Military and Naval Contribution. That principle having been fixed, the Lords of the Treasury and other Departments went further and the minimum and the maximum amount that this colony ought to be called upon to pay. The minimum was fixed at R516,000 or £43,000 and the maximum was fixed at R876,000 or £73,000 the maximum being made up of £43,000 for Military and £30,000 either for additional Military Contribution or Naval Contribution. As I pointed out before this maximum was only to be paid when the colony had reached a degree of prosperity which would justify this charge, and in order that there might be no mistake about what constituted prosperity, the actual amount of revenue which should be regarded as indicating prosperity was stated to be £1,200,000. We, therefore, had everything fixed that we needed to know. I need hardly remind hon. members again that the Home Government had agreed to accept R516,000 for 5 years provided the colony would agree to have that sum raised in time of prosperity. The colony, however, declined that offer and said it would prefer to pay R600,000, without any conditions and it did pay that R600,000 for five years rather than R516,000 (which would have been accepted) because it hoped to escape from the maximum charge which it was told might be put on if the finances of the Colony at the end of five years had reached £1,200,000; but, at the end of that period, it was called upon to pay not the maximum, of £73,000 but a sum of £75,400. That sum the Colony paid with very little protest and I think it was perhaps right that it should have done so because at that time the revenue of the Colony was £1,200,000, and we had erected certain fortifications in Colombo, and it was thought that having agreed to erect batteries it was only right that we should pay a small additional sum for the troops that were to garrison these fortification. But if we are to pay a still larger sum now, I think, we ought to ask distinctly on what principle, the larger sum is demanded. Is there anything in the condition of this Colony which renders it necessary that there should be more troops for Colonial purposes or more troops for Imperial purposes?

FEWER TROOPS REQUIRED

I am sure every hon. member present will agree with me that so far as the Colombo itself is concerned it requires if anything fewer troops in 1895 than it did in 1885 for purely colonial purposes.

REVENUE.

When we compare £73,000 which was to be the maxmum that we were to be called upon to pay, when our revenue was R1,200,000, we find that the maximum contribution fixed was to be 6.1 per cent of our revenue. What do we pay now? —We pay considerably more than 6.1 per cent. not only have we as I said before, paid R600,000 for five years and £75,400 for another five years, but we have expended a very large sum on

fortifications amounting to £24,000 sterling. We have also paid R500,000 to raise a Volunteer Corps and these Volunteers will cost us now, something like R120,000 annually. We, therefore, now pay annually a sum of money in military contribution and for Volunteers which exceeds 8 per cent of our revenue (Hear, hear). Then, again, we have to consider what that revenue is. Hon. members have shown that owing to the depreciation of the rupee the revenue has decreased in actual value to a considerable extent but where this depreciation touches the resources of the Colony more than in any other way is when we have to to meet large gold charges incurred in England.

OUR GOLD CHARGES

Now if hon. members will turn to the Blue Book and look at the figures they will find that whereas the gold charges in 1885 cost us 29 per cent of our revenue they now cost us 38 per cent of our revenue. That includes the Military Contribution and the gold charges that have to be paid in England so that it will be seen that the question of the fall of the rupee very materially and very strongly affects the question of our ability to pay even the maximum charge which was fixed in 1885 to say nothing of an increased charge. Be that what it may I think we should ask to be distinctly informed on what principle we are going to be charged either a lesser or a larger amount. One of the reasons for increasing the Military Contribution given in the despatch of Lord Knutsford is that the home Government desires to reconsider the question of the justice of charging for

THE GARRISON OF TRINCOMALEE.

Now in that question, sir, I prefer as an official to say very little for I cannot read the correspondence which has taken place and believe for one moment that Her Majesty's Government will, after a due consideration of that correspondence, say that they consider that this colony ought, in justice, to be called upon to pay for Trincomalee. (Hear, hear from the Planting Member.) The arguments that have been brought forward by the Ceylon Association in their letter of Dec. 1890 which has been already quoted were very conclusive, but there is a paragraph in a letter from the Association written at a later date, after they had been informed that it was possible that the home Government would at some future time open up the question of Trincomalee, which I think should be read to the Council. It is as follows :—

The Association cannot altogether understand that sentence in the ninth paragraph of the Despatch which states that "the fact of Trincomalee being an imperial, rather than a colonial, station has been acknowledged, *for the present*, as a reason for not charging the colony with the cost." Now, it is either a fact or a fiction that Trincomalee is an imperial station; nor can the Association conceive how the liability of the Imperial Government for its maintenance can possibly be "for the present" admitted, and hereafter repudiated. The War Office, it is true, has denied, and the Association believes still denies, that any such admission has been made; but it does so in the face of facts which cannot be disputed.

I feel perfectly certain that the more the home Government reconsider this question the more certainly will they come to the conclusion that they cannot in justice charge this colony with any of the expenditure for maintaining the Garrison at Trincomalee. I think, sir, it is questionable whether it is not time for the home Government to consider whether the expenditure of money at all on Trincomallee is justifiable and whether it is in their own interest to spend such a sum of money. Of course on such a subject as that, civilians are unable to give such a sound opinion as military men, and it must be presumed that the home authorities know best whether it is to their advantage or not to spend large sums of money on Trincomalee but I can only say from enquiries that I have been able to make, I believe and I have heard it stated on very good authority, that naval and military men have declared that it is

A MISTAKE

to continue this large expenditure on Trincomalee. Even the Military and Naval Departments of Government themselves are not quite agreed about it because whilst the military authorities have been spending very large sums of money at Trincomalee to defend and garrison an empty harbour, the Admiralty keep only a nominal supply of coal and stores there, and have no facilites for repairs to ships or machinery at the station for which all this large expenditure is being incurred. But as I said before this is more a question for experts, and I only mention it now in order that if I am wrong in stating that this opinion is held by naval and military authorities I may be put right. I shall record my vote for this resolution but I would venture to ask the Council to go further than to merely pass the resolution proposed by the hon. the mercantile member. I think it would be well if that resolution is carried that a copy of it and of the proceedings of this Council should be sent to the Ceylon Association in London. I think that that body has most ably conducted its correspondence hitherto with the Colonial Office and it has amongst its members persons who have many opportunities of urging the views of the Colony and getting them considered and respected, in fact it has at they present moment as its Chairman an ex-Governor of this Colony, Lord Stanmore who has undoubtedly fought the battle of the Colony as regards the military contribution, with great ability and great earnestness, and there can be no doubt that for that service the colony owes him a debt of gratitude (applause). I have no doubt that if the resolution we pass and a report of the debate that has taken place be sent to the Ceylon Association in London, Lord Stanmore and the members of the Association will give to the question the same attention and support which they have hitherto given to it. I am sure that I echo the wish of every member of this Council when I say that I trust that the decision which is come to now may be one that will have some permanence. This constant reopening of the question is not good for the colony, it is not good for the people and it is not good for the home Government and I think that the question should once and for all be definitely settled on just principles. I am sure we all hope that the decision arrived at will be one satisfactory to both parties and that as the hon. member who represents the mercantile community said it will bind in closer bonds if that be possible the union which exists between the island of Ceylon and the mother country, (applause).

The General Officer Commanding the Troops.

H.E. the Major-General :—Sir, I should like to say a few words on the subject of the Military Contribution. Connected with that is the subject of defence to which I should prefer to confine my remarks, but the two questions of Military Contribution and defence are so mixed

up that I find it impossible to separate them. I should like the hon. members to understand that I am

NOT THE SPOKESMAN OF THE IMPERIAL GOVERNMENT

any more than I am of this Government. My remarks and my opinion are founded simply upon my own experience—my long military experience and also considerable experience in colonial Councils. The hon. member for the Mercantile community has made one statement in paragraph 1 of his resolution that I must take exception to, namely; that the whole force required is 400 men. That may have been a sufficient number in 1884, but at present I say it is not.

THIS QUESTION OF DEFENCE

has been thoroughly threshed out both by naval and military experts first of all in England, and I may tell you without any breach of confidence that very careful instructions were sent out giving the lines upon which the defence of this colony was to be conducted. The principles of that line of defence were worked out here by a Council composed of most experienced military officers, a naval officer and two officers of the colony, and I do not think it is possible to reduce one single man of the number that we then considerd were sufficient to man the defences of this port. The garrison now numbers between 1500 and 1600. Of that number about 550 are allowed for Trincomalee and the remainder for Colombo. Kandy does not enter into the discussion at all, because troops are merely kept there for convenience, there not being sufficient accommodation for them all here or at Trincomalee. Every man has his post allotted to him in the defence of the colony—not only the regular troops but also the Volunteers which we consider a most valuable auxiliary. All have their posts assigned to them, and I say that it is impossible that you can be safely defended with one less than you have now.

IN FACT MY OPINION IS THAT THE NUMBER IS NOT SUFFICIENT;

but the Home Government are so loath to part with a single soldier that they will not increase the present garrison. I do not think you need be in the least afraid of being saddled with extra soldiers here, because the principle of the Home Government is to keep them at home and not to send them abroad. Now, of course, as I am responsible for the defence, I have to look at it in a variety of ways. First of all, I tried to take the view that an enemy would take. We must prepare against an enemy and anticipate the view that that enemy would take of our port when he arrived here. He knows very well that your revenue is R19,000,000. He knows also that your imports amount to R72,000,000, or thereabouts, and that your exports are about the same, and that there are three million tons of shipping coming to your port. In addition to that, any one who lands here will see the whole place bristling with tall chimneys, and all that means money and wealth. Besides that, you have a considerable amount of powder within the precincts of Colombo, and last, though by no means least, you have what are now called "the sinews of war" in the shape of coal between four and five hundred thousand tons of which are, I believe, imported annually. Now an enemy seeing and knowing all that would naturally think that the place must be thoroughly guarded. Now we can hardly suppose that an enemy, unless in great strength, would attack this port, but suppose it did, what would happen if we had only 400 gallant men, which hon. members seem to think a sufficient number, to distribute between Mutwal and Galle Face? That is the question which of course I, as a General, have to consider. As regards

TRINCOMALEE,

I am in a very difficult position. As I told you before I am not representing the Imperial Government or the Colonial Government, but I can give you my own opinion which is that as far as the Colonial Government are concerned it is useless. The Imperial Government, however, says that it is required for Imperial purposes, but, so far as this resolution goes in regard to Trincomalee, I do not think this Colony ought to be saddled with the expense of it. I should be glad to give my vote on that point. I am quite sure if the amount which you pay towards Military Contribution was spent on reproductive works it would be for the benefit of the Colony, but you must recollect that we have not yet arrived at the millennium. Every civilized country has to put its hands into its pocket for Military Contribution in some shape or another—either men or money—and I can hardly see how you can expect to defend all this wealth unless you have a sufficient garrison. Of course, I know that most of these arguments of mine have been mentioned before in the voluminous correspondence which I have read, but, I think, there are several points in Lord Knutsford's dispatch to which no allusion at all has been made. He tells you—

> From the earliest days of the administration of Ceylon as a Crown Colony, it was contemplated by the Imperial Government that, as soon as the finances of the Island allowed, it should, like India, to which it had been at first attached, pay the whole of its Military expenses. But up to 1837 the Imperial Government bore the whole cost of the British pay and money allowances of the troops, including depôt and non-effective charges, while the Colony only bore the local charges for supply, transport, barracks, and works, and the pay of certain local corps not borne on the Army Estimates; the result of this division being that the charge to the Imperial and Colonial Governments in 1832 was almost equal—viz., about £108,000 per annum to each. From 1837 to 1865 the Colony, in addition to providing for local Military services, contributed also an annual sum of £24,000 in aid of Imperial Military expenditure.

Now, of course, I know that that principle is not accepted, but that is the principle. Then you were told again in 1864 by Mr. Secretary Cardwell—

> That the principle is now admitted that Ceylon, like India, is at no distant period to provide for the whole of its Military expenditure, and immediate steps are to be taken for arriving at this result.

THIRTY YEARS AGO AND NOW.

That was 30 years ago, and we have not yet arrived at the consummation of that principle. I have been following the Military Contributions for a number of years, and I find that there has been considerable variation. In 1864, you were told that you had to provide for the whole of the Millitary expenditure, and apparently that was carried out. From 1867 to 1874 the Military Contribution, I believe, was £160,000 a year, and that out of a revenue of R9,700,000. There may have been objections to paying such a large contribution—one-sixth of the revenue—but I have not seen them. Then, in 1883, the contribution, I think was £124,000. After that, I am told there came bad

times in this Colony, which were admitted by the Imperial Government, and they reduced the Military Contribution considerably. In 1884 it went down to £103,000; in 1885 to £50,000; in 1886 to £48,000; until in 1890 only £40,000 was paid. I take these figures from my Military papers, and, of course, I am open to correction, but, I believe, they are right. Since that time the Military Contribution has been steadily increasing. In 1891 it was £43,000; in 1892 £59,000; in 1893 £83,000; and in 1894 £84,000. I think we should also consider the difference between this country and India. I have been a good many years in India, and a shorter time in this country. India is specially a poor country compared with this island. I allude to the labouring population only, and I believe I am right in saying that the wages of the labourer in this colony are nearly double what they are in India; if not, why do they come over here in such large numbers? From this point the wages go up and servants get not only twice as much but I think three times as much as they get in India; and yet in India the taxation is far greater than anything you have here. Am I right in saying that your Military Contribution here amounts to about one-thirteenth of your revenue? It is somewhere about that I think! Now, in India about one-fourth or one-fifth of the revenue is devoted to Military purposes, and I do not know that there is any dissatisfaction. Now if you do not pay this money who is going to pay it? That I suppose is the real question, for, I believe, the Imperial authorities will say that this garrison is necessary for your protection, and you, I believe, will tell them that you decline to pay—that you do not think you ought to pay. Then who is to pay it? Now, if you look at what they have to pay in England you will see that out of a revenue of one hundred millions I think they pay already for the Army about twenty millions, and I think the Navy costs nearly that sum. Surely you cannot expect the British tax-payer to put his hand in his pocket to pay for the protection of Ceylon any more than of any other colony. It never can be admitted for a moment that England should provide for the maintenance of garrisons for the whole of her colonies. That is the opinion I have on the subject, but it is merely my own opinion. The division of taxation on these terms would surely be unfair. I won't detain the Council longer but simply repeat that what I have stated are my own views only. (Applause.)

The Lieut.-Governor.

H.E. Sir E. N. WALKER:—I would wish first, sir, to restore the harmony from which H. E. the Major-General has rather broken in the remarks he has made in some respects. Partly, sir, I think, he has proceeded on a misapprehension. Unfortunately he has not observed the correction which the hon. member has made in the terms of the resolution which he has moved. In that resolution which has been circulated the hon. member has not at all undertaken to state on behalf of the Council, or, rather, asked the Council to support, any statement as to the number of troops to be maintained in Ceylon. All that the resolution says is that all that should be paid for should be stationed at Colombo, and all that should be maintained for purely Colonial purposes is so many (Applause); and that brings me at once to the consideration of the point which I was rather thinking of referring to later, and that is this question: For what purposes are the Military maintained here? I have served in several Colonies, and I know the differences of treatment in regard to the stationing of the Imperial Military forces. I have said before—and I repeat it again—that, were Ceylon stationed somewhere up in the Persian Gulf, or the top of the Bay of Bengal we would not have a single Imperial soldier in Ceylon. Ceylon is not garrisoned for Ceylon at all. The Hon. the Kandyan member has very forcibly and very authoritatively pointed out the happy condition of loyalty and the attachment of the Kandyan people to the present Government, and for my part, sir, I do no not believe—I would even go so far as to dissent from the hon. member's resolution and say that 400 troops are unnecessary. (Hear, hear.) I believe that with the Volunteers and the semi-armed police which could be easily drilled for all practical purposes for which they would be wanted, it would be quite possible to meet—not any internal disorder—but any display, say, of ill-feeling, and I repeat, sir, that no single soldier is maintained in Ceylon in the interests of Ceylon, but that why they are maintained here is on account of the important geographical position of Ceylon in the world and in the course of trade, which is, of course, an accident. The common phrase used is "the defence of the coaling station." That is what it is styled, and that is what the Military are here to defend. I put a practical test to the matter which shows that it is not Ceylon and Ceylon's interests that require the Military. It is in the interests of the coaling station that the Military are maintained here, and the expenses might fairly be met, as an hon. member suggested, by a tax on coal. That tax on coal would not touch a single Ceylonese proprietor or resident, I mention that as a test of the fact that the Military are not stationed here in the interests of Ceylon. With regard to its geographical position I need only remind hon. members of incidents in the history of this Colony when, whenever a disturbance occurred in any part of the Eastern world, one of the first Military moves made was to withdraw the regiment from Ceylon. I wont enter into the very voluminous correspondence which has been going on over this matter for a great number of years. In the course of it there has been considerable shifting of ground, and, as the hon. the Treasurer pointed out, it is difficult to ascertain what the precise principles are on which we are supposed to contribute; but the point I maintain is that, taking all our circumstances, the sum of £75,400 which is perhaps as good as or any other sum is certainly the maximum we should be called upon to pay or that in our circumstances we can afford to pay. We hear it very often said—and the last time the question came before Parliament it was authoritatively stated, and it was the largely accepted view at home—that it is only reasonable that every colony should pay for its own defence. My argument, and, perhaps, I may repeat it, is that it is not the island's defence that the Military are here for, but the defence of British trade in this part of the world. I have said that the sum of £75,400 is all we can fairly be called upon to pay. I do not mean to assert that the colony is in an impoverished condition. I believe that the parent country and the colony could, if it were absolutely necessary, pay the Military Contribution two or three times over. I do not deny that. I do not conceal the fact so that the real principle of taxation should be avoided. I do not mean to plead poverty, but

there is no doubt that the Military Contribution if increased would be a great inconvenience, and detrimental to the progress of the colony. I would only refer hon. members to the report of the Sub-Committee on the Supply Bill now in the hands of the members. In it they will find a considerable list of public works which in view of other claims it has been absolutely necessary to postpone, and this is not the whole state of the case. I can assure hon. members that many applications have been made to the Government for expenditure of public money which would be all in the interests of the Colony and promote its progress, but which the Government have been compelled to refuse on account of the limited character of its means. I would refer to what H.E. the Major-General Commanding the Forces stated in making comparison between India and this country. The circumstances, I beg to point out, are totally different. In India, the troops are stationed for the defence of India itself and not for the protection of it from external aggression. Here, the troops are not stationed for that purpose, but for the protection of this coaling station, which is maintained for the purpose of British trade in the East. Nor can we go into a comparison of the proportion of our Military expenditure to our total revenue and the same proportions in regard to England, because it is necessary to look into the whole of the items that make up the expenditure. For instance, if you wanted to properly, correctly and precisely prove the thing by Rule of Three, you would have to throw into the public revenue of England all the receipts from all the railways as our revenue includes receipts from railways. The discussion has, naturally I think, been rather taken up by the unofficial members, but I think I can confidently state on behalf of my official colleagues that the abstention of the officials is in no way due to any want of sympathy or agreement with the object of the resolution. When the instructions of Her Majesty's Government on this subject are communicated to the Council it will be the duty of myself and my brother officials to carry out those instructions; but, until those instructions are communicated, and from the delay in communicating these instructions we cannot but suppose that there must be differences of opinion in the Councils of those who have to make the demand for the Military contribution, and in these circumstances, sir, as an Official, I feel it is my duty to give my confirmation to add any force I can to the arguments laid before the Council by the Unofficial members. We are at a disadvantage now, inasmuch as we are as it were fighting a ghost. We do not know really what it is we are opposing. I trust sir,—and I feel it conscientiously—that it may prove to be only a ghost and that further consideration of the question will satisfy the Imperial Government that justice and equity are done by certainly doing no more than requiring a continuance of the present contribution of R75,400 per annum. Perhaps, sir, I may be allowed to make one remark respecting the rider which the hon. member who represents the Europeans has proposed. I do not know whether he contemplates pressing it. It is one, though I entirely agree in the force of the argument, that if there was an unofficial majority there would be no, or very little, Military Contribution, involving the suggestion of a change in the constitution, and therefore the Government and official members could not properly join in it.

THE RESOLUTION CARRIED.

H.E. the GOVERNOR then put the resolution with a slight clerical correction and declared it carried, all the members being in favour of it except H.E. the Major-General who voted "No, with the exception of paragraph 2."

THE RIDER.

At a later stage after some other business had been transacted,

Sir JOHN J. GRINLINTON craved permission to say a few words. He said:—I had not the opportunity, sir, not being the mover of the motion on Military expenditure, to make any reply to H.E. the Lieut.-Governor. My intention was not to have pressed the paragraph that I proposed to a division needlessly to be thrown out, but I did intend to ask, and I do so now, that what I proposed be recorded in the minutes. If that is done, sir, I shall be satisfied.

H.E. the GOVERNOR:—I imagine that that will be done in any case; it will form part of the proceedings of the day.

The Hon. the AUDITOR-GENERAL not being seconded it fell to the ground.

H.E. the LIEUT.-GOVERNOR:—It will appear in the report of the debate, but not in the minutes of Council which only contain adopted resolutions.

The Hon. W. W. MITCHELL:—I may say that I intended to have supported it, and would have added it to my resolution had it appeared to be the wish of the Council, or had it appeared likely that Government would have accepted it. I had intended afterwards to suggest that it might be moved as a separate resolution and voted upon, but unfortunately I missed my opportunity of reply. I shall be glad if it can be allowed to be put on the minutes.

A general conversation ensued on the subject.

The Hon. the ATTORNEY-GENERAL thought it might be done by suspending the standing rules of the Council.

The Hon. P. COOMARASWAMY thought it was quite irregular to go into this after the question of the Military Contribution had been settled.

H.E. the GOVERNOR:—There is no question as to our being completely out of order at present.

The Hon. W. W. MITCHELL thought that as the minutes were simply a record of what took place at the meeting irrespective of whether there was a motion or not, the rider might be recorded.

H.E. the GOVERNOR:—I am quite willing to take the sense of the Council on the matter. We are out of order altogether in discussing the thing and if the Council are willing that we should go still further out of order by recording this in the minutes I shall personally not have any objection.

The question was put and the "noes" had it.

The Hon. W. W. MITCHELL:—The 'noes' might mean that there was no objection to the rider being recorded. (Laughter.)

H.E. the GOVERNOR:—Am I to take it that "no" means "no objection."

The members amidst some laughter "No."

The rider was accordingly not recorded.

A NEW TOLL.

The Hon. the GOVERNMENT AGENT W. P. moved:—That from and after the 1st January, 1895, a toll be established at Hokandara (a point about twelve miles from Colombo) on the Talawatugoda-Hokandara minor road. He explained that the tolls on minor roads were handed over to the provincial road Committee and formed an important item in their

evenue. In the Western Province in the current year they amounted to R23,820. Occasionally these tolls were on minor roads leading into the town, and it sometimes happened that new minor roads were opened and consequently there were means of avoiding the existing tolls and it became necessary to establish a new toll. It was such a toll that was now proposed. It had been represented that carts had been avoiding the toll and that this was on the increase. He had twice visited the neighbourhood and the keeper of the toll told him that he estimated the loss at about R600.

The Hon. the AUDITOR-GENERAL seconded.

The Hon. Dr. ANTHONISZ was understood to say that he thought that tolls on roads ten miles from a railway station should be abolished.

The motion was carried.

THE PROPOSED COLLEGE FOR GIRLS.

The Hon. W. W. MITCHELL.—I beg to move that with reference to the memorial presented to this Council on the 21st November, praying for the establishment of a College for the higher education of girls, a Committee be appointed to report upon the same. In doing so I would take this opportunity of handing in further signatures to the memorial which I stated at the time I presented it, I would do. There are 11 additional lists containing 146 more signatures. The signatures now amount to, I think, over 550. No movement I can remember has had more general and influential support than this for the establishment of a school for the higher education of girls. To the best of my recollection this is the first memorial that has been signed by Sinhalese ladies, and I have no recollection whatever of seeing any memorial of any kind in this country signed by Moorish ladies. The expression of such a desire as is in contained in the memorial cannot very well, I think, be disregarded by Government. The memorial, as I have indicated, has been very largely and influentially signed by all classes of the Ceylonese and therefore I wish it, if possible, to be referred to a Committee for report. I think it is admitted generally that the girls of today are not educated to the same degree as the young men of the present day, and that is undoubtedly a misfortune, because, as has been pointed out, they cannot in that way be considered to be fit companions, fit wives, for the rising generation. It is admitted, therefore, that they should be admitted to a higher degree of education than they are at present. I say this without any disparagement whatever to the schools maintained by the various denominational bodies. It is felt that there should be something altogether undenominational, and the establishment of such a College as this would afford such facilities as are sought for. I would not be prepared to go the length that some people wish to do, but at the same time I should certainly not be prepared to refuse to entertain the proposal. What I feel about it is that I would like to reserve judgment as regards the amount of maintenance that might be granted until we have the report of the Committee before us. In the meantime I would take the opportunity of mentioning that there are flourishing colleges of the kind in India. The Director of Public Instruction of Bengal in his last report states:— "The two departmental schools for girls were the Bethune School in Calcutta and the Eden Female School at Dacca, both of which are classed as high schools. . . . . The total expenditure of the Bethune School was R18,607 of which R12,947 were contributed by Government and R5,660 were raised from fees. . . . . The Eden Female School cost R5,464 of which Government paid R4,735." I will not detain the Council further at this time. I simply move for the appointment of a Committee, and I would ask members to reserve judgment on the merits of the scheme until the report is before them.

The European Representative.

Sir JOHN J. GRINLINTON:—In formally seconding the motion I would like it to be understood that I express no opinion regarding it, beyond the fact that I would like to see a Committee appointed in order that we may see what is elicited from the persons who may be examined by the Committee, and also with respect to some signatures. I have recently been informed that some of the signatures of the Moorish community have been attached to the memorial through a misunderstanding or mistake. I can give my authority for this by and bye if necessary—and that I think is an additional reason for having an enquiry into the matter and a report by a Committee of this Council on the important subject of the education of the females of this island.

The Muhammadan Member.

The Hon. M. C. ABDUL RAHIMAN:—Sir, I beg to support the motion, and in my heart I desire to promote female education generally, and to give females every encouragement to put themselves on a par with the males, and especially those who are "in the dark of backwardness." My experience of the Muhammadan girls' schools during the past few years is that it was found to be very difficult to make them swallow the sweets of social education either at the secluded schools or at the public schools. Except those Koranic schools, termed "verandah" schools, in which some religious teaching is given. I would be the first person to propose to give the best education to the females of all nationalities and more especially to the Muhammadans, who are extremely backward, but I doubt very much whether the Muhammadan girls would achieve the benefit. At this stage if they require a higher education than Your Excellency has been pleased to grant them according to their own system, solely for the Muhammadan girls, I would proprose to enlarge such schools in every village and every street in the towns where the Muhammadan population reside. Whenever it might be found necessary to introduce English into those schools, and gradually when the famale students rise to a certain standard then would it be the time to give thema college for higher education. I doubt if those Muhammadans who have largely signed the petition praying for the school to be given for the higher education of the Moorish girls of Kandy would guarantee to send five and twenty girls who had passed the second standard? I conceive the Kandyan Moormen are more civilized than the Colombians, who are willing to allow their daughters to the schools in common with others. During Your Excellency's benevolent Government, the interests of the Muhammadan women have not been overlooked. There are female education and medical aid, and female vaccinators have been granted to them. And it is for that community to make a shift in the proper direction and to enter into the female medical college in order to have a few of their female doctors. The drawback is not confined to the women; it is much more among the men; and it is a good test to verify the sig-

natures attached to the petition which has been presented to Council. In fact, with a few exceptions, the men do not know a letter in English. These are the people who are asking to educate their daughters, whilst their sons are illiterate and submerged in darkness.

The Tamil Member.

The Hon. P. COOMARASWAMY:—I do not know where the petitioners request that this College may be established, but if it is to be in Colombo, having read some remarks in the newspapers that it was for the encouragement of education amongst Hindu women I for one can say that for the next twenty or thirty years amongst Hindu families in Colombo you will not get females to attend schools for higher education for the simple reason that their customs require early marriage. The schools, if established, would benefit the Christian population, Burghers, Tamils and Sinhalese certainly; but neither Hindus nor Mohammedans would benefit; but apart from this question, as the request is for purposes of education and it is important that females should be educated, I shall give my vote for it, so that the matter may be inquired into, reserving my right to vote for or against on the merits when the Committee's report is presented to Council.

THE COMMITTEE.

H. E. the GOVERNOR:—Will the hon. member give me the names of the Committee he proposes should be elected?

The Hon. W. W. MITCHELL:—H. E. the Lieut.-Governor, the Hons. Sir J. Grinlinton, A. De. A. Seneviratne and the mover.

The Lieut-Governor.

H.E. Sir E. N. Walker:—I should wish to state, sir, before the resolution is formally put to the vote, that while the Government is most willing that there should be the fullest inquiry on the subject, like one or two hon. members who have spoken, it feels itself in no way committed or pledged to favourably entertain any proposal having for it object compliance with this petition. For my own part I think that the inquiry will probably result in good--will probably result in some suggestions which will lead to some movement independent of Government. In saying so I am not unmindful what I think I may characterise correctly as the higher education movement amongst the Kandyans—a movement with which the hon. member who represents the Kandyan community is associated. I see no reason why the other communities should not be encouraged to follow in that, though there is the objection which the hon. members who represent the Tamil Muhammadan communities have stated, and so forcibly stated, in the knowledge which they possess.

The motion was agreed to.

RAILWAY FEEDERS.

Hon. G. F. WALKER moved:—"For a return showing the expenditure in connection with the railway line from Nanu Oya to Haputale and from Haputale to Bandarawela, from the date of the opening of the line in each case to this date, and the receipts from each for the same period. "My object in making this motion is to ascertain what the traffic upon these branches of the railway is as compared with what it might be if all the existing traffic were thrown on the railway, instead of being diverted as it is at the persent time to the roads, and from that to endeavour to ascertain how far certain proposed roads may be considered, properly speaking, railway feeders. Without necessarily considering that direct returns are the only truest measures of the value of any road as a railway feeder—because in many cases I think indirect advantages may be held to obviate the necessity for showing the direct advantages were very great—I yet think it is desirable with reference to these roads to ascertain whether they are feeders or can be made feeders in the stricter or narrowed sense; that is whether they throw any additional traffic on the railway to pay a fair rate of interest on the cost of the railway. It is with that object that I move the resolution. I hope it will meet with the acceptance of Council.

The Hon Sir JOHN J. GRINLINTON seconded.

H.E. the LIEUT.-GOVERNOR:—There can be no objection to giving the information, but I should like to say that the Bandarawella section was only opened in September last, and that the accounts in our possession at present go no further than 31st October, and cannot, therefore, perhaps be taken as a criterion for anything. We can hardly expect that a railway should be in the full force of its working at the very outset. There can, however, be no objection to giving the information that the hon. member desires.

The motion was then passed.

SUPPLY BILLS.

On the motion of H.E. the LIEUT.-GOVERNOR seconded by the Hon. the AUDITOR-GENERAL, the Council went into Committee on the Supplementary Supply Bill for 1894, and the Supply Bill for 1895, and H.E. the Lieut.-Governor then brought up the reports of the Sub-Committee on these bills. The report on the latter was issued as a Supplement on Thursday. The following is the report on the former:—

The Sub-Committee to whom was referred the Draft Ordinance for making provision for the Supplementary Contingent Charges for the year 1894 have the honour to report that they have examined and considered the items in the schedule, and they beg leave to recommend that the expenditure therein specified be sanctioned, as well as the following alterations and additions, which have been made at the instance of the Colonial Secretary:—

LIST of ADDITIONS and REDUCTIONS made in Sub-Committee.

	Additions. R.	c.	Reductions. R.
No. 4.—SECRETARIAT.			
Half salary of Mr. Cameron as Additional Principal Assistant Colonial Secretary from April 1st to May 18th, 1894 - - - -	790	33	—
No. 7.—PROVINCIAL ADMINISTRATION.			
Conveying and guarding treasure -	150	00	—
Travelling allowances to Government Agent - - - -	200	00	—
No. 15.—POLICE.			
Arms - - - -	355	00	—
Provisions to prisoners, Trincomalee lock-up - - - -	600	00	—
For uniforms - - -	117	71	—
No. 24.—MISCELLANEOUS.			
Refund to Municipalities, Local Boards, &c. - - -	25,000	00	--
No. 25.—COLONIAL STORE.			
Fuel and lighting - - -	700	00	—
Conveyance of stores - - -	5,200	00	—
Hire of coolies - - -	200	00	—
Maintaining public furniture -	950	00	—
Incidental expenses - - -	1,378	00	—
Stationery - - -	250	00	—
Carried over...	35,891	04	—

	Additions R. c.	Reductions R.
Brought forward	35,891 04	—
No. 29—RAILWAY.		
Loss on exchange on railway stores -	—	100,000
No. 30—PUBLIC WORKS DEPARTMENT.		
Difference of salary to Mr. MacBride from October 18th to December 31st, 1894 - - -	612 90	—
No. 31.—PUBLIC WORKS EXTRAORDINARY.		
New General Post and Telegraph Office - - - -	—	16,341
Record shelves, Badulla court -	570 65	—
Improvements to recently constructed padded rooms, Lunatic Asylum -	117 00	—
Udagama road deviation - -	312 00	—
Total -	37,503 59	116,341

Thereafter the consideration of these bills in Committee was postponed and the Council resumed on the motion of H.E. the Lieut.-Governor, when the discussion already reported as to the rider by Sir John J. Grinlinton to the Military Contribution resolution took place.

At 5-45 Council adjourned till 3 p.m. on the following day on the motion of H.E. the Lieut.-Governor.

THURSDAY, DECEMBER 6th, 1894.

Present :—H. E. Sir Arthur E. Havelock, K.C.M.G., President ; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor ; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General ; the Hon. J. A. Swettenham, C.M.G., Auditor-General ; the Hon. F. R. Saunders, C.M.G., Treasurer ; the Hon. E. Elliott Acting Government Agent of the Western Province : the Hon. Allanson Bailey, Acting Government Agent of the Central Province ; the Hon. Lionel Lee, Acting Principal Collector of Customs ; the Hon. R. K. MacBride, C.M.G., Director of Public Works ; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative ; the Hon. A. de A. Seneviratne, Sinhalese Representative ; the Hon. W. W. Mitchell, Mercantile Representative ; the Hon. Giles F. Walker, Planters' Representative ; the Hon. Sir John J. Grinlinton, Kt., General European Representative ; the Hon. T. B. Panabokke, Kandyan Representative ; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative ; and the Hon P. Coomaraswamy, Tamil Representative.

SUPPLEMENTARY SUPPLY BILL 1894.

On the motion of H.E. the Lieut.-Governor, Council resumed consideration in Committee on the Supplementary Supply Bill for 1894:—

PUBLIC DEBT.

On the motion of H.E. the Lieut.-Governor an item of R12,366·80 was inserted to meet a charge in the accounts of the Crown Agent for temporary loans in the early part of the year, pending the issue of the sterling loan.

SALARY OF ADDITIONAL PRINCIPAL ASSISTANT COLONIAL SECRETARY.

R790·33 was added under the heading of "Secretariat," on the motion of H.E. the Lieut.-Governor, who explained that this was the half salary of Mr. Cameron while he was Additional Principal Assistant Colonial Secretary. It was necessary, he said, to vote this amount notwithstanding that the equivalent or more than equivalent had lapsed. Part of the money voted had not been spent ; and the office of Principal Assistant was vacant for some six weeks, the half salary for which period had lapsed ; but the office of Additional Principal Assistant was a separate one, and it therefore became necessary to vote the amount again.

PROVINCIAL ADMINISTRATION.

This item was increased by R350, as recommended in the report.

POLICE.

The additional provision recommended under this head was also made, H.E. the Lieut.-Governor explaining that "arms" included batons, lamps, and other appliances, and that the second charge was due to the necessity for re-opening the lockup at Trincomalee for prisoners under remand.

MEDICAL.

On the motion of H. E. the LIEUT.-GOVERNOR, the vote of R3,200 to the P. C. M, O., was increased by R1,500 for remuneration to private medical practitioners who were sent out in districts when epidemics of fever and other diseases appeared, and who were employed to enable officers in the department to go on leave on full pay. The item was one His Excellency the Lieut.-Governor explained that existed almost every year, and the expense must be incurred if the demands for medical practitioners in the districts where epidemics prevailed were to be met.

STAMP AND LICENSE DUTIES.

The vote for Miscellaneous Services was increased by R25,000 to meet additional refunds of the stamp duty and duty on licenses which were paid over to the Municipality. H.E. the LIEUT.-GOVERNOR stated that an increase of refunds meant that there was, of course, a corresponding increase of revenue.

COLONIAL STORE.

Under this head an addition of R8,678 was made as recommended by the Sub-Committee.

EXCHANGE AND ACCOUNTING.

H. E. the LIEUT.-GOVERNOR explained that at his instance, the Sub-Committee recommended that the vote for the Railway Department, be reduced by R100,000, which represented the loss in exchange on Colonial Stores, but he regretted to say that he was either misinformed or misunderstood the report on the accounts. He understood in Sub-Committee that this sum would disappear, but he had been since informed that this was not so, and it was necessary formally to move the R100,000.

The Hon. W. W. MITCHELL was sorry he did not understand the explanation with regard to this item and said, he should like to be a little more clear about it.

The Hon. the AUDITOR-GENERAL said he was sorry that the hon. members of the Sub-Committee had been misled by himself, and he went on to state that on being asked by the Hon. the Colonial Secretary, whether there was a gain on exchange to counter balance this item he said he believed there was, but he would see, and went downstairs to make a reference. Next day, or the day after he wrote in to the Hon. the Colonial Secretary, explaining that there was a loss on exchange of a little over 3 lakhs, which was covered by a gain, in exchange, but unfortunately, this item was not so covered. Altogether he should say, that the loss on exchange would be about 4½ lakhs, and the gain in exchange nearly 3½ lakhs, so that this item was left to be provided for.

He should explain that by the same system on which they lost in exchange they gained on occasions some benefit in exchange. When they lent out money in England, and there was a fall in exchange between the payment and the repayment in the Colonial account, they credited themselves with a larger number of rupees than they did when giving out the loan. For instance, if they lent out £10,000 with the Rupee at 1s 3d the accounts for that month represented, they had lent out so many Rupees each pound being put into Rupees at the rate of 1s 3d the Rupee. If by the time the loan was repaid in England the Rupee fell to 1s 1d, they credited themselves with so many pounds paid back again, by turning pounds into Rupees at 1s 1d, and between those two sums stated in rupees there was a profit due to exchange.

THE NEW POST OFFICE.

On the motion of H. E. the Lieut-Governor the item of R61,341 for completing the new general Post and Telegraph offices was reduced by R16,341 to R45,000, His Excellency the Lieut-Governor explaining that this sum of R16,341 was provided in the Supply Bill of 1895 as the money would be spent in that year.

OTHER ITEMS.

The other items recommended by the Committee were added—an extra provision made for the Lunuoya owing to the much greater cost of the land which it was necessary to acquire for the approaches, a sum provided for repairs on a road in Uva which was damaged by the heavy fall of rain in November and a vote made for fencing a Quarry at Madampitiya used by the P. W. D. in connection with the Kelani Bridge, the Municipality having called upon them to put up the fence.

The bill having passed through Committee, Council resumed and the bill having been reported as amended was referred to the law officers of the Crown for their report, on the motion of H. E. the Lieut-Governor.

THE SUPPLY BILL FOR 1895.

Council afterwards went again into Committee and resumed consideration of the Supply Bill for 1895.

THE KANDYAN POLITICAL PENSIONERS.

The vote of R905,071 for pensions was increased by a sum of R2,500 to meet the increased pensions to be paid to the Kandyan political pensioners in India in accordance with the recommendation of the Select Committee of Council.

KANDY KACHCHERI.

The Hon. the GOVERNMENT AGENT, C.P., begged to point out that the Sub-Committee proposed to reduce the establishment of the Kandy Kachcheri by three clerks. It was stated :—

The provision for three clerks at R1,500, R1,300, and R600 in the Kandy Kachcheri need not be made, as these have been transferred to the Treasury in connection with the new system of accounting.

That was not quite correct, as only one clerk had been transferred to the Treasury. The other two had been suppressed but the work at present could only be done by making the clerks who were left, work extra hours. Several of them, he knew, had to work extra hours in consequence of this. He thought that the reduction had probably been made by mistake. The saving of work effected by the new system was certainly not more than the work of one clerk.

H.E. the LIEUT.-GOVERNOR was much obliged to the hon. member for the correction of an error for which he was responsible. Only one clerk had been transferred and the two others discontinued. Partly in deference to representations that had been made it was thought that the opportunity should be taken on vacancies occurring to make a practical endeavour to see whether the establishment could be reduced, and these two vacancies had not been filled up. On a final decision of the question they might perhaps be filled. He was sometime ago commissioned by H.E. the Governor to visit the Kandy Kachcheri and satisfy himself as to the necessity of three clerks or whether the business could not properly be conducted without them, but he regretted that he had not yet been able to discharge that duty. The reduction was, therefore, only R300, the explanation being that the principal part of the salaries was voted by law and it was only a supplementary portion that had to be charged in the Supply Bill.

POLICE.

On the motion of H.E. the LIEUT.-GOVERNOR a sum of R4,380 was added to the provision for police—R4,200 was for the issue of free uniforms to 22 inspectors and 6 sergeant-majors in accordance with the terms of their appointment. He was himself responsible for that not being included in the estimate as he had not thought that these men were entitled to free uniform. He found afterwards that it had been so arranged. The remaining R180 was to pay an increase in rent in order to secure some additional accommodation at the police station at Lindula.

THE ANAMADUWA HOSPITAL.

The sum of R3,525 for the maintenance of the Anamaduwa (Demalapattu) civil hospital which was only built as a temporary hospital five or six years ago was struck out of the estimates on the motion of H.E. the Lieut.-Governor who explained that this place would be closed on the opening of the Nikaweratiya hospital which was only about 12 miles away, in the beginning of next year.

EXCHANGE.

On the motion of H.E. the Lieut.-Governor the item of exchange was increased by R40,000, the total being carried out at R580,000. The increase he explained was under the sub-heading of compensation to public officers for fall in exchange, and was necessary, on account of the decision of the Secretary of State, to comply with the wish of the unofficial members of Council that there should be no distinction between domiciled and non-domiciled officers. The concession to the domiciled officers amounted to R35,000, the other R5,000 being added from an apprehension that it might afterwards be found that the estimate was rather low.

THE NEW POST OFFICE.

The Hon. P. COOMARASWAMY said the public would like to have some explanation as to the excess of expenditure on the new Post Office. In September 1891, the sub-Committee appointed to draw up a reply to the Message of His Excellency approved of the plans and estimates for the new Post Office, and the hon. the Auditor-General moved that it be read. In one of the paragraphs the sub-Committee had stated that it was very reluctant to agree to such a large expenditure, but would do so on the understanding that no other charges would be made for

draining the building, for gas, furniture, etc. and on this understanding the Council voted R270,000 for the new Post Office. He was sure the public would like to have some information on the following points:—(1) whether the amount that was then voted had been exceeded, and if so, by what amount; (2) who was responsible for the erroneous estimate; (3) in what way had the estimate been exceeded; and (4) how had the Government dealt with the peccant officer or officers?

H.E. the Lieut.-Governor said any discussion of that question would more properly perhaps, come up when they came to the provision for public works, but he might make a preliminary remark, and that was that, had the hon. the Tamil member who had raised this question attended the meetings of the sub-Committee of which he was a member, he would have had an opportunity of joining in the very full discussions that took place, and he would have heard the explanations that were then given. The Director of Public Works, he had no doubt, would be willing to repeat them again for the benefit of the hon. member.

CABLE COMMUNICATION.

The provision for Post Office and Telegraphs was afterwards increased by R31,400, the item "other charges" being carried out at R418,944, on the motion of H.E. the Lieut.-Governor who explained that R23,000 was for repairing the gutta-percha telegraph cable to India of 1885, which was reported to be in a very defective condition. He was sorry to point out to Council that there was already in the estimates the large sum of R48,000 as Ceylon's moiety of the cost of the new cable which had to be provided in the bill now under consideration. The Government have agreed with the Postmaster-General that it would not be prudent to be dependent on the one line of telegraphic communication with the outer world, and that it would only be prudent and proper to have this second string to their bow in an effective condition, to do which this R23,000 was necessary.

THE ELECTRIC LIGHT IN THE POST OFFICE.

H.E. the Lieut.-Governor also explained that the sum of R8,400 was for lighting the new Post Office with the electric light.

A TRANSFER.

On the motion of the H.E. the Lieut.-Governor the provision under the head of irrigation for the salaries of the Secretary and Clerk of the Irrigation Board was transferred to the head of personal emoluments and salaries. The salaries were at present paid out of the general vote for irrigation salaries, but it was necessary to have them specially voted on the estimates for the reason that the pension regulations prescribed that only such officers as had their salaries specially provided on the estimates were entitled to pensions. The effect of providing those officers with salaries paid out of the lump vote of irrigation salaries would be to deprive them of pensions. One of them had been serving the Irrigation Board, and serving it well, for a great number of years. The Secretary of the Board was at present rather an uncertain officer. He was away serving in another Colony, and was not likely to return to the island, but when a Secretary was appointed it seemed only reasonable that he should be entitled to pension. That course had been already adopted with respect to the two Irrigation officers mentioned in page 1169 of the Blue Book, under the head of Personal Emoluments. The salary of one was R7,000, and of the other R5,000. The salaries of those officers were just in a similar way transferred from the lump vote, one or two years ago. It was to carry out that course that he moved that the item of R4,300, that was the salary of the two officers of the Irrigation Board, be added to the vote for personal emoluments allowed for the Director of Public Works which vote would thus be carried at R230,024.

COLOMBO WATER WORKS.

On the vote of R225,724 for the Director Public Works—

The Hon. W. W. Mitchell said:—With reference to the Public Works Department item which we are now considering I would wish to draw attention to one matter and I think this is the proper time to do it. In the report of the Sub-Committee it is stated:—

The abolition of the office of Chief Engineer, involving the absorption of the department and the placing of it under the Public Works Department, the discontinuance of the office of Consulting Engineer, for which £200 a year was recently paid to Sir John Fowler, and the addition of R3,000 a year to the salary of the Director of Public Works, is not approved of by some Members of the Sub-Committee, and they recommend that, in the event of any necessity arising for the continued retention of the services of a Consulting Engineer, this additional emolument to the Director of Public Works be reconsidered. In any case, the addition should, as is contemplated by the Government, be considered as personal to the present head of the Department.

Some members of the Sub-Committee disapprove of the absorption of the Waterworks Department by that of Public Works. It is on the face of it a hardship to a very large number of engineers in that Department inasmuch as they will not have the chance of the step that they would otherwise have; they will all in fact be put back. It has been questioned by other members of the Sub-Committee how far it is desirable to discontinue the services of the Consulting Engineer and they suggest that if occasion arises for services of the kind to be availed of, that this proposal should be reconsidered. Now it is a question whether an occasion has not already risen, before the report of the Committee was put in the hands of members of Council. We have heard during the past week that the reservoir has had to be emptied and it was stated in one account that the south-eastern wall had moved, and I conclude that whatever the nature of the accident may have been—if accident it can be called—that the reservoir cannot be filled in the manner that it was filled a short time ago. If this is the case, I presume that the reservoir will be practically useless. If occasion has arisen for reference to the Consulting Engineer in England possibly the time has also come when this matter should be re-considered, if it can be said to have been disposed of already. The question is a very serious one. The Maligakande reservoir has been a difficult matter to deal with for a long time back and has involved the expenditure of a very large sum of money by the Municipality. I am not an engineer and am unable to say how the difficulty should be solved, but from all I have heard I should think it will probably be necessary to cut off a portion of it rendering it smaller and find a safer foundation for the eastern side, but that is a matter for the engineers to decide. While we are considering a proposal for the displacement of the services of the Consult-

ing Engineer, I think it is well that this matter should be ventilated.

THE DIRECTOR OF PUBLIC WORKS.

The Hon. R. K. MACBRIDE, Director of Public Works.—Sir, it is rather a difficult thing for me in my first speech in Council to have to get up, first to defend my professional reputation and secondly to reply to what appears to me to be more a personal matter against myself than anything that is urged on public grounds. I might first mention that I had the charge of the Colombo Waterworks for a period of six or eight months during the time Mr. Ewart was on leave, and during that period I found the Maligakanda Reservoir defective, and observations of the movement of the wall under certain conditions not previously undertaken were established by me. Secondly I found that the valves in the cleansing well were unworkable; practically they had been leaking for a considerable time, and the attempts to remedy those defects previously had proved ineffectual. These defects were in a short time remedied by my Department, notwithstanding that they had been for at least two or three years in that condition. Immediately a new design for valves was proposed by me and adopted and these new valves have since been inserted. The waste of water in Colombo I found to be very considerable and this was reduced by house to house inspection, and a very much closer system of conservation of the water service. The water meters were also very defective. So that there was practically no register of water issuing from the tap when it was not full open. The meters were not sufficiently sensitive to register the water, but since then new meters ordered from Manchester had been inserted which are now working very effectively and satisfactorily. And the revenue from the sale of water has increased so enormously as to be an increase of R13,000 during last year. At all events during the short time that I had the charge in 1891 the increase was over R6,000, equal to, in fact, an increase of 11 per cent. I also informed the Government of the risks of the bursting of the main in the Hanwella flats, and I do not think the Government were aware of that before. I also gave Government accurate information of the discharging capacity of the main, which I do not think was reported before. And finally I may mention that shortly after the end of my service I received this very flattering testimonial from H.E. the Governor: "His Excellency takes the opportunity of expressing his appreciation of the good and useful work done by you while in charge of the Colombo Waterworks." This, at all events, says so much for my fitness to be in charge of the Colombo waterworks. With regard to what has occurred recently in the Maligakanda Reservoir more publicity had been given to it this year than probably any year before. I cannot tell you why, but the fact remains that very much greater publicity has been given this year than at any time previously. The same thing occurred last year and the year before, and has occurred every November since the first movement at the Reservoir. It is due to the climatic conditions at this period of the year. There has been a movement in one of the walls, and I, or any other Engineer who knows his business, would say it is a very serious movement in a structure of that kind. We all know that the structure is defective; we all know perfectly well how often the reservoir has been reported upon by Consulting Engineers. We know that, notwithstanding the Consulting Engineer you have had come from home in connection with the construction of this magnificent monument of engineering skill, you have an exceedingly defective reservoir, and although I am not a Consulting Engineer I am not likely ever to do it much harm. I think it is right to mention that the Supply Bill was discussed very fully in Sub-Committee, and we had almost passed over the whole of it, page after page, when we came to the item to be added to the salary of the Director of Public Works for taking charge of the Waterworks. This item showed a distinct and clear saving of R8,000 but, notwithstanding that, it was taken exception to by some members who are members of the present Retrenchment Committee. I do not think that there is any doubt whatever that the Maligakanda Reservoir is not likely to suffer a bit more from my hands than from the hands of Mr. Ewart who has just been sent elsewhere to do other work. I do not think myself from what I have heard in Sub-Committee and also here that this matter has been taken up in a proper spirit. It is purely a matter of personalities. I think there has been a good deal of feeling because Mr. Ewart's status has practically gone, he being no longer the head of a department consisting of two other men and himself. He naturally feels it, and he has friends, I daresay good friends, who have done all they can to prevent him losing his status. But he is losing no salary by it; he is not losing anything whatever by it; on the contrary I think he is rather in a better position than he was before. With regard to the two other officers of the Water-works they are not losing anything; they are not going to be displaced; they are still to hold their positions, and I am not so sure that they are not very much better in the P.W.D. than they were in the Waterworks Department by being drafted into a Department where there was every reason to believe that, if they deserved it, they would receive reward of good service either by promotion or some improvement in their position. I do not think that this matter ought to be brought forward as a reason against the important step in retrenchment which has taken place. The only thing I can see that has influenced the members of the Retrenchment Committee is a little jealousy on their part that the retrenchment should have begun before they recommended it. I am very sorry that anything of that sort should occur, but I feel certain that you will be as well served by me as the Engineer of the Colombo Waterworks as you have been by those who have gone before. The works, themselves, are very simple; they are of the very simplest character. There is likely to be a second pipe laid and I believe that it can be laid without the assistance of any Consulting Engineer in Ceylon or England. There are two men in charge of the waterworks at present; the work is as simple as it is possible for work to be; all the estimates are ready; there is nothing whatever that I can see for a Consulting Engineer to be called in for; and if you were to call in one now, not all the skill of all the Consulting Engineers in the world would mend the crack in the Maligakanda reservoir (Applause).

The European Representative.

The Hon. Sir J. J. GRINLINTON:—Sir, I think as a member of the sub-Committee, that I ought to add a few words, more particularly as my hon. friend on my left has been charged with motives of a personal nature in connection

with the subject. I will venture to read a short part of the paragraph in question, which I think will entirely upset any thought—or ought to do so in any reasonable man's mind—that there was anything personal intended towards my hon. friend the Director of Public Works. There was nothing of the sort. It was considered to be just as stated in this report of the Sub-Committee—that in the event of any question arising hereafter regarding the Colombo Waterworks, and a reference being necessary to a Consulting Engineer, the services of our Consulting Engineer having been dispensed with, it should be considered from what vote the Consulting Engineer should be paid? It was a matter which concerns the finances of the colony in which the unofficial members are particularly interested. What the Sub-Committee said was :—

The Sub-Committee note that the assumption by the Public Works Department of the charge of the Colombo Waterworks is shown to result in an annual saving of R8,560. The abolition of the office of Chief Engineer, involving the absorption of the department and the placing of it under the Public Works Department, the discontinuance of the office of Consulting Engineer, for which £200 a year was recently paid to Sir John Fowler, and the addition of R3,000 a year to the salary of the Director of Public Works, is not approved of by some Members of the Sub-Committee, and they recommend that in the event of any necessity arising for the continued retention of the services of a Consulting Engineer, this additional emolument to the Director of Public Works be reconsidered. In any case, the addition should, as is contemplated by the Government, be considered as personal to the present head of the Department.

Surely that ought to remove all doubt from any person's mind that there was anything personal towards the Director of Public Works. I can assure him that from conversations which I have had with the members of that Committee that I am perfectly satisfied that nothing of the kind is the case. I am not one of those who are in favour of reference being always made to Consulting Engineers. It was my lot twenty years ago to address His Excellency the late Sir William Gregory personally and point out the danger of erecting the Reservoir at Maligakanda. My appeal was sent home to the Secretary of State and was submitted to Mr. Bateman, who tried to show Government where I was wrong, but he signally failed to convince me, and I was convinced that he had no knowledge of the place whatever and that his report was worthless. Circumstances have since proved that I was right and that Mr. Bateman was wrong. Therefore my predilections are not in favour of men coming from another country to report upon these things, but of men of experience who are in the island, who spend their lives here and who have some reputation to lose. Therefore I cannot see that there is anything personal in the matter as regards the Director of Public Works. Now, sir, I think that the remarks that were made today were made more with the view of eliciting information that could go before the public as to the present state of the Maligakanda Reservoir. From what I know myself and from conversations which I have had with the Director of Public Works, I am perfectly satisfied that what occurred was not due to any accident but to faulty construction, and I call it faulty foundations for I believe it to have originated there and also I understand from the roof that is placed over that structure. I know it, but the public do not know it, and there is a very great feeling of uneasiness on the part of many persons who live in the vicinity of Maligakanda. My impression is that if that tank were kept constantly filled as it ought to be for the supply of water to the higher places, it would be dangerous. I know that at present water cannot be supplied by gravitation to the higher part of a building. At the G. O. H. for instance the water had to be pumped to the second storey from a well in the grounds. It is also the case that the water does not reach Elie House and other places of high altitude in Colombo. Now I come to the point which is really the one upon which there is irritation, for there is irritation. I have been spoken to by several persons who have asked me if I thought the reservoir would burst. Honestly, I tell you that I believe that if it be kept filled it would burst and the consequences would be very serious. It was, I think, with the view of eliciting information of a practical character on that head that my hon. friend on my left spoke. Nothing, I believe, was further from him as it is from me than any personal attack on the Director of Public works.

The matter then dropped.

DISCUSSION ON IRRIGATION.

H.E. THE LIEUT.-GOVERNOR said that he had already moved the transfer of a certain amount from the head of Irrigation to Emoluments under the Public Works, being the salaries of the Secretary and Clerk of the Central Irrigation Board. He would accordingly move now, that the amount under the head of Salaries and Allowances be decreased from R112,500 to R108,200. The actual amount of the reduction was R4,300, and the object of the transfer of the vote from one head to another was to permit of the officers in question being entitled to pension.

The Planting Member.

The Hon. GILES F. WALKER :—While we are on the subject of irrigation I should like to ask one or two questions. It may be because I am new to the Council and therefore not so fully acquainted with various details as I hope to be hereafter, but I should like to ask what were the particular works for which maintenance is allowed under the Public Works vote, and why the maintenance of such works is not undertaken by the Irrigation Board under the annual vote given for the purposes of irrigation; because it seems to me that if the annual vote is insufficient for such works as this it would be better for a special vote to be taken before the Council rather than that an amount should be allowed in the Supply Bill under the head of the Public Works Department. My reason for thinking this is, not that I am not in the slightest way opposed to the existing policy of the Government with reference to irrigation (applause); I think it is the duty of the Government in a country like this to maintain and keep in repair the existing tanks (applause); and so long as the larger works are not undertaken, I think the annual vote given for this purpose may be very excellently spent; but I think it is rather misleading to the eyes of the ordinary man in the street, as the saying is, that part of the expenditure should be charged against the Irrigation Board, and part be charged under the head of Public Works, and it is for the sake of clearness, and so that it may easily be seen what the total expended on such works is, that I ask the question that I now ask.

The Lieut.-Governor.

H.E. SIR E. N. WALKER.—I may state, sir, that this is the form in which the amounts for irrigation have been voted annually for a great number of years, for a time even previous to the Ordinance that constituted the Irrigation Board and Irrigation Fund, and, as I understand the matter, the distinction is this. This sum which is voted for maintenance is applied to the maintenance of works which pay a rate which is carried to public revenue, and hon. members looking into the estimates of revenue, will find an item of R41,000 as revenue from irrigation due from tanks ; I may say they are presumably self-supporting. It is to these tanks that part of the amount of this vote is applied. The grant from the Irrigation Fund is applied to the repair of tanks which do not pay this rate and which are repaired with the object generally of improving the condition of the people. I do not understand that the hon. member's object is that this amount should be curtailed, and from the generous remarks he has made about irrigation I am led to suppose that he has no such intention. There is no concealment whatever from the Council and if the hon. members will refer to the statement of appropriation of the irrigation votes which is annually laid before the Council and in some detail in the annual report of the Central Irrigation Board they will find in a general way the purposes of repair to which this money is partly applied. I do not know, sir, whether I have supplied the information in the exact form in which the hon. member desires it.

The Planting Member.

The Hon. GILES F. WALKER :—I only wished to say, sir, that it seems to me better that all the charges for irrigation should be under one head instead of being divided as at present between the Irrigation Board and the Public Works Department. I could understand salaries and allowances coming under the head of Public Works because officers would thereby be entitled to draw pension. I can understand further, sir, that professional services might perhaps fairly be included in this department because they are special works —works which having been once undertaken with reference to any particular tank do not necessarily occur again in the future; but I would submit for the consideration of Government that in another year it would be advisable to omit this item from the supply Bill and that all the expenditure on the ordinary work of the tanks should appear under one head and if the annual vote is insufficient, application can be made to the Council for a special vote.

The Treasurer.

The Hon F. R. SAUNDERS :—I am so far in accord with what has fallen from the hon the Planting member that I must say that I think it would be better in future years if the maintenance of irrigation works were charged to the block sum which is an annual fixed vote for irrigation and if for large works there were a special vote. Now we have large works paid for from the irrigation vote and not brought before this Council, and we have maintenance brought in as a special vote. I would not wish to reduce the amount now spent because I believe that a great deal more care, than was given in former years, is now devoted to the expenditure on irrigation ; but it does seem to me a sound principle that the sum voted annually for irrigation should be devoted to maintenance and small works and that the large and new works should come before the Council for special votes.

The Mercantile Member.

The Hon. W. W. MITCHELL :—I take the same view as the Treasurer, Sir. I think the maintenance repairs, and construction of small works ought to come out of the lump sum voted, and if that sum is insufficient, then application should be made to the Council to have it increased. I think that the whole that is required ought to be voted every year. I thought it was a great mistake when the bill was passed appropriating R200,000 each year without coming to the Council. I objected to it at the time and I have never ceased to object to it. The works admissible are only small ones and I do not think they have any right to devote any portion of the vote to works of magnitude at all, I have not been able to see what the amount of funds in the hands of the Irrigation Board is. I should like to know that and if I cannot get the information otherwise I will call for a return showing the balance.

The Director of Public Works.

The Hon. R. K. MACBRIDE :—I am sorry to say that I do not think the wishes of hon. members can be carried out in this matter inasmuch as the Irrigation Ordinance does not admit of the irrigation funds being applied to maintenance. It distinctly states that it is for the repair and construction of irrigation works and by repair is meant restoration. I am sure the hon. member, Sir John Grinlinton, will bear me out in saying that it was never contemplated that the irrigation fund should be called upon to pay anything towards the maintenance of what are known as Government works, that is, works that pay what is practically a water rate. I do not see how this matter can be got in any other way than by placing the vote where it is.

The European Representative.

The Hon. Sir JOHN GRINLINTON :—Sir, as a member of the Irrigation Board and one who has had to speak from time to time on the subject in the Council, I do not think I should allow the remarks that have been made to go by without a reply; but before I do so I may express the pleasure it has given me to hear the Planting member express himself as he has done with regard to the vote for irrigation and also to the other members who have spoken. It is a very great gratification indeed when so many in the Colony throw slights at the Irrigation Board's work executed for some years, that members of the Council who are not connected with the Board should stand up and defend the Irrigation votes. I may mention with regard to the expenditure of the R200,000 which has been granted annually from the public revenue since the Paddy Tax ceased to be collected, that that money is watched with the greatest care by the members of the Irrigation Board, and every single estimate and proposal from the various Government Agents is forwarded through the proper channels—the Provincial Irrigation Boards—to the Central Irrigation Board and receive the fullest scrutiny of every member of that Board first, and last of all by His Excellency who expresses no opinion directly or indirectly until all the members have expressed theirs. As regards the subject that has been brought up, the Director of Public Works has answered that exactly as I would have answered it myself. It would be—I will not say impossible—but it would not answer that the charge for maintenance

should be placed under the R200,000, for there are collections of public revenue which the people pay and these charges go against that. Then as already explained there is the maintenance of works by Government—works they are compelled to maintain and which if they do not maintain will go into a state of decay. Now, as there is no attack on irrigation, and no attempt at it, I am glad to say, I may mention with regard to the nature of the works that are charged to this R200,000 that so far as the small works go every item is charged and separated to each Province and District, and every member of the Board gives his opinion of the work on the papers, and I think the system now pursued is excellent. Before that was done no one knew what was being done in any Province in the Island, and each Government Agent forwarded his statements to Government, and they went to the Colonial Secretary's Office, and were managed from there—I do not say badly but not so well as now. I maintain that to enable the Board to exercise its functions it is absolutely necessary that a certain amount should be placed at its disposal so that when matters come up during the year, when Council is not sitting, they should at once receive attention. I shall always support, and urge that the best thing is that the Irrigation works should be maintained as far as possible by Government. Sir Henry Ward, when he came to the island and when he wrote his minutes in the year 1857, stated, I believe, that it was a disgrace to the Bri- Government of the island that the irrigation works should have been allowed to go into decay, and the newspapers at that time took the same view, though they may differ from it now. The matter was taken up in 1857, and for a number of years works were repaired and maintained at Government expense. Of recent years a better policy has been pursued, and wherever it is possible to obtain from the people a portion of the cost of the work they pay in instalments; when it is not possible to get that they agree to pay a certain amount as a rate which goes into the public exchequer. It is true that for a number of years Government did not look after its own interests sufficiently in getting its rates collected as it ought to have done, but that was not the fault of the present Irrigation Board, but this matter, under the Irrigation Board and under the keen eye of the Auditor-General is receiving great attention, and I trust in the course of a short time you will see a fund formed from the repayments of these rates from the various Provinces of the island that you will be surprised at, and also that so much has been done, and you had heard nothing about it.

The Planting Member.

The Hon. GILES F. WALKER said he had no present intention of raising any discussion on the works carried out by the Irrigation Board or the method by which the funds at their disposal were administered, but his point was that those funds should be expended under one head and, therefore, he thought it better to have the amount standing to Public Works put under the Irrigation Board vote, and, if funds were insufficient, to have a special vote. He questioned the Director of Public Works' interpretation of the word "repair." He had said that "repair" meant "restoration." He did not know if that was the view taken by the legal advisers of the Government, but it was a very strange meaning to attach to the word "repair." "Repair" in the ordinary sense of the word meant "to keep in repair" existing works, and to call work of restoring a tank which had lain idle for 300 or 400 years, and in the bed of which villages had grown up "repair" was to use the word in an utterly non-natural sense.

The Attorney-General.

The Hon. P. RAMANATHAN said if the Planting Member turned to the Ordinance 23 of 1889, he would find that it refered to an Irrigation Fund, which must vest in the hands of the Central Irrigation Board. That fund consisted of a certain proportiou of general revenue—he believed about R200,000 payable to the fund. It also consisted of moneys which might be voted by the Legislative Council for special irrigation works in the Island. Both these sums of money were vested in the Central Irrigation Board, aud were expended by the Board or under the direction of the Board, and therefore, they could not go into, or form part of an Ordinance for making provision for the contingent charges of any year. Now the charge which his hon. friend had referred to under the head of irrigation consisted of charges for surveys, salaries and allowances and maintenance of irrigation works, totalling 127,000, and this expenditure was administered by the P.W.D., over which the Central Irrigation Board had little or no control. He, therefore, submitted there were legal difficulties in the way of the suggestion of his hon. friend being carried out, as all the votes which were payable in respect of irrigation works, could not, owing to these legal difficulties, be included in a special Bill such as the one now before the Council. (Applause.)

The subject then dropped.

THE NEW POST OFFICE AGAIN.

H.E. the LIEUT.-GOVERNOR moved an item of R16,341 for completing the new General Post and Telegraph Offices in addition to the R45,000 provided in the Supplementary Supply Bill for 1894. The matter was pretty fully gone into in the Sub-Committee, and, of course, there were good reasons and grounds and excuses for every item. He had with him a statement which shewed the details of the items, but it would, perhaps, not be very profitable that he should read them. The necessity for them, however, was inevitable, that for some of them the Public Works Department were in no way responsible, and he made that remark in reference to an observation he understood to fall from the hon. the Tamil member. The Government had naturally expressed its disappointment at the result and its dissatisfaction.

The Hon. P. COOMARASWAMY said, he had heard the explanation in Sub-Committee but that was not an explanation to the public for he could not proclaim it on the housetops. It was in order to give the Lieut.-Governor an opportunity of making public the explanation which he (Mr. CoomaraSwamy) had considered sufficient, that he put the question. He was rather surprised that the Lieut.-Governor should have felt sore on the point when his (the speaker's) object was to help him.

H.E. the LIEUT.-GOVERNOR said the explanation was rather technical and he thought that very few of the public would care to read any explanation he could give. He understood that one point was the estimate for bricks. They were estimated at R8/25 a thousand and they cost R10/50. That was a considerable item as he supposed there were millions of

bricks used. Another cause was the foundations, and the character of the foundations of sites in the Fort was hard to divine unless very careful borings were made at considerable expense. As was known, many of the houses in the Fort stood on ledges and ridges of rocks, and unfortunately in this case the foundations of the Post Office had required a great deal of blasting. That was a second item. Another was the change of plans in regard to the Military guard room in the base of the building. The guard room had occupied that site before and it was desired to place it there again. In making this explanation he felt that he was perhaps rather trenching on the province of the Director of Public Works, and that he was entering on dangerous ground in giving engineering details. He had in his hand a statement of the items which went to make up the excess. The first was excavating and underpinning adjacent buildings; then there was the increased cost of bricks; also the guard room matter and the change of plans; then the cost of fitting doors and windows was greater than was anticipated, while the cost of flooring was more than expected; but the thing was all very technical, as he had said, and he did not think that he could give an explanation in a form that would be of any interest or satisfaction to the public. The plain fact was that the work had cost more than they expected but he repeated again that for the whole of the excess of that cost the officers of the Public Works Department were not to blame. I am sure that the Director of Public Works will be quite able to defend himself, and it might be explained that owing to his health that officer was not present to join in the whole of the action that was taken in carrying out the construction of this building.

THE ARTILLERY VOLUNTEERS' GUN-SHED.

The Hon. W. W. MITCHELL called attention to the proposed expenditure of R7,700 for a gun-shed for the Artillery Volunteers. The guns he understood were field guns and he questioned if these were the right guns for the volunteers. He was quite sensible of the fact that it was desirable the guns, now they had been got, they should be taken proper care of, and at present they were located in a shed near the Fort station, which seemed to be a sufficiently good one for the purpose, only the roof was of cadjan. It seemed to him that if it was the intention of the Government to build anything there in the nature of a permanent gun-shed they should hesitate about it at a time like this. He meant they should hesitate about putting a permanent building on that site at all in view of the transition state of affairs in the Fort and in connection with the land surrounding the Fort. It appeared to him that if they placed a galvanised roof over the present building it would be quite sufficient and likely to cost very much less than the amount proposed, and the idea of erecting a permanent building might be abandoned for the present.

H.E. the LIEUT.-GOVERNOR said the objection to the present building was its extreme unsightliness and he did not know if its æsthetic appearance would be improved by having a galvanised roof over the cadjan sides. It was not, however, contemplated to build a new shed on the site of the present one. He took the entire responsibility of the building being there. Although he had made every endeavour in his power to have some arrangements made before the guns arrived, nothing was done. The guns which were of some value arrived but could not be unpacked and the Officer Commanding represented to him that they were anxious to have them put up but could not do so until some building was erected to receive them. With the assistance of the Acting Director of Public Works, and he thought of the Government Agent they looked about for a suitable site but could not find one, and in order to protect these guns from injury and to put them in use for the Volunteer Artillery Company he instructed the Director of Public Works to erect the cadjan shed. His expectation was that it would have been much less costly than it had been. It was not intended to put up the permanent building there, and he might say that the experience of temporary buildings was that they would have to be renewed every two or three years, and if they took, say a period of 20 years, a permanent building was really little more costly. They must hope that the Volunteers were not a temporary establishment and the necessity for providing for them must continue.

The Hon. the PLANTING MEMBER said there was one further question in connection with this he would like to ask. He understood the Volunteer Artillery were Garrison Artillery, and he had heard their guns were field guns, and he should like to know if in actual warfare they were likely to use the field guns, because it seemed to him there was not so much necessity for having a gunshed as for having the guns themselves. He spoke in ignorance of the matter, but should like to know if such was the case.

H. E. the LIEUT.-GOVERNOR said his responsibility only began when the guns were landed here. (Laughter).

After a pause, during which the Governor and the Major-General conferred, the Lieutenant-Governor said the question was a military one and he was sure that the Major-General if the hon. member would give him some notice would be ready to answer the question. (Laughter.)

The Hon. the PLANTING MEMBER :—Certainly, sir.

The subject then dropped.

MASKELIYA HOSPITAL.

The item of R8,000 for quarters for the Medical Officer, Maskeliya, was reduced to R4,000, the explanation given by H. E. the Lieut.-Governor being that it had now been arranged that the Medical Officer should stay where he was and that new quarters should be provided only for the assistant.

TELDENIYA HOSPITAL.

R500 was added to the estimate for this building.

GALLE HARBOUR.

H. E. the LIEUT.-GOVERNOR said the Sub-Committee had recommended that the provision of R10,000 for the improvement of Galle Harbour be struck out, the recommendation proceeded on the information that was given by the Director of Public Works that if the Kapperah reef were not to be removed the money which had already been voted was sufficient. According to his (the Lieut.-Governor's) instructions, the Kapperah reef was not a part of the scheme and at his instance the Sub-Committee recommended that the provision should be struck out. It had since been brought to his knowledge that it was a question, perhaps, whether the Kapperah reef should not be included in the scheme of removal to which he had referred, and he would, therefore, not move the deletion of the item, but allow it to stand as part of the bill.

The item was accordingly allowed to stand.

MISCELLANEOUS.

H.E. the Lieut.-Governor moved the addition of a sum of R3,750 for the transfer of a railway construction building at Bandarawella to be used as post office and this was agreed to. Items of R6,540 for and improvements to the Colonial Secretary's Office, R6,175 for new roof to the Chilaw Court House and R2,400 for additions to the Land Registry Office at Anuradhapura were struck out. Reductions were made of R700 and R670 in the provision for repairs of the quarters of Sub-Collector and of Landing Waiter at Point Pedro.

At this stage adjournment of the consideration of the bill in Committee was suggested by H.E. the Lieut.-Governor and agreed to.

HABITUAL CRIMINALS.

On the motion of the Hon. the Attorney-General Council went into Committee to consider an "Ordinance relating to Criminals."

The Sub-Committee reported :—

We would call attention to the desirability of permitting a criminal to report himself to the chief headman of the district where the criminal may reside, so as to avoid the great inconvenience, which may often occur, of his making long journeys to report himself to the Superintendent of Police or his Assistant. We have included in the definition of "Superintendent of Police" the chief headman of the district, and we recommend that in the rules to be framed by the Governor, the duty should be cast on the chief headman to communicate forthwith to the Superintendent of Police every notification which the criminal may give to the chief headman in terms of section 7.

The bill was gone over clause by clause. A crime was defined to mean a breach of any of the sections of the Penal Code, and among those brought under the designation "habitual criminal" was "a person liable under section 91 of the Criminal Procedure Code to execute a bond with sureties for his good behaviour." "Chief Headmen of the district" was brought under the designation "Superintendent of Police." Clause 3 was amended to read :—"The Governor, with the advice of the Executive Council, may from time to time make rule (1) prescribing the methods of identifying habitual criminals or persons suspected of having been previously convicted ; (2) regulating the supervision of habitual criminals ; and (3) prescribing the conditions under which convicts may be at large and under supervision of the police."

On clause 3 being read, relating to the Rules to be made by His Excellency the Governor,

Hon. A. De A. Seneviratne said he would like to draw attention to the rules provided in section 3. He thought it was very desirable to empower the Governor to repeal, alter or amend the rules. But here a difficulty arose. In the *Gazette* notifying an amendment of the rules, all the rules did not appear—the rules might be contained in several *Gazettes*—it would be aamost impossible to find out what were the actuul rules at a given time without going throggh several volumes of the *Gazette*. If somethin could be done to get over the difficulty it would be very desirable.

The Hon. the Attorney-General said he had no doubt every endeavour would be made on the part of the Government to put all the rules together, in as practical a form as possible ; but, of course, the hon. the Sinhalese member could not expect that at every amendment all the old rules would be published, together with the amendments in question.

The Hon. A De A. Seneviratne said he certainly could not expect that, but he thought the difficulty would be met if the rules with the amendments could be published once a year.

The Hon. the Attorney-General :—Oh yes.

H. E. the Lieut.-Governor, referring to the inquiry he began last year at the hon. member's instance, said he had no idea of the great trouble that was entailed.

The Hon. A. De A. Seneviratne :—My suggestion is made with the idea of avoiding that trouble. If the rules had been brought up in the form I asked for, the trouble would have been avoided.

THE MEASUREMENT OF CRIMINALS.

With reference to clause 4 giving powers to remand persons charged,

The Hon. A. De A. Seneviratne said he was not sure that without further explanation he could consent to this. It was rather a large power to put in the hands of a complainant if he had the power, as he seemed to have, here, to apply to the Police Magistrate for an order of remand to cause inquiries to be made, and to have the measurement of the accused taken for identification. According to the wording of the clause, it appeared that, if a complainant suspected that a person had been previously convicted, he could adopt that procedure. He thought a little alteration of the wording was desirable in order to protect men who might be innocently charged with an offence. and at the same time might be suspected by the complainant of having been previously convicted, without that being actually the case. It was to avoid an innocent person being subjected to wrong and unjust treatment that he wished the change to be made.

The Hon. the Acting Principal Collector of Customs said the clause evoked considerable discussion in Sub-Committee. It had struck him as a judicial officer of some standing that to allow any remand to take place on mere suspicion was rather a large order, but it had been pointed out that the police very often had good grounds for suspecting a man to be an old criminal from certain signs, infallible to a police officer, but which the latter could not very well explain to the Magistrate, and so it was thought after very full discussion that they must leave the words as they were. He thought, however, that something might be done to satisfy the hon. the Sinhalese member. The hon. member might be satisfied if after the words "Police Magistrate" in the latter part of the clause were inserted the words "if satisfied that it is a proper case." He took these words from the report of the Home Office Commission on the Bertillon system.

Sir John J. Grinlinton agreed with what his hon. friend the Sinhalese member had said on the subject. He had had some little experience of the system of measurement for identification which was about to be adopted in the colony, and the ordeal that a man had to pass through in being measured was a serious one, and for a person who was really innocent to be forced to go through that ordeal on mere suspicion it was really a piece of cruelty. When he was in America he took the opportunity of visiting some of the jails and had gone into the system thoroughly, and he thought it was an excellent one, and the impression left upon his mind was that it was almost impossible not to identify a man by some of the measurements. But the suspected person had to go through an ordeal which no one would force a man to go through unless he was quite sure or morally certain that he was the man who was wanted. To bring a man up and

measure him, and have him submit to the entire process, would be an act of cruelty if the man was really innocent.

The Hon. the ACTING GOVERNMENT AGENT, W.P., said he had listened with some surprise to the remarks of the hon. member because he had seen the measurement carried out at Welikadde, and was just about to say, before the hon. European member stood up, that it was just the opposite of what the hon. member described it to be consisting of the length of the finger, the ear, and so on; and he certainly saw nothing that was undignified or insulting. The only difference was that in America a man had to take his clothes off, but in this country a man had no clothes to take off. (Laughter.)

Sir JOHN J. GRINLINTON :—But when you pass a law that law is for all people and, I say that you should not make the law such that in the event of an innocent person being brought up, he should be subjected to anything of the sort.

The Hon. P. COOMARASWAMY :—It is not a question of a man; the criminal may be a woman.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS said that all the processes of measurement for purposes of identification involved was the measuring of the height, the span of the arms, and the length of certain fingers. There was nothing in the process to offend anybody's sense of decency.

The Hon. the Acting ATTORNEY-GENERAL pointed out that the request to remand only took place when a person had been really *prima facie* thought to be deserving of punishment for the special offence for which the man was brought up. In the first place evidence must be led on a general complaint and a formal charge would be made by the Police Magistrate, and it was only then that an application could be made for a remand for the purpose of identification, so that the idea of a man being innocent must be rejected. But, before accepting the suggestion of his hon. friend the Principal Collector of Customs, as to the words the latter intended to insert after the words "Police Magistrate," he would remind the Council that they were upon the second line of clause 4. He moved the omission of the word "for" and the insertion of the word "of"; the sentence then reading "—is suspected of having been previously convicted of a crime" etc. Agreed.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS then moved the insertion of the words he had previously suggested. As regarded what had fallen from the Attorney-General, that after a man was formally charged the idea of his innocence must be rejected, he would take the liberty of saying that he could not see how a man could be considered guilty until proved to be so. The man had not been tried yet.

The Hon. the Acting ATTORNEY-GENERAL :—But *prima facie* evidence is taken.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—But the idea of a man being conside ed guilty without the charge being proved! Every man is innocent until proved to be guilty.

The Hon. T. B. PANABOKKE thought that the following words which it was proposed to omit should be retained in the bill "provided that no persons shall be remanded at any one time for a longer period than two weeks or more often than three times for such purpose"; because otherwise the magistrate would not be bound and would be able to remand for an indefinite period.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—The hon. member has forgotten that the Criminal Procedure Code limits the power of remand of the Police Magistrate.

The Hon. the Acting GOVERNMENT AGENT, W.P., who said he had been Inspector-General of Prisons pointed out that a great many of the convicted persons did not stay in Colombo but went to Kandy and other places distant and that when he was apprehended again it might be necessary to send him down to Colombo for identification. He therefore thought the retention of the words was essential.

The Hon. the Acting ATTORNEY-GENERAL explained that the reason why it was proposed to omit these words was that a prisoner might have to be sent from a remote part of the island to Colombo, and three weeks might not be sufficient to fulfill all the purposes of identification. It must also be remembered that the Police Magistrate usually remanded for a week and he would take care that the power of remand would not be exercised in an indifferent manner. They might trust that to the magistrate, and it was for that reason that the Committee agreed to the deletion of the words. He had at first thought there ought to be such a safeguard, and put in the words, but the consideration which he had urged made him think that the practical working of the Bill would be better conserved by the omission than the retention of the words.

The Hon. T. B. PANABOKKE thought it would be far better to have a time fixed for a remand than allow the period to be indefinite.

The Hon. the TREASURER was not sure whether hon. members were speaking to any particular part of the clause, or whether they were discussing the general principle of the clause. He must say that he thought a clause giving such strong powers as this ought to have every possible safeguard for an accused person that it was possible to put into the law. To begin with, he did not at all object to that part of the clause which stated that when a person was "formally charged with a crime, upon *prima facie* evidence led, it shall be lawful for an application to be made for measurement for purposes of identification; and the Police Magistrate shall remand such persons from time to time for such period as to him shall seem necessary," because, nowadays, a magistrate did not formally charge an accused with a crime until he was to a certain extent satisfied that a crime had been committed. He should like to see not only that there was evidence of the crime, but some evidence to warrant the suspicion that the man had been previously convicted. It seemed to him that it was not definitely stated here who was to suspect the man—whether it was the complainant, or the police officer, or the magistrate? They were introducing a totally new system of identification of persons suspected of crimes. As a rule, evidence was not allowed to be given of persons having been previously convicted until they were convicted of the crime on which they were then charged. If they wanted to remand a man in order to get this special kind of evidence it was their duty to insist that that should be got as speedily as possible, and the only way they could do that was to limit the period of remand and say, "if you can't get the evidence in that period you must be satisfied with the evidence you have hitherto had." The whole question was new, and he should like to know whether the clause

did not go considerably further than the English law upon the subject.

The Hon. the ATTORNEY-GENERAL in reply to a question by the Hon. the Acting Government Agent, W.P., said that the man who was to be remanded must be before the magistrate.

The Hon. the Acting GOVERNMENT AGENT, W.P., was understood to indicate that a week was too short a period if a man had to be brought away from Batticaloa to Colombo.

The Hon. the TREASURER :—Then let the thing be carried out at Batticaloa.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS said that the habitual criminals were usually found in the neighbourhood of the larger towns, such as Colombo, and Kandy, and to some extent Galle. With regard to what had fallen from the Treasurer as to the English law he believed that a magistrate in England had the power now to remand under the Habitual Convicts Act he thought it was called, in order that enquiry might be made, but it must be borne in mind that the Bertillon system had not yet been introduced into England, the recommendations of this Commission had not yet been given effect to, and in this respect we were rather in advance of England. Where the system had been carried out it had been very successful, on the neighbouring continent, in Bengal, for instance.

The Hon. the PLANTING MEMBER suggested the omission of the words "at any one time for a longer period than two weeks," so that the section of the clause which it was proposed to omit might read "provided no person shall be remanded more often than three times for such purpose." That would give the magistrate power to remand a person for a sufficient time and at the same time would put a limit upon the number of remands the magistrate might make.

The Hon. P. COOMARASWAMY said that if the magistrate had the power to remand, why should they be afraid to give him the same power under this Ordinance. If they trusted the Police Magistrates in the island why should they be afraid to give them this power now ; (hear, hear.)

The Hon. the TREASURER said the words must have been inserted for the purpose of affording some protection to accused persons, and therefore he was a little disinclined to see them omitted.

The Hon. T. B. PANABOKKE thought some protection should be afforded and was understood to say that he saw no harm in the retention of the words as proposed by the hon. the Planting member.

The Hon. the Acting ATTORNEY-GENERAL :—I have no objection to the proposal of the hon. member.

The Hon. P. COOMARASWAMY thought they were making matters worse for the suspected person by adopting the proposal of the hon. the Planting member. Now the Magistrate could not remand beyond a certain time, but under this proposal what was to hinder the magistrate remanding a man for a year.

The Hon. the PLANTING MEMBER pointed out that in a preceding part of the clause it was that the Police Magistrate shall remand such person from time to time as to the Police Magistrate shall seem necessary.

The Hon. T. B. PANABOKKE referred to the statement that had been made as to the magistrate having the power under the Criminal Procedure Code to remand a prisoner only for a week at one time.

The Hon. P. COOMARASWAMY said that this subsequent Ordinance would over-ride the Criminal Procedure Code in which the time of remand was limited, in his opinion the Planting member was actually proposing to give the Police Magistrate power which he did not possess now.

The Hon. the TREASURER said that under the Criminal Procedure Code a Magistrate could only remand an accused person for 7 days but His Excellency with the advice of the Executive Council could extend the time, and he understood that there were certain Police Courts to which the power had been given to remand for a period of 21 days. The object of this clause was to restrict the time to two weeks instead of 21 days and to allow only three such remands to be made. If they struck out these words, he did not agree with the hon. the Tamil member that they would thereby cancel the provision in the Procedure Code which fixed the time for which a prisoner might be remanded. It only prescribed the number of times that a Police Magistrate might sign such a remand, and the effect of it would be to allow him to remand for three times of 21 days each if the Police Court was one in which the Governor had fixed 21 days as the limit. If the Governor had not fixed any other time then 7 days was the period of remand.

The Hon. the Acting ATTORNEY-GENERAL hoped that the hon. members would bear in mind what his position was. At the request of the Sub-Committee, and according to their determination, it was agreed that the three lines in question should be deleted. Having agreed to the deletion in Sub-Committee, he could not raise his voice against it in Council. Now one of the hon. members proposed that practically only one of the three lines should be left out and he agreed to that because he attained more of his object than he was able to attain in Sub-Committee. Reading clause 354 of the Code with reference to clause 4 of this bill, he thought it could be argued that a Police Magistrate who was not affected by any proclamation on the part of the Governor, had no power to remand a habitual criminal for the purpose of identification for more than one week. That being so, he thought they ought to say now that the power of remand should be extended to three weeks, as a matter of course, in case of habitual criminals, and if he might recede from his position he would earnestly impress upon members the desirability of keeping the whole of the three lines and amending the two weeks into three weeks. He thought that would meet all the demands of the system they were trying to inaugurate in the Island. He moved the subtitution of the word "three" for the word "two," which would be no more than what the law would be if His Excellency exercised his discretion and gave such power to Police Courts.

The Hon. A. DE A. SENEVIRATNE said that being the amendment he should be obliged to oppose it because he preferred that the remand should be for two weeks.

The Hon. the TREASURER said the Governor had the power under the code to extend the time from 7 days to three weeks and practically, if they struck out these words, the object of the amendment could be met by the Governor proclaiming 21 days in certain Police Courts.

The question was then put for and against the amendment and the ayes were declared to have it.

A verbal alteration made in the beginning of the clause was the insertion of the

word "formally" so that the clause should begin "when a person formally charged," &c.

In clause 5 dealing with the courts before which habitual criminals should be tried it was altered to read at the beginning "if a person formally charged as aforesaid" and the following words inserted setting forth the class of persons who should not be dealt with in a summary manner "and if the sentence or sentences then passed on him exceeded rigorous imprisonment for three months." The following condition was attached to trial by the Supreme Court:—"and if the sentences then passed on him exceeded rigorous imprisonment for eighteen months."

The Hon. P. COOMARASWAMY at this stage moved the adjournment of the Council as it was now getting late and some of the members had been working since an early hour in the morning, and as there did not seem to be any prospect of getting through the bill today.

The Hon the Acting ATTORNEY-GENERAL said it was desirable to get through with this bill because they had the Supply Bill on the following day, when they would perhaps have another long sitting.

H.E. the GOVERNOR:—It is also desirable to advance the bill on pensions a further stage.

Council thereupon continued in Committee.

In clause 7 it was provided that a person subject to the supervision of the police should report himself within seven days of his release instead of 48 hours as in the draft of the Ordinance, the Hon. the Acting Attorney-General remarking that personally he thought seven days were too many.

In the following clause it was provided in the draft that a person released on license should report himself once in each month to the Superintendent of Police of the district, in which he resides, but the Committee proposed that the period should be every three months.

The Hon. the Acting ATTORNEY-GENERAL stated that since the report of the Committee had been written, the Inspector-General of Police had seen him and strongly declared that the object of the bill would be frustrated if the period were made three months. The reports were intended to enable the police to know where a license-holder was, and to prevent him taking up his residence in any place without their knowledge. If the license-holder had only to report himself every three months, he might be absent from home, it was said for long periods, practically living in another district, and merely return to report himself in his own district once in every three months. It was stated that the system would not be worth working with quarterly reports, and that the English system was that of monthly reports.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS said he was responsible for the proposed change to every three months, and his reason for suggesting the change was that the object of the Ordinance was to enable those persons who had once gone wrong to try to recover themselves. Now, one of the evils of the ticket-of-leave system in England was, that the constant reporting by a criminal of himself to the police, prevented him from obtaining permanent work, and he was continually worried. Ceylon was a very small place, and he thought most people could be watched pretty closely without reporting themselves once every month. If the time were extended to three months, it would give the criminal an opportunity of getting permanent work. Supposing he (the speaker) in the benevolence of his nature were to take a habitual criminal into his employ if he were to come to him every month for leave to go and report himself, it was very likely that he would not put up with that and would tell the man to go away altogether. That was the reason he suggested the change, and it was not done without very grave consideration. This was likely to be a very useful Ordinance but they must give the criminal the opportunity of recovering himself, and with all deference to the Inspector-General of Police he thought a monthly report was not necessary.

The Hon. the TREASURER thought the Inspector-General of Police had incorrectly stated the results which would follow from this alteration. There was no reason why a man who had once reported himself as in the employ of a benevolent gentlemen should be called upon as long as he remained in that employ to report himself more than once in three months. In the event of changing his residence there was a provision in the clause that he should report that change within 48 hours. Therefore the evils which the Inspector-General of Police thought would follow from this alteration were he thought, imaginary.

HABITUAL CRIMINALS.

Continuing the discussion on this subject:—

The Hon. Sir J. J. GRINLINTON said he was present in Committee when this matter was discussed, and certainly three months had his full approval, and he thought it would be a great hardship in the case of a man who lived in a distant part of the island if he had to come away from his fixed employment every month. It would simply drive a man to become a criminal again.

The Hon. the Acting GOVERNMENT AGENT, W.P., pointed out that a man on license could fulfil the requirements of the law by reporting himself to the chief headman of the district, and as he thought there was a good deal in what the Inspector-General of Police had said he would support the motion for the period being one month. He thought that it was only when a man went to another town that he would be required to report himself.

The Hon. Sir J. J. GRINLINTON thought it would be a hardship if a man who was in an extensive tea district, the Agras for instance, had to travel a long distance in order to find the headman.

The Hon. the Acting GOVERNMENT AGENT said, he could go to Nuwara Eliya.

The Hon. P. COOMARASWAMY supported the view of the Principal Collector of Customs with regard to three months, and about a master telling his servant to go about his business if he wanted leave every month.

The Hon. GILES F. WALKER said that in the larger tea districts, there was no one whose position answered to that of the chief headman of the district, and a man might have to go a great number of miles in order to report himself to such an officer.

The Hon. T. B. PANABOKKE thought they ought to try to give every inducement to a habitual criminal to conduct himself in a respectable manner, and too frequent reporting, by which he would come to be known as a habitual criminal, might have the opposite effect upon him.

The Hon. the Acting GOVERNMENT AGENT said, a man might report himself by letter.

The Hon. the Acting ATTORNEY-GENERAL said, this section 8 must be read along with the conditions of license referred to in schedule B, section 8 which made a convict notify his place of residence. That meant to notify

by letter. But he should also report himself once a month, and the report must be personal. The condition in schedule B. was that he shall, once in each month, report himself personally.) The contention of the Inspector-General was that unless the Superintendent of Police or chief headman saw him personally every month it would be difficult for the authorities to supervise the movements of the criminal, because on the sly the man might pass from one district to another, carry on his operations there without the purview of the police, and rush back again towards the end of the three months so as to be able to report himself; whereas if the duty were cast upon him to report himself personally once every month there would be less chance of his depredations being carried on successfully.

The Hon. the Acting GOVERNMENT AGENT, said he was not so far wrong after all, for he saw in the schedule that the Superintendent might permit the monthly report to be made in writing.

The Hon. the Acting GOVERNMENT AGENT, C.P., agreed with his hon. friend opposite, as an officer in charge of police, that the report should be once a month.

The question was then put for or against three months with the following result :—

Ayes.	*Noes.*
The Hon. Giles F. Walker	H.E. the Major-General
,, P. CoomaraSwamy	H.E. the Lieut.-Governor
,, M. C. Abdul Rahiman	The Hon. the Director of Public Works
,, T. B. Panabokke	The Hon. the Govt. Agent, C.P.
,, Sir John J. Grinlinton	,, ,, Govt. Agent, W.P.
,, A. De A. Seneviratne	,, ,, Attorney General
,, W. W. Mitchell	
,, Dr. Anthonisz	
,, The Principal Collector of Customs	
,, The Treasurer	
,, The Auditor-General	

Ayes 11 : Noes 6.

The Hon Sir JOHN J. GRINLINTON at this stage (6-40) suggested the adjournment of the house as many of them, as the hon. the Tamil member had said, had been at work since an early hour in the morning.

H. E. the GOVERNOR :—I should be willing to consent to the adjournment of the debate on this bill at this time, but I would be glad if the Council will consent to allow the bill which stands in the name of the Treasurer to be carried forward a further stage. It will not, I think, take more than a few minutes.

Consideration in Committee of this bill was then adjourned.

THE WIDOWS AND ORPHANS' FUND.

The Hon. the TREASURER :—I beg to move the second reading of "An Ordinance to amend the law providing for the granting of pensions to widows and children of deceased public officers of this Colony." I have nothing to add to what I said in moving the first reading.

The Hon. the AUDITOR-GENERAL seconded, and the bill was read a second time.

Council then went into Commitee on the bill and after a verbal amendment had been made on it, the Council resumed when on the motion of the Hon. the Treasurer the bill was referred to the law officers of the Crown for their report.

THE ADJOURNMENT.

On the motion of H.E. the Lieut.-Governor Council adjourned at 6-45 till Saturday at 2 p.m.

SATURDAY, DECEMBER 8th, 1894.

Present :—H. E. Sir Arthur E. Havelock, K.C.M.G., President ; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor ; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. J. A. Swettenham, C.M.G., Auditor-General ; the Hon. F. R. Saunders, C.M.G., Treasurer ; the Hon. E. Elliott Acting Government Agent of the Western Province : the Hon. Allanson Bailey, Acting Government Agent of the Central Province ; the Hon. Lionel Lee, Acting Principal Collector of Customs ; the Hon. R. K. MacBride, C.M.G., Director of Public Works ; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative ; the Hon. A. de A. Seneviratne, Sinhalese Representative ; the Hon. W. W. Mitchell, Mercantile Representative ; the Hon. Giles F. Walker, Planters' Representative ; the Hon. Sir John J. Grinlinton, Kt., General European Representative ; the Hon. T. B. Panabokke, Kandyan Representative ; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative ; and the Hon. P. CoomaraSwamy, Tamil Representative.

Absent :—The Hon. P. Ramanathan, C.M.G., Acting Attorney-General.

THE COAL SHEDS.

H.E. the LIEUT.-GOVERNOR laid on the table Mr. Matthew's Report on the site for the coal sheds, together with the Report of the Harbour Board.

THE TEA CESS.

H. E. the LIEUT.-GOVERNOR gave notice that at the next meeting of Council he would move : That the sum of R37,330, being the excess of the amount of duty collected under Ordinance No. 15 of 1892 on Tea exported over the moiety of the cost of the representation of Ceylon at the Exhibition at Chicago in 1893 be appropriated to the purposes sanctioned by Ordinance No. 4 of 1894 for increasing the consumption of Ceylon Tea in foreign lands.

THE PUBLIC SERVICE PROVIDENT ASSOCIATION.

H.E. the LIEUT.-GOVERNOR moved the first reading of an Ordinance to amend the Ordinance No. 5 of 1891, relating to the incorporation of the Public Service Mutual Provident Association, stating that its introduction was necessary owing to the difficulty of obtaining the services of auditors and the provision of remuneration for them.

THIRD READINGS.

The following bills were read a third time and passed :—An Ordinance for making provision for the Supplementary Contingent Charges for the year 1894, and an Ordinance to amend the law providing for the granting of Pensions to widows and children of deceased Public Officers of this colony.

THE SUPPLY BILL.

Council then resumed consideration in Committee of an Ordinance for making provision for the Contingent Services for the year 1895.

THE MADAMPITIYA ROAD.

H.E. the LIEUT.-GOVERNOR moved the addition of a vote for the extension of the road to Madampitiya—the understanding being that the cost of acquiring land would not exceed R400 an acre.

The Hon. P. COOMARASWAMY pointed out that the circumstances which existed when the Government promised to extend this road some years ago did not exist now and there was not the same obligation to carry out the work. He referred to the experience gained in the acquiring of land for the new Kelani Bridge, and predicted that if R4,000 an acre was the limit, the work would never be undertaken.

The Hon. A. DE A. SENEVIRATNE stated that if negotiations for the acquisition of land was conducted otherwise than through the Government Agent, the owners of land would be willing to part with it at even R300 an acre. He hoped that even if the cost of land exceeded R400 an acre, the Government would undertake the extension of the road, as that locality was now affording accommodation to residents in the more congested parts of the town.

Sir JOHN GRINLINTON too advocated the undertaking of the work.

H. E. the LIEUT. GOVERNOR, in reply to the Tamil Member, said that the case of Madampitiya and the Kelani Bridge were quite different, the lands for the latter being found to be more valuable than was at first thought. He hoped it would be possible to obtain the land at the figure named.

THE RETRENCHMENT COMMITTEE.

The Hon. the AUDITOR-GENERAL gave notice:—That with reference to the resolution passed by this Council on the 19th July last to the effect 'that a Select Committee consisting of the Auditor-General, the Treasurer, the Government Agent Western Province, and all the unofficial members be appointed to enquire into and submit their recommendations upon the public expenditure with a view to suggesting any reduction in establishment, five to form a quorum,—it is desirable that a Committee consisting of all the persons who have hitherto composed the Select Committee should be constituted by the Government for the same object in order that the persons who have already taken part in the enquiry may prosecute the same to a conclusion.'

RAILWAY FEEDER ROADS.

The Planting Member.

The Hon. GILES F. WALKER:—While we are dealing with the Province of Uva, I beg to bring before the notice of the Council the question of those roads which have been spoken of as feeders of the railway. I think the question of railway feeder roads is a very important one, and although I am not prepared to say that a return of traffic would show that these roads can be considered as railway feeders, in the stricter and narrower sense of the word, that is roads, as I conceive, that would pay a reasonable rate of interest on the cost of their construction through the additional traffic they might throw on the railway, still I think there is a wider and more general sense in which roads may be taken to be railway feeders, namely, that they are roads which open up parts of the district and make certain of a good deal of traffic being brought to the railway which, even though we do have the railway to Bandarawella, it is very doubtful at the present time whether we shall get. I think that, if it be urged that these roads would not actually pay anything like a high rate of interest on the cost of construction, yet, sir, the same argument might be taken to apply to the extension to Haputale and Bandarawela; and after the large expenditure of money upon that extension beyond Haputale, it is a great mistake I venture to say—I think it is a mistaken policy—to grudge the smaller amount of money that would be necessary for connecting the stations on that line, with the outlying estates and villages which would send produce to the railway. It seems to me, sir, that that would leave the whole work of the further railway exension more or less incomplete; and I think therefore, it would be advisable for the Government to take the question of these roads into further consideration. The fact that the estates on the Uva side of the country have for so many years paid an export on their produce and have until quite recently reaped no direct benefits or advantages from railway extension, is I think in their favour. On that account, sir, I think that the planting districts on that side of the country are deserving of more generous and more favourable treatment than the districts on what is known as the Kandy side. It is not, sir, that I object in the abstract to the application of the grant-in-aid principle to roads in Uva. On the contrary I hold, sir, that the time must inevitably come when the opening of free roads on that side of the country must cease, and the grant-in-aid principle be applied there as it has hitherto been in the Kandy and Sabaragamuwa districts. The three roads which I have in my mind at the present moment are the road connecting the present road at Naminacooly with the present road at Passara; the road from Bandarawela to Ampitiyakanda; and the road which is known, though only recently, as the Ambawella road to the New Galway estates. I admit that the position of these roads is somewhat different and if, as I fear, sir, Government are not in a position at the present time to vote funds for the construction of all these roads, I hope that the one which I look upon as the most important road at present, namely, that connecting Naminacooly with Passera, will meet with favourable consideration from the Government. I think sir, that this is a road which stands on an altogether different footing from the two other roads. As regards the Ampitiyakande road I feel constrained to admit sir that so far as figures and statistics have come before me, it is doubtful whether that road can be shown to be a railway feeder in the stricter and narrower sense of paying interest on the cost of construction. The Ambewella road has only been called for recently and I am not yet in possession of sufficient facts and figures to be able to assert whether it will be in the stricter or narrower sense a railway feeder, and I think it can be brought under consideration at a somewhat later period after it has been more ventilated and the facts are better known to us. But sir, the question of the Namina-cooly-Passera road is quite different, and if it were constructed on the grant-in-aid principle it would present the unique spectacle of a grant-in-aid road intersecting two main free roads, and I have no doubt that the estates in Madulsima and Hewa Eliya would make use of it without being called upon to pay. In connection with that I think I may quote to the members of Council who may not have seen it an extract from a letter written by the Passera Association on the 13th July last year in which after reference to a letter from the Government Agent dated 22nd May it is stated:—

(3) That as far back as 1885, the Badulla Planters' Association strongly recommended that *this very road* be constructed on an easy gradient, and thus avoid the steep and dangerous road from Debedde Gap to Badulla on the one road, and that from Demodera to Bandarawella on the other. (I

venture to enclose the report for your kind perusal and return.) Since that date, the Passara and Madoolsima men found it more convenient to form their own Association and meet at a more central locality than Badulla, which was found to be inconveniently distant. This action on their part stimulated the Badulla Association to very high pressure, and we now find a new cart road constructed on the Western side of the range, the initial idea of which is of recent date, and their Chairman (Mr. Hosseason) announcing at their last meeting in so many words, that further roads in Uva were of no immediate necessity—a complete change of policy. They oppose the road which in 1885 they recommended for construction.

3. As some of the gradients on the Haputale-Badulla cart road are as steep as 1 in 9, it is strongly felt by the Association that carters would much prefer to use the Ella-Passara road where the steepest gradients (according to the report of Mr. Robertson, the Surveyor, which you forwarded) do not exceed, 1 in 20. It is not allowed that there will be any difficulty about appliances for the shelter and feeding of draught cattle on the proposed extension; there are numerous sheds already at Passara. and others are now in course of erection at the Badullawatte Gap, a distance of 8 miles; paddy, straw and boutiques close at hand.

4. With regard to the construction of the road upon the Grant-in-Aid system, we would beg His Excellency to bear in mind, that it tries all our resources in this roadless valley to convert our unprofitable coffee fields into tea gardens, otherwise we would not press our wants so urgently. Further, it may be pointed out that the line of road was in no way survey with a view to suit the estates through which it passes, but was traced to Passara with a view to forming a junction with the main road there. Persuming this road to be cut on the Grant-in-Aid principle, it would most certainly be used by the Madoolsima Planters; so that, if the tracing be looked at, it will be observed, that coming on to the road at the present terminus at Verella Patna, Madoolsima produce would pass over 11½ miles of free road, then over 7½ miles of Grant-in-Aid road, and finally over 17½ miles of free road to the Railway at Bandarawella, for which it is doubted if a precedent exists in Ceylon. If it be meant that the estates, through which this small section of 7½ miles passes, should pay for the road on the Grant-in-Aid principle, I would point out that, of the three roads in the Badulla District—the Spring Valley road; the road to Naminacooly Gap; and the section now asked for, it does appear an invidious distinction that the latter would be the *only* taxed road, although it is the only one bringing fresh traffic to the Railway; the extension of this road from the Naminacooly Gap to Passara is further advocated, in that, compared with any other Railway feeder asked for in Uva, it is the only one that connects two main thoroughfares, and is merely the completing of an already existing road, which at present only serves estates on the Western side of the range and one or two on the spur at the Southern end, but which if extended would serve 6 estates on the Eastern side of the range which have so far in no way benefited by the roads recently constructed saving them about 4½ miles of transport to the Railway.

In connection with that I may also read an extract from the report for 1884 of the Government Agent of Badulla in which it is stated :—

This is to be accomplished by converting the new bridle-road from Madulsima to Passara into a cart road and by continuing it round the eastern and southern slopes of the Namunukula range, through the botteom of east Gowrakelle and Kanawerella estates to the Gap above Ravenswood. Throughout this section the construction of the road would be easy the gradient being probably not more than one in 40. There are no considerable streams to bridge, and no heavy earth cutting would required. From the gap above Ravenswood to Ella, there is already a bridleroad on a cart road trace. From Ella the road could be carred to Bandarawella by a very easy gardient. The entire length of the new trace from Passara to Bandarawella would probably be not more than 20 miles.

That is the opinion of the Government Agent of Badulla before the differences arose, between the Badulla and Passera Associations and I think it may be taken to be an impartial and unbiassed view and more likely to express the true state of the case than opinions which have been formed recently when these differences have arisen and a good deal of heat has been stirred up over this matter. I think, sir, the strong point in connection with this road lies in the fact that if it is constructed on the grant-in-aid principle, it would be a road between two free roads, and it is upon that point mainly that I wish to urge its consideration upon Government and the Council. I am aware sir how little chance, I fear there is of the larger view being taken of these roads as railway feeders, but I would again strongly urge upon Government the desirability of constructing this one particular road from Naminacooly to Passara, and if possible allowing the amount for the construction of the first three miles to be put upon the Supply Bill for the present year. I would further suggest that, if it is impossible to place the cost of their construction upon the estimates, the making of these roads might be regarded as a part of the general policy of the railway, and their construction be taken in hand from the loan, I hope sir, that this will taken into consideration. This is a matter upon which there is a great deal of feeling. The roads are very urgently asked for, and I believe they will ultimately bring a good deal of traffic to the railway. In connection with this subject I think it would be quite fair to consider the different guarantees, the paper guarantees as I may call them, which have been given at different times, that all traffic will be placed on the railway. I believe the feeling is pretty universal that were a guarantee given that the railway would be used, and subsequently it were found that that was not used it would be fair and quite justifiable to place tolls upon the Batticaloa road. It may be said—and I admit that there is a great deal of truth in the statement—that the system of tolls is a barbarous thing, but at the same-time I submit that while the system of tolls it a barbarous system, where we have such a barbarous system there is no harm in applying it vigorously if the object is approved of. With these words I beg to submit the matter to the consideration of Council.

The Mercantile Member.

The Hon. W. W. MITCHELL :—Sir, the question of these railway feeder roads in Uva is one I have strong feeling about as well. I may preface what I am going to say, however, by stating that I have no personal interest, whatever, in Uva although I am acquainted with the district and its wants. The Nanamicooly-Passara road, in extent about six miles, would probably cost about R110,000; that from Bandarawella to Ampitiyakanda, about nine miles in extent would cost about R170,000; and the road from Ambewella to New Galway, about five miles in extent, would cost about R85,000. This latter would, it is stated, put about 170 tons per mensem increased traffic on the railway line between Ambawella and to Nanuoya all of which has, at present, to travel some eight or ten miles to Nuwara Eliya and to Nanuoya. For the road from Ampitiyakanda to Bandarawella, as has been shown by the previous speaker, there is perhaps not the same strong necessity, but an outlet for East

Haputale is undoubtedly very desirable; otherwise there is a strong temptation for estates in that direction to send their produce all the way down via Ratnapura by cart. The Naminacooly-Passara road has I certainly consider by far the strongest claim. It is a connecting road between that portion which terminates at Naminacooly Gap and Passara, and, as has been shown by the previous speaker, it has been strongly recommended in the administration report of the Government Agent Mr. King, in 1884. It was urged by the Director of Public Works in his report for 1892 in the following words :—

"The Director is now of opinion that a connection should be made with the Hindugala-Namunakuli road which is at present under construction, making it feasible for Madulsima traffic and the traffic of intervening properties to go direct to Bandarawella—a saving of 6 or 7 miles, and of the well-known and trying Debedde Pass."

It was strongly urged by the Badulla Planters Association in 1885 their report stating :—

"Proposed New Roads.—With Railway Extension to Haputale or Ella in near prospect, a subject which has engaged your attention is the opening up of a new road from the Badulla-Passara road to the Badulla-Haputala road on an easy gradient and thus avoiding the steep and dangerous road from Debedde Gap to Badulla on the one road and that from De: modara to Bandarwella on the other."

The gentlemen who formed the Association then were :—

Chairman.—A. T. Karslake, Esq., Secretary.—A. T. Rettie, Esq.,

Committee.—Messrs. G. E. Osborne, Garioch, Karslake, Cockburn, Henry, Sproule, Pole Betts, Lavie, Macfarlane, Hadow, Taylor, Reid and J. Rettie.

If only three miles of that road were made from Naminacooly to Caunavarella valley at least 500 tons of rice would at once be placed on the railway; that rice would be got up from Colombo instead of from Batticaloa as at present; and the cost of that rice would I am assured be about 20 cents per bushel cheaper, so that I do not think there is the slightest doubt but that the rice would be got from Colombo. The Passera Association, I understand, have given a guarantee that they would use the railway if the road were made to suit their requirements and they are perfectly willing that tolls should be placed on the Batticaloa road. Several of the estates in the Cannavarella valley are at present debating, I understand, where they will put their factories, because the district is now being opened up in tea, coffee gradually disappearing. If their road outlet is to Batticaloa they will of course put their factories at the lower end of the estates far away from this road; but if on the other hand this road is made, the factories will be placed at the other end and the traffic will be sent along that road. The extension of the railway from Nanuoya to Bandarawella must have cost I believe, somewhere about eight million rupees, and to ensure that the line will pay, it is undoubtedly the duty of Government to spare no effort to secure every ton of traffic they can. Here are roads that if made will undoubtedly bring paying traffic, and natives as well as Europeans will benefit, for there are numerous villages in the vicinity of Passara and below the Cannavarella Valley and on the eastern side which will unquestionably benefit by having the road to Bandarawella shortened and their means of exit greatly facilitated. If the receipts from the railway fail to adequately cover the expenditure, the blame will rest upon the Government for not making these feeder roads, and Government cannot say that they have not been well warned. If it is necessary that the cost of the roads should be found otherwise than from general revenue, then I would suggest that the money might be obtained under the loan in Ordinance 17 of 1893, because that Ordinance is worded in this way :—"Such money is to be applied in and about the construction of railways and other public works in the colony." I submit that such roads may very well be provided from the funds raised under this Ordinance, and I can see no reasonable ground why Government should refuse to entertain the proposal to at all events make the instalment of three miles which has been so strongly urged.

The European Representative.

Sir JOHN J. GRINLINTON :—I have pleasure, sir, in supporting what has fallen from the hons. the Planting and Mercantile members on this subject. I have had some considerable correspondence with the planters interested, more especially on the Naminacooly road, and that correspondence has been such as to convince me that they thoroughly mean what they say, when they say that they would give a guarantee that the traffic would be diverted to the Bandarawella railway, and that their rice would be taken from Colombo by the railway instead of being brought from Batticaloa. And if anything more were needed than their guarantee—their word I do not doubt—self-interest would compel them, and naturally compel them, to have their goods brought up by railway, inasmuch as the cost would be considerably less than now. When carts went to the railway at Bandarawella with produce they would naturally arrange that the carts should, on their return journey, fetch other goods required, and thus the work would be done cheaper than if they had merely to engage carts for a single journey. In addition to the 500 tons of traffic that has been mentioned as certain to come upon this road by the Chairman of the Passera Association and by others the Chairman of the Planters' in a letter he sent sometime ago said to this I redlied as follows :—

"If three miles road from Naminacooly gap towards Passara be made and completion to Passara promised later on the Passara Association will guarantee that rice will come by Bandarawela failing that will accept penalty"—* * * An extension of three miles towards Passara from the present terminus would secure all the rice traffic to the estates which lie in the valley through which the line of road would pass to Passara and this I estimate roughly at 500 tons per annum."

Subsequently I received a letter from the manager of the Nanimacooly Tea Company Limited in which he says :—

Speaking as manager of the above Company and also as representative in Uva of the Eastern Produce Coy. Ltd., I faithfully promise that all our up and down traffic shall be transported by the Government Railway if the Governor will help us by extending the Naminacooly Passara road three miles. In this Company alone, I shall next year be consuming between 600-700 bushels of rice *per month* and at present it is over *500 bushels per month*, and I am ordered from London to open up a large area in this valley under tea as quickly as labour permits. I accept any penalty the Governor may feel it his duty to enforce should the above engagement be noncompiled with.

I think, sir, that such guarantees from gentlemen in the position of managers of important estates cannot be looked upon lightly nor allowed to go for nothing. Such a guarantee I would be prepared myself to accept

in any business transaction tomorrow. I have also been favoured with a copy of the Report of the Passera Association for 1893 in which they state :—

Survey of Passara Naminacoolly Road.—On representations from your Committee Government has graciously provided funds in the Supply Bill for this year for the survey of a road to connect Passara with the end of the Kumbalwella-Tonacombe road at Naminacoolly Gap. This work is now proceeding and your Committee are confident that the result of the trace will be to show a saving of between 5 and 6 miles in distance with far easier gradients over the present route *via* Badulla. Your Committee attach the utmost importance to this connecting road: every mile saved in the approach to the railway is of moment and they belive there is nothing which will so effectually break up the Batticaloa rice trade and attract the Madulsima produce to the railway as the cutting of this few miles of road. The outlet this road would provide to the whole of the Cannavarella Valley estates, the importance the connecting road would be to the native interests concerned and the connecting of 2 main thoroughfares all sink into secondary importance when compared with *Making* sure of the Madulsima traffic to the railway whether at Bandarawella or at Ella. Your Committee are well assured that this most important work will not be lost sight of by their successors.

This paragraph was written before the excitement that has recently taken place with regard to this road; and I think, sir, that it would only be right that the planters there who have paid for so many years an export duty from which they have really not benefitted should, now that there is an opportunity of doing some good for them, be placed in possession of what they can have for a comparatively small sum of money. I do not know what the official estimate of the cost of the road is, but I presume that three miles could be constructed for some R70,000 on which interest at 3 per cent would be R2,100. Now, I think, I cannot be said to exaggerate when I say that the railway is certainly likely to benefit by more than R2,100 by the traffic. At present I do not think the line is paying between Haputale and Bandarawella. That of course remains to be seen. Returns have been called for and Government have been good enough to say that they will be produced. These returns will show whether I am right or wrong, but certainly if report be true the traffic at the present time is not such as to pay interest on the money. Every little thing like this brings grist to the mill, and I think taking into consideration the number of years the planters in that locality paid an export tax, considering the difficulty of transport, and considering that they desire to get their rice from Colombo at a cheaper rate than they get it from Batticaloa, and to use the railway for their up and down traffic, their case demands some attention. I think I am stronger than my hon. friend who preceded me in the matter of roads being constructed from the loan raised by the Ordinance 17 of 1893. The railway will receives the benefit of all the traffic that is diverted to it by means of those roads, and if the railway receives that benefit, why should not the fund raised be devoted to that instead of the general revenue. I think, although others may differ from me, that that is a very proper way to expend the money, taking into consideration that all the benefit will go to the railway, and as the railway receipts reach the Government, and are credited to general revenue, the Government will be repaid in the course of time, or rather the interest on the expenditure on these roads will be paid. So much has been said, and so much of the time of the Council has been occupied today with this matter, that I do not think I need say more, except that had it been thought possible that the Government could have assisted in the making of the two other roads,—the Ampitiyakande and Ambewela roads—I am quite sure that the speakers who have advocated the Naminacooly-Passara road, would have been disposed to do the same with those roads as this one, although we do not consider that those roads are of the same importance as this one. I therefore trust that Government will not place any obstacle in the way and that this small matter of three miles of road will be taken in hand, the remainder being constructed at any time hereafter when there may be funds to do the work.

The Muhammadan Member.

The Hon. M. C. Abdul Rahiman :—I fully support the views of my hon. friends on my right and left, but I need not detain the Council with many remarks. The Province of Uva is the only province growing coffee trees and, in course of time, I hope to see that spreading to adjoining provinces. A railway is of no good without a feeder. If you build a fine house somewhere away from a road, it will be impossible to rent it; so here a large amount of traffic for the railway will be lost, because of the want of roads. The large quantity of rice coming from Batticaloa, must be a great drawback to the railway.

The Lieut.-Governor.

H.E. Sir E. Noel Walker :—As there is no question before the Committee I must put myself in order, by calling the hon. members to order and asking the indulgence of the Committee while I make one or two remarks. If it is meant to be implied that there is a question before the Council as to the Supply Bill being increased by a certain amount, I have to call the attention of the hon. members to the following provision in the Royal Instructions :—

It shall be competent for any member of the Legislative Council to propose any question &c., &c., &c. provided always that every Ordinance, vote, resolution, or question, the object or effect of which may be to dispose of or charge any part of our revenue arising within our said island, shall be proposed by our said Governor, unless the proposal of the same shall have been expressly allowed or directed by him.

I merely mention that incidentally to bring myself into order. The Province of Uva has for a long time been characterized as a neglected district. This feeling has led to a great deal of liberality being shown to that district and in no respect more than its roads. That liberality sir, has landed the Government in the position which has enabled hon. members rather to twit Government with bringing about the unique circumstance of a branch road between two public roads; but sir, I think that the advocacy which the district has secured from the three European members of this Council and the hon. member who represents the Muhammedan Community and who I know had an interest in the introduction of coffee, shows that district can no longer be said to be a neglected one. Coming to the arguments as I understand them the hon. members have begged the whole question. They have proceeded on the assumption that these roads are feeder roads, I use the expression with no offence, but the hon. members have come here briefed by only a certain limited few in that district. Government have other means of information at their disposal and the position which Government take

up in respect of these roads is that they are not feeder roads in the sense in which hon. members represented them. That is our view from the information in our possession. We may be wrong, and if we are proved to be wrong we will no doubt alter our policy; but our position is that all the traffic that will ever come to the railway there has already come to it, or rather has taken a turn towards it, especially during the month just closed, and will shortly come to it, and that the construction of this road so far from feeding the railway would assist in the diversion of traffic from the railway. Hon. members have referred to a guarantee. Sir, I would not for one moment question the good faith of any single planting gentleman who has joined in the guarantee; but I appeal to the Council whether those guarantees are in the way of business. If we wanted a guarantee as to the traffic of Uva we have it already in the report of Commission of 31st March or May 1866. It has also been stated that if the guarantee was not fulfilled tolls could be established. That is probably the view of the hon. members; but I would only call to recollection the discussions on tolls that have taken place in this Council, and I am not at all satisfied that even with an official majority we could be in a position to carry the establishment of tolls in those places. I understood one hon. member to put the application rather on the ground of poverty; but I do not know that a district which a well-to-do Company is going to open up can be regarded as in a position of having claims that are urgent on behalf of poverty. I think, sir, that after the liberality which the Government have shown of late years to this district which up to lately we regarded as neglected, we are doing quite sufficient with the general taxpayers' money in undertaking as we do, to pay half under the Branch Roads Ordinance. Hon. members also made a point of the fact that the people of Uva contributed to the export tax for a certain limited number of years which went towards the payment of the construction of the railway. I believe, sir, that they used the Colombo-Kandy railway as well as anybody else.

The Hon. W. W MITCHELL :—No no.

H.E. THE LIEUT.-GOVERNOR:—If the Uvapeople did not use the Colombo Kandy railway I have been misinformed. With regard to the proposal to charge this to the loan, we must be very careful in charging what I may call petty matters to capital account. I firmly believe that one of the reasons of the high credit which this Colony enjoys in the money market at home and which has been evidenced by the terms on which the recent loan has been issued, is the fact that we have never borrowed money except for large reproductive works where a large capital asset could be shown against the loan. I believe that that circumstance has contributed very largely to our credit. I speak comparing this Colony with other colonies in which I have served, and I hope we shall always be able to abstain from borrowing money except for those very large works. Another point upon which hon. members twitted Government was about the extension to Bandarawella not paying. Well after pressure was put upon Government to make that extension I hardly think it was fair of the Planting Community to make use of that argument. I do not believe, sir, that, that line was ever extended to Bandarawella with any expectation that there would be any very large return from it. The principal motive was that of granting conveniences it to the Planting Community.

The Planting Member.

The Hon. GILES F. WALKER :—I should like, sir, to make one or two remarks in reply to H. E. the Lieut.-Governor. I do not think, sir, from what I heard that any answer was made to the principal point to which I called attention and and that is that the road is an intersection between two open free roads, and I think, sir, it is impossible to call upon the district lying at the end of that section to pay for it on the grant-in-aid principle as the districts beyond that will undoubtedly be able to make use of it as a free road. I think that is a strong point. This is an exceptional instance—an instance which has never occurred before and which I think will never occur again. (Hear, hear). I do not think, sir, that in sanctioning the free principle to the opening of this road any precedent would be created which would be likely to be made use of in the future. And, sir, as regards the value of the guarantee and the tolls, I do not know what has occurred in any discussion in Council on tolls before this, but I conceive no reason whatever why tolls should not be placed on the Batticaloa road when they are placed on other roads in similar circumstances in other province. As regards what has fallen from the Lieut.-Governor with reference to the carriage of coffee from Uva to Colombo, until the railway was opened from Nanuoya the whole of the produce from the Uva districts went down direct to Colombo by road from Haputale, except perhaps from a few estates near Nuwara Eliya. I had no intention of twitting the Government with reference to the extension from Haputale to Bandarawella. I know that at the time it was said by the planters on the Uva side that it was necessary to complete the Haputale extension, that it rounded it off as it were and made it available to them; but, sir, I contend that the very same argument that would apply to that, applies to the case of this Naminacooly-Passera road, and I think in a certain sense to all these roads,—that just as you wanted the line from Haputale to Bandarawella in order to round off the extension and make it complete, so this further extension of road is required to round it off and make it absolutely complete.

The Acting Government Agent, W.P.

The Hon. E. ELLIOTT :—With regard to the Batticaloa road, sir, I have always been under the impression that one of your Excellency's predecessors gave a promise that no tolls would be put upon it, and I think any proposal to put on tolls now will meet with a good deal of opposition from those who use that road. I do not know the locality where these roads are proposed, but there is one point—and I have some experience of the trade—about which I am sceptical, and that is the diversion of the rice trade from Batticaloa to this side. The Chetties engaged in the trade there bring the rice in their own ships and use their own carts, and I doubt very much whether any persons in Colombo will be able to compete with them and sell cheaper. Unless they do sell cheaper I think I may venture to say that the planters will not change.

The Mercantile Member.

The Hon. W. W. MITCHELL :—I listened very carefully to the Lieut.-Governor and I heard him state that the views the Government have formed may be wrong and if they are proved to be wrong

they may alter their policy. I am quite sure that it is the desire of Government to do what is absolutely right and just in this matter and seeing that there is so much difference of opinion with regard to the expediency of making this road, I would suggest that the Government might appoint a Committee to inquire into it and give a perfectly unbiassed opinion as to whether it is advisable or not. There are apparently two sides with regard to this road, and I would propose that the Government appoint a Committee to enquire fully into the the matter, hear both sides, and submit a report.

The Governor.

H.E. the GOVERNOR:—I may say with reference to what has fallen from the hon. member who has just spoken that it is my intention to make further enquiry into the subject, and that I shall be happy to consider the suggestion which has just fallen from him as to the appointment of a Committee for that purpose. It was my intention, and is still my intention during the next spring months to go over the country intersected by these roads and to inform myself by observation and enquiry on the spot as far as I possibly can of the merits of the case. (Applause.)

THE DIGAROLLE BRIDGE.

The Hon. the LIEUT.-GOVERNOR stated in reply vernmuestion from Mr. Seneviratne, that the Gothis bent hoped to undertake the widening of htakeridgefext year, a supplementary vote being nro nepurpose.

THE DUPLICATE MAIN.

The Hon. W. W. MITCHELL asked whether, now that a duplicate pipe from Labugama had been decided upon, there was enough water in the reservoir to supply a second pipe.

The DIRECTOR OF PUBLIC WORKS said that there was quite enough water for the purpose; while the TREASURER added that even if four pipes were laid on the water would be quite sufficient to supply them all.

The bill, after some alterations in the figures was put through Committee and referred to the Law officers of the Crown.

The Ordinance relating to criminals was put through Committee after a few alterations had been affected, and referred to the Law Officers of the Crown for report.

The PRINCIPAL COLLECTOR OF CUSTOMS moved the second reading of an Ordinance to consolidate and amend the laws relating to the registration of marriages other than the marriages of Kandyans or of Muhammedans.

The Hon. P. COOMARASWAMY in a forcible speech pointed out that the clause renderings registration compulsory and necessary for the validity of a marriage would work much mischief and interfere especially with marriages contracted by Hindus according to their religion rites. The clause would render their wives concubines and their children bastards. He implored His Excellency the Governor to omit that clause and let the law remain as it is.

At 4-45 p.m. The Hon. ABDUL RAHIMAN was addressing the Council, and there was a prospect of a lengthy debate.

THE PUBLIC SERVICE MUTUAL PROVIDENT ASSOCIATION.

H. E. the LIEUT.-GOVERNOR:—I beg to move the first reading of an Ordinance to amend the Ordinance No. 5 of 1891, relating to the incorporation of the Public Service Mutual Provident Association. The object of this amendment is a very simple one. It has been found in practice difficult to find an auditor to perform the duties of that office without remuneration. The constitution, as it at present stands, does not sanction the application of the funds for the remuneration of an auditor, and the object of this bill is to give such authority. I move the first reading.

The Hon. the TREASURER seconded and the bill was read a first time, notice being given that the second reading would be taken at next meeting.

THE SUPPLEMENTARY SUPPLY BILL 1894.

H. E. the LIEUT.-GOVERNOR brought up the report of the law officers of the Crown on "an Ordinance to make provision for the supplementary contingent charges for the year 1894" and thereafter moved that the bill be read a third time.

The Hon. the TREASURER seconded and the bill was read a third time and passed.

THE WIDOWS AND ORPHANS FUND.

The Hon. the TREASURER brought up the report of the law officers of the Crown on "an Ordinance to amend the law providing for the granting of pensions to the widows and children of deceased public officers" and on his motion the bill was afterwards read a third time and passed.

A NEW ROAD IN COLOMBO.

On the motion of H. E. the Lieut.-Governor Council resumed consideration in Committee of the Supply Bill 1895.

On the item R16,650 for extension of the road from Madampitiya to Mattakuliya.

H.E. the LIEUT.-GOVERNOR:—This is, I believe, for the performances of a non-fulfilled promise on the part of the Government, but circumstances may alter the position of the case somewhat. It was with some hesitation that the Government proposed to fulfil that promise given so long since, but I wish to remark with reference to it, sir, and I am sure that I will be supported by the Council that the estimate proceeds on the assumption that the land will be given at what I have been informed as the reasonable rate of R400 an acre. If any excessive rate is demanded by those proprietors for whose benefit really the road is being constructed, it is not within the contemplation of Government to proceed with it, I have mentioned R400 an acre, and I am assured that some of the land has been changing hands at R300, and in view of that circumstance I do not think that I am unreasonable in stating the condition that the price should not be more than R400.

The Tamil Member.

The HON. P. COOMARASWAMY.—When this matter came up in Sub-Committee I stated that as far as I was aware I did not know that the road would benefit a large number of people, and secondly that since Government had made the promise circumstances had altered, and I did not think the Council were bound now to carry out the work. I assured the Sub-Committee that if Government hoped to get the land for R400 an acre they would never get it. We have the experience of what happened when land was required in connection with the new Kelani Bridge and how the people had, he was sorry to say, valued the land at enormous prices. I should say that the people who would benefit

by this road should give the land free. Government, however, seems to say that if the estimate of R400 is exceeded the work will not be proceeded with.

H.E. the LIEUT.-GOVERNOR indicated that that was so.

The Hon. P. COOMARASWAMY :—Then I am glad. In that case I do not think the work will be undertaken.

H.E. the LIEUT.-GOVERNOR :—With reference to what has been said by the hon. member who has given so much encouragement to those who may be in opposition to the Government, I would like to say, sir, that I was credibly informed that one portion of the land which will be acquired recently changed hands at R300 an acre. I would also point out that the land for the approach to the new Kelani bridge with which the hon. member made comparison does not stand in the same position. The acquisition of this land has been the subject of a good deal of controversy which has been most fully inquired into, and the valuation of the Government Agent and his officers has been most fully upheld. They were grass lands, and having referred to the profit shown the amount that we paid was by no means unreasonable. These lands do not stand in the same position as the others.

The Sinhalese Representative.

The Hon. A. DE A. SENEVIRATNE :—I have taken some interest in this matter, sir, first in presenting a petition to this Council on behalf of the people interested in this road and calling the attention of the Council to the promise by Government to the Municipal Council to complete this road. Lately I tried to bring about an agreement between the Government, and the land-owners with a view to inducing the land-owners to accept a reasonable rate per acre, but unfortunately nobody would commit himself to any rate ; but, at the sametime, I was informed by the man who has perhaps the largest amount of land to be taken up by this road that he himself would be prepared to give at the rate mentioned by H.E. the Lieutenant-Governor, and that he thought others would be willing to give at that rate. I do not think that if the land is to be acquired through the Government Agent that it can be acquired at the rate mentioned here, but I hope that the construction of so important a road will not be put off simply because the land, about 1½ acres, cannot be acquired at the rate of R400 an acre. Land in Colombo has risen very much in value recently, and it must be remembered that although people about that locality would be benefitted yet because of the congestion in other parts of the town people are now pushed towards Mattakuliya, and the road is opening a good deal of land that has hitherto been a sort of jungle. I do hope that this matter will not be entirely dropped because the land cannot be acquired at the rate mentioned by H.E. the Lieut.-Governor.

The European Representative.

The Hon. Sir JOHN J. GRINLINTON :—I quite support what has been said by the hon. the Sinhalese member. I have known the locality for a good many years, and the necessity there is for the continuation of the existing road which ends at a place where you have to take a turn at right angles for about half a mile and then turn again almost at right angles for a third of a mile to get into the direction you want, if you want to cross the ferry to Hendella, I look upon the road as an important one. The road was made with the intention of continuing it, and the only reason for not undertaking it at the time was that it was thought a railway would run in that direction. That railway seems to have been abandoned, the consequence is that the utility of that part of the road that was made is in a great measure nullified. I therefore recommend that the road be proceeded with, with the greatest possible dispatch. It has been too long delayed already. That part of Colombo is likely to become a populous place. The people there none see that the value of land has increased. The fault lies with those who did not construct the road earlier.

The subject then dropped.

ANOTHER COLOMBO IMPROVEMENT.

With regard to the item R6,713 for constructing roads to intersect the space between Dean's Road and Regent Street,

H.E. the LIEUT.-GOVERNOR moved that it be increased by R2,437 and carried out R9,150, the object being to make a road which the Municipality had not considered necessary. On subsequent representation by the Director of Public Works the necessity for the work was to some extent admitted by Government, and he did not think the Municipality would have any objection.

Agreed.

The subject of feeder roads was then discussed as already reported.

OTHER ROAD IMPROVEMENTS.

On the motion of H.E. the Lieut.-Governor, the item of R18,445 for improvements to the road from Hikkaduwa to Baddegama to serve as a railway feeder, was reduced by R10,000, this being necessary, he explained, to balance the estimates after retaining the item for the improvement of Galle harbour.

The item of R4,000 for improvements to the Urugasmanhandiya road was struck out.

The provision for the Hikkaduwa-Baddegama road was, on the suggestion of the Hon. the Acting Govt. Agent, W.P., limited to Gonapitiya, the Hon. the Director of Public Works making the condition that the item should be on account, as no estimate had been made of the work proposed.

THE KELANI BRIDGE.

On the motion of H.-E. the Lieut-Governor, the item for the Kelani Bridge was carried out at R59,200. The total excess he said was R74,200 but R1,500 had been provided in the Supplementary Supply Bill. The excess was explained in the report of the Director of Public Works. One large item was that to which reference had been made already in the course of the day, namely the cost of land for the approaches to the bridge. The estimate he thought was made under a misapprehension as to the way in which the approaches would be carried out. The excess was due to the acquisition of the land. Another thing was the increased cost of the iron, and the cylinders which had been broken.

DICKWELLA BRIDGE.

On the motion of His Excellency the Lieut.-Governor R15,550 was voted for renewing the superstructure of the Dickwella bridge, the decay of the iron having been so considerable as to make the superstructure positively dangerous,

and it would not be prudent or people to postpone further the renewing of the iron.

THE DEDURU-OYA BRIDGE.

R17,150 was voted for the completion of this bridge, His Excellency the Lieut.-Governor explaining that this amount was in excess of the amount which had been provided in the Supply Bill of the previous year, and that he thought the excess was principally due to the earthworks. The bridge had been built in an unhealthy district and there had consequently been a good deal of trouble with the labour, the officer in charge of the bridge being himself in an unfortunate condition of health. All these things tended to make the bridge a more expensive one than was originally contemplated.

The item of R4,000 for a bridge at Eraporuwaganga was struck out.

THE DIGAROLLA BRIDGE.

The Hon. A. De A. Seneviratne asked if there was any intention to deal soon with the Digarolla bridge. He understood that it would be favourably considered, and he only wished to ask whether the widening of the bridge would be undertaken in the course of the year.

H.E. the Lieut.-Governor replied that the hon. member was quite right in saying that the Government was favourable to the increase of the width of the bridge but there was a practical difficulty in the way of adding to it in the coming year. Unless the hon. member would give a pledge that the next year when the Supplementary Supply Bill came up he would support any item for the provision of this, it could not be proposed at the present time for the reason that no estimate had been prepared as to the cost of it, Government having made a hard and inflexible rule that no provision should be made unless an estimate had been prepared. He had no doubt that if the amount was not very large the Government, relying on the confidence which the Council had in it in doing such things in anticipation of the vote in the Supplementary Supply Bill, would probably take the work in hand in the course of the year. He hoped the hon. member would be satisfied with that assurance.

The Hon. A. De A. Seneviratne said that two years ago a petition was presented, and he made some remarks in regard to the matter, and it was then admitted that the bridge required widening. It therefore appeared to him that there was some delay in widening the bridge which was admitted two years ago to be too narrow.

H.E. the Lieut.-Governor was sorry to say that they were not always ready to do at once everything that they admitted to be necessary; but he thought he would give the hon. member the assurance that if this could really be given it would be give.

THE ELEPHANT PASS BRIDGE.

The vote for this bridge was reduced to R12,308 owing to the postponement of the work of raising the bridge, which H. E. the Lieut.-Governor explained could be done without prejudice to the repairs for which a vote had been made.

THE MADAMPE-HAMBANTOTA ROAD.

H.E. the Lieut.-Governor called the attention of Council to a point which he should have mentioned previously as by the omission to do so he might seem rather to take advantage of hon. members. The Sub-Committee in their report recommended that the item of R12,400 for metalling the extension of the Madampe-Hambantota road be struck out, and he should have called the attention of Hon. members to the fact that he did not move the omission of the item. His omission to do so was unintentional, but his omisson to move the deletion of the item was done advisedly. Hon. members would remember that in the Sub-Committee there was a division of opinion as to whether this road should be metalled or not. The Government felt very strongly in the matter owing to the experience they have had in connection with other road, and it was the desire of the Government to make this, he would not say a first-class but a good effective road, &c.

THE DUPLICATION OF THE COLOMBO WATER MAIN.

H.E. the Governor said he should like now to go back to an item under "Miscellaneous Services" namely to increase R10,000 under the sub-heading of Treasurer as the continuance of the Colony's General Revenue contribution towards the cost of the duplication of the pipe form Labugama.

The Hon. W. W. Mitchell said that while on the subject of second pipe he would like to ask Government if they could give any assurance that there is now in the Labugama reservoir sufficient water to fill the second pipe. He had been told that there was not sufficient water to fill a second pipe, but he did not know whether his information was right or wrong. He was told, however, that no water came over the spill and that very little water indeed ran to waste below the spill, if that was the case he could not see where the water to fill the second pipe was to come from. He would be glad to hear any assurance the Government could give, that there was plenty of water now that they were talking about laying a second pipe.

The Hon. the Director of Public Works—I do not think I need have any hesitation in staing that there is sufficient water in the reservoir to fill the second pipe, and I may also mention that the average rainfall that Labugamais 156 inches most of which is received into the reservoir from a considerable watershed. I had no Which that the question would have been put, else I would have been prepared to answer it fully, but I may remark that the water in the Labugama reservoir from memory and reports which I have hear, has not been lower than 10 feet from top water level which is 60 feet at the sluices.

The Hon. the Treasurer—I feel perfectly certain that the Hon. the Mercantile member's information is wrong. I had a great deal to do with the reservoir at one time when I was Chairman of the Municipality and Government Agent, Western Province, and I know that the water in the reservoir has hardly been affected at all by the water taken from it by the single pipe, and my impression is that so far from there not being sufficient water for the duplicate pipe there would be quite sufficient if there were four such pipes.

The matter then dropped.

H. E. the Lieut. Governor then moved the revote of unexpended balance.

The bill then passed Committee and Council resumed when the bill was referred to the law officers of the Crown for their report.

HABITUAL CRIMINALS.

The Hon. the Acting Principal Collector of Customs, on behalf of the Attorney-General who was unable to be present, took

charge of "an Ordinance relating to Criminals" and on his motion Council went back to the second clause and made a verbal alteration on it. At a later stage he initiated a general conversation on the subject of the conditions of license, by suggesting that a man on ticket-of-leave should whenever he made his appearance in any district notify his presence to the head of the police.

The Hon. the Acting GOVERNMENT AGENT W.P. pointed out that there were districts where there was no head of police.

H.E. the GOVERNOR was understood to say that that was the case in the North-Central province.

The Hon. the COOMARASWAMY thought the headman would be sufficient.

The Hon. the Acting PRINCIPAL COLLECTOR of Customs said it was considered to be necessary that the chief officer of police should have knowledge of the presence of the criminal in hi district.

The Hon. P. COOMARASWAMY:—But what is to prevent the police officer getting information from the headman.

The Hon. the Acting PRINCIPAL COLLECTOR of Customs indicated that he would move the deletion of the words "or chief headman of the district" and the substitution of "or person appointed by the Governor."

The Hon. the TREASURER said the expression "superintendent of police" included "chief headman."

The Hon. P. COOMARASWAMY said that on the same ground he might move the deletion of the names of the other officers included under the term "Superintendent of police."

The Hon. the Acting GOVERNMENT AGENT, W. P. said it was very important that a man should know to whom he was to go.

The Hon. the GOVERNMENT AGENT C.P. reminded the Council that they were now dealing with a criminal who was on ticket-of-leave and not with a man who was merely under observation.

The Hon. the Acting GOVERNMENT AGENT, W.P. asked whether it was advisable to have any conditions at all imported into this Ordinance. He thought that might be left to the discretion of the Governor.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS afterwards said the conditions could be put on the back of the license according to the Governor, discretion. He presumed there would be a general form of condition which could be subject to alteration according to circumstances. He moved the omission of the conditions appended to the ordinance.

This was agreed to.

The Hon. the TREASURER invited the attention of members to the new clause No. 10, namely, "a true extract from the register of measurements of any person made in terms of the rules to be framed by the Governor as hereinbefore framed shall be admissible as *prima facie* evidence of the contents of such document." Ordinance 12 of 64 rendered extracts from documents of the same value as the original. The original document was the best evidence of the contents of that document and that Ordinance made a copy the best evidence. Now what they were doing was to make the extract only *prima facie* evidence, and he thought that by inserting this clause they were lessening the value of the extract from the register. He took the same objection to a clause in an Ordinance that was passed the other day. He had given the matter some consideration since and he felt pretty certain that he was correct, but he would like to have the opinion of the legal members of Council.

The Hon. P. COOMARASWAMY failed to see why this clause was put in at all, and he thought the Treasurer's remarks had great force.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS could not defend the clause as he did not know the reason for it and was himself ready to agree to the non-insertion of it if the hon. member moved that.

This was done and the clause omitted.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS at a later stage in reference to some remarks by the Hon. the Acting Government Agent, W.P. as to proof of the measurements said that the Bertillon system was not sufficiently advanced yet to admit of it being produced in any Court. It was being used in India and Europe simply as an assistance to the police in tracing a prisoner.

After a few more remarks the bill passed Committee and Council resumed when the bill was referred to the law officers of the Crown and notice was given that the third reading would be taken at the next meeting of Council.

THE REGISTRATION OF MARRIAGES.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS:—I beg to move the second reading of "An Ordinance to amend and consolidate the laws relating to the registration of marriages other than the marriages of Kandyans or of Muhammedans." In moving the first reading of this bill, sir, I referred at some length to its novel provisions, and I do not think it necessary now to detain the Council with a long disquisition on the various points of detail upon which there have been amendments made as the consolidation. Thereare none of them of very great importance. One of the most important details is that the power is reposed in the Provincial Registrar, or Assistant Provincial Registrar, of appointing an Additional Registrar in the event of the illness or absence from any other cause of the Registrar. It has been found in practice extremely inconvenient when a Registrar was ill to have to telegraph to the Registrar-General or to the Colonial Secretary for power to appoint a substitute; and it is now proposed that the Provincial Registrar or the Assistant Provincial Registrar should appoint a substitute for a short period. There is another provision that the Registrar shall have his office in a place convenient for the people and shall attend on fixed days. There was in the Ordinance which this consolidates some doubt as to the person to whom the minister who solemnized the marriage should send a certificate of solemnization. It is now necessary that he should send it to the Registrar who registered the notice of the bridegroom. I move the second reading.

The Hon. the Acting GOVERNMENT AGENT of the Western Province seconded.

The Tamil Member.

The Hon. P. COOMARASWAMY—I think it is a very useful thing that the Principal Collector of Customs proposes to do in consolidating the laws of marriage which are scattered over a period of fifty years in our statute books; but at the same time it is my duty to point out that there is a dangerous principle introduced into this Ordinance which will work incalculable damage to the present generation of the people,

as well as to the future. At the first reading of this bill the Principal Collector said that marriage was the most important social relation between human beings, and by the introduction of the principle which I mention he is trying, not to make marriages as simple as possible, but difficult of attainment, and if he succeeds in what he proposes he will bastardize almost half of Ceylon. In his speech at the first reading of the Bill he stated that, though the Ordinances from 1822 to 1863 made marriages invalid which were not registered, the Ordinance of 1863, which is still in force, omitted that provision, and he now again seeks, to make registration the only form of marriage. He does not tell us why this provision which existed in our ordinances is up to 1863 was omitted in the Marriage Ordinance of 1863. I contend that the provision which made the validity of marriage depend upon registration was deliberately omitted in the Ordinance of 1863, and for this reason: that it was found that, notwithstanding this very rigorous law the people did not conform to it. It was found that hundreds of thousands of marriages according to the religious rites and customs of the people had taken place without registration, and that, if this law were rigorously enforced, hundreds of thousands of children would be bastardized, and that hundreds of thousands duly married, according to their custom and religion would be declared to be living in a state of concubinage. That was the reason why that provision was deliberately and wisely omitted. Not only was that done but the people were allowed to prove their marriage in other forms than by registration. In this connection I would like to mention a personal matter, which, perhaps, I would not have referred to but that this is a very important matter which is going to affect thousands of families. I would mention what happened in my own family. Those Ordinances enforcing registration and making marriages invalid if not registered existed from 1822 to 1863, and I here declare that my mother's marriage was not registered, and thousands of marriages in respectable Tamil families were also never registered because of the customs of our religion and because your Government by the Royal Charter said it would not interfere with our religious customs. Depending upon that, thousands of people married according to their religious rites and notwithstanding the Law Ordinance, which they ignored, perhaps because they were ignorant, or else because they believed that their religion rites and custom were sufficient and did not wish to go before the registrars. Well, this Ordinance of 1863 was very properly enacted to allow these marriages to become valid. Now, you say:—" We are going to proclaim this new bill altering the existing Ordinance and the people will know all about it." The marriages of many of my friends and relatives were never registered. In my own the case. When I was married according to my religion and our custom twenty-four years ago, Sir M. CoomaraSwamy, who was then a member of the Council and who was my uncle was present at my marriage and he never thought my marriage should be registered, and so it was with hundreds and thousands of others. If this is the case with what I might be allowed to call the higher classes of Tamils what I ask would be the case with the hundreds of thousands belonging to the lower classes—ignorant illiterate men and women? Do the Government expect them to know anything about these Ordinances and to go to the Registrars for registrations. Clause 14 of the new bill under discussion read:—

"From the date when this Ordinance shall come into operation no marriage shall be valid unless it shall have been duly solemnized by a minister or a registrar, and registered in the manner and form as is hereinafter provided."

I defy the introducer of this Ordinance to show that clause in the Ordinance of 1863. I also wish to call attention to clause 36 which says:—

The entry made by the Registrar in his marriage register book shall constitute the registration of the marriage, and shall be the only evidence thereof before all courts in all proceedings in which it may be necessary to give evidence of the marriage.

Now the Registrar-General of births, marriages and deaths, who is himself a Tamil gentleman and who, perhaps, may be supposed to know something about Tamil habits says in his Administration Report for 1893;—

"As regards the others, the law is very uncertain and marriages would appear to be valid without registration, if contracted according to custom. Among the Sinhalese and Tamils marriages so contracted are deemed to be honourable marriages."

This is directly opposed to what fell from the lips of the introducer of this bill. What the Registrar-General says has been the case for centuries, and is all this to be upset because the laws in England are different? Before introducing such a stringent measure as this some steps should have been taken to ascertain whether it was suited to the country. I ask whether in Scotland, which is next door to England, this law prevails, and if not, why introduce it into this country where for thousands of years the people have been content with their marriage customs? You are trying to take away a privilege granted by the Royal Charter. I would not mind if it was an ordinary privilege or a simple loss of money, but here you are seeking to take away our birthright, and if we don't register our marriages our children become bastards. That is as far as the Tamils of Ceylon are concerned. And has the mover of this bill considered what effect it would have on the hundreds of thousand of immigrants coolies and traders from India who come here as much for the benefit of this island as for their own? In India there is no compulsory registration, and a man can marry before his priests, and according to the rites of his religion. These men come here, and you propose to introduce this compulsory law of registration, and when they go back, if they have not registered their marriages, their children will be bastards and their wives concubines, because the law of the land where the marriage takes place governs the marriage. This bill has not been well considered and in introducing this measure you are striking at the root of our rights and privileges because you are striking at the validity of our marriages, and at the laws of our inheritance. I have asked the mover to reconsider this matter, but he is as hard as a rock. Coming to the law of the subject the Principal Collector of Customs said the most important provision was that which re-enacted the requirements of the Ordinance of 1847 regarding registration. That, as I have already pointed out, was wisely omitted from the Ordinance of 1863. And then he went on to refer to the decisions of the Supreme Court, as the reason for introducing this new principle he has cited two judgments of the Supreme Court in 1882 and 1885; and if he contends that the necessity for introducing this Ordinance is because the Supreme Court has held that the validity of a marriage depends upon registration, I say that the whole statement is wrong and not consistent with the facts. Of the two judgments

of our Supreme Court on the matter referred to, one was in 1882 by judges for whom every lawyer in this colony has the highest respect, namely, Sir Richard Cayley, Sir Henry Dias, and Mr. Justice Clarence—three judges, sir, who I may say without fear of contradiction, are highly respected by every lawyer in this island. They held that registration was not necessary. This subject again came before the Supreme Court, but in what manner? The Principal Collector of Customs had perhaps not read this report when he made his statement. A man and woman went before a registrar and gave notice of their marriage and afterwards without registering they went and married according to their religious rites and customs, and the Supreme Court held quite rightly that if you once meddle with this Ordinance, that if you once take a step under it you must carry it out. That is quite right; I do not deny that. But the judges did not say that marriages without registration were invalid. I will read portions of the judgment in order to show the members of this Council that the finding of the judges did not go the length my hon. friend said. He said it was a collective judgment—a judgment by three judges. The judgment proceeded on the assumption that parties having taken steps to secure their marriage under the Marriage Ordinance must go through it otherwise their marriage will not be valid. The judges clearly say that if in good faith you do not marry according to the Marriage Ordinance, but marry according to your religious customs and manners your marriage is also equally good. That is exactly what the new provision seeks to strike out. Chief Justice Fleming said:—

I think, that if two parties "had contracted a marriage in good faith and had lived together as husband and wife then, notwithstanding the strong wording of the laws then in force and to which Chief Justice Cayley drew attention, I still think that the law would have presumed in favour of a valid marriage." Again C. J. Fleming says:—

"But what I do consider that the law requires, in order that a marriage may be validly contracted, is either that parties should be married at the office of the Registrar or at a registered place of worship, or if they enter into the contract of marriage at any other place that they do so in good faith and not with a knowledge that they are acting contrary to law." Sir Henry Dias, Puisne Justice, said that he entirely agreed with the previous judgment of Sir Richard Cayley and Mr. Clarence, Puisne Judge, that registration was not necessary to constitute a valid marriage. What did Justice Laurie say?—"I am of opinion that registration is not essential to the validity of any marriage except those contracted by Kandyans."

Why, I ask, in the face of all this should your Excellency's Government try to introduce such an Ordinance as this, striking at the root of our religious privileges and at the law which exists now? It will not aid in making marriages easy, it is striking against the securing of easy marriages and helping towards concubinage and bastardising of children; I repeat what I said, because I want Your Excellency to understand what, perhaps, you do not know, and I implore Your Excellency to allow the law to stand as it is. We are perfectly satisfied with it and has the introducer of the bill shewn that any single individual has complained that the law was not satisfactory and should be amended? As far as I know, and I think I may say that I know a great deal more of my own countrymen than the Principal Collector is likely to know if he lives for the next 100 years. My countrymen will feel that a great wrong has been done them if this clause is passed, and all I ask is that the law should stand as it did before. In a matter like this, I think, the Indian Government might also have been consulted as to how it would affect the people who come here in hundreds of thousands for our good. Having explained these facts, I trust that you will accede to my request that this clause be removed from the Ordinance and let the law remain as hitherto.

The Muhammadan Member.

The Hon. M. C. ABDUL RAHIMAN:—This bill does not include the Muhammadans who have their own religious laws, but as yet they have not achieved registration of marriages. According to the Ordinances No. 8 of 1886 and No. 2 of 1888 the only defect is, that the vital statistics are incomplete, owing to non-registration of the Muhammadan marriages, that I wish there was some remedy to correct the deficiency in the Ordinances in order to be acceptable to that community so that there might be proper registration. I must say a legal marriage and registration are very essential to all mankind, and it is an honor to the husband and wife, and their descendants. The majority of the Tamils and Sinhalese of the lowest class do not regard the union of man and woman to be a disgrace without a marriage or registered by an authorized person. The difficulty is that the Buddhist and Hindu priests do not enforce their religionists to be married in the temples, and no restriction is placed upon them to prevent immorality and loose living. Referring to the Administration Report of the Registrar-General, about 28,000 illegitimate births have been registered during 1893. The highest percentage is confined to the North-Central Province. The reason assigned by the Registrar-General is:—"Illegitimacy in Ceylon does not mean as in European countries, immorality on the part of the parents. A large number of people who marry are content with the customary or religious ceremonies, and do not think it necessary to comply with the requirements of modern legislation." It is rather a difficult matter to enforce compulsory registration on such people, who do not care for their own interests, and whenever disputes are raised by opposite parties in the law suits, in connection with inheritances the unfortunate descendants have to be the sufferers, I doubt very much whether mere compulsory registration of marriages would have much effect, unless the Ordinance compelled them under penalties upon whoever live as husband and wife without a marriage and without having the marriage registered by an authorized person. That would wipe off the immoral practice which prevails in this colony. I beg to suggest that in the case of persons who are unable to pay the fees or charges through poverty, they should be married and registered free.

The Kandyan Member.

The Hon. T. B. PANABOKKE:—Although the Kandyans are excluded from the operation of this Ordinance I would like to make a few remarks. There is a similar clause in the Kandyan Marriage Ordinance, and the effect of it has been what the hon. Tamil member has described. There are a great many people who have contracted their marriages according to the ancient customs and now if the validity of their marriages were questioned before a Court of Justice, I am afraid many would

be held to be invalid. I think that this legislation has been entered on without due regard to the feelings of the people. The bill was no doubt introduced with the best intention of curtailing litigation, and that the parties concerned may have greater facilities of affording proof of their marriage and of protecting their children, but unfortunately Government has rather overdone the thing, and the people were not quite prepared to follow this Ordinance. I regret that the hon. the Government Agent, Central Province, (who had left the meeting) is not in his seat as he would have been able to bear out my statement. As has been very forcibly pointed out the measure is repugnant to the feelings of the Hindus, and I do not think the Government will do such an act of injustice as to introduce this clause. My object in rising, however, is to inform Your Excellency and the members of this Council of the result of a similar clause in the Kandyan marriage law, and, therefore, I am sure that the same results will follow in the case of the Hindus.

The Planting Member.

The Hon. GILES F. WALKER :—As the question of Tamil coolies on estates has been brought in, I should like to say a few words. I regret very much that my avocations in Ceylon, though I have been here a considerable number of years, have not enabled me to have that insight into the habits and customs of the natives that I should have liked ; but I would submit one or two questions for the consideration of the hon. the Tamil Member. I do not understand from what has fallen from him just now whether this system of compulsory registration, assuming it to be made law, would really be recived as a religious objection on the part of the Hindus, provided that registration were put within easy reach of the people. There are, I think, two things to be considered. The first is that this system may be viewed as liable to religious objection in which case very strong consideration should be given to such objection. Then it may be raised as an objection that the facilities for registration are so slight that the people would not register, partly from ignorance and partly, perhaps, from not caring to take the trouble, and so their marriages would be illegal. If the latter is the objection, I think it might be met, assuming the cost was not prohibitory, by having a considerable number of registrars all through the country, and, as I see that by section 21 of the Ordinance subsequent registration will legalize the offspring of a marriage, I think that is a strong point, and that after a certain time, assuming there are no strong religious objections—the number of children that would be bastardised by a law like this would be few indeed. Independently of all outside consideration, registration of marriages, is a thing we should aim at, for it is an eminently good object to seek to attain in itself and the only question is how fast or how slowly we ought to proceed. As regards the coolies on estates as far as my personal knowledge of them goes, I do not think that objection would be taken to registration in 19 cases out of 20 or I might say 99 cases out of a hundred provided, as I said just now, ample opportunities for registration were given them. But there is one point in connection with that which strikes me, and that is, whether some difficulty might not arise in the case of coolies immigrating from India, who had been married in their own country, and proof of whose marriage it might be difficult to get. I think it is a matter for consideration how far it will be necessary to compel such marriages to be registered here subsequently. With reference to the religious questions it seems to me that it is not so much a matter of any interference with religious customs, as of imposing one custom upon another, of superimposing a legal snction upon a moral or religious sanction. Therefore, I think, the difficulty is not so great as the hon. member said. I have brought this up, sir, in connection with the point raised just now with reference to Tamil coolies on estates ; but as in the preamble of the bill it simply states that it is expedient to consolidate and amend the laws relating to marriages, it appears to me, subject to correction, that all those clauses can be considered, and undoubtedly will be considered in Committee, and amended or thrown out, and that no one need object to the principle of the bill at this second reading.

The Treasurer.

The Hon. F. R. SAUNDERS said:—I think, sir, it may be generally admitted that, unless registration of marriage is opposed to any religious custom or strong principle of any community, registration of one of the most solemn events that can befall a man in his life-time, should take place. It is very true that it takes a long time to get a class of people who have not been in the habit of registering marriages to thoroughly understand the necessity for it, and I think therefore there is a good deal to be said in favour of what the hon. member who represents the Tamil community has said in so far as it is extremely likely that from want of knowledge, or from carelessness, a great number of persons will fail to register unions which they have entered into with the full intention of their being regarded as honourable and lasting, but which, owing to their not being registered, are not marriages answering to that description. But there can be no doubt, I think, that, as far as the religious customs of the Hindoos are concerned, nothing—and I think my hon. friend will admit there is that when I give him my authority—in their religion which makes them view registration with any repugnance.

The Hon. P. COOMARASWAMY :—I never said that.

The Hon. the TREASURER :—When the Ordinance of 1877 was brought up in Council, Sir Muttu Coomaraswamy addressed the Council at the second and third readings, and on each occasion he seems to have been strongly in favour of registration. At the third reading he presented a petition from a large number of Tamils in the island, and the objection they took was not to registration, but that those amongst them who were not Christians were averse to going to registrars who were not of their own faith and, much more, to inviting such officers to their own houses to register their marriages. They thought Government might easily comply with their wishes by appointing additional non-Christian registrars especially as there were no additional salaries to be provided. I think myself that the impression of Sir Muttu Coomaraswamy was, as I am bound to say my own impression was for a very long time, that registration was then compulsory. (Hear, hear.) I think that if you read what Sir Muttu Coomara-Swamy stated on the occasion of the second and third readings of the bill, you will see not only that he was fully under the impression that registration was compulsory, but that those persons who petitioned against the bill also thought so, and that all they asked for was that the registrars should be persons of their ownfaith. As the hon. the Planting member has stated these objections to registration well deserve, and will doubtless receive, inquiry at the hands of the sub-Committee to whom

the bill will, in due course, be referred. But I think, we should all aim as far as possible at bringing in registration eventually and making it compulsory. It is a very difficult thing to carry out partially for the reason that, if you do not make it compulsory, very few people will take the trouble to register at all and you altogether fail in what is the principal object of registration ; namely to afford good legal proof of marriage. Now if you say that registration may be optional, it really becomes of very little use, because, though the production of the register might prove that a marriage had taken place, the non-production of the register would not necessarily prove that there was no marriage. With reference to what has been said by the hon. member who represents the Kandyan community I may say that I thoroughly understand and appreciate the difficulty that has been felt in the Kandyan provinces. It is a subject to which at the time the ordinances were introduced I gave a very great deal of attention, and I am very sorry indeed to find that late years there has been a great falling-off in of, the number of marriages registered. But I attribute that entirely to the fact that members of the higher classes of the Kandyan community do not impress a knowledge of the law on the lower classes of the people. I have found it over and over again that if you call a body of Kandyans together and tell them what the law is, you will find that they will make it a point to go and register their marriages It is from carelessness and putting off from day to day what they always intend to do, that this non-registration of marriages has taken place. The hon. member must recollect the great difficulty there was in days gone by in disputes regarding property to distinguish between *bina* and *diga* marriages and on that question as the hon. member knows a very great number of cases hinged and this has been now put beyond dispute by registration. I only mention that to show that there have been and are great difficulties, but the very fact that after consideration of all those difficulties the Council passed the law making registration compulsory amongst the Kandyans, and the fact that it is compulsory amongst almost every class in Ceylon, makes me hope that we shall be able to devise a law when the bill goes into Committee that will at all events be the beginning of making registration of marriages compulsory amongst the Hindoos.

The Sinhalese Representative.

The Hon. A. DE A. SENEVIRATNA.—I can not say, sir, that I am at all opposed to the compulsory registration of marriages as regards the Sinhalese community. I think it very desirable that all marriages should be registered, but what I object to, and what, I believe, my hon. friend who represents the Tamils objects to, is that the only evidence of marriage should be the entry made in the register. My hon. friend on my right (the Principal Collector of Customs) stated the other day that the ruling of the Supreme Court that registration was not necessary to the validity of marriage was over-ruled by a subsequent decision of the Collective Court. I do not think that was so. I have read that subsequent decision, and what happened was, as stated by my hon. friend on my left (the hon. the Tamil member), that on a different point entirely the previous judgment was referred to, but not by any means over-ruled. Mr. Justice Lawrie who concurred in setting aside the judgment with Chief Justice Fleming, distinctly stated that it was not on the ground stated by Chief Justice Fleming but on different grounds entirely that he agreed to do so. (The hon. gentlemen quoted the remarks referred to.) There was no question as to the ruling of the previous decision. And as regards the Ordinance of 1863, the law is that registration is not necessary for the validity of marriages. There have also been decisions going to show that marriage can be proved by other means than by registration. In fact, it is the same in English law. Although registration is the rule, yet a marriage can be proved by various other means than the production of the register. I brought here a book the other day in which it is clearly laid down that marriage can be proved by other means (The Hon. the PRINCIPAL COLLECTOR OF CUSTOMS :—No doubt about it). The result of passing this Ordinance not quite in this form, but in a modified form as it can be, if referred to a Sub-Committee will be, I think, to make registration compulsory in a way, that is to say that to prove a marriage valid you will not have to prove that it was actually registered, but that whoever challenges the validity of a marriage will have to prove that it was not registered which is an entirely different thing. According to the present draft you change the order. The presumption of law is in favour of the validity of marriage, but here you make the presumption in favour of the invalidity of marriage. That is the principle I object to. If my hon. friend will so alter the wording as to bring it in agreement with the Ordinance of 1847 I have not the slightest objection, In fact I think the Ordinance of 1847 might very well be repeated. That Ordinance enacted that registration should be regarded as the best, and not as the only evidence of marriage. So that marriage could be proved that here as in other countries by other means I support the second reading of the Ordinance.

MR. LEE'S REPLY.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—Sir, at an earlier stage of this sitting I expressed my regret at the absence of my hon. and learned friend the Attorney-General. My regret is all the keener now that I find myself compelled to answer points of law. The defence of the law would probably have been better maintained, by my hon. and learned friend the Attorney-General, he being learned in the law, but as the matter has been left in my feeble hands, I propose to answer the points raised, to the best of my ability. In the first place the Government has been charged with endeavouring to thrust upon an unwilling people a law aimed to bastardise the issue of the Hindus. Now, I do not know whether my hon. and learned friend is aware of it but this Ordinance was drafted by a Tamil gentleman the hon. gentleman's brother, the Registrar General ; and was approved by another, the hon. and learned Attorney-General, both of them Tamils. One drafted the Ordinance, the other highly approved it, and it was only because I accepted the principle of the measure and approved of it that the hon. and learned Attorney-General desired me under the instructions of H.E. the Governor to undertake to bring the measure forward as I had had experience of registration from long service as Registrar-General. But it is the Tamil gentlemen I have mentioned who are responsible for the Ordinance, and it was they who are attempting to bastardise the issue of the respectable Hindus. My hon. friend the Tamil member has stated that he knows more than I do of his people. I bow to his superior knowledge but, I think, I am prepared on behalf of the Attorney-General and

Registrar-General to claim for them if not a better, at least an equal knowledge, of their own people. The hon. the Tamil member tells me that I do not understand, and that the Government do not understand what is good for the Tamils. Do not the Attorney-General and Registrar-General know what is good for their own people? Why should the hon. and learned member for the Tamils claim a greater knowledge of his people than his own brethren? I have been told that we are endeavouring to introduce a novelty. How a gentleman who has had a legal training can possibly maintain such a statement is perfectly surprising to me. I turn to the regulations of 1822, and it is there stated that no marriages of natives of the maritime districts of Ceylon, from and after August 1st of that year, shall be valid unless they are registered. That has been in operation since 1822, and yet we are told it is a novelty. Ordinance No. 6 of 1847, of which mention has also been made, rendered invalid all marriages which were not registered, and further the register was declared to be the best evidence of marriage. You will, therefore, see that, from 1822 to 1847, and so long as the Ordinance of 1847 was in operation, up to 1863, registration was compulsory. In 1863 a new Ordinance was passed which as I explained the other day omitted this provision as regards compulsory registration of marriages. In the Supreme Court three judges, for whom I share the respect entertained by my hon. and learned friend the member for the Tamil community, came to the decision that registration was no longer necessary. However that made no difference whatever to the practice of the people, and as my learned friend the hon. the Sinhalese member will tell you registration has been looked upon as a mark of respectability amongst the low-country Sinhalese for the last half-century. There is nothing novel whatever about it, and yet we are told by the hon. the Tamil Member that this is something new amongst the Hindus. The Ordinance of 1863 gives persons who are unwilling to allow their women to appear in public, the privilege of having their marriages registered in private, and that disposes of all objections that can possibly be brought forward, because of the religion of the people. The hon. the Tamil member seems to imagine the proposed Ordinance will have the effect of bastardising people, but there is no intention that it should have any past effect; the past it will leave as it is. My hon. friend charged me with misquoting or mis-stating, or doing something equally wrong. I said that the judgment of one Court was not the same as the other—that the Supreme Court judges in 1882 had held that registration was not necessary, and that the Supreme Court in 1885 held that it was necessary. Well, I confess that I took that statement from the report of the Registrar-General. He says:—

"It is, indeed, open to grave doubt whether registration is necessary under our law to the validity of any but Kandyan Marriages. The decisions of the Supreme Court on the construction of the Ordinance 13 of 1863 have left the matter in a state of deplorable uncertainty, so that in fact the public do not know nor can even a lawyer tell, what are the ceremonies essential to a Marriage. In the Case No. 3883 of the District Court of Tangalla (5 S. C. C. 9) decided practically by the Full Court, registration was held not to be essential. That authority has been weakened by the contrary decision in a later Case (D. C. Jaffna to A 7 S. C. C. 56) also by a full Court."

I do not intend to pursue this subject at any great length. In the first place, I am not able to debate it with satisfaction to the Council; and in the second place it is very unprofitable to bandy words, and to quote portions of judgments in cases. The fact of the matter is that the Supreme Court did in 1885 hold that registration was necessary, and in 1882 held that it was not necessary. It does not appear to me to be necessary to go into a long disquisition why they did it. There is the bald fact. If there was one place more than another where Chief Justice Fleming commanded respect it was in the Supreme Court and he says:—

"Can it be that in the year 1822 more than forty years before the Ordinance of 1863 was passed the Legislature thought fit to cause marriages to be the contracted in a certain way; that it again did so by the Ordinance of 1847, and yet in 1863 it intended to abandon a policy, the object of which has been to provide against what has been deemed so inexpedient not only in England, but in almost every civilized country, viz. irregular and clandestine marriages? Why was the English Statute, 26 George, II. C. 33, commonly known as Lord Hardwick's Marriage Act passed, but to do away with such kind of alliances? And can it be supposed that Ceylon, instead of going forward in an admittedly right direction should have intended just the opposite?"

What the hon. the Tamil member desires to do is to take us away in an opposite and downward direction, and as far as I am concerned, I will resist that attempt to the utmost. As regards what the hon. the Sinhalese member has stated, as to registration being the "only" evidence of marriage, that is a question which I think it will be necessary to consider in sub-Committee. I am not by any means wedded to that clause and I should prefer myself to follow the law of 1847 and make registration the best evidence. I do not think I need detain the Council longer. I fear that I have been a very unfitting substitute for the hon. the Attorney-General in supporting this measure, but I have done my best. (Applause).

H. E. THE GOVERNOR then put the question and the bill was read a second time. Council then went into Committee on the bill when, on the motion of the Hon. the Acting Principal Collector of Customs, the bill was referred to the following sub-Committee:—

The Hons. the Attorney-General, the Treasurer, the Government Agent W. P., the Government Agent, C. P., Mr. A. De A. Seneviratne, Mr. P. CoomaraSwamy, Mr. Giles F. Walker, and the Principal Collector of Customs.

REGISTRATION OF BIRTHS AND DEATHS ORDINANCE: SECOND READING.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS next moved the second reading of "An Ordinance to amend and consolidate the laws relating to the registration of Births and Deaths." There was really nothing in the Ordinance, he said, over which he need detain the Council. There were only a few matters of detail to be considered. In other respects the Ordinance followed the previously existing statutes making them clearly and more easily interpreted.

The Hon. the AUDITOR-GENERAL seconded.

The Hon. M. C. ABDUL RAHIMAN said:—The proposed bill is more suitable than the Ordinance No. 20 of 1891, concerning the registrations of deaths, in the proclaimed places. I hope it will be workable without giving offence to the persons who are averse to exposing the dead bodies to be viewed by others. I conceive there is some difficulty, in furnishing the certificates as to the causes of deaths to the Divisional Registrars. Native medical practice is still

prevailing, and the certificates as to the causes of deaths granted by such practitioners who attended the persons during the last illness should be accepted.

The Hon. A. DE A. SENEVIRATNE :—There is only one thing to which I would like to call the attention of the Council, and that is that information concerning births is to be given to the Registrar personally. I suppose it will be open to the Sub-Committee, to be appointed, to make any alterations. It is both unsuitable and inconvenient that a person should attend personally and give notice of the birth of a child. As to the difficulty of obtaining certificates which has been referred to, there is, I believe, some difficulty in the country, but not so much in the towns where there are a number of Registrars appointed.

The Hon. T. B. PANABOKKE said that that was the only point in his own mind regarding this Ordinance. Facilities were afforded to planters and superintendents of estates to have births registered without personal attendance, but no such exception has been made in favour of others. He hoped the matter would receive the attention of the sub-Committee and the personal attendance might be dispensed with.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS said he did not think the sub-Committee's report would appear till next year, and there was plenty of time to consider every detail and every correction from every source.

The bill was read a second time, Council went into Committee and the bill was referred to the following Sub-Committee :—The Acting Attorney-General, the Treasurer, the Government Agent, W. P., the Government Agent, C. P., A. De A. Seneviratne, P. CoomaraSwamy, Giles F. Walker, T. B. Panabokke and the mover.

ADJOURNMENT.

Council afterward adjourned on the motion of H. E. the Lieut.-Governor to next Wednesday at 3 p.m.

WEDNESDAY, DECEMBER 12th, 1894.

Present :—H. E. Sir Arthur E. Havelock, K.C.M.G., President ; H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor ; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. J. A. Swettenham, C.M.G., Auditor-General ; the Hon. F. R. Saunders, C.M.G., Treasurer ; the Hon. E. Elliott Acting Government Agent of the Western Province : the Hon. Allanson Bailey, Acting Government Agent of the Central Province ; the Hon. Lionel Lee, Acting Principal Collector of Customs ; the Hon. R. K. MacBride, C.M.G., Director of Public Works ; the Hon. Dr. P. D. Anthonisz, C.M.G., Burgher Representative ; the Hon. A. de A. Seneviratne, Sinhalese Representative ; the Hon. W. W. Mitchell, Mercantile Representative ; the Hon. Giles F. Walker, Planters' Representative ; the Hon. Sir John J. Grinlinton, Kt. General European Representative ; the Hon. T. B. Panabokke, Kandyan Representative ; and the Hon. M. C. Abdul Rahiman, Muhammadan Representative ; and the Hon P. CoomaraSwamy, Tamil Representative.

Absent :—The Hon. P. Ramanathan, C.M.G., Acting Attorney-General

IRRIGATION.

The Hon. W. W. MITCHELL moved in the terms we published last night for a return in connection with irrigation funds.

H. E. the LIEUT. GOVERNOR :—With reference to the hon. member's question, sir, I may be permitted to lay on the table a return prepared by the Irrigation Board in consequence of the recent discussion on the subject of irrigation expenditure which shows the expenditure, revenue and balances for the years 1892, 1893 and 1894. If it does not meet with the requirements of the hon. member's question it can be supplemented or amended.

The Hon. W. W. MITCHELL :—I am much obliged.

PEONS AND THEIR SALARIES.

The Hon. A. DE A. SENEVIRATNE :—I beg to present a petition from peons and messengers attached to the different Government offices in Colombo. They say that their salary is hardly sufficient for their maintenance and they ask that the Council should consider the question of their salaries. It struck me that this Council is not the proper body to consider this question and that it might be referred to the Committee appointed by Your Excellency to consider a similar question with regard to the police.

H. E. the GOVERNOR :—Exactly.

THE TEA CESS.

H.E. the LIEUT.-GOVERNOR then rose to move the motion on this subject standing in his name. He said:—Before I move the motion I would ask the permission of the Council to slightly alter the amount by the small sum of R4·50 which on a further scrutiny of the accounts proves the amount with this deduction to be the more correct amount. Under Ordinance 15 of 1892 the proceeds of the export duty on tea were to be applied to paying a moiety of the expenses of the Chicago Exhibition, and under the later Ordinance 4 of 1894, as soon as that moiety of expense was met, the duty on tea was to be applied to the purpose of increasing the consumption of tea in foreign lands. It was not of course possible to ascertain the precise moment at which the expenses of the Chicago Exhibition would be met and the collection of the duty was allowed to go on. This amount, which it is now proposed to apply to increasing the consumption of tea, is the amount by which the collection for the first object exceeded the moiety of the cost of the Exhibition with these words I move the resolution as amended the amount being R37,325·88½.

The Hon. the Acting ATTORNEY-GENERAL seconded and the resolution was unaminously adopted.

THE RETRENCHMENT COMMISSION

The Hon. the AUDITOR-GENERAL then moved his motion with regard to constituting the members of the Retrenchment Committee as a Commission. He said :—The object of this resolution, sir, is explained on the face of it. It is the continuity of the proceedings in the body to whom the question of reduction in permanent expenditure has been referred. The Members of this Council are liable to change; in fact the Committee has already lost the services of one member who a few days ago ceased to be connected with it. It would be a very difficult matter for any other person to be appointed in the place of this member because any person who joined the Committee now would not have the advantage of hearing of the evidence already heard by the Committee, or the arguments which have led to the interim decisions which have been already arrived at by this Committee. Therefore I think it is better sir, that the persons who already compose the Committee

should be appointed a Commission whereby the continuity of the proceedings will be maintained, and the Committee will be saved from such a change as I have deprecated. With these wordsf sir, I beg to move the motion.

The Hon. the GOVERNMENT AGENT, W. P.:—I have much pleasure in seconding the motion, sir.

The motion was unanimously agreed to.

THE SUPPLY BILL.

H.E. the LIEUT.-GOVERNOR:—I beg to bring up the report of the Law Officers of the Crown on "An Ordinance for making provision for the Contingent Services for the year 1895," and I move that it be read.

The Report having been read by the Clerk of the Council, the bill was read a third time and passed, on the motion of H. E. the Lieut.-Governor seconded by the Hon. the Auditor-General.

HABITUAL CRIMINALS.

The Hon. the ACTING ATTORNEY-GENERAL brought up the report of the law officers of the Crown on "An Ordinance relating to Criminals" and thereafter moved that the bill be read a third time.

The Hon. the ACTING PRINCIPAL COLLECTOR OF CUSTOMS seconded and the bil was read a third me and passed.

THE PREVENTION OF ACCIDENT BY EXPLOSIVES.

The Hon. the TREASURER:—I beg leave to ask the indulgence of Council for postponing the consideration in Committee of an Ordinance for the prevention of accidents by gunpowder and other explosivess. The Sub-Committee was unable to have the advantage of the presence of the Hon. the Attorney-General and consequently we are not ready with our report. If a postponement is granted to next meeting of Council, the report will then be ready.

Consideration of the bill in Committee was postponed.

THE PUBLIC SERVICE MUTUAL PROVIDENT ASSOCIATION.

H.E. the LIEUT.-GOVERNOR:—I beg leave to move the second reading of "An Ordinance to amend the Ordinance No. 5 of 1891, relating to the incorporation of the Public Service Mutual Provident Association," the object of wehich as I explained at the first reading is to provide for the remuneration "of the Auditor or Auditors to be elected under section 16. sub-section 2."

The Hon. the Acting ATTORNEY-GENERAL seconded and the bill was read a second time.

H.E. the LIEUTENANT-GOVERNOR:—As this Ordinance has not been published a second time in the *Gazette* as required by the rules before it can be considered in Committee, I do not propose to proceed with the further consideration of the bill to-day, but to take it up on next meeting.

This was all the business.

THR ADJOURNMENT.

On the motion of H. E. the Lieut.-Governor, Council adjourned till Wednesday the 19th inst. at 3 p.m.

WEDNESDAY, DECEMBER 19th, 1894.

Present:—H. E. Sir Arthur E. Havelock, K.C.M.G., President: H. E. Sir E. Noel Walker, K.C.M.G., Lieutenant-Governor; H. E. Major-General W. Clive Justice, C.M.G., Officer Commanding the Forces; the Hon. P. Ramanathan, C.M.G., Acting Attorney-General; the Hon. J. A. Swettenham, C.M.G., Auditor-General; the Hon. F. R. Saunders, C.M.G., Treasurer; the Hon. E. Elliott Acting Government Agent of the Western Province; the Hon. Allanson Bailey, Acting Government Agent of the Central Province; the Hon. Lionel Lee, Acting Principal Collector of Customs; the Hon. R. K MacBride, C.M.G., Director of Public Works; the Hon Dr. P. D. Anthonisz, C M G, Burgher Representative; the Hon. A. de A. Seneviratne, Sinhalese Representative; the Hon. W W Mitchell, Mercantile Representative; the Hon. Giles F. Walker, Planters' Representative; the Hon. Sir John J Grinlinton, Kt. General European Representative; the Hon. T. B. Panabokke, Kandyan Representative; the Hon. M C. Abdul Rahiman; Muhammadan Representative; and the Hon P. CoomaraSwamy, Tamil Representative.

HARBOUR REVENUE.

The Hon. W. W. MITCHELL gave notice that at next meeting of the Council he would move for a return of harbour revenue and expenditure for 1883 to 1894 inclusive also the amounts repaid to the Public Works Loan Commission and to the Sinking Fund and Debentures.

ASSENT TO ORDINANCES.

H.E. the LIEUT.-GOVERNOR then announced that His Excellency the Governor had given his assent to the following Ordinances, viz.:—

Ordinance No. 12 of 1894 intituled an Ordinance to authorise the destruction of valueless documents preserved in Courts of Justice. Ordinance No. 13 of 1894 intituled an Ordinance for making final provision for the Supplementary Contingent Charges for the year 1893. Ordinance No. 14 of 1894 intituled an Ordinance for making provision for the Supplementary Contingent Charges for the year 1894. Ordinance No. 15 of 1894, intituled an Ordinance to amend the law providing for the granting of pensions to widows and children of deceased public officers of this Colony. Ordinance No. 16 of 1894 intituled an Ordinance for making provision for the Contingent Services for the year 1895. Ordinance No. 17 of 1894, intituled an Ordinance relating to habitual criminals and to convicts licensed to be at large.

A TOLL IN THE BATTICALOA DISTRICT.

H. E. the LIEUT.-GOVERNOR then moved "That from and after the 1st January 1895, a Ferry Toll be established on the Valaichenai river at Valaichenai, in the Korale Pattu of the District of Batticaloa. He explained that a toll had been established at this place which was 21 miles north on the Coast road from Batticaloa and carried on by the Director of Public Works. It was stated that between 200 and 300 people were ferried across per day and several carts, and the object of this resolution was to place the toll under the operation of the Ordinance, and to prevent what might possibly happen, viz., the illegal exaction of tolls, and also to give the public the security of being ferried across at any time. The toll at present being an informal one under this Ordinance that obligation did not exist now

The motion was agreed to.

DESTRUCTION OF PALMYRA PALMS.

The Hon. P. COOMARASWAMY:—I beg to present a petition from certain inhabitants of Jaffna complaining that in order to make fibre there was great destruction of palmyra palms, and asking Government to look into the matter. The subject is a very important one to the people

of the Northern Province. Thieves going about at night for the sake of the fibre and destroys young plants by taking out the bulb. It appears that the destruction caused in this way is becoming greater and greater every day, and in a few years, they complain, that the growth of palmyra palms there will be stopped. The petition is somewhat amusing and instructive and I move that it be read.

The Hon. T. B. PANABOKKE seconded, and the petition was read by the Clerk of Council as follows :—

To the Hon. the Legislative Council of Ceylon, Colombo.

The Humble Petition of the undersigned inhabitants of Jaffna.

Most Respectfully Sheweth,—That the humble petitioners with due reverence and submission beg to bring to the kind consideration of the Hon. Council, that their country is a place where the climate and poor means of irrigation are better suited for the cultivation of palmyrah palm, than to others of the vegetable kingdom—which consequently has been very extensively planted, and its several products are being used for all the requirements of their life.—Before it is ten years of age it begins to produce and lives for three hundred years and more. Its produces are as follows :—1st. The leaves of the palm, or its olas as they are called, are almost everywhere made use of in covering the roofs of the houses, and fences of the compounds. These very olas again serve as manure for fields, mats, fans, baskets, brooms and several other articles of daily use, are made of these, and when green, they form one of the most important and nourishing foods of cattle. 2nd. Toddy is extracted from this palm at all seasons of the year, and contributes to the public revenue. In March, April, May and June, this is largely obtained in the form of sweet toddy and is used as a staple food of the poorer classes. Also jaggery is manufactured from sweet toddy. 3rd. In July, August and September the fruit of this palm becomes the general food of the people. And this, before ripe, yields a tasteful and wholesome drink called Nonkoo, the remains of which forms a substantial food for cattle. The essence of this fruit is preserved, and largely eaten in October, November and December, 4th. For the remaining months of the year, January and February, the roots produced by the seeds of the palmyrah fruits are prepared in different ways and consumed with eagerness. 5. The stalks of this palm invariably wither and form the greatest part of the fuel of the country. Finally the timber itself is utilized in various ways. It is the only procurable and the cheapest material for the roofs of houses and sheds of all kinds, and is also abundantly used, in planting hedges etc,, etc.. etc.,

That the petitioners further beg to say they have not, through fear of encroaching on the valuable time of the Hon. Council, entered into a complete detail of the importance and usefulness of palmyrah tree and its produces, but in short they are bound to acknowledge that this blessed palm is all in all in their peninsular. But during the last 3, 4 years, the stalks of young palmyrahs are cut off for the purpose of manufacturing fibre, the sap oozes out, and the trees die without fail. It is almost certain that, in the course of a year or two, Jaffna will be deprived of its young trees, and the public, too, has lost, inclination for further planting. This dangerous business would never be done by owners under any circumstances. The stalks are stolen off at nights and days alike, as the owners are, as it would be, unable to watch over them in their gardens abroad.

That the petitioners also beg to lay before the Hon. Council that the above-said dangerous offenders can, as found in experience, no way be checked, and the gardens protected, as it is impossible to detect them, and again successfully to prsoecute fro theft.

Wherefore the humble petitioners earnestly pray that the Hon. Council will be graciously pleased to provide them with the special ordinance to stop the manufacture and trade of palmyrah fibre, of otherwise the petitioners are afraid their condition will be miserable in future.—For which act of benevolence the petitioners, as in duty bound, shall ever pray.

Dec. 10th, 1894.

IRRIGATION.

The Hon. W. W. MITCHELL thereafter moved for a Return, showing in detail amounts voted from the General Revenue for Irrigation purposes and the amounts expended by the Irrigation Board in 1893 ; also the balances of funds in hand unappropriated on 1st January and 31st December, 1893. He said :—The return placed in my hands after the last meeting of Council showed the balances that were unexpended, but what I should like to have in addition to that is the amount unappropriated as well on 31st December, 1893. Works may have been sanctioned during the year and the money may not have been expended. Money for such works having been already appropriated I should regard that money as not available again for appropriation. Probably the return already supplied may be amended and amplified in such a manner as to afford this information without pressing the motion further.

H. E. the LIEUT.-GOVERNOR replied there would be no objectionto complying with the hon. member's request.

The Hon. W. W. MITCHELL:—In this connection, sir, I should like to ask a question. In your Excellency's address at the opening of the session you stated with regard to the restoration of Giant's Tank in Mannar that plans and estimates of the scheme would be placed before the Council for their information. I would like to ask if these plans and estimates are available for us to see. I saw it stated in some of the public papers a few days ago that the work had been actually commenced. I was under the impression that all plans and estimates must be fully completed before works of the kind are taken in hand, so that I conclude the newspaper statement must be a mistake. But if plans are ready and the estimates have been completed I have no doubt the members of Council would be much interested in seeing them.

H.E. the LIEUT.-GOVERNOR :—I may say, sir, in reply to the remarks of my hon. friend that there is every intention of carrying out the promise H.E. the Governor held out of laying the plans on the table of Council. They are now, I believe, before the Irrigation Board, and I will take steps to obtain them, and meantime pending the adjournment which will probabl be made today; I will have them placed in hands of the hon. member.

THE PREVENTION OF ACCIDENTS BY EXPLOSIVES.

On the motion of the Hon. the Treasurer, Council went into Committee on "An Ordinance for the Prevention of Accidents by Gunpowder and other Explosives." The Hon. the Treasurer thereafter brought up the report of the sub-Committee on the bill and it was read by the Clerk of the Council. The clauses were then gone over seriatim and various amendments made *nemine contra dicente.*

It was proposed in clause 4 to give the Governor power to appoint any "fit or competent" persons to be inspectors, the adjective in the original draft being merely "fit."

The Hon. A. DE A. SENEVIRATNE on the amendment being proposed called attention to the proposed alteration and said he understood the expression was to be "fit and competent persons."

The Hon. the TREASURER said it really did not matter whether the phrase was "fit or competent persons" or "fit and competent persons," and explained that the alteration had been made because there had been some little doubt as to the meaning of the word "fit," the intention being that no person should be considered fit, unless he was thoroughly competent.

Mr. A. DE A. SENEVIRATNE said this was a clause which gave him some little difficulty in view of the fact that the inspectors appointed under the Ordinance had the power to enter dwelling houses where it was supposed gunpowder was, and he thought the inspectors should be men of a certain recognised position—not ordinary Municipal or Police inspectors but men who were not only competent to judge as to the quality of the material that was stored, but men of such a position that their entry would not be regarded as an intrusion by anybody.

It was agreed that the phrase should be "fit and competent persons."

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS at a later stage called attention to the use of the word explosives and pointed out that there might be a difficulty on the part of the courts in interpreting the term.

On the motion of the TREASURER it was agreed in order to remove any dubiety on this head to use the definition of explosive as given in the English Act and of course "explosives" would be construed in accordance with the interpretation clause in the plural.

The Hon. W. W. MITCHELL said in one section it was enacted that the "master of any ship having on board any such explosives shall not permit the same to be unloaded and delivered to any persons who does not hold a license to import the same from the Governor in Executive Council." He should like to know how the master of a ship was to know whether a person who came alongside with a bill of lading requiring delivery of certain explosives held a license to import or not. Then what was the nature of his license to be. Was it to be a permit or letter from Government as hitherto? Would it be issued on application to the Colonial Secretary and in what form, and would it cost anything. These were questions he would like answered as the clause, as it was, appeared to him to be rather unworkable.

The Hon. the Acting ATTORNEY-GENERAL:—We have simply followed the English Act all through the bill. The Governor is empowered to make rules upon a variety of subjects, and anything that may be wanting in the working of the Ordinance will be covered by that power. I may also state that no duty will be imposed.

The Hon. W. W. MITCHELL:—No duty?

The Hon. the TREASURER:—No duty for the license?

The Hon. W. W. MITCHELL:—It is to be of the nature of a permit to be obtained by a person on receiving advice that gunpowder is consigned to him the same as hitherto.

The Hon. the TREASURER:—Yes.

The Hon. W. W. MITCHELL:—That is all that is meant by it?

The Hon. the TREASURER:—Yes.

The Hon. W. W. MITCHELL:—It is rather hard upon the captain of a ship that he should be liable to so large a fine as one not exceeding R1,000 if he delivers what he holds for a consignee, not knowing that this person has not got a license to import. How is he to ascertain that the person applying for a delivery has a license to import.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS:—I may state, as having some little experience at the Wharf, that the practice is that gunpowder is put overboard into a boat and delivered to the Wharf and Warehouse Company or the Syndicate Boat Company or one of the agencies who have a license. I think I might ask with my hon. friend the Mercantile Member how this clause is to be worked. I think I should find very great difficulty indeed in working it as it is. Is the consignee to go alongside and produce his license to the captain? Is the captain to stay on board with the gunpowder till the license is produced! I think the clause will be found to be inconvenient.

The Hon. the TREASURER:—The Governor has the power to exempt certain explosives from the operation of this clause, and it is only such explosives as are not exempted that shall not be landed except by a permit duly signed by an officer of the Government.

The Hon. W. W. MITCHELL:—It states that the Governor in Executive Council shall do that and there is nothing said about the power being delegated. Supposing the Governor and Executive Council are absent what then!

The Hon. the TREASURER:—I should fancy that the Clerk of Council or Colonial Secretary would sign any order on behalf of the Governor in Executive Council. Afterwards he added:—sub-section 8 of clause 25 says:—

With respect to the importation from any place out of the colony of either dynamite, or gun-cotton, or any explosive (other than gunpowder, carrtridges made with gunpowder, percussion caps, firewoks, and any explosive prescribed by the Governor in Executive Council), the following provisions shall have effect. Hon. members will therefore see that the clauses about the importation of explosives are only intended to apply to highly dangerous explosives, so that there will be very few explosives to which these clauses will apply.

Council thereafter resumed when the bill was reported as amended and referred to the law officers of the Crown for their report.

On the motion of the Hon. the Treasurer the tanding orders were suspended and the report of the law officers was read.

Thereafter on the motion of the Hon. the TREASURER, seconded by the Hon. the Acting ATTORNEY-GENERAL, the bill was read a third time and passed.

THE PUBLIC SERVICE MUTUAL PROVIDENT ASSOCIATION.

On the motion of H.E. the LIEUT.-GOVERNOR Council went into Committee on "An Ordinance to amend the Ordinance No. 5 of 1891 relating to the incorporation of the Public Service Mutual Provident Association," and the bill having passed through the Committee stage the standing orders were suspended when the report of the law officers of the Crown was read, and on the motion of H.E. the LIEUT.-GOVERNOR, seconded by the Hon. the Acting ATTORNEY-GENERAL the Ordinance was read a third time and passed.

ASSENT.

H.E. the GOVERNOR then announced his assent to these two Ordinances and the business of the sitting was concluded.

ADJOURNMENT.

On the motion of H.E. the LIEUT.-GOVERNOR Council at 3-50 adjourned *sine die.*

TUESDAY, APRIL 9th, 1895.

Present.—H.E. the Governor Sir Arthur Havelock; H.E. the Lieut.-Governor Sir E. Noel Walker; H.E. Major-General Clive Justice; the Hons. P. Ramanathan, Acting Attorney-General; F. R. Saunders, Acting Auditor-General; L. F. Lee, Acting Treasurer; A. R. Dawson, Government Agent of the Western Province; Allanson Bailey, Acting Government Agent of the Central Province; R. K. MacBride, Director of Public Works; P. Coomaraswamy, Tamil Member; Giles F. Walker, Planting Member; W. W. Mitchell, Mercantile Representative; A. de A. Seneviratna, Low-country Sinhalese Representative; M. C. Abdul Rahiman, Muhammedan Representative, H. L. Wendt, Burgher Rrepresentative; and W. Ellawalla, Kandyan Representative.

THE CHANGE IN THE *personnel* OF THE COUNCIL.

H.E. the GOVERNOR:—I have to intimate to the Council that Mr. Swettenham the Auditor-General having left the colony on appointment elsewhere, I have appointed Mr. Saunders, Treasurer, to act as Auditor-General and Mr. Lee, Acting Principal Collector of Customs to act also as Treasurer in combination with the office of Principal Collector of Customs. I have also pleasure in making known to the Council that Her Majesty the Queen has been pleased to approve of my reappointment of the following gentlemen to be unofficial members of the Legislative Council—Mr. Mitchell, Mr. Seneviratne, Sir John Grinlinton and Mr. Abdul Rahiman. Her Majesty has also been graciously pleased to approve of my appointment of the following gentlemen to be unofficial members of the Council—Mr. Wendt and Mr. Ellawalla. These reappointed and new members of the Legislative Council will take the prescribed oaths and their seats.

SWEARING IN.

Messrs. Ellawalla and Wendt then took their oaths (as new members) and Messrs. Abdul Rahiman, Seneviratne, and Mitchell (as members re-appointed)—the whole Council standing as usual.

The absentee on the unofficial side is Sir John Grinlinton, who is now on his way to Europe, and the Principal Collector of Customs on the official side—whose appointment is merged in that of the Acting Treasurership.

The minutes were afterwards read and confirmed.

PAPERS.

H.E. the LIEUT.-GOVERNOR laid the following papers on the table; I of 1895, the Northern Railway; II of 1895, The World's Columbian Exposition, 1893; III of 1895 the Widows' and Orphans' Pension Fund; IV. of 1895 the Kelani Valley Railway Account for 1894. Administration Reports,—I. The Botanic Gardens; II the Colombo Museum. Quarterly return of expenditure on the Matara Railway; Statement of sums apportioned during 1895 from the Irrigation Fund for the construction, repair and improvement of irrigation works; Schedule of proclamation orders in Council and promulgated during 1895.

REPORTS.

The Hon. the Acting ATTORNEY-GENERAL brought up the report of the select Committee appointed to consider and report in what respects the Municipal Councils' Ordinance requires to be amended; the Hon. L. F. Lee: the reports of the sub-Committees on the Marriage Registration Bill and the Births and Deaths Registration Bill; and the Hon. the Acting Auditor-General the report of the sub-Committee on the Tolls Ordinance.

PETITIONS.

The Hon. P. COOMARASWAMY presented a petition from certain inhabitants of the island with regard to the Registration of Marriages' Ordinance and moved that it be read.

The petition was read as follows:—

To His Excellency the Governor (President), and the Hon. the Members of the Legislative Council. The memorial of the undersigned inhabitants of Ceylon. Sheweth,—1. That the memorialists are Tamils professing the Hindu faith, and beg respectfully to protest against the proposed alteration of the existing Marriage Laws so far as they affect the memoralists and their co-religionists. 2. That under the existing laws no marriages are invalidated for want of registration (except as regards the Kandyans), and marriages contracted by Hindus according to their religious rights and ceremonies are recognised by law to be good and valid. The memorialists would refer the Council to the decisions of the Supreme Court of this Island, as well as of the Privy Council cited in the paper A hereto annexed, in support of their statements. 3. The memorialists would also submit that any alteration in the existing law whereby the marriages sanctioned by the religion of the Hindus are declared to be invalid for want of registration is an interference with their religious rites, which ought not to be violated. 4 The memorialists would humbly ask the Council (1st) whether any good and sufficient reason has been shewn for the proposed alteration of the Marriage Laws? and (2) if registration is so necessary, why the Muhammadan population of Ceylon numbering about 200,000 souls, are exempt from its operation? 5. The memorialists would remind this Council that the Ordinance No. 8 of 1886 (where a provision, section 17, similar to that now complained of was inserted with regard to Muhammadan marriages) was amended by Ordinance No. 2 of 1888 under instructions from the Right Hon. the Secretary of State for the Colonies, to whom a representation had been made on behalf of the Muhammadans; and the law, as it now stands with regard to them, is contained in section 3 of Ordinance No. 2 of 1888 which run thus:—"Proof of the registration of any marriage contracted by persons professing the Muhammadan faith after this Ordinance shall have come into operation, shall be received in all Courts in this colony as the best evidence of such marriage; but nothing herein or in the principal Ordinance contained shall be construed to render valid or invalid, merely by reason of its having been registered or not having been registered, any Muhammadan marriage which would otherwise be invalid or valid, or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage." 5. The Memorialists would also urge that—(*a*). There is a large immigrant population of Hindus annually coming from India and settling in Ceylon for considerable periods, who would be prejudicially affected by the proposed alteration in the marriage laws. In India the validity of marriages between Hindus does not at all depend upon registration. (*b*). Considering the great conservatism of the masses of the Hindu Tamil population of Ceylon, the effect of the introduction of a law declaring marriages invalid unless registered would most assuredly be that thousands of marriages, which under the existing laws would be legal and valid, would be converted into concubinage if the proposed registration is carried out. 6. The Memorialists would urge that it is contrary to all principles of good Government to pass laws which, instead of being in favor of legalising existing forms of marriages, would bastardise large numbers of the population. The Memorialists, therefore, pray that in the proposed Ordinance for the Registration of Marriages now before the Council, some provision similar to the 3rd section of the Ordinance No. 2 of 1888 be introduced in order to conserve the rights of the Memorialists and their coreligionists

The Hon. P. COOMARASWAMY also presented a petition from certain inhabitants of the Kegalle district against the establishing of a Local Board. The petition was as follows:—

To the Hon. the President and members of the Legislative Council of the Island of Ceylon, Colombo. The humble memorial of the undersigned residents of the town of Kegalle humbly sheweth.—Your memorialists have learnt with deep regret that a few of the well-to-do community of the town of Kegalle convened a meeting with the object of memorialising Government for the establishment of a Local Board in this town. The memorialists submit that an institution like the Local Board or the introduction of sanitary rates to this town is quite unnecessary for the following reasons:—

I. Kegalle is a very small town with one solitary road, viz., the old Kandy road.

II. The town is not thickly populated, and for the most part the houses are scattered.

III. The present sanitary state of the town is all that can be desired.

IV. It is not within the recollection of the oldest inhabitants that owing to the insanitary state of the town any epidemic ever broke out.

The memorialists beg further to submit for the favourable consideration of your Hon. Council that although the well-to-do few residents will not feel the imposition of a tax, yet it will tell heavily on the poor class of people who even without any tax at present on their houses, find it difficult to find both ends meet.

The memorialists beg, further to point out to your Hon. Council that stations of greater importance than the town of Kegalle are free from Local Boards and sanitary rates.

The memorialists humbly protest any kind of taxation as they can ill-afford to pay tax with their limited resources.

Wherefore memorialists humbly pray that it may lease your Hon. Council not to introduce the anitary rates or a Local Board to the town of Kegalle—And the memorialists as in duty bound will ever pray.

Kegalle, January 4th, 1895.

THE FIELD HOSPITAL AT BUTALA.

The Hon. GILES F. WALKER:—I beg to give notice, sir, that at next meeting of the Council I will ask whether the Government will reconsider the closing of the Field Hospital at Butala in September last with a view to opening it again in the interests of the native population of an unhealthy district and of the isolated estates in Moneragalla.

THE SEIZURE OF SEWING MACHINES AT THE CUSTOMS.

The Hon. W. W. MITCHELL:—I beg to give notice that at next meeting of the Council I will ask under what circumstances the recent seizure of 118 sewing machines was made at the Customs and move for papers.

The Hon. L. F. LEE:—Sir, as previous notice was given to me of the terms of this motion I will answer the hon. member at once. The sewing machines were seized by the officers of Customs under a provision of the law which enables them to seize articles not entered at the wholesale market value. In arriving at the wholesale market value it is the custom now as it has been for a great many years or at all events for the last twenty-five years to adopt as the basis of valuation the invoice presented by the importer. That invoice is always scrutinised, and if it bears a reasonable relation to the wholesale market value of the article, even if it be ten or twelve per cent below the wholesale market value, we are in the habit of adopting it because we consider it is not the duty of the Customs to act in such a manner as to repress trade but to encourage it. In this case the invoice presented was not what we call an honest invoice. The invoice value was R2,880, whereas the goods were valued by subordinate officers of the Customs at R5,500. I had interviews with the legal representatives of the importers and they endeavoured to convince me that these persons were acting honestly, but I was able to show them that on three previous occasions the same importers had entered goods at considerably below the wholesale market value. In December, 1889 their goods were taken over because they were found to be 32 per cent below the value; in April 1890 their goods were again taken over because of their being 70 per cent below value; and in January, 1895, since I took up the position at the Customs that I now occupy another seizure was made, but at the earnest solicitation of the importers, I allowed them to pass an additional entry, but warned the importers that the next time they offended they would have no mercy shown them. This time there was a considerable difference between the invoice price and the market value. The goods were seized and were put up to action last Saturday. I think this hon. Council will admit that the result showed that the action of the Customs Department was fully justified. These goods, which were valued by the importers at R2,880 but by the Customs officials at R5,500 actually fetched R5,800. I think that is a sufficient answer to the hon. member.

THE MUNICIPAL COUNCILS ORDINANCE.

The Hon. P. COOMARASWAMY:—I beg to give notice that at the next meeting of the Council I will move that the report of the Committee appointed to consider the Municipal Council Ordinance which was presented today be adopted.

HARBOUR FINANCE.

The Hon. W. W. MITCHELL then moved, in accordance with previous notice.

For a Return of Harbour Revenue and Expenditure from 1883 to 1894 inclusive: also the amounts repaid to the Public Works Loan Commissioners and to the Sinking Fund on Debentures.

He said—My reason, sir, for bringing forward this motion is simply this, that now that expenditure on a very large scale is being incurred at the harbour it is very desirable that we should have a return such as I have called for to show what our position really is, and whether we can afford the very large expenditure that is now going on and is in contemplation. I hope the year 1894 will be included in the return.

The Hon. GILES F. WALKER seconded.

H.E. the LIEUT.-GOVERNOR:—In anticipation of the adoption of the resolution now moved I have had the return asked for prepared and now beg to lay it on the table. The return was prepared at a time when the books were not sufficiently closed to enable the information, for 1894 to be included in it. That information, however, will be addedas soon as it is available.

THE ARRACK TAVERNS AND MONOPOLY.

The Hon. W. W. MITCHELL afterwards moved:—

For a Return of all Arrack Shops licensed in Ceylon, with a map showing their location; also for reports or papers suggesting alterations or reform of the present arrack monopoly or taxing system in Ceylon.

He said:—The connection sir, between, the consumption of intoxicating drink and crime is universally recognised, and so much impressed with this was the late Sir Wm. Gregory that he carefully restricted and reduced the number of

arrack licenses and had a return prepared, in 1876, I think, showing the total number then in the island. In addition to this for the information, more especially of the members of the Legislative Council, he had a map prepared showing in colours the position of every arrack shop in the island, and it was hung up in this room. No return of the kind has, I think, been prepared since. It may be objected that restriction of the arrack licenses may possibly lead to illicit distillation and sale? but it is weliknown that renters, and I may say, agents have often forced arrack shops upon unwilling villagers who would almost to a man have preferred that these places had not been established where they were put. The prevalence of crime has been very much discussed of late, and especially the fact that some districts were so much freer than others from serious crime. For this and many other reasons it is time I think that a fresh return and map such as I have suggested should be prepared and laid before us showing the number and position of all the arrack taverns in the island. In connection with what I have said as to the opinion of the late Sir Wm. Gregory, I may be allowed perhaps to refer for a moment to one or two of his speeches in the Legislative Council. In 1872 he stated:—

> English rule has given to Ceylon many blessings, which the inhabitants are ever ready to acknowledge —security of life and property, equality before the law, and just tribunals, the abolition of serfdom, excellent roads to promote intercourse and facilitate the conveyance of produce; but we have at the same time extended a course throughout the Island which weighs heavily in the other scale, namely, drunkenness.

Again in 1873 in closing the session and referring to the introduction of the Licensing Bill at that time he said:—

> As regards the Licensing Bill, I should mention to you that the strong representations which were received by the Government as to the frightful evils attending the multiplication of liquor-shops throughout the country.
>
> But I felt I should be guilty of a dereliction of duty, if I allowed a year to pass without endeavouring to try and check the course of drunkenness which each day's experience more and more convinces me is the cause of the greater proportion of the crimes committed in the Colony. They are committed either under the influence of drink, or to enable the criminal to obtain drink.

He also said in 1873 in his address to Council, referring to the Licensing Amendment Bill:—

> I am able to inform you, while on this subject, that no less than 272 arrack taverns have been suppressed during the year; viz., Eastern Province, 4; Western Province, 160; Central Province; 1; Southern Province, 64; North-Western Province, 43. There has been no reduction in the Northern Province.
>
> I am not able to give you any account as yet as to the diminution of the other class of licensed drinking shops; but as the Government Agents are well aware of the policy of the Government on this subject, I have no doubt that the decrease will be considerable, and will be attended by a decrease of drunkenness and crime.

The other part of my motion refers to reports or papers suggesting alterations or reform of the present arrack monopoly or taxing system in Ceylon. The present system of arrack monopoly management in Ceylon has been frequently criticized and very often condemned, and various officers of the Government have suggested alterations more or less of a radical nature, notably the late Mr. Ravenscroft, Auditor General, Mr. Elliott and other Government Agents, and I think the time has come for looking closely into their proposals very carefully for several reasons. First of all there are difficulties about the arrack rent sales. The Government Agent of the Western Province, will I think, admit that there has been considerable difficulty in obtaining proper bids at these sales. Then the drinking habits of the natives are undoubtedly increasing very much. This is deplorable and we cannot shut our eyes to the fact. Next there is unquestionably a great deal of illicit distillation and sale going on—at least a great many people think so—and I am afraid it is only too true. In some of the Kandyan and other districts a great deal of toddy I believe is surreptitiously sold. It is supposed to be fresh drawn but really it is toddy that has been left to ferment. I believe that in the Matale district especially, large sales are made to coolies, the vendors having no license and there being no check of any kind. The Gothenburg system is now attracting a large amount of attention in Europe. This may be briefly stated to be a system by which all the profits from selling spirits are received by the Swedish Government or Municipalities. A Swedish Senator, Mr. Smith has paid several visits to Ceylon—one in 1893, I think, and another not very long ago—and he has travelled over a great part of India and interested himself greatly in the Abkari system introduced by Sir Charles Pritchard into a division of the Bombay Presidency. I am told that after a great deal of study of that system he considers the Abkari to be in every way much preferable to the Gothenburg system; and I would urge upon Government to obtain a copy of the report which I understand has been issued upon this experiment in excise believing that with the information obtained locally itw ould serve a very useful purpose.

The Hon. A. DE A. SENEVIRATNA seconded.

H. E. the LIEUT.-GOVERNOR:—I may state, sir, that there is no objection on the part of Government to complying so far as can in reason be done with the wishes of the hon. member. I presume, sir, that the return which he wishes would suit his own and general purposes, if it were made in continuation of the return which was moved for by my hon. friend, the Attorney-General, when he was an unofficial member of this Council and which will be found in Sessional Paper 38 of 1891, showing the number of arrack taverns in 1870, 1876, and 1891. I hold that return in my hand and I may remind the Council that the return shows that the number in 1870 was 1,494; in 1876, 1,092; and in 1891, 971; and from frequent casual and incidental consideration of the subject I have no reason to suppose that the number has in any way increased. The map which the hon. member speaks of in his resolution will be prepared if he continues to desire that it should, but I would suggest whether the information which he seeks to obtain is not sufficiently given in the fourth column of the second part of the return to which I have referred, and which gives the distance between each tavern on each road. I merely throw out the suggestion, and leave it to the hon. member to say whether that would not satisfy him. The taverns in some cases are so near to one another, some being a quarter of a mile, others a third, and others, again, a half, that it would be somewhat difficult, unless the map was on a very large scale to show all the taverns. The return, however, will be prepared in whatever way the hon. member, after consideration, prefers. I have not had the advantage of seeing the map prepared in the time of Sir Wm. Gregory. I have

asked for it more than once, and those who have been associated with the Council for sometime have not been able to put me on any trace of it. There is attached to a printed paper which, although I do not think it has been published, I will show the hon. member, a memorandum by the late Auditor-General with maps of different parts of the country, showing the taverns and godowns. I do not know whether that is what the hon. member has in his mind, but at any rate the return will be furnished in the precise form in which the hon. member desires it. With regard to the second part of the motion, I feel satisfied, sir, that, if all the reports and papers were printed and laid before the Council, they would form such an exceedingly large volume that nobody would read them. The subject in different phases, suggested from various sources, has come up almost every year during the seven years I have been here. I shall be much pleased to have all the papers collected and go through them with the hon. member for the purpose of selecting those which he may think useful and proper to be published. They are, as I have indicated, very voluminous, and some of them are of what I may call a confidential character. In this spirit, I am quite prepared to meet the wishes of the hon. member who has moved the resolution.

The Hon. W. W. MITCHELL :—I am much obliged, sir, to the Lieut.Governor for the information, he has given and the readiness of Government to meet my wishes. With regard to the map I shall not press for it, if the information given in the fourth column of the return which has been referred to, is sufficient. I hope, at the sametime, that the report on Sir Charles Pritchard's Abkari system will, if possible, be obtained.

H.E. THE LIEUT.-GOVERNOR :—I think, sir, we have got it.

The motion was unanimously agreed to.

THE HIGHER EDUCATION OF GIRLS.

H.E. THE LIEUT.-GOVERNOR then moved the motion on this subject standing in his name. He said :—Owing to the vacation of their seats by three of the unofficial members of the Committee of which the Attorney-General and I are members, it becomes necessary to re-appoint them. I propose to alter the resolution somewhat, so as to read as follows :—

With reference to the resolution passed by this Council on the 5th December, 1891, to the effect that the memorial presented to this Council for the establishment of a College for the higher education of girls be referred to a Sub-Committee consisting of the Lieutenant-Governor, the Attorney-General, the Hon A. de A. Seneviratna, the Hon. Sir John J. Grinlinton, and the Hon W. W. Mitchell.

That in view of the vacation of their seats in this Council by the three last-mentioned members and their re-appointment to this Council they be re-appointed to the said Sub-Committee.

With the permission of Council I beg to move the resolution as amended.

The Hon. the Acting ATTORNEY-GENERAL seconded, and the motion was unanimously agreed to.

THE MARRIAGE REGISTRATION ORDINANCE.

On the motion of the Hon. the Acting TREASURER Council went into Committee on "An Ordinance to consolidate and amend the laws relating to the Registration of Marriages other than the marriages of Kandyans or of Mohammedans."

The Hon. P. COOMARASWAMY :—I think, sir, Government is aware that there is considerable opposition to some of the alterations proposed by this Ordinance in the existing marriage law. At the second reading of this bill about the end of last year I stated certain objections to the bill which I am glad are supported by the petition which I had the honour of presenting to this Council a few minutes ago. I am informed that there will be several other petitions, also numerously signed, presented here soon in reference to this subject by the Hindus. I think the Government is also aware that last Saturday there was a very influential meeting of the Roman Catholics to consider this proposed Ordinance and that resolutions were passed. I think Government have been asked to allow the discussion of this bill to stand over for sometime until the Hindus and Roman Catholics who form a very considerable portion of the population of Ceylon numbering nearly one million, shall have submitted their views in proper form by means of petitions to the Council. Of course, it may be asked why there has been all this delay. Well in the first place, sir, I think that in a matter of such importance as this bill, a postponement for one or two months is no delay whatever, and I would also urge that no one was aware that so important an Ordinance would be considered so soon after it had been sent to a sub-Committee. I was a member of the sub-Committee appointed to report on the Ordinance and I, and certainly some of the other members of the Committee, were not aware until four or five days ago that this Ordinance would be brought up for consideration today. I think, sir, that it will be admitted that there is nothing more important to a country than its marriage laws, and as this Ordinance proposes to alter and amend our existing laws in very many important points, I am sure that your Excellency's Government will not object to granting the request that consideration of this bill should be postponed in order that an opportunity may be given to the large section of the community to whom I have referred, to put their views before the Council. I am sure that the Government will the more easily grant this, as there is nothing so urgent about the bill that it should be passed today, and as a postponement will work no harm. On the contrary, I think it will benefit both the people and the Council—the Council, certainly, in that it will have the views of the people before it, and be able to judge whether they are right in regard to certain parts of this bill to which they object. I may say that I was told by the hon. member who is in charge of this bill, that there would be no objection on his part to postpone consideration of the bill, if Your Excellency and the Council have no objection. I would, therefore, move, sir, that the consideration of this bill be postponed for not less than 30 days. I do not know when the next meeting of Council will take place, but if in May, that will suit us.

H.E. the GOVERNOR :—It is possible that I may have a meeting of Council, at least I hope I may have a meeting of Council, early in May, and it may be inconvenient if you extend the postponement to 30 days.

The Hon. P. COOMARA SWAMY ;—In these circumstances, sir, I won't say 30 days, but till next meeting.

The Hon. A. DE A. SENEVIRATNE :—I would like, sir, to read a letter which I received from a member of the Roman Catholic community

who appears to have presided over last Saturday's meeting :—

In pursuance of resolutions adopted at a meeting of the Roman Catholics held at Kotehena, on Saturday, the 6th instant, a Memorial to the Legislative Council, submitting the views of the Roman Catholics on some of the provisions of the Marriage Registration Ordinance is being prepared and will be forwarded in a short time.

Understanding that the further consideration of the Ordinance will be proceeded with today in Council, I, as Chairman of the said meeting, have already addressed the Hon. the Colonial Secretary, requesting that the matter may be deferred for the present. I have the honour to request that you will be good enough to support our request in Council and otherwise secure an adjournment of the further consideration of the Ordinance.

I feel sure, sir, the Council would like to receive any suggestions the Roman Catholics have to make, although these suggestions come somewhat late in the day. Therefore I would support the motion for postponing consideration of the Ordinance today.

The Hon. the Acting TREASURER :—On behalf of the Government, sir, I rise to say that there will be no objection to postponing consideration of this bill, but rather as a matter of indulgence than of right. When I had the honour to introduce this bill on 28th Nov. last, I pointed out that the bill was not going to be hurried through Council, but would be delayed in order to give ample time for the views of all sects and classes to be expressed. The influential and respectable body from a representative of whom a letter has just been read, have postponed their action upon this bill till three days before this meeting and they really deserve no consideration for postponing the matter to the latest possible moment, but the Government is anxious to receive all judicious and reasonable criticism of this bill before it is passed into law, and, therefore, the Government accepts the motion.

The motion having been agreed to, Council resumed.

THE REGISTRATION OF BIRTHS AND DEATHS.

Council next went into Committee on "An Ordinance to amend and consolidate the laws relating to the Registration of Births and Deaths," the clerk reading the report of the Sub-Committee on the subject (which we have already published) on the motion of the Hon. the Acting Treasurer, and after that the various clauses of the draft bill.

When the interpretation clause was being passed, the Hon. Mr. LEE stated that it had been found a difficult thing to define "still birth" but they had ultimately agreed to adopt the definition in the American Acts.

In the interpretation clause of the bill as originally drafted it was provided—"The term superintendent of an estate means the person having the immediate charge and supervision of the labourers and work on an estate, and includes the person who may be "acting" for such superintendent." It has now been amended by the deletion of the word "immediate," and of the clause relating to the person "acting" for the superintendent, the Hon. Mr. Lee explaining that he did not think it was good English. The explanatory note as to a superintendent being liable unless he proved that he had left a competent substitute on the estate, was also deleted, the Hon. Mr. Lee explaining that the superintendent of an estate would be liable to prosecution in the first instance, but if he turned round and said he was absent, but left his estate in charge, say, of his conductor, what would be done was that they would put him in the witness-box against his conductor to prove that he left him in charge.

Licentiates of the Ceylon Medical College, it was agreed, should come under the term "Registered Medical Practitioner."

The Hon. A. DE A. SENEVIRATNE thought the licentiates of Ceylon were at present entitled to be registered under the Acts mentioned in this section of the interpretation clause.

The Hon. L F. LEE said that was so, but they need not necessarily avail themselves of the right to be registered, and what was wanted was to bring the licentiates under this Ordinance whether they were registered or not.

To the clause dealing with the appointment and duties of Provincial and Assistant Provincial Registrars section was added with the object, as stated by the Hon. Mr. Lee, of enabling the office assistant of the Government Agent, in the absence of the Government Agent, to perform the duties of Provincial Registrar with regard to that part of the province which does not form part of the sub-division forming the territorial jurisdiction of an Assistant Govt. Agent. The latter part of the new section, it was also explained, was intended to give the Governor power when the Govt. Agent or his asssistant was overburdened with work, to appoint some officer to relieve him.

In clause 6 of the original draft it was provided that the Governor could divide "revenue districts" into divisions for the purposes of the Ordinance, but it was agreed that "provinces" should be substituted for those districts, the Hon. Mr. Lee explaining that there were some provinces which were not revenue divided into districts.

The Hon. the GOVERNMENT AGENT, W.P., referring to the proviso of clause 8 dealing with the appointment of divisional registrars asked if there was any particular reason for the difference as compared with the corresponding clause of the marriage bill. In the marriage bill it was stated that it was lawful for the provincial registrar or assistant provincial registrar in a case of emergency to appoint a person to act as registrar, but in this Ordinance provincial registrar was left out.

The Hon. L. F. LEE indicated that the omission was accidental and would now be supplied. He also stated that it had been pointed out by several Government Agents that the proposed period of three days for which the person was appointed in an emergency was too short, and on his motion it was agreed that the period should be "fourteen days at any one time."

Clause 10 was also amended with the object, the Hon. Mr. LEE stated, of giving the immediate direction of the Ordinance to the provincial registrar, the view of several of the Government Agents being that it was not advisable that the Registrar-General should interfere between the divisional and provincial registrars; and an addition was made to the clause which shall have the effect practically of making the Registrar-General's office the headquarters for the purposes of this Ordinance.

The Hon. P. COOMARASWAMY alluding to clause 12 said it was there provided that it should be the duty of the father *and* mother to give information as to birth. He did not see why they should put the duty upon both the

father and mother. Surely it was quite enough if the father *or* mother did this? In thousands of cases in this land it might happen that the mother was illiterate and unable to write. He would, therefore, move that the word "or" be substituted for "and."

The Hon. L. F. LEE accepted this alteration which was agreed to.

The Hon. P. COOMARASWAMY also wished the sentence throwing the duty of giving information upon each persoonpresent at the birth in default of the father or mother, prefaced by "or."

The Hon. L. F. LEE said it was the duty of each person in default of the other to give notice. He thought it would make nonsense of the clause to insert "or" there.

The Hon. P. COOMARASWAMY said that if "or" made nonsense of the clause, some other word should be substituted, for he did not see why they should make it the duty of every person in the house to give information. In clause No. 11 of the present Ordinance (which was the corresponding clause) the duty was cast upon the father or mother, or the occupier or an inmate of the house, but, here, the duty was cast, not only on the occupier of the house, but each person present at the birth, so that whether or not one person had already given the information, the others must also give it.

The Hon. L. F. LEE was then understood to say that the clause was taken from the English Act. It was the duty of each person present at the birth to give notice.

The Hon. the GOVERNMENT AGENT, W.P. :—One and all?

The Hon. L. F. LEE :—When one has given notice the duty of the others is discharged.

The Hon. the GOVERNMENT AGENT, W.P. :—But that is not here.

The Hon. P. COOMARASWAMY questioned the statement of law made by the hon. member in charge of the bill. The duty was cast on every person present at the birth. If the duty was cast upon every person, it did not matter whether A.B.C. and D. had done it. E must also do it?

The Hon. L. F. LEE: —That is the law.

The Hon. P. COOMARASWAMY :—But I thought you said that if the duty was performed by one person the others need not do it?

The Hon. L. F. LEE :—That is the effect of this clause.

The Hon. P. COOMARASWAMY indicated that he would be satisfied if words were inserted to the effect that when one had performed the duty, the others were absolved.

The Hon. L. F. LEE :—I shall be content to stand by the English Act of Parliament from which this is taken.

The Hon. P. COOMARASWAMY :—That may be good enough in England, but I am certain that it will work injustice in this country, and I think the Council had better pause before introducing this English Act here. We have our own Act which is quite enough for us and I do not see why we should burden illiterate people and every person present at a birth, with this duty. That is not in the old Ordinance. If I casually go to a friend's house and happen to be present when a child is born the duty is cast upon me of giving information: that is most absurd. If I visit somebody 50 miles away, and I happen to be in the house when a child is born, I must give information.

The Hon. L. F. LEE :—But you would not be present at the birth.

The Hon. P. COOMARASWAMY :—But supposing I was present. I can understand the father or mother having to give notice, but that every person,—aunt, or sister, or brother-in-law, and so on—should have to perform this duty is, I think, really hard on the people of this country.

The Hon. L. F. LEE :—I have not heard what the amendment is.

The Hon. P. COOMARASWAMY :—I propose that clause 11 of the Ordinance of 1867 be substituted for this clause 12. I appeal to the members of this Council, many of whom are well aware of the habits of the people of this country, whether the clause, as it stands, will not work an immense amount of harm. It will really be opening the way to fraud in this way, that every petty registrar can make money by threatening to prosecute half-a-dozen members of a household if they have not already given information, because I believe the not giving of this information is made penal. If the amendment I propose is accepted, and the registrar threatens to prosecute them, they can say that the information had been already given, and, therefore they cannot be prosecuted.

The Hon. Giles F. WALKER :—The hon. member's contention seems to amount to this that if a dozen people have to report a birth in any particular instance, they are each one severally liable for not reporting, and that whether or not the first of the twelve sent in a report they must also do so.

The Hon. P. COOMARASWAMY:—That is the law.

The Hon. Giles F. WALKER :—I do not see that that is the law under this clause.

The Hon. P. COOMARASWAMY :—The hon. the Planting member has heard the Treasurer tell us that that was the law—that the mere fact of A giving notice did not absolve B, C and D from the duty. I think that was what was stated by the hon. member who is in charge of the bill, and I say in face of that statement we ought to be cautious in introducing such a measure, especially as you have heavy penalties attached.

H.E. the LIEUT.-GOVERNOR :—There is a great deal of plausibility in what the hon. member has said, but I am convinced that there must be some very good reason for the special wording of the Registration Act of the English Government. It is an Act which has been on its trial for a very long time. It has been consolidated and re-enacted several times within the last 30 years. I think the explanation is that this clause we are now discussing only generally declares it to be the duty of certain persons to do a certain thing, but the requirement to do that duty is provided for subsequently. This clause merely says that the duty lies on A B C and D but the requirement to do that act is provided by a subsequent section. I think that is the explanation.

The Hon. P. COOMARASWAMY said that the same sort of patchwork procedure in taking over certain provisions of Acts was being adopted in connection with this Ordinance, as in regard to the Civil and Penal Codes—and lawyers knew what sort of Codes they had now to work under. He asked if subsequent to this clause under discussion there was not a clause making the non-discharge of the duty penal; and he appealed to gentlemen who had great experience in the administration of provinces—gentlemen like his hon. friend on his right (the Government Agent, W.P.) and other members—whether his

interpretation was really not the right one, that first of all they declared it was the duty of A B C and D to do a certain thing and subsequently declared that if these people did not perform this duty they would be punished. Unless the Attorney-General intervened in all petty Police Court cases and withdrew the cases the Police Magistrate must punish. Before altering the law which had been in existence for so many years, they should be satisfied that there was proper reason for making the alteration. He did not know whether in the English Act there was any proviso which modified its stringency, but he urged the point that as the clause stood it would press hard upon the people of this country and was likely to lead to corruption. Every headman would try to make money out of the poor householders in his district.

The Hon. L. F. LEE said the hon. member's idea that the people were going to suffer was rather imaginary. He misquoted the clause and he supposed that every visitor to a house was also present at the birth of a child that might happen to be born at the time. The clause cast the duty upon each person present at a birth to give information, but not upon every person in the house at the time. It was not the custom in civilized life nor the custom under the civilization that there was in the native villages that every person in the house was present at a birth that might take place It hardly appeared to him that presence at a birth was incumbent upon everybody in the house, not even in the most archaic district.

The Hon. the Acting AUDITOR-GENERAL thought the clause threw the burden of giving evidence upon every woman who happened to be present at the birth, for it would be mostly women who would be present. He must say that the old clause which cast the duty on the father or mother or occupier or inmate of the house in which a child happened to be born, seemed to be much more reasonable than to require the women who happened to be present at a birth to perform a duty which they were not likely to have the power to perform.

The Hon. A. DE A. SENEVIRATNE said that members of the Committee would remember that he objected to this clause chiefly on the ground that the persons who were made liable to perform this duty might not have any knowledge of the default of the father or mother, so that they would not know that the duty had devolved upon them. How were they to know that the father or mother had not given notice. It struck him that the insertion of the existing clause was better than passing this one as it stood.

The Hon. the Acting ATTORNEY-GENERAL :— I think, sir, the object of the Ordinance is to secure the registration of births, and the arguments of my hon. and learned friend who represents the Tamils, are not only plausible, but reasonable. I think, sir, that we can afford to delete from section 12 the words "and of each person present at the birth."

The Hon. P. COOMARASWAMY said he would adhere to his motion. He did not think the proposed alteration would meet the case.

The Hon. the Acting ATTORNEY-GENERAL :— I do not know that my hon. friend appreciates what I said just now. If my amendment is accepted, the duty of giving information would be cast upon the father or mother, and in default of either of them, on the occupier of the house. That is surely absolutely necessary. I propose the deletion of the words "each person present at the birth," and if my hon. friend objects to "the person having charge of the child," that is the ayah or midwife, it is for him to move the deletion of these words. I think my amendment might very well be accepted by my hon. friend, and if he objects to the whole of this clause it must be because he does not appreciate the importance of registration.

The Hon. the GOVERNMENT AGENT W. P. :— I should prefer to see the old clause No. 11 substituted for this one. The wording of this section 12 is rather difficult to understand. What does "in default of the father or mother" mean? A child is born and in default of the father and mother, somebody has to do certain things. The old section says "or in case of the death, illness, absence, or inability of the father and mother, the occupier or an inmate of the house," which I consider better wording than the proposed clause. Surely everything stated in clause 11 is sufficient to effect the giving of speedy notice to the proper officer, and what was stated in clause 12 is likely, I think, to lead perhaps to trouble and annoyance.

The Hon. the GOVERNMENT AGENT, C.P., said they would see from clause 50 that it was only the parent of the child who failed to give information who was liable to be prosecuted. The other persons were only liable when they failed to give information when required by the registrar or without lawful or reasonable excuse did something or other.

The Hon. P. COOMARASWAMY remarked that what the clause said was that every person required by the Ordinance to give information or notice would be liable.

The Hon. the GOVERNMENT AGENT, C.P., added that the clause went on to say that the parent of any child who failed to give information should be liable to a penalty and then referred to persons required to give information concerning a death. He thought the clause meant only that parents should be liable.

The Hon. P. COOMARASWAMY, on the contrary, thought that it emphasized the fact that not only the parents, but every person required to give information could be punished for failure of that duty.

The Hon. the Acting ATTORNEY-GENERAL :— With reference to what fell from the Hon. the Government Agent, W.P., the meaning of "in default" is that a prosecution against the occupier cannot be maintained unless the prosecutor first proves default on the part of the parents. It is really a protection in favour of the occupier.

The Hon. the GOVERNMENT AGENT, W.P. :— Then it should be "default on the part of the father or mother" instead of "default of the father or mother."

The Hon. L. F. LEE then moved that the clause in the draft be adopted with the words and "of each person present at the birth" omitted.

The Hon. P. COOMARASWAMY moved as an amendment that clause 11 of the Ordinance of 1867 be substituted for clause 12 in the draft.

The division on the amendment was then taken as follows :—

Ayes 8.	*Noes 7.*
The Hon. Mr. Ellawalle	The Hon. W. W. Mitchell
,, Mr. Wendt	,, The Director of Public Works
,, Abdul Rahiman	,, The Acting Treasurer
,, A. de A. Seneviratna	,, The Government Agent C.P.
,, Giles F. Walker	,, The Attorney General
,, P. Coomaraswamy	
,, The Government Agent W.P.	,, H. E. The Major-General
,, The Auditor-General	,, H. E. The Lieut.-Governor

H. E. the GOVERNOR accordingly announced that the ayes had it.

The Hon P. COOMARASWAMY afterwards referred to the proposal that informants should attend the office of the registrar. He did not think of it at the time the matter was being discussed, in Committee but his attention had since been called to the fact that under this provision an outsider might have to travel some distance say from Negombo to here and no travelling allowance would be made to him. A registrar might require a servant for instance to attend at his office at Chilaw to give information, and he would have to attend otherwise he would bring himself within the penal cause. If they passed this Ordinance as it stood lthey would be making him pay a certain amount of money to furnish information that was required for the benefit of the public and not himself. He asked members of Council whether any common servant cared "tuppence" whether the public were served or not, and whether he would pay R2 or R3 perhaps in order to benefit the public by giving information that a particular child was born. He suggested whether it would not be an injustice to make him do that.

In reply to the Hon. Mr. LEE who stated that 40 days was the period of giving notice in the clause as it stood in the draft, and forty days the period in the old clause, the Hon. Mr. COOMARASWAMY said he had no objection to the period being altered to 42 days, and it was understood that this amendment was agreed to, the Hon. Mr. LEE remarking that the clause over which they had been fighting so long had been taken word for word from the English Act, and that they were impugning the wisdom of the English Parliament.

H.E. the LIEUT.-GOVERNOR :—And the English Act has stood the test of operation for 26 years.

THE DUTY OF PLANTERS.

On the clause dealing with the registration of births on estates being reached,

The Hon. GILES F. WALKER moved the omission of the words "after verifying the information." If the phrase meant anything at all, it must mean that the Superintendent was obliged to go and personally inspect, say the room where the birth took place, and satisfy himself that a child was born. In the course of a considerable experience he had never known the case of a birth being reported which had not taken place. He could understand in many instances that it might be to the interests of parties not to report births that had actually taken place, but he was confident that false reports of births had never taken place or would take place. Either verification was necessary or unnecessary, and to cast the obligation upon a Superintendent to verify a reported birth was attempting something which ought not to be thrown upon them.

The Hon. the Acting ATTORNEY-GENERAL was sorry that the Hon. the Planting Member thought it was necessary for the purposes of verification that the Superintendent should visit the room where the birth took place and see the child with his own eyes. Verification might be made by other processes, and he thought, careful inquiry such as the registrar for instance was obliged to make under section 11 without going to the place of birth, would serve the purpose of the Superintendent. According to section 11 it was the duty of every registrar to inform himself carefully of every birth and to enter accurately the particulars required. Here the planters were given a concession. Instead of, as in the case of the registrar finding it out for himself by various methods, the Superintendent was permitted to report the event to the registrar and it was only right, therefore, that the Superintendent should be careful in verifying his information before transmitting it ; otherwise registration would become a farce. He quite admitted, that, in most cases, the report of a birth was more or less true, but there might be false cases, and he did not think their system of registration which was now attempted to be put upon a proper basis should be jeopardised by false information given by coolies. He, therefore, submitted that the hon. member should not really object to this clause if he only recognised the necessity of their having to provide a systematic system of registration. He, submitted that the hon. member's conception of the duty of a Superintendent that he should visit the place of birth, and, perhaps, see with his own eyes the child that was born, was utterly unnecessary for verification. He could inform himself of the fact just as the registrar did at second hand.

The Hon. P. COOMARASWAMY :—If the Attorney-General is right, why not give him the benefit of the words that are put in to protect the registrar, and say that " the Superintendent after informing himself."

The Hon. L. F. LEE :—I do not see the difference between the two.

The Hon. P. COOMARASWAMY :—If it means exactly the same thing why not put in the words. If a Superintendent informs himself he may say that he was told by so and so and did not doubt the information, but if he has to verify it that means that he has to make sure of it and see that it is true. Surely there is a good difference between the two, and I am perfectly with the hon. the Planting member.

The Hon. GILES F. WALKER :—I have no objection to the words " informing himself" being put in, but I hold that if the Superintendent has to verify the information, he must do so with his own eyes more or less, and if not, I do not see how any Superintendent can satisfy himself that a birth has actually taken place, because the people who reported the birth in the first instance would be the people from whom he would afterwards get his information, and if they gave false information in the first instance, it is equally as likely that they would give false information in the second instance. From a practical point of view, any Superintendent who wished really to verify his information would have to do so personally at the house with his own eyes.

The Hon. L. F. LEE said the words "after informing himself of the truth of the information" might be inserted.

The Hon. the Acting AUDITOR-GENERAL raised the question whether the Superintendent rendered himself liable to a penalty if he did not verify the information. He considered that if the Superintendent received information from the person who was bound to give it under the Ordinance, and reported the birth in the prescribed form, he did all that should be required of him.

The Hon. the GOVERNMENT AGENT W.P. mentioned that in the form to be filled up by the Superintendent it had to be stated whether and when the birth was reported to him. After verifying the information he had to report whether it had been reported to him.

The Hon. F. GILES WALKER moved the deletion of the words "after verifying the in-

formation." That was agreed to in Sub-Committee and he did not understand why objection had been taken now.

The Hon. the Acting ATTORNEY-GENERAL stated that this was a point on which the Registrar-General wished him to discuss the other side of the case. Under Section 14 the Registrar, if the information was given to him, could call upon the person in question to attend personally at the Registrar's Office for the purpose of collecting all such information as might be necessary. All this was abandoned in this clause simply upon the belief that the Superintendent of an estate would satisfy himself of the truth of the information; and therefore the Registrar-General wished him to impress upon the Council that this clause was really a concession to the Planters. As they objected to the words "after verifying the information," perhaps they might be satisfied with the other expression "after satisfying himself of the truth of the information."

The Hon. the Acting AUDITOR-GENERAL thought that the Attorney-General had been misinformed by the Registrar-General. This clause did not take away from the Registrar-General or Registrar the power of calling upon persons who had given information and who were required to give information to appear before him, and it certainly did not give the Registrar power also to call the Superintendent of an estate before him.

The Hon. the Acting ATTORNEY-GENERAL—I did not say so.

The Hon. the Acting AUDITOR-GENRRAL, continuing, said it merely required that when a birth took place on an estate information should be given within twenty-four hours to the superintendent of the estate and that he should forward it to the Medical Officer in order that report of the birth on the estate should be sent to the registrar. The words, he thought, were put in to ensure that births on estates were reported to the registrar and were more by way of caution than imposing any duty. He thought it would really make very little difference whether the words were left in or not.

The Hon. W. W. MITCHELL thought the verifying of information would impose a most objectionable duty on superintendents and one which in 99 cases out of 100 would not be performed. He thought it would be much better to delete the words.

On the question being put H.E. the Governor declared that the Ayes had it, and the amendment was accordingly adopted.

The Hon. GILES F. WALKER afterwards said that before leaving clause 16 he would like to point out that a Superintendent of an estate was obliged under this Ordinance to report within 48 hours whereas other persons were allowed forty-two days. He believed it was the intention of the framers of this Ordinance that this limited time should be given to Superintendents of Estates to enable them to comply at the same time with the provisions of the Medical Wants Ordinance of 1880 so that they would not have to write out separate reports in each case. On that understanding he was willing to accept it. In fact from his own point of view the sooner the report was made, the less likelihood there was of the matter escaping attention; but at the same time in order that no confusion might arise in the future he should very much like to have an addition to this clause in order to relieve Superintendents from sending in two birth reports and he moved that the report sent to the medical officer appointed under the "Medical Wants Ordinance" should be deemed sufficient. He hoped there would be no technical objection to the insertion of such a clause.

The Hon. the Acting ATTORNEY-GENERAL submitted that it was undesirable to mix up this Ordinance with the Medical Wants Ordinance which had its own special clauses, and he did not know what definite object would be gained by the amendment suggested. At present he could not say how far this suggestion would interfere with the terms of the Medical Wants Ordinance. He, therefore, suggested the desirability of keeping this Ordinance quite distinct from any of the requirements of the Medical Wants Ordinance.

The Hon. L. F. LEE suggested to the hon. the Planting member that the Executive Government would see that an unnecessary return was not called for.

The Hon. GILES F. WALKER had no doubt such would be the case and that a second return would not be required. He only wished to bring the matter before the Council in order that it might be understood upon what implied conditions he consented.

The Hon. the Acting AUDITOR-GENERAL said it was perfectly clear that if the Superintendent under this Ordinance informed the medical officer of a birth he would by that act discharge the duty under the Medical Wants Ordinance.

The Hon. GILES F. WALKER said it was not so much against the sending in of a second report but there was a possibility that under the Medical Wants Ordinance a Superintendent might be required to send in a different form.

The Hon. the Acting ATTORNEY-GENERAL.—In the one case under the Medical Ordinance, the report would go to the P.C.M.O.

The Hon. L. F. LEE.—No, to the Government Agent.

The Hon. the Acting ATTORNEY-GENERAL:—To whom would the District Medical Officer send it?

The Hon. F. R. SAUNDERS:—That is not a matter for the Superintendent.

The Hon. the Acting ATTORNEY-GENERAL said that was just where he thought the two would not work. The Medical Wants Ordinance was generally supervised by the P.C.M.O., but the requirements of this Ordinance were supervised by the Registrar-General.

The Hon. the GOVERNMENT AGENT C.P.—As a matter of fact, reports are sent to the provincial registrar.

THE Hon. the Acting ATTORNEY-GENERAL.—And the Provincial Registrar sends them to the Registrar-General.

The Hon. the Acting AUDITOR-GENERAL:—There is no amendment before the house.

After some further minor alterations

The Hon. L. F. LEE suggested that they had now reached a convenient stage at which His Excellency might be pleased to adjourn the sitting.

H.E. the GOVERNOR:—With the concurrence of the Council I think this is a convenient stage of the bill at which we might adjourn consideration to a future sitting.

The Hon. L. F. LEE said he did not know whether His Excellency wished to sit tomorrow.

H.E. the GOVERNOR:—I shall be glad to take the opinion of Council about that. So far as I am personally concerned I am perfectly willing to do so.

The Hon. P. COOMARASWAMY said they had now finished half of the bill and the other half could be taken up at the next meeting which he thought his Excellency said would be in May.

His EXCELLENCY said that unless the Council would like to continue consideration of the bill in Committee the next day he was

perfectly willing to accept the suggestion of the hon. member. After a pause he said:—I understand from the silence of members that the general wish is that the matter should be deferred till early next month, at any rate not tomorrow. I therefore move that the Council do adjourn *sine die*, and after that motion I intimate that I hope to be able to call a meeting of Council in either the first or second week of May.

Council adjourned at 5-15.

THURSDAY, MAY 16th, 1895.

Present.—H.E. the Governor Sir A. E. Havelock; H.E. the Lieut.-Governor Sir E. Noel Walker; H.E. Major-General Clive Justice; the Hons. P. Ramanathan, Acting Attorney-General; L. F. Lee, Acting Treasurer; A. R. Dawson, Government Agent of the Western Province; Allanson Bailey, Acting Government Agent of the Central Province; R. K. MacBride, Director of Public Works; P. Coomaraswamy, Tamil Member; Giles F. Walker, Planting Member; W. W. Mitchell, Mercantile Representative; A. de A. Seneviratna, Low-country Sinhalese Representative; M. C. Abdul Rahiman, Muhammedan Representative.

Absent.—Hons. F. R. Saunders, H. L. Wendt, Ellawalla, and Sir J. J. Grinlinton.

PAPERS.

H. E. the LIEUT.-GOVERNOR laid on the table the report of the Public Expenditure Commission; Final Report on the construction of the Kurunegala Railway; Administration Reports of the Customs and Harbour Works; Report of Progress on the Matara Railway, during the half-year ended December 31st last; and a Statement of the Fees received by the Fiscals of the several Provinces during the year 1892!

PETITIONS.

The Hon. P. COOMARASWAMY presented a petition from certain inhabitants of a village (Indibetta) in the Moratuwa district, complaining that a Government school which was attended by Anglicans, Wesleyans, Roman Catholics and Buddhists, had been handed over to the Wesleyans without the villagers being consulted. He also presented a petition from certain Tamil inhabitants of the island in respect to the Marriage Registration Bill now before Council, a part of which petition he presented at the last sitting of Council.

The Hon. A. de A. SENEVIRATNE also presented a petition against the Bill from the Roman Catholics of the island, bearing over 29,326 signatures. He added:—There is a memorandum attached from the Archbishop of Colombo and the Bishops of Kandy and Jaffna, expressing their approval and support of the memorial. They also on their own behalf add that if the prayer of the petition cannot be granted, at least the privilege enjoyed by persons professing the Muhammedan faith in this island of being placed under a special Marriage Ordinance be extended to Roman Catholics.

THE BUTTALA HOSPITAL.

The Hon. GILES F. WALKER:—Sir, I have to ask whether Government will re-consider the closing of the Field Hospital at Buttala in September last, with a view to opening it again in the interests of the native population of an unhealthy district and of the isolated estates in Monaragalla. I ask this question because I am advised that the Hospital was closed suddenly, without any warning, in September last, and even without the knowledge of the Government Agent at the time. I understand that the estates in Monaragala feel the removal of this Hospital very much because they are thirty miles away from the nearest hospital at Badulla, and 20 miles of the distance is a bad tavalam road. Buttala, itself, is the centre of a large and industrious population and is in one of the most unhealthy districts in the Island. I am further informed that the Hospital was closed so suddenly that some of the patients there at the time had to shift for themselves as best they could. I understand that there is considerable cultivation of paddy in the neighbourhood and that land has been, and is being, sold for the cultivation of cocoa. I shall be glad if the Government will consider either the advisability of re-opening the Hospital or making satisfactory arrangements in place thereof.

H. E. THE LIEUT.-GOVERNOR:—In reply to the question, sir, I should state that the Government regret much more than the honourable member, who has put the question, or anyone in the neighbourhood, the necessity of closing this hospital, and the Government are prepared to re-open it as soon as they are in a position to make provision for carrying it on in a manner which may be considered suitable by the Principal Civil Medical Officer. I should confine myself to replying to the question, but the remarks made by the planting member induces me to seek the indulgence of the Council to make an observation or two in answer to them. The hon. member stated that so little notice was given of the closing of the Hospital that even the Government Agent knew nothing about it. I am very much disappointed to hear this of the Government Agent who is usually as well acquainted with everything that goes on in his province as any Government Agent we have. As the proceedings in connection with that hospital were at the time the subject of inquiry, I can hardly think the Government Agent was not perfectly well aware of it. The hon. member has stated correctly that the hospital is very far distant from any other point at which medical aid can be given and that is one of the reasons it has been closed. It was found impossible to carry on the hospital under the charge of a subordinate medical officer. The Principal Civil Medical Officer represented that he had on his staff no suitable officer that he could spare, and he appealed to the Government to provide him with an additional officer. The Government, especially at that juncture, could not add to the establishment, and as the Principal Civil Medical Officer persisted in saying he had no officer to spare the alternative necessity of closing the Hospital was unavoidable. The hon. member has referred to the inconvenience caused to estates by the hospital being so far away, and that distance is one of the grounds of our having closed the hospital. In 1893 there were only 18 cases sent to the hospital and in 1894, 24 cases. The numbers may be *vice versa* but these are the figures in those two years. As to patients being left to shift for themselves I am at a loss to understand that, seeing that the institution although closed as a hospital, is still used as a Dispensary, and I do not think from what I know of the officers of the department that they would cause a patient to be turned out, but on that point I will cause enquiries to be made.

THE DUTY ON KEROSINE OIL.

The Hon. GILES F. Walker:—I have now to ask

sir, whether the Government will consider at an early date the reduction of the import duty on kerosine oil. I put this question in order to ascertain whether the Government will consider the very strong and general expression of feeling that exists against an exceptional *ad valorem* tax such as this is. I am not one of those who objected to the tax at the time it was imposed because it seemed at the time to be a fiscal necessity, but it was stated that it was only proposed as a temporary measure and would be remitted when the revenue permitted. I understand that that view was adopted by the Secretary of State for the Colonies and I trust the Government will be able to give effect at an early date to the very general expression of opinion there is against the continuance of this tax.

H.E. the LIEUT.-GOVERNOR :—In reply to this question, sir, I may say that the Government are quite prepared, are in fact, willing and ready, to consider any representation that may be made to it. From the information before the Government at present there is no reason to consider the tax either a burdensome or an inequitable one. While expressing willingness to consider any representation made, I think I ought, in order to prevent disappointment, make the Council aware of circumstances that may not perhaps be within their knowledge. There has been a movement not within, but outside the Colony urging the Secretary of State to remove the cotton duties. The instructions which we have received are not very definite on the point, necessitating reference back to the Secretary of State, but they imply that the cotton import duties are those which are to receive priority of consideration in any abolition of duties. A remark I should have made in connection with the kerosine oil duty, and it equally applies to the cotton duties, is that it is true, as the hon member stated, that the Secretary of State stated that consideration of the repeal of these duties should be taken up when the revenue permitted it ; but I would state what must be well within the knowledge of hon. members that the claims of the revenue still far exceed its means, and, if I wished to give proof of that I have only to refer to the two following items on the order of the day—The questions with regard to the Kelani Valley and Jaffna Railways.

THE KELANI VALLEY RAILWAY.

The Hon. W. W. MITCHELL asked if Government have come to any decision respecting the construction of the proposed line of Railway to the Kelani Valley, and, in the event of its not being proceeded with, whether they would be willing to allow the line to be constructed by private enterprise. I put this question, sir, and the one which follows it, because I have been prompted by a desire to afford the Government an opportunity of making a statement or imparting such information as they think fit to give on this important subject. I might add that those chiefly interested in the question have been twitted with being lukewarm and indifferent about the making of this railway, but I think I may say to the Council that no such feeling ever existed at any time.

H.E. the LIEUT.-GOVERNOR :—In reply to this question, sir, I may state that the Government has not come to any decision in respect of the proposed line of railway to the Kelani Valley, for the reason, that the Government is awaiting reply to a reference made on the 18th December last to the Commission asking their reconsideration of the original estimates. I am reminded that in addition to this reconsideration, if only for caution's sake, the Government have thought some further information was necessary as to the traffic which would be brought to the railway. With regard to the latter part of the question which is an abstract one at present, I have no objection to state that allowance by the Government forthe construction of any Railway by private enterprise would depend quite entirely upon the terms upon which such private enterprise might propose to construct and work these railways. In responding to the spirit in which the hon. member has put the question, viz. that of eliciting information, I think I have stated correctly and fully the present position of the matter. There is no want of sympathy on the part of the Government in the movement. I may say, sir, that although not formally expresed I find throughout the country that there is considerably divided opinion as to the necessity or propriety of this extension. I merely mention this to show that the opinion was not all one way and, in mentioning it, I should like to say I rather sympathise with the promoters of the Railway than with those who throw any doubt upon its propriety or necessity.

THE JAFFNA RAILWAY.

The Hon. W. W. MITCHELL asked if the Report of the Commission on the subject of a Railway to Jaffna has been submitted, and if Government have come to any decision with regard to its construction ?

H.E. the LIEUT.-GOVERNOR :—I daresay the hon. member is aware that three preliminary reports have already been made and published, but the final report cannot necessarily be made for some time, that is until the Commission have taken an accurate measure of the traffic on the north road. I have reason to believe—it has come to my knowledge only today, that by the end of September the period of ascertaining the traffic will be concluded and by the end of the following month we shall probably be in a position to know what the amount of traffic will be, and consequently what amount of revenue there will be. This information is necessary, at any rate an important factor, in considering the alternative proposals that have been made as to the nature of the construction of the railway. That being the position, I can only say, sir, in reply to the concluding portion of the question that Government naturally have not come to any decision with regard to the construction of the Jaffna railway ; but at the same time I would assure the Council and the public that the Government have every sympathy with the movement and have the intention of carrying it out if it can be shown to be reasonably and prudently justified.

THE MUNICIPAL COUNCILS' ORDINANCE.

The Hon. P. COOMARASWAMY had the following motion on the agenda paper—That the report of the Committee appointed to consider "The Municipal Councils' Ordinance," and presented on April 9th 1895, be adopted. He said :—Before making the motion which stands in my name, sir, I may mention to the Council that I had a consultation with the Hon. the Attorney-General and I learned that this motion might be unnecessary if a certain proposal of mine received the consideration of the Government.—I should like to know what the views of the Government are before I make the motion.

The Hon. the ATTORNEY-GENERAL :—The Hon. the Tamil member asked me whether the Government would undertake to bring in a Bill to amend

the Municipal Councils' Ordinance and give every opportunity of discussing all the points raised in the report of the Committee appointed by this Council to consider the Municipal Councils' Ordinance. The Government has authorized me to state that a Bill will be introduced and every opportunity will be given to members of this Council to discuss any or all of the provisions contained in the report made by that Committee to the Council.

The Hon. P. COOMARASWAMY :—That being the case, I beg the leave of the Council to withdraw this motion.

H.E. THE GOVERNOR:—With the leave of the Council that motion which stands in the name of the Hon. the Tamil member is withdrawn.

RICE IMPORTS AND EXPORTS.

The Hon. W. W. MITCHELL moved for a return showing, for the last ten years, the imports and exports of rice and other grain for each Ceylon port separately, distinguishing between foreign and locally-grown grain. I hope my request will not entail too much trouble upon the Principal Collector of Customs. Amongst other things the return is desired to ascertain how much rice in Jaffna and other districts is received from India and how much from such ports as Batticaloa.

The Hon. the Acting PRINCIPAL COLLECTOR OF CUSTOMS :—The preparation of the return has involved more time than I anticipated, and I am not able to lay it on the table now, but it is in course of preparation.

THE MARRIAGE REGISTRATION ORDINANCE.

The Hon. L. F. LEE :—Sir, the Government has had under consideration the various memorials that have been presented by various sections of the community on the subject of amendments to the law relating to the Registration of Marriages. The Government has, after duly considering these various representations, thought it advisable, in the best interests of the people, to refer this Bill for re-consideration to a Sub-Committee. The Government does not intend, by making this reference, to at all import that they are not going to proceed with the Marriage Registration Bill. It is the intention of the Government to bring the Bill forward at the next meeting of the Council, but meanwhile it is the intention to refer the Bill to the consideration of a Sub-Committee who will deal with the various amendments that have been put forward, and put forward particularly by various sections of the Roman Catholic community. The Sub-Committee of this Council will have the advantage, in dealing with these amendments, of the presence of our hon. and learned friend, the Attorney-General, whose return to the Council we all so cordially welcome. A number of suggestions have been put forward by the Roman Catholics and have been embodied in a pamphlet written by the Very Rev. the Vicar-General, Father Collin. The rev. gentleman has, on two occasions, given me the opportunity of discussing these various amendments with him and I think I am justified in saying that, with the exception of one or two of the amendments involving matters of principle, as to which the Government are not prepared to give way, I have been able in consultation with Father Collin to arrive at an arrangement as regards almost all the suggestions and difficulties that he put forward. But the principal objection was dealt with by the Sub-Committee, before the appearance of these petitions and of the pamphlet, that was the suggestion that registration should not be the *only* evidence of marriage but merely the *best* evidence of marriage in conformity with the existing law of England. That was accepted by the Sub-Committee before the appearance of these petitions and pamphlet. The intention of the Government is that registration should be the *best* evidence, but in making it the best evidence, it is the intention of the Government, in pursuance of the principle laid down in the despatch of the Secretary of State to guide the Government in such legislation not to depart one iota, from the principle laid down in that despatch, viz., that it is necessary to a marriage that there should be first a civil notice of its intended solemnization and subsequently the registration of that solemnization. The Government will not depart from that principle. I have only now to move that the Bill be referred to a Sub-Committee consisting of the Hons. the Attorney-General, the Treasurer the Principal Collector of Customs, A. de A. Seneviratne and P. Coomaraswamy.

The Hon. the ATTORNEY-GENERAL :—I have much pleasure in seconding the motion.

THE TAMIL MEMBER.

The Hon. P. COOMARASWAMY :—It seems to me, sir, that it will be an utter waste of time and labour if this Bill is to be sent to another sub-committee on the lines laid down by the hon. the Principal Collector of Customs. The principal contention of the Roman Catholics and Hindus has been that registration should be the *best* evidence but should certainly not be compulsory. If you make it compulsory and call it *best* evidence, it follows that no marriage can be effected in this Colony without registration. That goes against the root of the prayer of the 30,000 Roman Catholic petitioners who have signed the petition laid on the table this afternoon, and goes against the root of the prayers of the several thousands of Hindus who have also sent in petitions. I say that if the Government is going to force the Bill through with the Clause standing, it will be an utter waste of time to refer this matter to another Sub-Committee. There is already the report of a very influential Sub-Committee which consistedof five official members and four unofficials, and in that Committee's report it will be found that as far as the Hindus are concerned the majority of the Committee were for granting their prayer, that is to say, that they should be exempted from the operation of registration as our friends the Muhammedans of Ceylon are. If the hon. the Collector of Customs, who has charge of the Bill, persists still in the course he has already told us viz., that Government will make registration compulsory, why should you make us sit in Sub-Committee several times and go over the Bill when the official element is strong enough to carry the Bill as it is. Why not carry it now and have done with it? The Hon. the Principal Collector of Customs says that with regard to several matters which are not at all important he has had an opportunity of discussing them with Father Collin and that they are in perfect agreement as far as these are concerned. Well then these matters can be introduced at once and as it is a Government measure it can be passed. I do not for my own part see why we unofficials should be made to work in respect of a Bill which we have already gone over and in which the Government insists as the Principal Collector of Customs says they do, in keeping the provisions complained of; I do not see why you

should make us go over the bill again and work for nothing. They know what the principal contention is. If the Government will grant us that, well and good. If not, why not go on and pass the Ordinance? It will be a farce to go over all the other clauses again. We sat day after day, week after week, (the Planting member having to come hundreds of miles to attend the sittings) and we did our work—whether good or bad is not the question,—and you have our report. With that report we should be in a position to go on with the Bill now. I cannot understand why there should be any more waste of time when the Government insist that the clause we principally contend should be altered, should remain.

The Hon. L. F. LEE :—The amendments which are proposed and which the Government are prepared to accept are amendments affecting various portions of the Ordinance and are best considered in Sub-Committee. I think it is most desirable, and my hon. and learned friend on my left thinks it is most desirable, that we should have the benefit of the advice of the hon. the Tamil member, but if he does not wish to serve on the Sub-Committee I must ask the Council to appoint some other member to take his place.

The Hon. P. COOMARASWAMY :—I did not say I did not wish to serve, but that it would be a pity to make us work again.

H. E. the LIEUT.-GOVERNOR.—I am sorry that the Hon. the Tamil member should have met the conciliatory proposal of the Government in the spirit he has done for in Committee those in charge of the bill may be as successful in his case as I understand they have been in meeting the objections of the Roman Catholics. Amongst the concessions and alterations which I understand the Government are prepared to make is that the registration should be taken as the "best" evidence and not the "only" evidence, and that is all I understand that the Hon. the Tamil member is now talking against. While addressing the Council in opposition to the views of the hon. member I should like to state what we have on authority that we respect very much, but which I know the hon. member does not think so much of—viz., the Goverment Agent of the Northern Province, who, voluntarily, I think, but of that I will not be quite sure—endeavoured to ascertain in travelling about the Province—and he travelled in a way no one else in the Northern Province did—the views of the people. These were decidedly in favour of registration. I am sorry I am not in a position to use the *Tamil* words, but to use their own expression—they do not wish to be at the mercy of witnesses who might be misled by false memory or be inspired with vindictive motives, and they prefer to have some written record. That was the result of the enquiry of the Government Agent of the Northern Province, and it is not a matter in which he is in any way biassed or has any predilections one way or another. I hope, sir, the hon. member will meet the proposal in the spirit it has been made and will give his services more willingly in order to get a bill which will be acceptable, or at any rate more acceptable to all parties.

The Hon. GILES F. WALKER :—I think the Hon. the Principal Collector of Customs rather gave the impression to some members—at least he did to myself—that the bill was going to be recommitted in order that the question of *best* or *only* evidence should be reconsidered.

The Hon. L. F. LEE :—I never intended to do anything of the kind. I said we were going to consider the amendments suggested by the Roman Catholics.

The Hon. GILES F. WALKER :—I have stated the impression I gathered and I rather think the Hon. the Tamil member was under the same impression.

The Hon. L. F. LEE replied that there was no such intention, as that part of the bill was in accordance with the existing law in England.

The Hon. GILES F. WALKER :—If it is intended to consider the objections of the Roman Catholics and other legal questions that have been raised. I think it is very desirable that the Government proposal should be adopted.

The Hon. P. COOMARASWAMY pointed out that in the third paragraph of the Sub-Committee's report it was stated that the majority were in favour of a provision to make registration optional with persons professing the Hindu religion.

The Hon. L. F. LEE :—I have neither the authority nor the will to limit the powers of the Sub-Committee.

H.E. the GOVERNOR then put the question and the motion was agreed to.

THE REGISTRATION OF BIRTHS AND DEATHS.

The Hon. L. F. LEE :—The Government, sir, has had under consideration certain suggestions made by the hon. the Attorney-General with reference to "an Ordinance to amend and consolidate the laws relating to the registration of births and deaths." The Government is of opinion, after considering these suggestions, that it will be best that the Ordinance should be referred to the same Sub-Committee as the Marriage Registration Ordinance has just been sent to. I therefore beg to move accordingly.

The Hon. the ATTORNEY-GENERAL :—I beg to second the motion.

The Hon. P. COOMARASWAMY :—I am very glad that the Bill is to be sent to the Sub-Committee because I believe it is a Bill no man can make any sense of. The hon. member, who is in charge of the Bill, has so depended upon what he calls the English Statutes that he has unfortunately, I think, made, in common parlance, "a mess" of the whole thing, and I am very glad it is going back to a Sub-Committee for report. But, on a question of order I should like to know, whether, after the Council in Committee had considered the report of the Sub-Committee and passed certain parts of a Bill, these parts can be re-committed for consideration to a Sub-Committee? The Council has passed, I believe, 24 clauses of this Bill. My own idea as to the proper procedure is to withdraw the Bill and bring in a new Bill.

H.E. the GOVERNOR :—With reference to the question asked by the hon. member I would refer him to rule 54 of the standing orders of Council. After reading the rule His Excellency continued:—I take it, therefore, that at any stage of the consideration of a bill a Sub-Committee may be appointed for considering any portion of it.

The question was afterwards put, and the bill referred to the Sub-Committee.

THE ADJOURNMENT.

H.E. the LIEUT.-GOVERNOR :—Having concluded the business of the day I beg to move that the Council adjourn till Wednesday 12th June at 3 p.m.

Council adjourned at 3-45.

WEDNESDAY, JUNE 12th, 1895.

Present.—H.E. Sir A. E. Havelock, the Governor, presiding; H.E. Major-General Clive Justice; H.E. the Lieut.-Governor, Sir E. Noel Walker; Hons. C. P. Layard, Attorney-General; W. T. Taylor, Auditor-General; L. F. Lee, Acting Treasurer and Acting Principal Collector of Customs; A. R. Dawson, Government Agent, W.P.; P. Coomaraswamy, Tamil Representative; Giles F. Walker, Planting Representative; W. W. Mitchell, Mercantile Representative; Abdul Rahiman, Muhammedan Representative; A. de A. Seneviratne, Lowcountry Sinhalese Representative.

Absent.—Hons. F. R. Saunders, Treasurer; R. K. MacBride, C.M.G., Director of Public Works; H. L. Wendt, W. Ellawella, and Sir J. J. Grinlinton.

SWEARING-IN.

HIS EXCELLENCY:—Hon. gentlemen of the Legislative Council, Mr. Taylor having been appointed Auditor-General will take the prescribed oath and his seat at the Council.

The oath was administered by the Clerk, and Mr. Taylor took his seat.

The CLERK read the minutes of previous sitting.

His Excellency the GOVERNOR declared the minutes confirmed.

PAPERS.

The LIEUT.-GOVERNOR:—I have to lay on the table the accounts of the Provincal Roads Committee of 1884; the Administration Reports for 1894 of the Western Province, the Northern Province, the North-Central Province, the Southern Province, the Central Province, the Government Printing Office and Sessional Papers *re* the proposed Indo-Ceylon Railway, the Gandara Railway Extension and the proposed Railway to Chilaw and Puttalam. Sir, I beg also to lay on the table in response to the wishes of the hon. the Planters' member the Statement of the Monthly Traffic of the Haputale Extension from the opening on December 18, 1894, down to April, 1895, and the return asked for by the Hon. W. W. Mitchell, showing for the last ten years the Imports and Exports of Rice and other Grain for each Ceylon Port separately, distinguishing between foreign and locally-grown grain for 1894.

The Hon. W. W. MITCHELL:—I beg to give notice that at next meeting I will ask why the Administration Reports are not issued much earlier in the year than they are at present.

THE FOREST DEPARTMENT: A RETURN WANTED.

The Hon. P. COOMARASWAMY in submitting a motion "That a return be furnished showing in detail the Income and Expenditure for the last five years of the Forest Department," said:—When I served on the Retrenchment Committee it came to my notice, I may be wrong, but I was under the impression that the Forest Department was worked at a loss and therefore it is, I wish to move for this return. I then thought, that the Forest Department was being worked with a yearly increasing deficit, without an adequate public benefit in return. In order to effect economy could not the office of a number of assistant conservators be abolished? Whatever my information may be the return asked for will give sufficient information to judge whether the Government are working this department at a loss or not. I am sure the Government will have no hesitation in granting this return. My motion is that a return be furnished showing in detail the income and expenditure of the Forest Department for the last five years.

The Hon. A. DE A. SENEVIRATNE:—I beg to second the motion.

H.E. the LIEUT.-GOVERNOR:—I may state that there is no objection whatever to the furnishing of a return but a precisely similar return was furnished to a Sub-Committee on the Supply Bill in 1893. At the present moment I do not recollect whether the hon. member was a member of it or not, but that Committee considered a return for the previous five years. I may state perhaps for the information of hon. members of the Council that that return did show, in these five years, the annual difference of expenditure over revenue to be about R60,000, speaking from memory. I think the Government did not perhaps consider it as altogether satisfactory. It was brought to our notice in connection with the Indian Forests Department, which is supposed to be worked very successfully from a financial point of view that a return was made with respect to the Indian Forest Department, on the same lines, and it also showed about the same thing. The Forest Department is not conducted entirely as a Commercial Department, It has also a duty of conservacy which, you may be sure, helps to protect the captital of the country as represented in the Forests. As I said with reference to the return furnished to the Sub-Committee for the five years ending 31st December there will be no difficulty and no hesitation in furnishing a return in the precise form asked for by the hon. member.

THE WHARF AND WAREHOUSE COMPANY ORDINANCE.

H. E. the LIEUT.-GOVERNOR:—This is an Ordinance which enables the Company to carry on the business of Wharfingers and Warehousemen. It was enacted in 1876 and has been continued from time to time at periods of five years. The present period terminates with the current session and it is therefore necessary to renew the Ordinance before the session closes. The Ordinance, as members are aware, fixes the maximum rates beyond which the Company cannot charge and I believe I am correct in saying that is the custom for the Company to charge very much below these rates. The Ordinance gives to the public certain protection in its provisions. The Ordinance which is just about to expire was under consideration in 1890. Very full consideration was given by a Sub-Committee of this Council to the different items of tariff. The Chamber of Commerce were consulted, and I recollect several members of that body appeared before that Sub-Committee at that time. In the five years that the Ordinance has been in operation the Government have received no representation respecting any item. I have had the opportunity, too, of ascertaining that the Committee of the Chamber of Commerce have no suggestion to make in regard to it and concur in its renewal. When the Ordinance is brought up in Committee, I shall move an amendment in the wording of the definition of the time or period to which it is to be continued. At present the words "to the end of the next session of the Legislative Council" are a little confusing and a little misleading being merely a repetition of words in a former Ordinance. There is a want of definitiveness about it, and when the Bill is in Committe, I propose to substitute a definite date for its expiry. I beg to move that the Bill be read a first time.

The Hon. the ATTORNEY-GENERAL:—I beg to second the motion.

H.E. the GOVERNOR:—The question is "An Ordinance to continue in force 'The Wharf and Warehouse Ordinance 1876.'"

The Bill was then read a first time.

H.E. the LIEUT.-GOVERNOR:—I beg to give notice that at next meeting of Council I will move that the Bill be read a second time.

THE REGISTRATION OF BIRTHS AND DEATHS.

The Hon. the Acting TREASURER:—I beg, Sir, to bring up a report of a Sub-Committee appointed to consider a Bill relating to the Registration of Births and Deaths. This, sir, is "an ordinance to amend and consolidate the laws relating to the registration of births and deaths." Before the ordinance is taken up I desire to advise the Council that up to the 23rd Section the ordinance has been printed as it passed through Committee at a former meeting of this Council. The amendments on the margin are the amendments as proposed by the Sub-Committee recently appointed, whose report has just been made. I beg to move that the report be read.

The CLERK then read the report the marginal amendments being considered.

The Hon. the Acting TREASURER :—I observed to the Council when this Section (Sec. 3) was last read that the definition adopted was the American definition. It has been thought well to substitute as being more lucid the definition which holds in Denmark.

Resolved accordingly.

The Hon. the ATTORNEY-GENERAL (referring to Section 10 Sub-Section 2):—I would suggest the elimination of the words "dwelling house" making the clause read the registrar "shall attend at his office." Resolved.

The Hon. the Acting TREASURER directed attention to Section 12. He said the Sub-Committee thought it proper in place of a stamp fee of 50 cents to put the fee at 25 cents. The object of this Section was simply to prevent every one giving notice in writing.

VERIFYING INFORMATION.

The Hon. the Acting TREASURER (proceeding):—The Sub-Committee appointed to consider this Ordinance has thought proper to re-insert the words:—"After verifying the information" (Section 16 Sub-Section 1) and to impose upon the superintendent of an estate the duty of satisfying himself either by inquiry or inspection that the information given to him is true. The Sub-Committee intended that he should by some means satisfy himself of the truth of the information.

The Hon. GILES F. WALKER:—Sir, I have to oppose the insertion of these words for the reasons that I laid before the Council when the Bill was last in Committee. I think stronger reasons should be brought forward by the hon. mover of the Amendment for re-inserting words which were taken out by the first Committee. It may be right and expedient, and I do not deny it is so, that the Superintendent of an estate, who as it were, takes the place of an Assistant Registrar, should forward all cases of births and deaths that come to his knowledge, on an estate, because to have a number of Registrars scattered throughout the different planting districts would entail a considerable expenditure and a certain amount of inconvenience to the managers and Superintendents of estates through coolies having to go some distance in order to give information as to births or deaths. But to say that, because the Superintendent of an estate is placed in the position of a sort of Assistant Registrar, the duties attached to the Registrar are thrown on him is, I think, to beg the question. I should like to refer to Section 28 of this Ordinance as well as to the present one because in that Section the Superintendent of the estate is required not only to verify the information of a death but to inspect the body. I think in any case it would practically come to this, that the Superintendent would gain no further verification of the report either of a birth or death unless he got it from the mere report of the parents or the relatives of the deceased, brought to him by the parents or by the kangani. He would get no further information unless he personally went to satisfy himself either in the one case that a child was born or in the other that a cooly was dead. During the course of a long experience of working among coolies on estates in Ceylon, I have never known or even heard suggested a single case in which a false report of a birth or death was brought forward. This Ordinance does not apply to the concealment of birth or death. The insertion of these words pre-supposes in certain cases that false reports would be submitted to the Superintendent. I have never heard of one,—I do not believe a single case has ever existed and I doubt if a single case will ever occur. I feel certain that this verification, so far as having to inspect the body is concerned, will lead to a very great amount of discontent amongst the planters of the Island. I do not wish to speak too strongly; but from what I know and what I have heard on this particular question, I feel certain that the provision which is proposed must remain practically a dead letter or it well lead to such a considerable amount of discontent that the ordinance would have to be, to that extent, repealed. I hope the Council, having thrown out these words in Committee, will not allow them to be reinserted without much stronger reasons being brought forward.

WHAT IS VERIFICATION?

The Hon. the ATTORNEY-GENERAL :—Sir, I may state on behalf of the Sub-Committee that we took the opportunity of consulting the Registrar-General with reference to the insertion of these words. He was very strongly of opinion that they should remain in the Bill. It is not as though we were introducing any new line of legislation or casting any new duty on Superintendents which has not been cast upon them already. The words used in the Medical Wants Ordinance of 1880, are far stronger. The Superintendent has to inform himself of all cases of sickness on the estate, taking such steps as he may deem best for the immediate relief of the sick. He has not only to get information but he has personally to inform himself with regard to all such cases. In regard to the clause dealing with the inspection of the body I do not intend to meet that now, but I will merely state that the amendment before the Council stands on stronger grounds, inasmuch as it endeavours to provide in future against false reports. It was not intended to suggest that false reports had been sent. There might, however, come a time when the Superintendent might be careless and send in information without verifying it. "Verifying" it, does not mean that he should necessarily go and inspect a child which is born or see the body of a person who has died. The superintendent could verify his information by obtaining full information from another source.

The Hon. GILES F. WALKER :—No objection has ever been taken or will be taken to these

duties laid upon Superintendents by the Medical Wants Ordinance. I venture to say Superintendents of estates themselves are as anxious as the Government, or anybody could be, that their coolies should be in comfortable circumstances and enjoy good health. But it is a very different thing that the Superintendent of an estate should go out of his way to inform himself of cases of sickness, when, knowing that by informing himself he can relieve his coolies and do them good, to asking him to inform himself of certain facts which he can only get with great difficulty, if he can do so at all, and when he is not himself persuaded that there is any necessity for informing himself of these facts. You must take into consideration human nature when you are legislating. As no good reason has been shown for the re-insertion of these words,—and I submit, no good reason can be shown,—you will only be creating discontent among Superintendents of estates for no practical reason whatever. I hope, therefore, the Council will not vote for the re-insertion of the words.

The Hon. W. W. MITCHELL.—Sir, the question was debated at great length at last meeting, and it was made abundantly clear how undesirable it was that these words should be inserted. I cannot see any necessity for laying upon Superintendents the responsibility of verifying information. The Hon. the Attorney-General has endeavoured to show what verifying information is. How is it to be done if the Superintendent does not go into the lines to see for himself? The only way in which information of a birth will be conveyed to the Superintendent will be by the kangany of the gang to which the woman belongs. Would you have the Superintendent tell the man he does not believe him and he must go and ask somebody else. It is a most invidious duty to throw on the Superintendent and I strongly support the position taken up by the Hon. the Representative of the Planting Interest.

NO GREAT RESPONSIBILITY ON THE PLANTER.

The Hon. P. COOMARASWAMY:—Sir, I think it is necessary that I should explain why, after supporting the hon. the Planters' member, I have veered round to support the amendment, In addition to what was explained to the Sub-Committee as to the opinion of the Registrar-General on the point and the desirableness that the Registrar-General should have correct returns, it struck me afterwards that the kangany who gave the information might himself have received the information from somebody else. I will take it that most of the kanganies on the estates are non-Christians. Amongst us, it is supposed that to go to a place where a child is born or where there is a dead body requires after-purification, so that I expect the kangany would much rather not go there, but would take what was told him that there was a dead body in the house or that a child had been born and he would go to the Superintendent and tell him there was a birth or a death as the case might be. The amendment proposed will thus cast on the Planter the duty of asking the kangany "Do you know it personally or did you get this information from somebody else?"—it will cast it upon the Planter to send out somebody else to verify the information. I don't think there will be any difficulty in the way of the Planter verifying this information. That is why I afterwards agreed to support this amendment.

H. E. the LIEUT.-GOVERNOR:—Sir, when this question was under consideration I expressed the opinion that the Hon. the Planting Member was attaching too much importance to it. I think so now. If the Superintendent of an estate has merely to pass the notice on, it will merely constitute him a post office in the matter and not put on him the duty of verifying it. It does not cast on him very great responsibility. In verifying matters in official life—and it is the same in planting life—we have to take facts on trust a great deal and I cannot imagine any real inconvenience or undue trouble or responsibility will be put on the Superintendent in reasonably satisfying himself that his information is in order. I would remind the Hon. Member for the Planting Districts, that the alternative of having this guarantee of some responsibility on the part of the Superintendent would be to appoint somebody else to receive the information. The consequence of that might be that the coolies would be leaving their estates to give information and I am of opinion that that would be a matter of very much more inconvenience to Superintendents than the discharge of this duty—to reasonably satisfy themselves that the information he is passing on is in order. As I said on a previous occasion, I am opposed to the omission of these words.

The Hon. GILES F. WALKER:—Sir, I do not think any Planter or Superintendent would object to registration being conducted in the planting districts in the ordinary way as it is in the Sinhalese and other districts, although I can understand a certain small amount of inconvenience might be occasioned by it as well as a considerable charge for paid registrars on the revenue. But this is the introduction of a new principle for which no sufficient reason has been shown. If there had been any proof of, or if there were likely to be in the future any false reports, I think there would have been some reason for imposing this new obligation. But if not I would ask why this obligation should be imposed. Undoubtedly, considerable objection will be taken to it, and I think it is bad policy on the part of the Government to impose a provision to which objection has been taken, and for which I hold sufficient reason has not been shown. If the report of the kangany cannot be taken, I do not see why the report of a cooly or the parents of a child can be taken. I am well within the facts in stating that no such case of misrepresentation has ever occurred in the past or is likely to occur in the future. I therefore cannot see the necessity for the insertion of the clause.

H.E. the GOVERNOR:—Do you wish to make a substantive amendment?

The Hon. GILES F. WALKER:—I wish to take a division.

The Hon. the Acting TREASURER:—I move the insertion of the words.

The Hon. GILES F. WALKER:—I oppose the motion.

H.E. the GOVERNOR:—The question is that in line 6 of clause 16 the following words be inserted after the word:—"shall" "After verifying the information" &c.

The Council then divided, the vote being as follows:—

Ayes 7.	*Noes 5.*
The Hon. A. de A. Senev'ratne	The Hon. Abdul Rahiman
,, P. Coomaraswamy	,, W. W. Mitchell
,, The Treasurer	,, Giles F. Walker
,, The Auditor-General	,, The Govt. Agent C.P
,, The Attorney-General	,, The ,, ,, W.P.
,, H.E. The Major-General	
,, H.E. The Lieut.-Governor	

H.E. the GOVERNOR announced the result as llows :—Ayes 7; Noes 5.

TIME ALLOWED FOR NOTICE.

The Hon. the Acting TREASURER speaking as to the same section said:—Sir, I beg to move to substitute for "forthwith" the words "within forty-eight hours." I do this entirely in the Planting Interest. Under the 20th section of the Ordinance 17 of 1880 the report has to be made within 48 hours. I think it well to assimilate the responsibility and instead of "forthwith" to use "forty-eight hours."

The Hon. W. W. MITCHELL :—Sir, that time is not sufficiently long. A Superintendent may be absent from an estate, away down at Colombo for more than 48 hours.

The Hon. the Acting TREASURER :—I would refer the Hon. member to the definition of a Superintendent of an estate. The Superintendent of an estate means the person having charge of the labourers and the direction of persons at work on the estate. That definition means the person in temporary charge.

The Hon. W. W. MITCHELL :—There are many estates on which there is no person competent to send any notice in the absence of the Superintendent.

The Hon. GILES F. WALKER :—Will that 48 hours be inclusive of the 24 hours' grace given to the kangany?

The Hon. the Acting TREASURER :—Within 48 hours of the birth.

The Hon. the ATTORNEY-GENERAL :—I would point out to the hon. the Planting member that "48" hours is better than "forthwith" as "forthwith" means immediately.

The Hon. GILES F. WALKER :—I have no objection.

The Hon. the Acting TREASURER:—The kangany has to give information within 24 hours and the Superintendent has another 24 hours—that is: notice must be given within 48 hours of the birth.

The substitution was then made.

INSPECTION OF BODIES BY SUPERINTENDANTS.

The Hon. GILES F. WALKER, (dealing with Section 32 "Registration of death on an estate" with particular reference to the words "after nspecting the body") said :—My previous remarks were made with the view of meeting the clause now under consideration and I hope I shall have the support of hon. members. The duty of inspecting the body is not one which is laid on the Registrar, and when the Superintendent is acting as Registrar, I cannot see why the duty should be laid on him more than on the paid Registrar. The Hon. the Tamil member has said that one reason why the Superintendent should verify these cases was that the kangany might, for certain reasons, not have seen evidences of the birth or the death himself and it might be necessary to go beyond his evidence by calling on the parents of the child or on some of the relatives of the deceased. I hold that is sufficient verification in the case of a death as well as of a birth. As the clause stands, it requires a Superintendent to go down to the lines, very often a considerable distance from his bungalow, (in cases of epidemic cholera, when three or four are dying a day, I myself have had to go) and I am strongly opposed to imposing this as a duty on superintendents.

The Hon. the Acting TREASURER :—If the hon. member the Representative of the Planting Interest will allow me to interrupt I may state that seeing the words "after verifying the information" have been accepted, I am willing to withdraw the phrase "after inspecting the body."

The Hon. GILES F. WALKER :—In that case it will meet my views.

The Hon. A. DE A. SENEVIRATNE :—May I ask whether these words have been constituted in sections 25 and 26?

The Hon. the ATTORNEY-GENERAL :—I have just moved that they be incorporated.

The section was made to read accordidgly, &c.

The Hon. ABDUL RAHIMAN :—Sir, I move the omission of section 37 concerning the special provisions to register deaths and burials in proclaimed places, primary information to give to such registrars and to obtain certificates for burials. This falls very hard upon those persons who have the misfortune to live within the limits of proclaimed places. When a death occurrs in a family, rich or poor, during, and until the burial is over, the inmates of the house and the relatives are struggling with sorrow while hastening to arrange the funeral ceremonies. According to their circumstances, the less fortunate people have to suffer most and to pledge articles to raise funds for the purpose of the funeral as well as to receive visitors who are calling to condole. It is a custom among eastern people to visit one another as soon as hearing of the occurrence of death and more particularly observed by the Muhammedans, to visit and attend without invitations and to complete the burial ceremonies which are regarded as a religious rite. The objects of primary registration of deaths and burials and preventing burial without first obtaining a certifiate is to meet the requirements of the Registrar-General, in order to record the weekly reports in the town of Colombo which is a proclaimed place. To meet this requirement a daily report of deaths is now furnished to the Registrar-General, and to the Municipal Council, according to section 5 of the Ordinance No. 2 of 1894 by the keepers of the cemeteries with all particulars. This is a sufficient proof that it is unnecessary to burden the people with another oppressive order in the matter of registering the death before burial. With regard to information concerning death occurring in a house, according to section 24 of this Ordinance, it is necessary to report the death within 5 days to the Registrar, which is quite sufficient. The previous Ordinance No. 20 of 1891 now to be repealed, within the short period of experiment, caused annoyance and offended the Muhammedan community of Colombo. That oppressive Ordinance aggrieved them and since the newly appointed divisional Registrars whose division is too wide, has caused more inconvenience to persons who are compelled to report the deaths and to obtain certificates for burials. When persons die a natural death without being attended by a registered medical practitioner, or attended by non-registered practitioner, in such cases, the Registrar might insist on viewing and inspecting the dead body before granting the certificates for burial. There would naturally prevail a strong feeling of dislike to an official entering the houses to view and inspect the bodys. The inmates of the house and the neighbours consider it equivalent to an inquest being held, which is looked on as a disgrace to respectable persons, and further causes the impression to go abroad that the cause of death is foul play. Since the Ordinance came into operation I never heard of any detection being made

or that it had brought to conviction, a single case among the Muhammedans. The authorities have granted a privilege to females whose habits and customs prevent appearing in public not to compel them to appear in the law courts, during their life time. But when such females are dead, is it right to have their bodies inspected by an outsider. What would be the feeling of her relatives?

The Hon. the ATTORNEY-GENERAL :—The provisions now moved to be taken out of the Bill are provisions that have worked satisfactorily during the last four years. The object is not only as stated by the hon. member for the Muhammedan community to get statistics for the Registrar-General, but to obtain information also with regard to any contagious disease or any other illness that may exist in Colombo. The provisions now in force have been found very useful in giving that information to the Registrar-General and so far as they at present work, there has been no serious complaint with regard to them. Then it is stated that the officials appointed under the old ordinance were too few. My friend will find later on there is provision made in this bill enabling H. E. the Governor to appoint additional Registrars —Deputy Registrars—for the purpose of facilitating the working of the provisions complained of.

The Hon. ABDUL RAHIMAN :—Sir, so far as the working of this Ordinance for the last four years is concerned it is unnecessary. I should wish a Commission to be appointed to inquire into whether the Ordinance has proved to be beneficial or oppressive. However, sir, I will not press my motion because I know very well I will be single. However I will leave the matter in the hands of your Excellency and of the Executive Council on which the power is vested.

The Hon. A. DE A. SENEVIRATNE said :—There is a great deal of inconvenience occasioned in consequence of the limited number of registrars appointed within the Municipal limits of Colombo. I trust that Your Excellency will be pleased to appoint a greater number, as during the past four years, there have been complaints as to the working of the Ordinance. The Hon. gentleman directed attention to the terms of clause 27 which are to the effect that the medical practitioner attending the deceased shall sign a certificate of the cause of death, giving it to the person required to furnish information about the same. He pointed out that no time was specified wherein this was required to be done.

The Hon. the ATTORNEY-GENERAL called attention to clause 27 sub-section 2 which provides a penalty for knowingly causing unnecessary vexation.

The Hon. P. COOMARASWAMY :—The other day when I was at Maradana Police station, a poor Muhammadan came and complained that though there was a child or a woman dead in his house he had been backwards and forwards several times to a doctor trying to obtain a certificate, but the doctor actually put him off from hour to hour until he was disgusted. The death took place during the night and it was three o'clock in the afternoon when he spoke to me. I don't know the reason why the doctor should have put him off, but the man seemed to think that he did it in order to get a fee. I think it would be well to insert a clause that it shall be the duty of the medical practitioner "immediately" or "forthwith" to grant a certificate upon being requested to do so.

The Hon. the ATTORNEY-GENERAL remarked he did not see any reason why a limit should be fixed. A medical practitioner is a private individual practising his profession and all the poor unfortunate Muhammedan had to do was to obtain a certificate from some other person. Medical practitioners are not Government servants and we cannot bind them to give certificates at any moment.

The Hon. P. COOMARASWAMY referring to section 27 sub-section 2, said that any medical practitioner who refuses to sign and give such a certificate shall be liable to a penalty not exceedingly R50. As the Ordinance bound the doctor to give a certificate why should it not bind him to give it within a certain time. Unless you fix the time you cannot make it an offence.

The Hon. the ATTORNEY-GENERAL :—Some time might be fixed.

On the suggestion of the Hon. A. DE A. SENEVIRATNE, it was resolved to insert in the clause the word "forthwith."

Section 38, enacting that a person shall not bury, cremate, or otherwise dispose of any stillborn child next engaged the attention of Council. The Hon. A. DE A. SENEVIRATNE took exception to the clause. "Unless a certificate of such report having been made has been obtained from the registrar or police officer or headman, which certificate shall be given after such inquiry and inspection of the body as may be necessary to verify the information." He said :—I think this will work in a very oppressive manner because in every case it will be necessary before that certificate is given that there should be an inspection of the body by the Police Officer. These are events that may take place in the most exalted families, and to expect a headman or inspector to be admitted into every house to make such an inspection would be dealing very harshly with the family. I do not see any reason for the provisions of the section. Has there been any complaint of children who were not stillborn having been buried as such. Unless there has, I do not think we should make such a harsh provision.

The Hon. the Acting TREASURER :—The object of the clause was to prevent infanticide. You cannot make one law for the aristocratic portion of the community, and one law for the lower classes. You must treat them all in the same act, and I fail to see that such a difficulty as the hon. member of the Sinhalese has pointed out is likely to occur. I state it as a matter of fact that the section has been working under certain rules for a considerable time within the town of Colombo.

The Hon. P. COOMARASWAMY :—I do not think we are legislating here against infanticide. We have nothing to do with with it and there is a law for it. The Bill is a Registration Bill. I think my friend, the hon. member for the Sinhalese is quite right, and I shall support the motion to omit the words, because I think the Bill deals harshly with the people.

The Hon. the ATTORNEY-GENERAL :—I understand the objection to this clause is that it would work harshly and be irksome to the respectable class of the community. The hon. the member for the Sinhalese has omitted to look at the last sub-section which provides that a certificate may be obtained from a medical practitioner. It was only when the parents do not employ a medical practitioner that the body requires to be inspected, and we may take it that on such occasions nearly all the respectable classes call in a medical practitioner.

The Hon. A. DE A. SENEVIRATNE :—"Inquiry" will admit of "inspection" in cases where it is necessary to inspect. Therefore I move the deletion of the words "inspection of body."

The Hon. the Acting TREASURER :—If the hon. member thinks "inspection" is involved in "inquiry" I do not see why he objects to it being stated plainly.

The Hon. A. DE A. SENEVIRATNE :—I am surprised to hear the hon. member speaks so. As the clause stands it necessitates inquiry in every case, whereas if we stop at the word "inquiry" that will not preclude inspection of the body.

The Hon. GILES F. WALKER :—I think that is presupposed in the clause.

The Hon. the Acting TREASURER :—I have no objection to the substitution of the word "or" for "and" after "inquiry."

The Hon. A. DE A. SENEVIRATNE adhered to his amendment. Council divided and the amendment was lost by 7 to 5. The vote was

Ayes 5.	*Noes* 7.
The Hon. Abdul Rahiman	The Hon. the Govt. Agent, C. P.
,, A. De Seneviratne	,, Treasurer
,, W. W. Mitchell	,, Auditor-General
,, G. F. Walker	,, Attorney-General
,, Government Agent, W. P.	H. E. the Major-General
	H. E. the Lieutenant-Governor
	H. E. the Governor

The Hon. P. COOMARASWAMY then moved that the word "and" after "inquiry" should be deleted and "or" substituted.

The Hon. the Acting TREASURER agreed, and the substitution was made.

The Hon. GILES F. WALKER dealing with the sub-section of the same clause following :—

"(*b*)—In the case of a still-birth occurring on an estate, unless such report has been made to the superintendent of the estate, and he has inspected the body and authorised its burial," said—I move the deletion of the words "inspected the body and."

The Hon. the Acting TREASURER :—I am sorry that I am unable to accept the suggestion. Infanticide is supposed rightly or wrongly to occur, I understand, to a considerable extent among coolies, and it is notorious that systems are in operation amongst Tamil women to procure abortion, and it is as well we should have an inspection of the body. The cases in which such investigation would be necessary are very few and it will not be an onerous duty upon the superintendent, and I think he may well, in the interests of justice perform the small duty that is required.

The Hon. P. COOMARSWAMY :—I should like to know how the superintendent is supposed to know if a child is stillborn nor not ; because it requires a certain amount of medical experience to say that. How is he to know whether it was a case of infantcide? By looking at the child he could not say whether it was killed or not. What is the idea of asking him to go and look at a dead body when this is the case. It seems to me a waste of time. I would say that instead of the words "has inspected the body" the hon. member should insert "after inquiry or inspection of the body."

The Hon. GILES F. WALKER :—You are throwing on the Superintendent of an estate an onus which properly belongs to a medical man. I don't see anything is to be gained. The Superintendent is not a fit person to state whether a still birth has taken place or not, and the only practical result so far as I can see will be that still births would not be reported to the Superintendents and concealment of birth take place instead.

The Hon. the Acting TREASURER :—It has been suggested that the Superintendent is not able to judge from the body whether the case is one of infanticide but the fear of his coming visit to inspect the body may prevent infanticide. It may have a deterrent effect. The hon. gentleman expressed his willingness to make the alteration suggested by the Hon. P. Coomarasway.

The Hon. GILES F. WALKER :—In the circumstances I an willing to accept that the word "or" be substituted. I think the fear would be equally effectual under the word "or" as under the word "and."

The clause was made to read as suggested by the Hon. the Representative of the Tamils.

In schedule "D" relating to the report of birth the Hon Giles F. Walker drew attention to the fact that after 3, "Name in full of the kangany or kanganies under whom the father or mother work" appeared "4, sex" :—It was a minor matter but surely 3 and 4 ought to be transposed otherwise the fourth line would be taken to refer to the sex of the kangany. He should also like to know what was the object of giving the full name, description, and residence of the Superintendent ?

The Hon. the ATTORNEY-GENERAL :—We might accept the omission of it.

The transposition and omission were made.

The Hon. P. COOMARASWAMY directed attention to schedule No. 3 which provides that the Registrar should receive 25 cts. from Government for registering a birth or death other than on an estate ; and the Police Officer or Village Headman 10 cts. for giving information to the Registrar of a birth or death, for each birth or death ; while an applicant for a certified copy or extract should pay 50 cts. to the Registrar-General, or Registrar.

He said : I move that the words in the first line "other than on the estate"—under the heading "for what duty" be deleted. The effect of the schedule I have been told will be to make the Registrars, many of whom were Government servants, lose a large portion of their income. In appointing them the Government had in view the remuneration they were receiving when fixing their salaries and many of them will lose from R40 to R70 per month. That would be very hard on Government servants who are generally speaking, poor people, and I therefore urge upon the Council the necessity of taking away these words "other than on an estate." If I am not wrong I believe there are certain public officers who are also of opinion that these words should be omitted in justice to the Registrars who are in the service.

The Hon. the Acting TREASURER:—I don't understand what the hon. member of the Tamils is talking about. The Provincial Assistant Registrars in Kandy and Nuwara Eliya are both of them under the provisions of the existing law, and as such they draw certain fees, but under the existing ordinance the Assistant Registrar and the Assistant Government Agent's clerk have ceased to hold office. (Proceeding) I would move to omit altogether the first two portions of the schedule, making the fees payable by Government and leaving it to the executive to fix the fees, and leaving only the fees due from the applicant.

The Hon. P. COOMARASWAMY :—The Government may or may not pay them. I have nothing to do with it. I only spoke on behalf of the poor servants.

The Hon. the Acting TREASURER:—Will you tell me under what section of this ordinance they get fees at all ? The persons of whom you speak are not Registrars. I know the persons to whom you refer, I have anapplication from them regarding the same section.

The Hon. A. DE A. SENEVIRATNE :—I would support my hon. friend in his contention that no distinction should be made between

Registras who had to register the births or deaths or children born on estates and those who had to register the births or deaths elsewhere.

Registration has to be effected whether the child was born on an estate or born elsewhere and who does the registration if not th Registrar? It is all very well saying the superintendent has sent certain information but he is simply the informant, and the Registrar did the registering; why should he be deprived of the fees, unless the Government had made other arrangements to pay them an adequate salary. No distinction should be made between those who had to registered births on estates and those who had to register births elsewhere

The Hon. the ATTORNEY-GENERAL :—The third schedule has escaped the attention of the Sub-Committee. It is not usual in ordinances to provide for fees payable by Government. That is a matter lett to the Executive Government. I will move that the two first clauses be omitted, referring to the fees payable to registrars, police officers and village headmen, leaving it to the Executive.

The Hon. P. COOMARASWAMY :—Does that mean that the Government will fix the fee?

The Hon. the ATTORNEY-GENERAL :—That is a matter usually left to Government.

The Hon. A. DE A. SENEVIRATNE :—Under what clause does the Government fix the fees?

The Hon. A. R. DAWSON :—There must be provision in the body of the Ordinance for taking that out or else they will not get their fees.

H.E. the LIEUT.-GOVERNOR :—If we do it in the Ordinance we shall have that expenditure fixed by Ordinance and then we will have no control over it.

The Hon. A. DE A. SENEVIRATNE :—Where is the clause in this Ordinance authorising the Government to regulate these fees?

H.E. the LIEUT.-GOVERNOR :—The vote on Supply.

The Hon. ABDUL RAHIMAN : In England the fees are paid by the applicants and not by the Government. The Ordinance gives protection to the people; therefore, let the people pay for it.

The Hon. P. COOMARASWAMY :—Would it not be better to have the fees fixed under this Ordinance without any further authority from this Council.

On a vote the hon. member's amendment was defeated by seven votes to six. The vote being

Ayes 7.	*Noes 6.*
The Hon. Abdul Rahiman	The Hon. A. de A. Seneviratne
,, G. F. Walker	,, W. W. Mitchell
,, The Treasurer	,, P. Coomaraswamy
,, ,, Auditor-General	,, The Govt. Agent C.P.
,, ,, Attorney-General	,, ,, Govt. Agent W.P.
H.E. the Lieut.-Governor	H.E. the Major-General
,, ,, Governor	

The Hon. the Acting TREASURER;—The Bill having passed through Committee, I beg to move that it be referred to the law officers of the Crown. I give notice that I will move the third reading of the Bill at next meeting of Council.

The Hon. the ATTORNEY-GENERAL seconded. Resolved accordingly.

The Hon. the GOVERNMENT AGENT, W.P. ;—May I ask if section 50 stands in the Bill?

The Hon. the Acting TREASURER :—Yes.

The Hon. the GOVERNMENT AGENT, W.P. ;—Registrars will get no fees in future under this Bill?

The Hon. the Acting TREASURER I am unable to answer the question.

H.E. the LIEUTENANT-GOVERNOR :—The Marriage Registration Ordinance is not likely to be completed today, and as it is proposed to sit tomorrow to finish this Bill I propose that at this stage we adjourn till tomorrow, at two o'clock. I move that the Council adjourn till tomorrow at two o'clock. Council rose at 5-30.

THURSDAY, JUNE 13th, 1895.

Council sat today at 2 o'clock, under the presidency of H.E. the Governor. There were present :—H.E. Major-General Clive Justice; H.E. the Lieutenant-Governor Sir E. Noel Walker; Hons. C. P. Layard, Attorney-General; W. T. Taylor, Auditor-General; L. F. Lee, Acting Treasurer and Acting Principal Collector of Customs: A. R. Dawson, Government Agent, W. P.; P. Coomaraswamy, Tamil Representative; Giles F. F. Walker, Planting Representative; W. W. Mitchell, Mercantile Representative; Abdul Rahiman, Muhammedan Representative; and A. de A. Seneviratne, Lowcountry Sinhalese Representive.

Absent :—Hons. F. R. Saunders, R. K. MacBride, C.M.G., Director of Public Works; H. L. Wendt, W. Ellawella, and Sir J. J. Grinlinton.

H.E. the GOVERNOR :—The Clerk will read the minutes of last meeting.

Minutes read and confirmed.

ARRACK.

The Hon. W. W. MITCHELL :—I beg to give notice that at next meeting of Council I shall move that the Government will fix by legal enactment the maximum price at which distillers may sell arrack, in the same manner as the retail price of arrack is now fixed, and also to move that a Commission be appointed to enquire into and report on the distillation of arrack, its sale, and on the system of arrack rents.

ADMINISTRATIVE REPORTS.

The Hon. W. W. MITCHELL :—I have another motion. I wish to ask why Administrative Reports are not printed and issued much earlier in the year than at present. A similar question has been asked in my experience in this Council many times before. The lateness, in the year on which the reports are issued causes a very great deal of inconvenience, for instance, if at present, we had the railway Administrative Report it would be a very great convenience in view of the extensions which are taking place and for various Railway Questions which have come up for consideration lately. Several Administrative Reports have been placed in our hands, but if the Government could succeed in getting the others issued at an earlier time of the year they would be much more useful than they are, coming out so late in the year. It may be that there was difficulty in getting them printed. I don't know if that is the case or whether it is dilatoriness on the part of those who have to send them in.

H.E. the LIEUTENANT-GOVERNOR :—I can assure the Council that every endeavour is made to make the reports available at as early a time as is possible. Looking at it from a selfish point of view nobody could be more anxious than H. E. the Governor and myself to have these reports available, because it is daily a matter of hourly occurrence that we desire to have the latest information about the working of departments and in matters affecting any of the departments the easiest accessible way is in a printed report. I may mention for the information of the Council that every year a circular instruction is re-issued enjoining on heads of departments that their administration report has to be sent in not later than 15th April. A penalty is imposed for

default in compliance with that injunction and which is regularly and annually enforced. I may mention there are 33 annual reports from the different heads of Departments, and that on the day fixed, which we think a reasonable margin to allow, 4 were in default. Of these two have since been received and the third is delayed owing to the officer who is in charge of the department being absent on leave, and that the new officer who succeeded him being a new official is not yet well acquainted with the routine of the department. In the fourth case the officer is dependant on the complete closing of the annual accounts which is a matter that always takes a few months. As the hon. member said several have already been distributed. I find that 10 of the more important reports have been placed in the hands of the Press and the public, in addition to which there are four in hand and, according to the Printer, of these four one is the railway report to which the Hon. Member referred. Some of the reports are voluminous and include statistical tables which take up a great deal of time in printing. Having shown that the heads of the departments are not to blame, I think every one will join with me in admitting that the work of the Printing Department is carried out as expeditiously as it possibly can be. If there is any delay in bringing out these reports on the part of the Printing Department it was due to getting out what may be considered more pressing and necessary work. The Government Printer has not a very happy time, every one considering his particular matter the most pressing. I would therefore only remark since 1881 when the annual reports were put in a volume (I hold a copy for that year in my hand). It is only half the size of the volume for 1893 which is before me. I think if hon. members will only look at the bulk of that volume they will have some consideration for the Public Printer. That there are two sides to the question I may mention that in October 1881, a non-official member asked why could not the Government insist upon all officials sending in their reports not later than May or June. We require them to be sent in by 13th April. "And why" said this same member "Should not the Government circulate these reports among the officials and the press not later than August"? I hope, unless something happens in the Printing Department they will be issued by that time. We have had the advantage since of having that non-official member as an officer of the Government and he is one of the four defaulters to whom I have just referred. I in no way make that remark as a reflection on that officer who is very hard-working, but I allude to it as an illustration of the very common circumstance that there are two sides to a question.

The Hon. W. W. MITCHELL :—Sir, I am very glad to think that the 30th of April is the day fixed for these reports to be in. I forgot to mention, at the Cape, reports of the kind are printed and laid on the table when the Cape Parliament opens on 25th April. I don't know what the custom is in other Colonies, but with regard to India all the returns are issued at a very much earlier period than in Ceylon.

H.E. the LIEUTENANT-GOVERNOR :—The financial year in some of the Colonies closes on September 30th, which of course makes a considerable difference.

REGISTRATION BIRTH AND DEATHS.

The Hon. the Acting TREASURER: I was to have moved the third reading of an Ordinance to amend and consolidate the Registration of Births and Deaths, but as sufficient time has not been allowed for such a careful revision of the proofs as was necessary, I beg to ask a postponement of the motion.

H.E. the GOVERNOR :—The question is, will the motion that stands in the name of the Hon. Treasurer be postponed till next sitting of Council.

Motion postponed.

MARRIAGE REGISTRATION.

The Hon. the Acting TREASURER :—I move, sir, to bring up a report of a Sub-Committee on the Marriage Registration Bill and move that it be read now.

Agreed.

The Hon. the Acting TREASURER:—I move the omission of Sub-Section 3 of Section 4 and the insertion of section following. The latter effects the same purpose in better phraseology.

Agreed.

The Hon. the Acting TREASURER explained with reference to the insertion of Clause 5 Sub-Section 1 that it contained the proviso "it shall be lawful for the Governor to appoint any person other than Assistant Agent" &c. in order to give the Governor greater power in this matter. This is a section which has already been passed into the Registration of Births and Deaths Ordinance.

Agreed.

The Hon. the Acting TREASURER I move the omission of the 3rd Section inserting the Section which follows.

Agreed.

The Hon. the Acting TREASURER dealing with Section 10 said :—The word "minister" has been inserted here as there are many buildings in which there are no Trustees and the minister is actually the Trustee.

Agreed.

The Hon. the Acting TREASURER in the same Clause speaking of the substitution of one rupee for R30 the stamp fee, said : It is not the desire or the object of the Government to raise revenue by the issue of licenses for these places. The Archbishop of Colombo has pointed out to me that this tax presses hardly upon the members of that religion who have Churches scattered in the most desolate parts of the country—churches, the building material of which, are not worth the R30 at first suggested. The revenue, I may mention, which is now collected from this source for the last five years has not averaged R120.

Agreed.

The Hon. the Acting TREASURER :—Sir, I move the omission of the words (clause 10) "which is not separate and distinct from and devoid of all communication from any other building," and the omission of the words "solely." It has been represented to me that buildings are very often used for the purposes of Christian worship amongst members of the Church of England as well as of the Wesleyans, and Baptists, and other Christian denominations which are not used solely for that purpose and which are frequently—in the case of Roman Catholics very frequently—in connection with a small shanty or shed in which the Roman Catholic Priest lives, where he is ministering the offices of his Church, in the building used for Public Worship. If this section restricted the issue of licenses to buildings used solely for public worship, it would exclude from the operation of the act many buildings which are now as frequently used for schools as for Christian Worship.

Agreed.

The Hon. the Acting TREASURER :—I move the omission of the words R30 and the substitution of one rupee (in Clause 11 Sub-Section 3) for reasons I have already stated.

Section 15 which provides "that no marriage shall be valid to which the male party is under sixteen years of age or the female under ten, or of a daughter of European or Burgher parents under fourteen years of age," engaged the attention of

The Hon. the Acting TREASURER, who said he proposed to substitute for the age of ten the age of twelve thus bringing the provision into line with the Penal Code.

The Hon. the Acting TREASURER read clause 15 in the following terms. "From the date when this ordinance shall come into operation no marriage shall be valid unless it shall have been duly solemnised by a minister or a registrar, in manner and form as is hereinafter provided." The hon. gentleman said—Sir, I move the insertion in lieu of the words "From the date when this ordinance shall come into operation no marriage shall be valid," of the words "No marriage contracted after this ordinance comes into operation shall be valid." The object of that section is to enforce the registration of marriages and to continue the law as it was from the year 1822 up to the time when doubts were thrown upon Ordinance 13 of 1863 by certain decisions of the Supreme Court.

The Hon. P. COOMARASWAMY :—I am sorry, I shall have to oppose this motion. It will be remembered that this Bill has been before the Council more than once. In December last I stated my objection to this clause which declares that no marriage shall be valid unless it is registered and I shall therefore make only a few remarks now. The statement of the Hon. Member who is in charge of the Bill that the law was up to a certain date in a certain way, and afterwards that law was changed by decisions of the Supreme Court, is entirely incorrect. I stated in December last as did my friend the representative of the Sinhalese that the law of the Supreme Court was, and had been, consistent and constant. My Hon. friend in introducing this Bill said that the Supreme Court in 1882 held that Registration was not necessary, and in 1885 they held it was necessary, and then he went on to say "since then sir it has been absolutely impossible for those interested to say certainly, whether registration is or is not a necessary element of legal marriage" I think the utter hollowness, the utter inaccuracy of the statement, was shown by me and my hon. friend the member for the Sinhalese. The Supreme Court decisions on our marriage laws are consistent. They always held that unless one came within the four corners of the Registration Ordinance, unless he or she took steps under that Ordinance, registration was not necessary, and the Supreme Court certainly never held that marriages were invalid if there was no registration. In fact more than the Supreme Court—the Privy Council has held the same thing. It is not for me to say here anything about the way the charge of inconsistency has been brought up by an Official member of this Council against the highest tribunal of the land. Before doing so one would suppose he would study the decisions of the Court and the law books carefully. But I am certain from the way he repeats the statement again and again though he ought to know he is wrong—from the way he repeats this statement, I am certain he has neither read the decisions carefully, or if he has read them he has not understood them. I am sorry to state it so because every lawyer knows that his broad statement is entirely inaccurate and could only be made by one who has not studied the law of our land. That is only one of the mis-statements of which my friend has been guilty. There is another one which I shall also have to refer to. When in December last I stated that this provision would be objectionable and utterly repugnant to the Hindoos, he said: I quote his words, "I do not know whether members are aware that the Ordinance was drafted by a Tamil gentleman, the hon'ble gentleman's brother, and was approved of by another, the acting Attorney-General—one drafted the Ordinance and the other highly approved of it." As my Hon. friend thought it necessary to introduce into this discussion the names of my two brothers this Council will not think me guilty of bad form in referring to this matter, the more so as I am going to show his statement is inconsistent with fact. If a Government servant under instructions from the Government, drafts an Ordinance is it to be supposed he concurs with the principle of every clause in the Bill? That was in effect what my Hon. friend stated with regard to the Acting Registrar-General. Because a Tamil gentleman drafted the Bill, he being a Government servant and bound to carry out the orders of Government, therefore, forsooth, he thinks it suitable to the times and the people of this land! Everybody would say this statement was absurd. My hon. friend should have gone further, he should have shewn us the opinion of that Tamil gentleman, wherein he stated that he agreed with the principle of the Bill, and that he not only agreed with the principle of the Bill, but agreed that this was the the time and these were the people to which this principle should be applied. He has not done so and I will simply pass over that statement, attaching to it what value it deserves. I go to the other statement the hon. member made in which he says the Acting Attorney-General (who also happens to be my brother) highly approved of it. These two statements were made by my hon. friend to show the Council and the public that my opinion as a Tamil was utterly worthless, because two high officials who happened to be Tamils were opposed to mine—not that their opinions were opposed to mine but my hon. friend thought so and said so. To make such a statement, without an iota of authority, that a Tamil gentleman occupying the high position of Acting Attorney-General, highly approved of this Bill, when he did not in fact, was I think not treating this Council fairly or properly.

The Hon. the Acting TREASURER :—Did I say "highly approved."

The Hon. P. COOMARASWAMY :—Yes I have got the Ceylon Hansard. It is not yet printed but I took the trouble of writing to the *Observer* Office for it. If he did not say "highly approved"; then my friend said "approved" which comes to the same thing.

The Hon. the Acting TREASURER:—Not so.

The Hon. P. COOMARASWAMY :—It comes to the same thing.

The Hon the Acting TREASURER :—It does not.

The Hon. P. COOMARASWAMY said: What a spliting of hairs this is! What is the true state of the facts! In the first Sub-Committee appointed to consider this Bill, this matter came up for discussion, and I moved that Hindus should be exempted from compulsory registration, and I further moved that their marriages should not be declared invalid for want of registration. The

Hon. the Acting Attorney-General voted with me and against my Hon. friend, clearly showing that the statement he made was unfounded, and without any authority; and I am sorry—I do not think the Hon. member meant it—but I am sorry that, for the purposes of argument in this matter, of so much importance, the Hon. member used words which had no foundation in fact or truth. So much then for the great fuss he made about the two Tamil gentlemen opposed to my views to show my views were not worthy of any consideration and that he was supported by the majority of the Tamils themselves, headed by the Tamil Attorney-General and by the Tamil Registrar-General. That is the second statement of my Hon. friend which I have shown to be wrong. There is a third one. He stated that day, I think it was in April, that the principle of compulsory registration and the principle in the Bill that marriage should be invalid if there was no registration, were principles that the Government adhered to. If he thinks me wrong I shall expect my Hon. friend to correct me now. That statement certainly startled me in view of two circumstances. One was in your Excellency's own message to this Council in October last. Your Excellency said: "Uncertainity in such a subject is fraught with grave consequences and it will, therefore, be for you to consider whether it should be remedied in the manner proposed." This certainly does not mean that your Excellency's Government is committed to any principle in this Bill. Your Excellency's Government have put forward certain proposals which are stated here, but Your Excellency has not stated that the Government are bound to this principle and that whether a certain part of this Council agrees or not to that principle, it will be carried. Your Excellency cannot say so: no member can say so in view of another circumstance which I shall now go into. When I say that, neither Your Excellency nor any member of this Council can say this is a principle you are committed to. You will ask "why do you say so"? I say can you in all seriousness assert that compulsory registration is absolutely necessary, can you in all seriousness assert that no marriage shall be valid unless it is registered when you have allowed a large section of the population of Ceylon, to be specially exempted—can you? I maintain you cannot. The petition I presented from several thousand Hindus the other day asked—and I am sure it is a question my Hon. friend will find it difficult to answer—Why is the Muhammedan population of Ceylon numbering 200,000 souls exempted from its operation? This question becomes all the more pertinent when you consider the circumstances of the case. Under our laws, except Muhammedans no one can have more than one wife. One would say that if in any case whatever it was necessary to enforce compulsory registration and to declare that marriages shall be invalid unless they are registered it is in their case and in no other case; and yet what is the state of facts? When this Council in 1886 passed the Muhammedan marriage ordinance which provided for compulsory registration as regards their marriages, that provision in the ordinance under instruction from the Secretary of State was repealed and a special section in the repealing ordinance was inserted—I refer to ordinance 2 of 1888, section 3 which is in the following terms:—"Proof of the registration of any marriage contracted by persons possessing the Muhammedan faith, after this Ordinance shall have come into operation, shall be received in all courts in this colony as the best evidence of such marriage; but nothing herein or in the principal Ordinance contained shall be construed to render valid or invalid, merely by reason of its having been registered or not having been registered, any Muhammedan marriage which would otherwise be invalid or valid, or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage." Now the petitioners were quite right in asking how can you declare this is necessary when you shunt off the rails as it were that large and important section of our community and say they shall not have this law. If you do that how can you say "But all the rest of you shall have this law?" I go beyond your Excellency. I ask how the Secretary of State who gave instructions to this Government to repeal that Muhammedan Ordinance—how he can say that this clause shall stand and affect the Hindus. I am now talking of the Hindus although I am opposed to this clause altogether and I think it should not affect any one at all. How can the Secretary of State himself after having given instructions in 1887 to exempt a large section of the population of Ceylon from the registration section of the Ordinance,—how can he now compel us to say "You shall register, or your marriages shall be invalid." How can Your Excellency or the Secretary of State with any sense of justice or logic compel us to do that now. That this clause is utterly repugnant to the feelings of the Hindus has been shown by the numerously-signed petition I have presented here. I did not fail to note the remark that H.E. the Lieut.-Governor made the other day with reference to the opinion of the Agent of the Northern Province. With regard to the Government Agent for the Northern Province, before saying anything further, I wish to make an explanation of a personal nature. From the way H.E. the Lieut.-Governor made the remark the other day and on a previous occasion it would imply that I was antagonistic to the Agent of the Northern Province. I declare here I have as much respect for the Agent of the Northern Province as any Member of this Council. I have as much appreciation of the good work he has done in the Northern Province as any one else, but that is no reason why he and I in matters of importance should not disagree and the mere fact of my disagreeing with that eminent public servant does not show that I am antagonistic to him. I think therefore it would be unjust to me—I don't say anybody has wilfully stated it, if anybody thought I was—in any manner, opposed, to the worthy Government Agent for the Northern Province or his views, but surely I am at liberty to say what I think though my views are contrary to his views? For the matter of that, I know high officials in the service of Your Excellency's Government who are as much opposed to his views as I am. To come to the point, I noted the remark made by H.E. the Lieutenant-Governor, that the Agent for the Northern Province wrote or telegraphed that he had got information from somebody in the Northern Province about the Registration Ordinance, and that the people were not opposed to it. The proper way to inform the Council of this fact was to have produced the documents so that we might judge of the efforts he had made,—whom he inquired from and what he knows about the subject. When a Government Agent travels about especially he who is called the "Rajah of the North," and asks a man here and a man there what he thinks, does Your Excellency expect any poor Tamil of the Northern Province will dare to

stand up before the "Rajah of the North" and say 'I disagree with you, sir." It is going against human nature. After Mr. Dyke no other public servant has so much influence, good or bad it is not for me to say, as Mr. Twynam over the people he rules in the Northern Province. But even his opinion unless backed by documentary evidence, I say, is utterly worthless—the more so, if H.E. the Lieut.-Governor will look at the petition I have presented. They are signed by the best Tamil men in Colombo,—men holding high positions—men of wealth and influence, and education. If he looks into the petition signed in Jaffna he would find in it the names of *leading* men like Advocate Nagalingam, Mr. Coomarasuriya and Mr. Mailvaganam. These names may or may not be known to Your Excellency, but if Your Excellency refers to the Government Agent for the Northern Province he will tell you there are no better men or men of greater influence in the Northern Province. The petitions are signed not by nobodies, but by men of sense—men of education—men of light and leading. Now, sir, it cannot be denied that the Hindu population of Ceylon are opposed to this particular clause which my Hon. friend has just now moved. In this connection, sir, I would refer the members of Council to an incident that happened only recently this year, in the supreme Legislative Council for India; some members in the Council proposed to repeal the existing law which provided that if a Hindu wife refuses to live with her husband she should be imprisoned. Such a thing as that is repugnant to everybody's feelings—and certain members of Council tried to repeal that act. The Government of India and the European members of Council, though in entire sympathy with the attempt to repeal that obnoxious act opposed the motion. On what grounds? I will read to the Council the remarks of the senior official European member of that Council, Sir Griffith Evans who said:—"The alternative presented to the European members is whether we should leave alone a thing which we disapprove of, or, in the attempt to remove it, excite strong feelings among the Hindus, whom we desire to benefit by the removal. Looking at it as a matter of policy, I and others have come to the conclusion, very reluctantly, that it would be better to leave it alone." This is a sentiment approved by the *London Times* in April last I think. I would also refer this Council before committing themselves to any view on this subject to consider what effect a provision similar to the one which my Hon. friend now seeks to insert in this Ordinance would have. In the Kandyan Marriage Ordinance there is compulsory registration—and I would call the attention of members of this Council to the remarks made by Mr. Panabokke in December last who was then the Kandyan member in this Council. He stated that a great many Kandyans still contracted marriages according to their ancient customs which according to law were invalid. I quote his *ipsissima verba*: "The Government have overdone the thing and the people are not prepared to follow this Ordinance." That, my Hon. friend is trying to do. Marriages will continue to take place according to our religious rites and customs and yet these religious rites and customs which up to the time of this Ordinance were valid, in the eye of the Law will be declared invalid, and instead of having lawful marriages and legitimate children, you will have thousands of concubines, not in the eyes of our people but in the eye of the law, and children who in the eye of the law will be bastards. My Hon. friend will take the responsibility of doing this and if further the Council will help him to do it, what can I do? I can only raise my voice and say "you are perpetrating an act of pure injustice." I have shown there is no necessity for the clause being inserted, because (1) we have done very well without it hitherto and nobody has complained of it, (2) I have shown that the matter is repugnant to the feelings of the Hindus and (3) what you are inserting in the law—is not the law of England, not the law of Scotland not the law of Ireland and not the law in India? My Hon. friend the Treasurer seems to be well versed in English statutes for everything I say he says is not in this Act or that. —Let him show in any Act relating to England, Scotland, Ireland or Wales or in India that registration is compulsory and that marriages are invalid without it. If he shows me that I will withdraw my opposition. But he cannot. All that the laws of Great Britain and India state is that registration shall be the best evidence of marriage. Place us poor dark people who are under a beneficent Government,—place us under the same laws that are good for you. If the laws are good for you, why don't you give us these laws? I therefore say my position is in conformity with the laws that prevail in Great Britain and India and let the Council mark my words, it may be pooh-poohed now, but the thing will happen—some 200,000 Tamils come here annually from India and I ask you why the Secretary of State asked you to repeal that Act about the Muhammedans,—not because he was so anxious to project the Muhammedans of Ceylon, but because Muhammedans from India came to Ceylon and he would not have them touched by these laws which are not consistent with the Indian Laws of Marriage. In the same way hundreds of thousands of people come here for the purposes of labour and trade by which both they and you profit. Are you going to bastardise their children and declare their wives concubines if they marry here? Let it distinctly be known that the law with reference to marriages is the law which prevails at the place where the marriage takes place. Are you going to affect by this Ordinance the large Indian population coming here? For these reasons I shall be obliged to oppose my Hon. friend's motion to insert the clause and when I ask you to concede this principle to the Hindus, I ask for nothing new, because it has been conceded to the Muhammedan population of this country.

The Hon. M. C. ABDUL RAHIMAN:—With your Excellency's permission I have to draw the attention of this Council to the fact that the Roman Catholic community signed and presented a petition, praying to exclude them from compulsory registration of their marriages and begging the Council to provide them with a separate Ordinance, on the same lines as the Muhammedan Marriage Registration Ordinance No. 8 of 1886 and No. 2 of 1888. I may be permitted to disclose that both of those Ordinances are ineffectual and that, very few marriages having been registered, they are practically dead letters. When these Ordinances were passed it was at the request of a small section of the Community while the majority were opposed to them. There is no precedent that Muhammedan marriages were registered. I can find no reason for the Catholic community wishing to evade registration, as they did register under existing ordinances. They now raise objections and prefer the Islamic principles. The Muhammedans have concise laws

of marriage according to the sects whose religion and law are combined together. The marriage ceremonies are conducted, purely on religious precepts. Their marriages and divorces are easy, their laws permitting polygamy, with restriction. Moslem brides do not appear at the time of their marriages before the priests, who solemnise the marriage. The consent of the bride is obtained and the other formalities are usually performed by the "*Vali*" who is the authorised agent. Roman Catholic marriages are usually solemnized in open church, and the brides do not live in seclusion and are not prohibitted for appearing public. The majority are civilized and intelligent,—can read, write, and freely associate in company. The Catholic community very wisely after nineteen centuries, made up their minds to follow Islamic principles. The Hindu community hitherto did register; their marriage customs are peculiar, and their marriages are usually solemnized by their priests at their own houses. Hindu brides do not freely appear in public. The common law of England does not restrain im morality, whilst the ecclesiastical Courts do restrain it. And in Ceylon the Hindu religion permitted dancing and singing within their temples; the performers are devotee women. These devotees are not permitted to marry; children are born to them; and then how is it possible to effect marriage registrations and ascertain in what manner the births are to be classed? Illicit unions are common among the Hindus and Buddhists who practically do not consider such to be immoral. The registration of marriages is not prohibited by any religious law. It is a useful document to all creeds, to all who desire honest marriage. I strongly urge that all marriages be registered according to the customs of the several communities, the marriage ceremonies to be observed by themselves when solemnizing the marriages. The Muhammedan marriages also should be registered when those Ordinances are amended, on the lines which I had the honour to propose to His Excellency the Governor. Every law-abiding community should observe, and be thankful to the Government for protecting their civil rights. If marriage registration is allowed to be optional, no one will care to register, and the passing of such Ordinances is quite useless. I agree with the Sub-Committee's report, except with those omissions in the words "*except Muhammedans*" in the clause 18 which existed in the previous Ordinances No. 6 of 1847 and No. 13 of 1863. Sir, there is a special law with 102 clauses similar to the Schoolmasters' Code to chastise vicious boys, called the Muhammedan law of 1806. This is a defective Code, and insufficient to deal with important questions when those are raised. The Muhammedan law is one of the most civilized in the world for the benefit of mankind. Every nation now seeks to follow that principle and modern laws are copied from the Muhammedan law.

The Hon. W. W. MITCHELL :—Sir, when this ordinance was referred to a second Sub-Committee I was inclined to think it was hardly necessary, but now it has been brought up and amended I see the wisdom of the step and recognise that the Ordinance has been very much improved by the additions which have been very reasonably made. The clause now under discussion, providing that no marriage, unless duly solemnised and registered, is valid contains, in my opinion the essence and backbone of the whole measure. Take away that and you may as well withdraw the whole bill. Compulsory registration is in my opinio imperative in the interest of the people. It is required, especially to protect them from the Courts of law—from what takes place there, to protect them from lying witnesses. A good deal has been said by my Hon. friend on my right (the hon. the Tamil Representative) with regard to the immunity of Muhammedans from this law. But they provide for registration in the Code which has been referred to by the last speaker (the Hon. the Representative of the Muhammedans) clause 73 of the Muhammedan Code of 1806. A record is required by ordinance No. 8 of 1886 and No. 2 of 1888 sufficiently providing for the registration of all Muhammedan marriages. And then we come to deal with the Hindus. They are not so numerous a section of the Community and I cannot help thinking the objections are a good deal due to sentiment more than to anything else. I can only say I hope the Government will be firm in this matter and act in a paternal manner, doing what they feel to be best in the interests of the people themselves although, in some respects, it may be somewhat obnoxious to a section of the population. If the principle of the Bill is made permissive, if this clause is deleted I think we may just as well tear up the Bill altogether. I would make one concession with regard to the Tamil coolies. I think it might be well perhaps to exempt them from the operations of the ordinance seeing their domicile is not here, but beyond that I would not stir one step. I shall support the Government in standing upon this Clause and insisting upon Registration being made compulsory.

The Hon. A. de A. SENEVIRATNE :—Sir, I have already stated in Council, and I am still of the same opinion, that it would be very desirable to make the registration of marriages compulsory, but what may be very desirable in theory may not be practicable and that it is not practicable in this country is shown by the memorial presented by the Roman Catholic Community. It is not for the first time that I mention my opposition to this Clause. I mentioned it in Sub-Committee but we were not allowed to take a division upon that point. It was stated to us that His Grace the Roman Catholic Archbishop of Colombo had had a talk with my Hon. friend the Treasurer, and, on behalf of the Catholic Community of Colombo the Archbishop had accepted practically all the amendments that had been made. Rut I find on reference to the Vicar-General that there has been a mistake somewhere; that either the Archbishop has misunderstood the Hon. the Treasurer or my Hon. friend has misunderstood the Archbishop. On this very point I spoke to the Vicar-General and what he wrote in reply was as follows :—"I saw the Archbishop, who says that he must have misunderstood Mr. Lee or Mr. Lee must have misunderstood him, for His Grace has no recollection of the question of compulsory registration having been raised during the conversation. What Mr. Lee said was that registration is to be the best evidence of a marriage, and this, to any ordinary mind, will convey the meaning that any other evidence besides registration may be adduced, which could not be the case if registration was necessary in every case. So the third paragraph of our memorial still remains in full force." So says the Vicar-General. It was out of consideration for, out of respect to, the wishes of the Roman Catholics that consideration of this Bill was deferred and I think it would hardly be fair if their wishes were not attended to in

the matter of compulsory registration. I have endeavoured to ascertain whether, in England, registration has been made compulsory in this way. I find on reference to the books that such is not the case. Undoubtedly there, registration is the best evidence of marriage, but it is not declared that without registration marriages would be invalid. I would be glad if it is pointed out that the English law is otherwise. My Hon. friend on the right (the Hon. the Representative of the Muhammedans) spoke upon this point, but, so far as I could gather I think he intended to apply his remarks more to the first clause or rather to the preamble of the Ordinance than to the clause relative to marriages in this Island other than the marriage of Kandyans or Muhammedans. I think his desire was to show that the Muhammedan law ought to be amended and he asked on behalf of Muhammedans that registration should be made compulsory. I think that was in effect what he said. The hon. gentleman told me—I understood him to say that the provisions of the law had never been observed even in the case of his own children when they were married and that the Ordinance is practically a dead letter among the Muhammedans. The gist of his speech appears to be that compulsory registration should be insisted on in the case of the Muhammedans. I don't think the Hindoo Community here is a small one. I think, next to the Sinhalese the Hindus are the largest in population and, the wishes of the Hindus not only in this Island, but of those in India should also be respected. And is it not to be supposed that, as the Muhammedans appealed to the Secretary of State against the Ordinance of 1886 which made registration compulsory, the Hindus may likewise appeal and, if registration be made compulsory, there is nothing to show we may not receive orders to amend this clause subsequently. I think it will be much better, therefore, if the wishes of the Hindu Community as well as of the Roman Catholic Community are given effect to. I don't think much difficulty or much inconvenience will arise hereafter. The only reason I understand my Hon. friend on the right (the Hon. the Tamil Representative) to urge that registration should not be made compulsory at this time is that the people are not ripe for it yet. If the people of the United Kingdom are not, I think it must be conceded that the people here are by no means ripe for it. I do not wish to lengthen the debate by saying much. As I have said, I am very much in favour of compulsory registration, but I do not think it should be enforced by means of a clause like this, and I do not think the Hindus or a large section of the Sinhalese are ripe for it yet. The point was raised that there was no other form of marriage known among the Sinhalese except registration. There are perhaps no settled ceremonies among a large number of Sinhalese, but there are settled ceremonies among the Roman Catholics. There can be no question about that. There are settled customs among the Hindus, so much so that the Vicar-General said to me only the other day that the contention of the Hindus was perfectly good and that they, in the Roman Church in celebrating marriages among Tamil Christians had adopted the *thali* for the wedding ring. That being so, I am in favour of the clause being omitted.

The Hon. GILES F. WALKER :—Sir, I should be very glad to support any clause in favour of compulsory registration, but there are two things that prevent me from doing so. One is that registration is not compulsory throughout the Island, and I cannot see how if one community can be exempt there is any reason why another community should not be exempt too; and the second reason (that has the greatest force with me) is with reference to the immigration of Tamil coolies to the estates. They having no domicile on the Island, ought to be exempt in any case. Whether the expression of opinion on behalf of the Tamil community which the Hon. the Tamil member has laid before us today is a very strong one, and whether there is a strong feeling among the whole Tamil community or whether that feeling is confined to a small section is I think, somewhat doubtful. Were that the only argument brought forward against registration I should not be inclined to lay very great stress upon it; but I think the fact that we have amongst the Muhammedan and Tamil communities a great number of persons, whose domicile is in India, should make us very careful how we deal with registration when there is no such compulsion in their native country. On these grounds I feel bound to oppose the clause as it at present stands.

The Hon. ABDUL RAHIMAN :—Sir, I feel obliged to reply to the Hon. the Sinhalese and the Hon. the Planting Member.

The Hon. the ATTORNEY-GENERAL made a remark to the effect that the Hon. the Muhammedan Member was out of order in speaking a second time.

H.E. the GOVERNOR said the Council would hear the Hon. Member as he only wished to make an explanation,

The Hon. ABDUL RAHIMAN said :—Muhammedan marriages were registered ever since Ceylon was a Muhammedan Colony. The Muhammedans are the only nation who commit honest marriage and in this connection he spoke of the rigid morality which the law exacted, as a proof, stating that an illegitimate child was excluded for ever from the community. The Muhammedan law is the only civilised law in the world and had been commended by the greatest writers.

The Hon. the Acting TREASURER :—Before, sir, I enter upon a defence of the principle of this measure I must by way of personal explanation controvert in the strongest possible terms the implication of the Hon. Member opposite, that I was guilty of falsehood—

The Hon. P. COOMARASWAMY :—No, no.

The Hon. the Acting TREASURER (continuing) —in the suggestion that his brothers approved of the principles of this measure. It is fortunate for me that his brothers' statements are in writing and they cannot be controverted. *Litera scripta manet.* When first I arrived in this Island from leave and was appointed by Your Excellency as Principal Collector of Customs, I was invited by the gentleman who then occupied the office of Attorney-General to take charge of these two measures. He handed me a large file of papers, invited me to peruse them, and asked me if I approved of the principles of these measures, to take charge of them. He did not come to me and say "I disapprove of the principles of these measures, but the Government require them to be passed." He asked me whether I agreed with him as to their principles, and if so if I would take charge of them. I will read the letter, (it is no forgery. You all know Mr. Ramanathan's hand-writing.) He wrote to the Colonial Secretary :—"Upon my representation to the Governor that the two Bills in question might be advantageously taken charge of by Mr. Lee who had long acted as Registrar-General, His Excellency requested me personally to hand

over the papers to Mr. Lee in case he is in agreement with the principles of the Bills. I conferred with Mr. Lee and he has expressed to me his agreement with the principles of the Bills and has undertaken to move them in Council."

Now, I will ask your Excellency whether when the Hon. the Attorney-General asked your Excellency to allow me to take charge of these two Bills, he told your Excellency he disapproved of the principles of them. Is it not the natural inference from this letter that the Hon. the Attorney-General approved of the principle of these Bills?

The Hon. P. COOMARASWAMY:—Not at all.

The Hon. the Acting TREASURER (continuing):—I submit that is the inference. But the matter as regards the Registrar-General is far beyond inference. I hold here in my hand a memorandum signed by Mr. Arunachalam, the Registrar-General, the brother of the gentleman opposite (the Hon. the Representative of the Tamils) in which he says:—"The law being uncertain as to whether Registration is essential to a marriage and as to what constitutes marriage in Ceylon, except among Kandyans, and such uncertainty being most prejudicial to the public interests, it is proposed to attain certainty and simplicity by making registration essential." And therefore he drafted this Ordinance, not by Your Excellency's orders, but because he thinks the existing law uncertain, and he pressed that point on Your Excellency and he declared that registration was essential. I leave it to the Council to say on whom the charge of untruthfulness rests. Having disposed of the personal matter I will now proceed to deal with the question of registration. The Hon. the Tamil member, supported by the member for the Sinhalese, who appears, from what conferences I have had with him to have vacillated considerably with regard to this question, has moved the rejection of the whole principle of this Bill. There is no other principle in the Bill but the principle of the registration of marriages. I shall first deal with the question on general principles. Up to the year 1863 registration was undoubtedly compulsory, and the register was the best evidence of the existence of marriage. In 1863, Sir Charles McCarthy, himself a Roman Catholic, connected by close blood-ties into the highest Roman Catholic dignitary in the Empire —Cardinal Wiseman, wrote to the Duke of Newcastle, the then Secretary of State suggesting that there should be civil registration. He suggested that there should be the principle which is now governing this Bill, viz., that there should be a notice anticipating the solemnisation and that after the religious solemnisation of marriage there should be a register as a record of that solemnisation. Sir Charles McCarthy writing to the Duke of Newcastle on 16th May 1859, remarked on the "unreasonable pretentions" of the Roman Catholic Bishop (mark you this is a Roman Catholic himself writing), who claimed for the Catholic Church, "for herself alone, all legislative, executive, and judicial power in what constitutes the essential validity of the marriages of her children." He condemned that claim and pointed out that the only safe way to deal with marriage was to make it a civil contract. That dispatch went to the Secretary of State, and the Duke of Newcastle, in reply, laid down that the ceremony should be preceded by proper notice, and should be followed by registration, and it was upon that principle, that ordinance 13 of 1863 came before the Legislature. I have been told that I have misquoted the law as it is represented in certain reports of the Supreme Court. I have been told that judgments of the Supreme Court are in every way practically reconcileable. I don't know whether they are and I really don't care. All I know is, that one decision says this is one thing and the other says the thing is the other way. If these things are reconciliable very well; but it does not affect my argument in the smallest degree. I propose to show to this Council what were the principles that directed the Legislature when the Ordinance of 1863 was passed. It would have been easy enough for the Hon. member opposite (the Hon. P. Coomaraswamy) to have discovered this for himself; but I will tell him. The Sub-Committee, to which the Ordinance of 1863 was referred, reported "all that the Ordinance will require is compliance with the simple requirements of notice before the marriage, performance of the ceremony at a public place, and registration afterwards;—all of which it ought to be the true object of a marriage law in any country to secure." Now, sir, this is absolutely and entirely what Your Excellency's Government is now contending for—and by whom is that report signed? By Sir Richard Morgan, by the greatest lawyers whom Ceylon has ever seen: Mr. Lorenz, Sir Henry Dias the Pusine Justice,—and Mr. George Wall than whom no one was more solicitous for the rights of the people. This report was signed by these three gentlemen and they insisted that registration was necessary. When that ordinance (No. 13) was sent home to the Secretary of State it was accompanied by certain despatches from Mr. Dyke, who was then Government Agent for the Northern Province, popularly called "the Rajah of the North," a gentleman who was more solicitous for the rights of the Tamil people than they were themselves. He was more Tamil than the Tamils, and, naturally, as having presided over and governed the Northern Province for so long, he had the very greatest influence with the English Government on all matters affecting the people whom he loved and over whom he ruled with such affection and discretion. His despatches went home to the Secretary of State and the Secretary of State gave them that attention which they deserved; and he sent out orders that the rights of the Hindus were to be preserved in this way:—that their religious rites were to be in no way interfered with, nor were they to be compelled to produce their ladies in public, and, that some provision should be made for the registration of marriage without offending their prejudices. In obedience to this direction of the Secretary of State the Ordinance No. 18 of 1865, incorporated in the present act, was passed, which allowed Tamils the right to be registered in their own houses, by their own registrar. This, as I have said, was passed in answer to native protest and it was taken at the time as being sufficient to meet the wishes of the Hindu people. Now, sir, I owe it to the extraordinary knowledge of the documents in the presses of the public offices of this colony, possessed by the late Auditor-General, Mr. Swettenham, that I have been able to lay my hand upon a letter from Sir P. Muttu Coomaraswamy the uncle of the gentleman opposite (the Hon. the Representative of the Tamils) who was the Representative of the Tamils at the time he wrote. I have been able to lay my hand upon the letter from him and I have been able to bring to bear upon this question, not only the evidence of the living, but the evidence of the dead. I will read

what Sir Muttu Coomaraswamy says in answer to Sir Richard Morgan. All these papers were forwarded to Sir Muttu Coomaraswamy by Sir Richard Morgan and in pointing out that it was necessary then to give way to the prejudice of the Tamils he writes :—"These very Tamils, say two or three or four decades hence, would wonder how they or their ancestors could have had the egregious folly of resisting such a wholesome provision as yours, of making a public ceremony of such an important event as marriage in a person's life, and thereby avoiding all subsequent difficulty as to its proof." In approving the Ordinance of 1865 Sir Muttu Coomaraswamy condemns the "egregious folly" of his descendants. He wrote in 1865. Three of the four decades have passed and his descendants are still guilty of the same egregious folly! That is the evidence of the past. I will now proceed to adduce the evidence of the present. One would believe from the manner the case was presented to the Council by the Hon. member (the Hon. member for the Tamils) that he spoke the unanimous wish of the Hindus. I will not go to the Government Agent of the Northern Province, or any headman, or any other authority but I will go to the Hon. Member's own authority. I will go to that very respectable and learned gentleman the pseudo-editor of the "Hindu Organ" (Mr. Nagalingam) and read you what Mr. Nagalingam, the advocate writes :—He writes :—"I must honestly tell you that the Hindus are not unanimous here in holding that registration should not be compulsory. We are all aware of the advantage of having an official record of the marriage as you say. But there are other matters, the consideration of which induced me and many others to support the action of Mr. Coomaraswamy."

The Hon. the Acting TREASURER (continuing) :—This is my friend's own witness. I leave it to him, as a lawyer, to judge of the value of that evidence. I will read further the evidence of one of the most respected and respectable members of the Tamil Community, who happens—I suppose that will be rather against him—to be a Christian. And what he says is this : He says as to the practice of registration :—"I believe registration of marriages has been general among Hindus in the Northern Province up to now. Registration is not so distasteful to Hindus as to render it necessary that Hindus should be exempted from a law rendering registration compulsory. The sense of the Hindu community is in favor of registration. They know that by doing away with registration, their children shall be liable to be bastardised.—I dare say, from what I know of the people here, that in almost every case of claim by inheritance, paternity will be put in issue in the absence of registration." That is the testimony of one of the oldest lawyers in the Northern Province, and I believe he is the Father of the Proctors in Jaffna. I will now read the opinion of the Government Agent for the Northern Province : "I have made enquiries through the chief headmen and by personal communication with the people. I have everywhere found a very strong feeling in favour of compulsory registration. That registration shall be the only proof of marriage. It was said to me more than once 'We do not want to be at the mercy of lying witnesses. We want registration'. That is the Government Agent for the Northern Province, speaking as Mr. Dyke did on behalf of the people, having, perhaps, not the same experience, but having spent the better part of a quarter of a century working for the people of the north. That is the case of the Government as regards the Hindus. We have heard something about the Roman Catholics. I am very sorry there is any issue of fact between his Grace the Archbishop of Colombo and myself. I told him as I told the Vicar-General that I absolutely declined to enter upon the question of the advisability or otherwise of registration. I said that was the whole of the Bill ; take away registration and you may pitch the whole Bill into the fire, so far as I am concerned. His Grace said he quite admitted that it was so in 1863 when the same question was raised. They were told the same thing in England. My memory is not in the slightest degree doubtful on the point. But if I have awakened a voice from the dead to speak against the errors of the Hindu contention, I shall awake another voice from the dead to speak against the errors of the Roman Catholics. There was no one, sir, who was more beloved by his own people,—there was no one who held a more prominent position among the Roman Catholics and who was honoured by the Pope—he was Chevalier of some religious order—than the Hon. Mr. James Van Langenberg. Speaking on the Muhammedan Marriage Bill he has left behind him evidence which I shall now produce against his co-religionists :—"If there was any reason in the objection urged, an exception might have been taken to the measure as an infringement of the religious right. I say that, as a Roman Catholic. I should have supported the objection, for we are tender of any encroachment in that direction. Marriage among Catholics is a sacrament, but though, for the free administration of civil rights, marriage in the hands of the Legislature has degenerated into a simple civil contract, yet its registration for civil purposes has never been objected to. If members of the Catholic communion do not object to their marriages being registered, such registration to be the best proof of the marriage, I cannot understand what ground of objection there can be on the part of the Moors ; even if there were good reason in the objection it should not be entertained. It is to me unintelligible that the mere record of an existing fact, for registration amounts to no more than that, should be declared an interference with religious convictions and scruples. Let the religious ceremonies be performed on the occasion of every marriage, as the parties wish or desire, in the presence of, and by the person by Church law authorised to do so ; and, that being done, the law intervenes and requires that the fact of the marriage which has taken place should be registered. I don't see how this interferes with religious rights. They have not, in my opinion, been in the slightest degree assailed." This was the opinion of a leading member of the Bar and a leading member of the Roman Catholic community. There is another point of which my Hon. friend (H. E. the Lieut.-Governor) has reminded me, and that is that in all of the most Roman Catholic countries the religious ceremony is nothing whatever. It is always the civil ceremony which is the only proof of marriage in France and the marriages must be before the *Maire*. In Italy the State refuses to recognise religious marriages ; in Austria-Hungary, there has been what produced almost a revolution on account of the interference of the Roman Catholic delegate as regards the marriage law. I have no more to say upon this subject. I am perfectly convinced—I am not speaking for an idea—that registration is necessary. I am perfectly convinced that registration has been practised from 1822 up to the time when the minds of the people were disturbed by judgments

of the Supreme Court. That the lawyers should have taken advantage of this judgment in intensifying the doubts regarding the marriage law is probable, but registration has been the practice; and the intention of the Legislature cannot be denied. There is another point. The Hon. member who represents the Planting interest, referred to the influence that registration would have upon Tamil cooly immigrants. I am quite with him on that point. I quite agree that upon these persons, who are strangers to this island, we are not entitled to impose a law which might work injuriously. That was the principle which governed the Secretary of State when he allowed an amendment to the Muhammedan Marriage Ordinance. The papers were referred to the India Office and it was because of the solicitude of the India Office for these Muhammedan people resident, temporarily in Ceylon, that the amendment was introduced into the Muhammedan Marriage Law. I am prepared when the proper time comes to introduce such an amendment into this section as shall exempt the Tamil cooly immigrants from the operation of this order.

H. E. the GOVERNOR :—The question is:—in lieu of the words "From the date when this Ordinance shall come into operation no marriage shall be valid" to substitute the marginal alteration "no marriage contracted after this Ordinance comes into operation shall be valid."

The Hon. P. COOMARASWAMY challenged a division, the motion being carried by 11 votes to 1.

The Clerk was about to proceed when

The Hon. A. DE A. SENEVIRATNE interposed and said the whole clause had not been passed.

The TREASURER :—I read the whole thing as one section.

The Hon. A. DE A. SENEVIRATNE :—If that is the case I voted under a misapprehension. I understood that the motion was only for the insertion of these words on the margin in lieu of the words in brackets.

The Hon. the Acting TREASURER :—To put the matter beyond a doubt I will move the approval of the section which now stands thus :—"No marriage contracted after this Ordinance comes into operation shall be valid unless it shall have been duly solemnised by a minister or a registrar and registered in manner and form as is hereinafter provided."

HIS EXCELLENCY then put the question to Council as proposed by the Hon. the Acting Treasurer. On a division the motion was carried by 10 to 2 there voting:—

Ayes 10.	*Noes 2.*
The Hon. M. C. Abdul Rahiman	The Hon. A. De A. Seneviratne
„ W. W. Mitchell	The Hon. P. Coomaraswamy
„ G. F. Walker	
The Hon. the Government Agent, W P	
The „ Government Agent, C P	
The „ Acting Treasurer	
The „ Attorney-General	
The „ Auditor-General	
H.E. the Lieutenant-Governor	
H.E. the Major-General	

The Hon. P. COOMARASWAMY :—Before we go on to clause 16, I wish to draw the attention of members of this Council to a proviso that appears in this Bill in the new clause No. 15 which is as follows :—"Provided that nothing herein contained shall be construed to render invalid, merely by reason of its not having been registered, any marriage between persons professing the Hindu religion, or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage." I think the Council will remember that this Bill was referred in the first instance to a Sub-Committee consisting of 8 members. The report of the Committee was laid on the table in due time and a clause in the report is "a majority of the Sub-Committee is in favour of the adoption of a provision to make registration optional with persons professing the Hindu religion." Of this Committee, 5 were officials and 3 only were unofficials. In asking that this clause should stand, I need not say much because what I have to say I have already stated in this connection, but I would, with your Excellency's permission, refer to the remarks made by my hon. friend the Treasurer. First of all he stated, I charged him with being guilty of falsehood; I need not assure this Council that I did not do so nor had I any intention of doing so. Had my Hon. friend a wider experience of public meetings, he would know that your Excellency; as President of this Council, would have stopped me at once, if I had intended any such thing as this. It is not usual in an assembly of gentlemen to hear such words as these. All that I said was that his statements were inaccurate and not consistent with facts. Inaccuracy of statements or a statement not consistent with facts does not imply that the person making the statement is a liar. This is of a piece with the other things which are due to my Hon. friend's inability to draw proper conclusions from premises. If a man is unable to draw proper conclusions, that is not my fault. I am very sorry my friend the Treasurer should have been under the impression that I charged him with falsehood. I can assure every member of this Council it was far from my intention to charge him with falsehood. I am sorry for the sake of my friend the Hon. the Treasurer that he should have alluded to it in such a way as that. My friend (the Hon. the Treasurer) has acted the part of a resurrectionist and got bodies out of their burial ground to prove his statements. Like most ghosts they have proved absolutely nothing. Sir Muttu Coomaraswamy's statement simply proves he was entirely in agreement with me.

The Hon. the Acting TREASURER :—It proved he approved of the Muhammadan Ordinance of 1865.

The Hon. P. COOMARASWAMY :—It proves that myself and my Hon. friend, the Representative of the Sinhalese are in perfect accord with Sir Muttu Coomaraswamy that, in time, a proper thing would be to insist on registration. No sensible man would ever gainsay that, but the question is—is the present time with the present people suitable?

H. E. the GOVERNOR :—It seems to me that the Hon. the Tamil member is departing from the subject on hand which is the 14th Clause of the Bill.

The Hon. P. COOMARASWAMY :—If Your Excellency will pardon me; it is a fact that the Hindus—

H. E. the GOVERNOR :—I must request the Hon. the Tamil member to deal with the subject of the clause.

The Hon. P. COOMARASWAMY :—I bow to Your Excellency's decision. As I am not in order in trying to meet the arguments of my Hon. friend I have nothing further to say than what I have already said. I therefore move that the words "or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage" be omitted, and the words "not domiciled or domiciled in this island" be substituted.

The Hon. the Acting TREASURER :—I have exhausted everything I have to say. I will accept the amendment of the Hon. member to a certain extent. I move the omission from the Hon.

member's amendment of all the words subsequent to the words "professing the Hindu religion" and the insertion of the words and "not domiciled in the Island."

The Hon. A. DE A. SENEVIRATNE :—Sir, I ask if that is in order. I should like to know which amendment is under discussion so that I may speak on one.

H. E. the GOVERNOR :—The proviso to which the Hon. the Tamil member spoke must be regarded as a motion before the house.

The Hon. A. De A. SENEVIRATNE :—I should like to express my views with regard to the proviso. I have already stated that inasmuch as two large sections of the community desire that registration should not be made compulsory that I was prepared to support the motion for the withdrawal of that Clause, but the Clause having been carried I do not think I can support the present motion, that a certain exception should be made in favour of one section of the community and that certain privileges should be granted to Hindus which are withheld from Christians. It would be accentuating the principle that has already been wrongfully adopted in one Ordinance—the Muhammedan Registration Ordinance—of granting certain privileges to one Section of the community which are withheld from others. On that ground and on that ground alone I am opposed to the motion that has been made.

The Hon. GILES F. WALKER :—I presume that the amendment proposed by the Treasurer is before Council and I support it. I supported the Hon. the Tamil Representative in the original Sub-Committee chiefly with reference to the condition of the non-domiciled coolies on estates and partly because I felt (which I do not now,) that there was a strong feeling against legistration on the part of the Hindus. The facts brought out today and the arguments that have been adduced have very considerably modified my views on the question and as I feel certain that if the amendment were thrown out the resolution would probably be thrown out too, and because I think it is very desirable in any case that non-domiciled Hindu coolies coming from India should be exempted from this compulsory registration, I support the amendment proposed by the Treasurer.

The Council then divided and the Hon. the Treasurer's amendment was carried unanimously.

The Hon. the P. COOMARASWAMY :—Am I in order in moving that the words "or domiciled in the Island" be inserted after the words "not domiciled." It does not affect the amendment which has been carried.

The Hon. the ATTORNEY-GENERAL :—I think this is out of order. Persons "not domiciled or domiciled" would include all Hindus and the original motion having been carried : that is out of order.

The Hon. P. COOMARASWAMY :—May I ask that my motion be recorded in the minutes of this Council ?

H. E. the GOVERNOR :—I don't think that is the practice.

The Clerk on being referred to replied in the negative and the discussion on the clause terminated.

The reading of the draft Bill was proceeded with but on the suggestion of the Hon P. Coomaraswamy, Council instructed the Clerk to read only the marginal notes.

In clause 18 sub-section 2 it was proposed to omit the words "except a Mohammedan."

The Hon. ABDUL RAHIMAN said he did not think this omission should be made.

The Hon. the ATTORNEY-GENERAL replied that Muhammedans were especially excluded ; the words were superfluous.

The Hon. ABDUL RAHIMAN made a remark to the effect that it would have been preferable to make assurance sure, that the words be left in the clause and the subject dropped.

The Hon. the Acting TREASURER ;—I move that "twelve" be inserted in place of "twenty one" (clause 26 "publication of notice" sub-section 2.) This reduction in the number of days from 21 to 12 is made in obedience to the wish of the Roman Catholic clergymen and the Roman Catholic people.

The Hon. A. DE A. SENEVIRATNE :—With regard to section 26, I think it was agreed in Committee that sub-section 3 should be altered somewhat.

The Hon. the Acting TREASURER:—I have already altered it to read as follows. I move that sub-section 3 be made to read :—"If the parties to the intended marriage shall have given notice to different registrars under section 24, each registrar shall, upon receipt of the notice, forward a copy thereof to the other registrar and give a certified copy thereof to the party giving such notice." We simply maintain the present law which directs the exchange of notices. It is exactly what was agreed. The giving of a copy of the notice to the person who gives it is done to supply any omission or repair any carelessness on the part of the registrar. It is simply as an extra safeguard.

The Hon. A. DE. A. SENEVIRATNE.—It is not printed in the margin.

The Hon. the Acting TREASURER :—I know; it is simply as omission.

In clause 34, The Hon. the Acting TREASURER said—It will be almost impossible to keep books in the registered buildings. Many of these places are at times in charge of the beasts of the forest and there is no one to take charge of the books. It is therefore safer that the records should be in the hands of the ministers.

The Hon. the Acting. TREASURER (referring to clause 35):—It has been represented to me that 24 hours is too short a time for the minister to perform the duty imposed on him of transferring the duplicate of his record to the registrar. I move "within seven days" be substituted.

Agreed.

The Hon. the Acting TREASURER dealing with clause 40—which provides for the solemnization of marriage by a minister or registrar under secial license, said the 3rd sub-section provides that a minister or the parties to the marriage shall have the right to require the Provincial Registrar the Assistant Provincial Registrar, or the Registrar-General to sanction the solemnization of a marriage otherwise than in the registered place and at the specified hours. It has not been thought necessary to prescribe any fee because the minister is not a public official, and he would doubtless receive some satisfactory remuneration for performing the duty required of him. He might fix it by arrangement.

Clause 42 dealing with death-bed marriage next engaged the attention of Council.

The Hon. the Acting TREASURER :—Death-bed marriages are a question upon which Roman Catholics feel deeply. I have been over this section with Father Collin and I think I am justified in saying that he has approved of this section. He moved that the clause be amended

to read in accordance with the marginal alterations.

Agreed.

In section 54 the Hon. the Acting Treasurer moved the omission of the words "*and be liable to punishment with imprisonment, simple or rigorous*" and in place thereof the insertion of the words *punishable with simple or rigorous imprisonment*" and also of the phrase "*and further to be detained in jail until he shall have delivered the same or until satisfaction shall have been given in respect thereof to the Registrar General.* In place of this latter proviso he moved the insertion of the words:—"*not exceeding one thousand rupees.*" The hon. gentleman said:—the reason for these alterations is that it has occurred to Government that if we gave power to the Registrar-General to keep a man in jail until he was satisfied he might never be satisfied and keep him there for life.

Agreed.

The Hon. A. DE A. SENEVIRATNE:—(Speaking with reference to Clause 58 "Offences by Ministers") said:—I don't know if there is any necessity for making a special clause when the general clause would be sufficient, and without causing the offence which might be occasioned by mentioning ministers specially by name. They would be punishable equally with Registrars.

The Hon. the Acting TREASURER:—This point was pressed upon me by His Grace, and I told him that the section was intended for the punishment of evil-doers and that it was impossible as a matter of draughtsmanship to accede to his wishes.

The Hon. A. DE A. SENEVIRATNE:—The penalty is different in the case of ministers, it is R200 and in the case of a Registrar it is R100.

The Hon. the Acting TREASURER:—I have no objection to reducing it.

Agreed.

The Hon. the Acting TREASURER:—The fee for entering notice of a marriage was to be 50 cents and the issue of a certificate of marriage was to be 50 cents. The fees in each case having been reduced to 25 cents.

Agreed.

At this stage the Hon. P. COOMARASWAMY said:—Sir, I give notice that at next meeting of Council I shall hand in a protest against the Bill.

The Hon. the Acting TREASURER:—I move that the Bill be now referred to the Law Officers of the Crown and I beg to give notice, I shall move the third reading of this Bill at next meeting of Council.

His Excellency the LIEUT.-GOVERNOR:—Sir, I beg leave to move that "An Ordinance to continue in force the Wharf and Warehouse Ordinance 1876" be read a second time.

Ordinance read a second time.

H. E. The Lieut.-GOVERNOR: I beg to move that this Council adjourn till 10th July at 3 p. m.

Agreed.

Council rose at 5·30.

(JULY, 10th 1895.)

THE ARRACK QUESTION.

Council resumed its sittings today. Present:—His Excellency Sir Arthur Elibank Havelock, G.C.M.G., the Governor, who occupied the chair; H.E. Sir E. Noel Walker, K.C.M.G., Lieut.-Governor; H.E. Major-General Clive Justice, C.M.G., Commander of the Forces; The Hons. W. T. Taylor, C.M.G., Auditor-General; C. P. Layard, Attorney-General; A. R. Dawson Government Agent, W. P.; L. F. Lee, Acting Treasurer; R. Reid, Principal Collector of Customs; R. K. MacBride, C.M.G., Director of Public Works; W. W. Mitchell, C.M.G., Mercantile Representative; A. de A. Seneviratne, Lowcountry Sinhalese Representative; W. Ellawala, Kandyan Representative; M. C. Abdul Rahiman, Muhammedan Representative; and P. Coomaraswamy, Tamil Representative.

H.E. the GOVERNOR:—The clerk will read the minutes of last meeting. Minutes read.

H.E. the GOVERNOR:—The question is that these minutes be confirmed. Minutes confirmed.

A Notice of Motion.

The Hon. W. W. MITCHELL:—I beg to give notice that at next meeting of Council I shall ask for a return of arrack distillery licenses issued in each separate province for the last twenty years, also for a return showing the amounts the arrack rents had sold for in each separate province for each of the last twenty years

PRICE OF ARRACK.

The Hon. W. W. MITCHELL:—Sir, in terms of notice, I ask.

"That the Government would fix by legal enactment the maximum price at which distillers may sell arrack, in the same manner as the retail price of arrack is now fixed, and to move for papers."

My reason for asking this question is in order to ascertain if it is considered that by fixing the maximum selling price of arrack, combinations to depress rents may be defeated. Distillers,—as members of this Council hardly need to be told,—are very much under the thumb of the renters, and the renters practically have the fixing in their own hands of the price at which arrack may be sold wholesale by distillers. They made advances to distillers and in that way get the control over these distilling establishments. The normal price of arrack may be said to be somewhere between R95 and R120 per leaguer. Shortly before the sales of rents the prices of arrack are systematically and fictitiously raised—not because of scarcity, I believe, but to deter others from offering for the rents,—men who are not in the syndicate and men of smaller capital who otherwise would come forward and offer to buy the rents. The rents for the Colombo District for 1894-95 were sold for I believe R700,000. A short time ago the renters combined and as usual raised the price of arrack, and when the rents for 1895-6 were put up, a price, I think of R587,000 was offered and refused. Shortly afterwards a sum, I think of R550,000 was offered and that was likewise refused. Then, without publicly notifying that offers would be received for a period of three years, a sum was accepted for a period of three years equal to R550,000 a year which was a difference of about R150,000 a year less than the rents last year were sold for. This proceeding seems to me to be an extraordinary one, and I would like to hear what justification there is for it. There may have been a reason for Government accepting such a reduction and, if so, I would be glad to know what these reasons were. The people were prosperous and the population had increased, and the arrack rents, one would think, ought not to be decreasing. It is said that one cause for the high price of arrack is because of the reduction of the number of licenses. I have not had any access to any reliable record of the number of licenses that have been issued for years back, and therefore I have given notice of motion for a return to be presented, but a printed statement in a newspaper* came into my

* *The Ceylon Observer.*

hands sometime ago from which it appeared that in 1887 the number of licenses for distillers was 330, and in 1893 that number had been reduced to 125. I don't know how far that is correct, but the return I have called for will, of course, set that at rest. Government, on the other hand, say that they have not decreased the number of licenses,—in fact a number that were issued in 1893-94 were not returned and no application was made for the renewal of them in the past year. Most of the distilling is done I believe, in the Kalutara District, and a certain proportion in the Galle district. From investigations I have made, I am told that this year there are 127 distilleries in the Kalutara district, and I am told that the total quantity of arrack required for the consumption of the whole Island is 6,500 leaguers, and that of this quantity 6,000 leaguers are produced in the Kalutara District. With regard to the cost of production, I have caused inquires to be made and private information I have received I believe is reliable. The cost of production of that arrack may be taken to be very much as follows :—for 190,500 coconut trees at R1 per tree R190,500 ; for coolie labour in connection with distilleries about R127,000 ; for firewood R35,100 ; for licences R12,700 ; for the cost of coir ropes, pots &c., R101,600 and for the portion of the share given to the toddy drawer —¼ of the selling price—R180,000 making a total of R649,900. This is as nearly as possible R108 per leaguer, that I understand, being the cost of production of arrack. Now, if that arrack were sold at R120 per leaguer, which was a very common price,—in fact, more than the normal price,—each distiller would then have a clear annual profit of R570, after paying all charges. This year the wholesale price has been raised as high as R200. That amount has been paid freely and frequently and it has been said it has been as high as R220. That I am not quite sure of, but in regard to the price of R200 per leaguer there can be no question. Immediately after the rents were sold, the price dropped to R160 a leaguer whilst today the price is stated to be R180. I cannot help thinking if Government were to fix the maximum price at which distillers may sell, and in the issuing of licenses were to stipulate that Government were to have the preference in buying at the market price, but not over the maximum price, the maximum might be fixed at R150, and in that case distillers would receive a very large profit and it would be no hardship if it was so fixed, seeing that it can be produced for about R108. So far as I am able to judge, this ought to prevent combination and result in better offers for the rents. The remedy proposed by the commission of 1886 was to reduce the area of the arrack farms. The Commissioners stated in that report as follows :—

> It has been stated to the Commissions that these combinations, the recurrence of which is, as already observed, one of the strongest objections to the renting system, would be less liable to give trouble if the area of farms were reduced; and we commend this to the Executive Government as a matter well worthy of consideration.

I don't think any step to bring this about has ever been taken. Consequently, the smaller capitalists are still prevented from coming forward. They are excluded from the ring and the Government are the sufferers. I do not know whether doing away with the present system and introducing an excise to collect revenue at the distilleries, as was urged by the late Auditor-General Mr. Ravenscroft and the late Mr. Alwis whether that is desirable or whether the Gothenberg system, or that which Sir Charles Pritchard has reported upon in the Bombay Presidency should be tried, are questions I shall not enter upon as I wish to have fuller information before doing so. I hope in the meantime Government will be prepared to try, by imposing a maximum selling rate, what result it will have in preventing combinations and what the result will be on the sales of rents next year,—on those that have not been sold for three years. My desire is, first, to see there is no loss of revenue, and also to make arrack more costly to the consumer, and less easy to get illicitly than at present and so to diminish crime because drinking is, I may say, the prime cause of most of the crime in the country.

THE DISTILLER AND THE RENTER.

The Hon. A. DE A. SENEVIRATNE :—Sir, I beg to second the motion for papers on this subject. I cannot express an opinion as to the desirability of fixing the maximum price at which distillers may sell arrack, but it appears to me that as the price is fixed for the retail sale of arrack, it is only right that the price should be fixed for the wholesale distribution as well. The mistake, I think, that has been made hitherto is that of placing distillers quite under the control of the renter. If the distiller were licensed independently of the renter, I think Government will have a greater hold on the renter. Now the wholesale price of arrack is practically governed by the will of the renter. The renter advances money to the distiller, and the distiller makes an agreement with him (with the renter) to sell to him arrack at the renter's own price. Therefore, if this combination between the distiller and the renter can be put an end to, I think the revenue will derive great benefit by it. The Government Agent, I think, will have a better control, and he will be able, by means of his own officers, to prevent breaches of the law by distillers. At present a license has to be obtained from the renter for drawing toddy from a coconut tree, even for the purpose of making "hoppers" in the morning, not for distilling purposes. If people wish to draw toddy, as they are obliged to do in Colombo, for each tree, they have to get a license from the renter and therefore the renter must be making large profits out of this ; and I very much doubt if distillers make such large profits as they are supposed to.

NECESSARY TO KEEP THE PRICE UP.

The Hon. M. C. ABDUL RAHIMAN :—Sir, in supporting the motion, I wish to say that a change is necessary in the present system of renting. The longer term of renting is a wise policy, if the authorities could rely upon the renters to fulfil their engagements. By it, the renters themselves save a considerable amount of money paid for appraisement, etc. of the securities tendered by the renters. The distilleries and taverns are very much lessened. The import duty on foreign liquors has been increased, and the locally distilled arrack is untouched. It remained without any increase in excise duty, which would be fair in order to keep the price of arrack higher.

THE G. A., W. P., REPLIES.

The Hon. the GOVERNMENT AGENT for the Western Province (Mr. Dawson) :—I ought, sir, to offer a few remarks on the question which has been raised by the Hon. Member who represents the Mercantile Community,—in the first place in respect to the offer of R587,000 which was made to me for the Colombo Rents for 1895-6. At the time the offer was made I did not consider it sufficient—nor do I consider now that it

was sufficient I considered when the offer was made subsequently that R550,000 a year for three years with ample cash security, was a better offer in the Government interest, and that offer I had the honour to submit to Your Excellency for approval and it was approved. I have here a table showing the amount that has been recovered from this source of revenue from 1865 to date, and looking through that long range of years I find that the rents have sold for 1895-6 in the 9th order of amount. The figures are curious. It is impossible to account for the variations. I have done my best to discover why the amount for the rents should rise and fall in the peculiar manner it does, but I have not succeeded. It certainly has nothing whatever to do with distillery licenses. The money we are to receive from 1895-6 is R931,200 for the Western Province. It is quite true that last year the rents fetched the very large sum of R1,166,000, the largest sum they ever fetched, but whether the renters made a large profit or not, I do not know. The previous year the rents sold for R886,000 which was considerably less than the amount they sold for this year, and taking the average of six years I found that about R900,000 is the average amount that Government has derived from that source. I think, therefore, that the amount Government have accepted for the rents for 1895-96 is a very fair amount, and it might have been larger in my opinion—I don't know that it will be shared by others—it might have been larger if in selling it, I had not been slightly hampered by being ordered not to accept tenders for the rents in the first instance. At a conference of Government Agents held during my absence in England, it was resolved that it was better to expose the rents in Public Auction in the first instance and not ask for tenders. I thought that was a mistake, and I am now sure it was a mistake, and that it was that, if anything, which led to my receiving, perhaps, less than I expected to receive for the rents of 1895-6. The mistake was remedied afterwards and I was authorised to call for tenders and in calling for tenders I received the tender which has been accepted. Had I called for tenders in the first instance I should have received more. The Hon. gentleman (the Representative of the Mercantile interest) has endeavoured to connect the issue of distillery licenses with the profits of renters. I believe, in the Southern Province, that might be successfully advanced, but in this Province I do not think that the persons who hold distillery licenses are as much under the thumb of the renter as is generally supposed. It is said that the holders of distillery licenses get advances from the renter. Possibly they do, but there are a great many others who hold distillery licenses independently of the renters. That the amount which Government derives from the arrack rents has been influenced by the number of distillery licenses issued, I cannot say has come home to me. This return which I hold in my hand is very peculiar. The largest rent we ever received was last year—R1,166,000—when there were only 119 distillery licenses issued; in 1895-6 the rents brought R931,000 with 131 licenses; in 1893 with 133 licenses the rents fetched only R886,000; in 1892 124 licenses were issued, the rent being sold for R1,037,000. I will go back to 1880 when there were 179 licenses issued and the rents fetched only R780,000. It is quite true that in 1887, when there were 240 licenses, the rents fetched over one million, but I have been quite unable to connect the number of distillery licenses in operation in any one year with the revenue resulting from the output. I would ask anybody to look at that return and try to establish any connection that is worthy of consideration. They cannot do it. As to the produce of the distilleries, it is a perfect impossibility to discover what it is. A return is issued from the distilleries by the person who holds the license. There are no means of checking the accuracy of this return. The man tells me he has so much arrack in the "go-down," so much distilled and so much left at the end of the week, but I have no staff, I have no possible opportunity of checking what that man says. I receive a return tabulated and which I keep for reference when wanted, but as for a return showing the produce at the present moment it is perfectly impossible to tell with any accuracy, and as to the cost of the production of arrack I don't know where the Hon. gentleman got his figures as to that. It has always been considered that arrack is produced at an extremely cheap rate. I have seen it stated as low as 50 cents per gallon. I cannot believe it. I have been in many distilleries, I have examined their books, I have watched the process, and that arrack can be produced at 50 cents the gallon I do not believe. It costs four times that amount. As to the fixing of the price of arrack at the distilleries by Government, that is a matter of general policy which has already been reported upon by many officers with greater experience than myself and of greater ability, and their reports will be found in the voluminous papers that have been written on this subject from time to time. The Hon. gentleman who represents the Sinhalese made a remark that he thought the Government Agent ought to put in force the provisions of the law more effectually in respect of the arrack traffic. I would ask the Hon. member If he would specify in what particular the Government Agent is not putting in force the provisions of the law. So far as I am aware, in this district, the provisions of the law are being put fully in force in every respect.

AN EXPLANATION.

The Hon. A. DE A. SENEVIRATNE :—Sir, I am afraid that I have been misunderstood. I had no intention of charging the Government Agent of any neglect of duty and I only said if, instead of the renters having supervision over distilleries, the Government Agent had direct control, that any breaches of the law would more easily be punished.

WHAT THE G. A., W. P. HAS DONE.

The Hon. the GOVERNMENT AGENT for the Western Province (continuing):—The question of combination amongst renters is a matter that perhaps is not within my province to say much about, but I may offer the opinion that the only way to combat such combination is by lessening the area for which one man is sold the monopoly of selling arrack. I don't think it can be met in any other way. The area is perhaps too large and that is why the Colombo rent is such a speculative concern. It requires a great deal of capital to work and while that is the case it is necessary that more than one person —more than 10 persons perhaps—should join in order to buy the Government monopoly and to work the rent. The question of lessening the areas of the arrack rents has also been before the Government and reported upon many and many a time, and possibly if there is any further inquiry to be made, that is, in my opinion, the one point which is most worthy of consideration in respect of this question. Why the question should have arisen at all, I am

not aware. I consider that the amount which the Government have got from the rent this year is a very fair one as I have already stated. I consider that the position of Government in respect of the arrack business generally, and the arrack renters generally, is a very good one. I may perhaps be permitted to state for the information of the Council, in support of that position, that when I first entered the Government Kachcheri there were many arrack renters in jail as crown debtors and there was a large sum overdue to Government unrecovered. The amount that has been written off as unrecovered since 1866 is very large indeed. I have a statement here, but I prefer not to submit it which shows the number of prisoners who have been incarcerated on account of their default as civil debtors to the Crown from the same date. The number is also very large. That ended in the year 1890—the year I assumed duty as Government Agent. Since that date the number of crown debtors who have been imprisoned is *nil*. The amount that has been written off as irrecoverable on account of these rents is *nil*, and I have had not one case in the District Court or elsewhere in suit of money due to the Crown by a defaulting renter. I make that statement, not by any means, with the object of belauding myself—I am past that— but I make it simply with the object of showing Your Excellency and members of Council that the state of this arrack question is not such as to justify in my opinion the motion now laid before the Council.

OTHER VIEWS.

H.E. the LIEUTENANT-GOVERNOR :—Sir, as this question has been addressed to the Government specially, I do not wish to leave altogether to the Hon. the Government Agent for the Western Province the responsibility of replying to it, though from his longer experience of the Colony, and from the special character of his duties, he is better qualified to do so than I can pretend to be. When the Hon. member (the Representative of the Mercantile Interest) some time ago was good enough to tell me of his intention of asking such a question, I offered no opposition and no discouragement. At the time we were in the middle of the competition of this combination referred to today, and I thought that anything that could offer a solution to the—I won't call it difficulty—a solution at that juncture would be desirable and therefore I offered no objection. Since then, like my Hon. friend and others, I have had time and opportunity to give the subject some more consideration, and the conclusion I have arrived at is, that there is neither necessity nor justification for this course. The Hon. member asks whether the wholesale price of arrack from the distiller can be fixed in the same way as is done with the retail price of arrack, I fear that this provision as to the retail price, which we are requested to adopt for the wholesale price, is not very much regarded. As a matter of fact I am informed that in most cases the arrack is sold above the price fixed. But at the same time, it must be very difficult to detect, if detection is required —against the selling of it below the price fixed. I believe in other countries—I don't know whether it is so in Great Britain—but in two Colonies in which I have served—a similar provision of the law exists fixing a minimum price. I have always understood the object of it was to prevent the cheapening of liquor and to restrict its consumption as much as possible. Here, there is an additional reason in the circumstance that the price at which it is sold naturally regulates the price which is paid for the rent and consequently the public revenue. There is therefore here an additional reason for a provision fixing the price for sale by retail. It is a well-intended provision, but to what extent it is respected I am not competent to say, but I know its observance is very much doubted. I understand that the Hon. member throws out this suggestion for a change very much in consequence of the price at which the Colombo arrack rents were sold this year. If we take an average—remember that last year was a bumper year in arrack rents—if we exclude it and take the five preceding years the average is only R508,600. In the same way with the Negombo rents that have been accepted at the rate of R180,000 for the next three years. If the year ending 30th June is eliminated, the average amount is only R175,000, so that what is accepted is an advance on the average we had received. It may be a question whether the Government did well in entering into that agreement for three years. The Government Agent still holds that it was a wise course. I defer from his opinion, sir, and hope that it will prove to be so. There is much to be said on both sides. On one side, the proposition which is raised can be pleaded ; but on the other, there is this advantage —we have secured a rent equal to the average we have received, as the Government Agent pointed out, for many years—going back thirty years—and it saves us—which I consider a material factor—the worry and trouble of the competition and chicanery which goes on very much, due to the arrack rent. In respect of Colombo and Negombo, we will be spared that for the next three years. The Hon. member associated the present alleged high price of arrack with the restrictions in the number of licenses. That, sir, is a fact I have not paid sufficient attention to and I can only repeat what the Goverment Agent has said. As a matter of fact in the Kalutara District in which most of the distilling of the Western Province takes place there were in 1893 133 licenses; in 1894 a similar number of licenses were applied for, one only was refused and one of the remainder failed to take out a license. In the Galle district in 1892 there were 37 licenses; in '93, 42; in '94 29. 4 were refused, it is true, and that in a Province in which no restriction whatever is imposed. I think that shows that the restriction of licenses has nothing whatever to do with the high price and, in connection with the restriction of licenses, it falls to the recollection of Council that while in 1881, when the licenses were raised from R30 to R100, that was done at the instance of the renters themselves and they represented the motives by which the Government Agent has been actuated in making his restrictions—the repression of illicit sale at the distilleries. The renters in asking this reduction—they contemplated a large reduction—actually offered to make good to Government the amount Government might lose by the reduction. The Hon. member (the Representative of the Mercantile community) has stated that the Government has done nothing on the voluminous report which he quoted from. The Council very wisely, I daresay, thought that the arrangement which then existed and still exists is sufficiently good. If there is anything to which the principle of let well alone can be applied, it is to this source of revenue which is one of our principal items of contribution and it affects the masses of the people. The Hon. member who represents the Sinhalese community advocated better supervision over distilleries. I understand the Government Agent for the Western

Province to reply, and I think it a very effective reply, that he had no means at his disposal to exercise such supervision and that is the explanation of the opposition of the Government to changing the system, because, to have an excise system in a country like this would require a very large staff of a description for which it is difficult to find suitable men. As it is we find great difficulty in regard to our police. The Hon. member has referred to the report on Sir Charles Pritchard's *Akbari* system in India. I am not sure I know what the proposals of Sir Charles Pritchard's scheme are, but I have seen it. The effect of it has passed altogether from my recollection; but I rather gather there was nothing in it which made an impression upon me. On the other hand, I remember very well about seven years ago, seeing a most effective defence in the renting system of India by Sir Richard Temple who, I think, was admitted to be one of the most eminent and practical administrators that India ever had. I believe it is the case that our system is equally good with the system in India. The monopoly for the distillation and sale is held by the same person there. With us I think there is considerable advantage in the circumstance that they are held by different people. With these remarks I do not feel I can hold out to the Hon. member any hope that the Government will take measures for fixing the wholesale price of arrack at the distillery. I hardly think it would have the effect which the Hon. member contemplates and I further think the alleged high price of arrack is due to other causes. When the price of arrack had fallen considerably and therefore discouraged the distillation of arrack there was backwardness on the part of the people with regard to applying for distillery licenses. Another reason applicable to the Southern and Western districts is the long drought we have had. Another reason given, and I think it is a reason of some weight, is that the price of coconuts has risen very considerably of late years and that naturally increases the value of all coconut products. There is also another view of the question I have not referred to,—that this would be an interference with the laws of supply and demand, an interference with trade to some extent.

THE QUESTION OF DRUNKENNESS.

The Hon. the Acting TREASURER:—Sir, before the Hon. member rises to reply I would like to ask him if he has considered what would be the effect of placing a low artificial price on arrack. We have heard a great deal recently of the increase of drunkenness in the Island. Surely when the price of the production of arrack has reduced the price of retail, that will increase the consumption which will increase drunkenness.

THE MERCANTILE MEMBER REPLIES.

The Hon. W. W. MITCHELL:—Sir, I have listened attentively to all that has been said in reply. I am very much disappointed, especially with the remarks of the Hon. the Government Agent for the Western Province. He seemed to evade the question at issue altogether. The question is, whether the price at which the distiller may sell might be fixed by Government. His reply was that that was not a question for him to deal with and, he said, the question had been brought up frequently before and dealt with in numerous reports, and that I might very easily obtain access to them. I have read a good deal about the arrack question and nowhere have I come across any mention whatever of any attempt to fix the wholesale price of arrack, at which it might be sold by distillers. I should be very glad therefore to have information put before me at any time by the Government Agent. I cannot find in the reply that any sufficient grounds have been put forward for the approval of the arrangement made about the rents and the bids which were accepted. We are told they are 9th in the order of amount. Why should they have gone down? Rents ought to increase year by year. As I said, the population is increasing, the prosperity of the Island has not met with any check recently and there is no reason at all why these rents should have gone down. It is entirely due to the combination to defraud Government. The question of accepting the tenders for three years without being advertised is passed over. Why were they not advertised in the *Government Gazette* and sought for in the usual way? Many knew nothing about it. Many were unaware that a three years' offer would be entertained. No check, it is admitted, is placed on the distilleries and none on the quality of the arrack. A man may adulterate as much as he likes and may produce inferior arrack which may work great havoc with the people, but no check is placed upon him by Government. I was glad to hear from the Government Agent that he agreed with the recommendation of the Commission, in 1886 to which I referred that the areas of the Colombo rents ought to be reduced so as to admit of putting an end to this "ring"—so that men who have smaller means may come forward and offer for the rents. Otherwise he appeared to be perfectly satisfied with the state of things as they are, and rather treated the whole subject as if nobody knew any thing about it but himself, and he was quite satisfied that there was no occasion for further enquiry. I am told that the retail price is not regarded. Retail prices are very difficult to follow and though they may not be regarded, there is no difficulty in following the price at which the wholesale distiller may sell. Nothing could be simpler to Government. If, as the Hon. the Colonial Secretary said, the wholesale price regulated the trade, why not try to fix the wholesale price and see what the result would be in the next year's rents or in the rents which have not been sold for three years. Several explanations have been tried to be given with regard to the raised price of arrack in the Southern Province. The quantity sold in the Southern Province is only 500 leaguers so that whatever the explanation may be that can hardly be said to have exerted its influence to raise the price of arrack nearly 100 per cent. I don't see, that the price at which distillers might be required to sell arrack, if it were kept at a reasonable figure so as to give a reasonable profit, would contribute to, or increase drunkenness, as has been suggested by my Hon. friend the Acting Treasurer. It must be remembered that this high price is a fictitious price and only lasts a comparatively short period of each year—just before the rents are offered for sale. I am sorry Government cannot accede to the proposal. I can only ask for papers and I would ask for the papers which the Hon. the Government Agent has referred to, in which this question is said to have been dealt with.

The Hon. member resumed his seat.

A MOTION POSTPONED.

Rising a moment later, the Hon. W. W. MITCHELL said:—Sir, as regards the notice of motion standing in my name I have to ask the permission of the Legislative Council to postpone it. I feel I have not got sufficient information before me at present, and, owing to the absence of a number of unofficial members, I would rather

postpone it till next meeting of Council. I specially wish to have the report of Sir Charles Pritchard on the *Akbari* system, to which the Hon. the Colonial Secretary has referred. I am extremely obliged for the efforts which have been made to procure it. No doubt it will be procured shortly, but I have not yet seen it and as I would like to study it and the Gothenburg system as prevailing in Switzerland, I should prefer to defer my motion.

PAPERS.

H. E. THE LIEUT.-GOVERNOR :—The Hon. member has forestalled me. I thought he was going to give notice of motion. I have some papers to present: the Administration Reports (Revenue) for 1894 of the North-Western Province the Province of Uva; the Province of Sabaragamuwa, Post and Telegraphs, a Sessional Paper *re* the Proposed Indo-Ceylon Railway; A Return Showing the Revenue and Expenditure of the Forest Department for the last five years and I have also to bring up a Report of a Committee accompanied by a resolution of 5th July—a Report in the memorial praying for a Girls' High School. The report has been printed for members who may wish that it should be read.

AN EXPLANATION.

H. E. the LIEUT.-GOVERNOR (continuing):—I should like to make an explanation by way of correcting a mis-statement I made at a recent meeting of Council—last meeting I think. It was in reply to a question by the Hon. member who represents the Mercantile community. He enquired respecting the delay in the presentation of Reports. I then said that the Attorney-General was one of the defaulters. I find that was an incorrect statement—incorrect in two respects. One is that the Attorney-General does not make a report at all—the report was made by the Solicitor-General; and the other is that the report which comes from the Solicitor-General had been sent in on 15th May. Consequently the remarks I made in respect of the Attorney-General did not apply.

THE REGISTRATION OF BIRTHS AND DEATHS.

The Hon. the Acting TREASURER :—I move, sir, for the permission of the Council for an Ordinance to amend and consolidate the "Law relating to the registration of Births and Deaths," to be recommitted to enable me to move the substitution for the 50th section and the Schedule of the following section :—

[It shall be lawful for the Governor from time to time with the advice of the Executive Council, by order published in the *Government Gazette* to prescribe the fees payable for any act, matter, or, thing done under, by virtue, or in pursuance of any of the provisions of this ordinance and the persons by whom and to whom the said fees shall be payable.]

Sir,—The object of this section is simply to provide a means of prescribing the fees which are not prescribed by the Bill. I move, sir, that the Bill be recommitted for this purpose today. I have already given notice to all the unofficial members of Council and I am led to believe that the unofficial members concur with me as to the desirability of this substitution.

H.E. the GOVERNOR: The question is—"An Ordinance to consolidate and amend the laws relating to the registration of Births and Deaths &c." be recommitted.

Ordinance recommitted.

The Hon. the Acting TREASURER: I move, sir, the omission of section 50 and the Schedule and in lieu thereof the insertion of the section I have just read.

H.E. the GOVERNOR :—The question is that Clause 50 be deleted and a section as proposed by the mover of the Bill be inserted in lieu thereof.

Resolved accordingly.

The report of the law officers of the Crown having been read by the clerk,

The Hon. the Acting TREASURER said :—I move, sir, that the Bill be read a third time and do pass.

The Hon. the ATTORNEY-GENERAL seconded.

Report by the Law Officers of the Crown read.

H.E. the GOVERNOR :—The question is: An Ordinance to amend and consolidate the Law relating to the Registration of Births and Deaths be read a third time and do pass. Ordinance read a third time and passed.

The Hon. P. COOMARASWAMY :—Sir, Your Excellency will remember that at the last meeting I gave notice of my intention of protesting against "An Ordinance to consolidate and amend the Laws relating to the registration of marriages other than the marriages of Kandyans and Muhammadans." I wish to ask whether I may present the protest now or divide the Council as was done in 1886. The Council was divided on a motion to read a Bill the third time and the protest was then handed in.

After a pause :—I am reminded that I can only protest against a Bill that has passed, so I suppose I must divide the Council.

H.E. the GOVERNOR :—The better course will be to divide the Council on the third reading and to hand in your protest subsequently.

The Hon. the Acting TREASURER :—I move sir, for leave to bring up the report of the Law Officers of the Crown on "An Ordinance to amend and consolidate the Laws relating to to the Registration of Marriages, other than the marriages of Kandyans and Muhammadans."

The report of the law officers of the Crown having been read by the clerk,

The Hon. the Acting TREASURER said :—I move sir, that this Bill be read a third time and do pass.

The Hon. the ATTORNEY-GENERAL seconded.

The Hon. P. COOMARASWAMY :—Sir, I move that the House divide.

H.E. the GOVERNOR :—The question is "An Ordinance to Consolidate and Amend the Laws Relating to the Registration of Marriages other than the Marriages of Kandyans and Muhammadans" be read a third time and do pass.

House divided. All the members, with the exception of the Hon. P. Coomaraswamy, voted for the third reading which was carried by 11 to 1.

Ordinance read a third time and passed.

PROTEST

The Hon. P. COOMARASWAMY :—I beg to hand in my protest.

The Protest which was worded as follows was then handed to Council :—

I beg to protest against the 15th clause of the bill entitled "An Ordinance to consolidate and amend the laws relating to the registration of marriages other than the marriages of Kandyans or Muhammadans."

This clause enacts that "No marriage contracted after this Ordinance comes into operation shall be valid unless it shall have been duly solemnized by a minister or a registrar and registered in manner and form as is hereinafter provided."

The Hon. the Acting Treasurer, in moving the first reading of the Bill, stated that the decisions of the Supreme Court were so conflicting that "it has been absolutely impossible for those interested to say certainly whether registration is or is not a necessary element to validity of marriage. The present Ordinance puts that beyond all possible doubt."

This is the only reason that I can gather which is assigned for making the registration of marriages compulsory and for declaring that marriages unless registered shall be invalid.

Although the Regulation of 1822 and the Marriage Ordinance of 1847 enacted that no marriage should be valid unless it was registered yet the Registration Ordinance No. 13 of 1863 omitted that provision, and ever since than the law has been that Hindu marriages may be registered but non-registration did not render them invalid, unless parties willingly proceeded under the Registration Ordinance, in which case they were obliged to complete all the formalities under it. The Supreme Court has held this to be the law. I would refer to D. C. Tangalla 3,883 Kattadige Babina *versus* Kattadige Dingi Baba reported in the Supreme Court Circular Vol. v. p 9; D. C. Jaffna Letter A. Arumugam Vaivamuttu *versus* Seethampulle reported in *ibid* Vol. vii. p. 56; D. C. Kandy 6,847 Narayanee *versus* Muttusamy reported in 3 Supreme Court reportes p. 125, and Sastry Velaider Aronegary and his wife *versus* Sembecutty Vaigalie and others being a judgment in appeal by the P. C. reported in 6 Law reports (appeal cases) p. 364 such being the law it was pointed out both by me and the Hon. Member representing the Sinhalese during the discussion which ensued on this bill, that the statement of the Hon. the Acting Treasurer as to the existing law was incorrect, and that his arguments to support the compulsory registration of marriages had failed.

If, however, it be thought that compulsory registration is necessary because it is the best form of proving marriages, I would urge on behalf of the Hindus,

1. That to suddenly introduce compulsory registration so that the non-observance of it renders marriages invalid would be a grievous injury to a people—the vast majority of whom—owing to their essentially conservative character and inappreciation of European modes of thought—never regarded registration as an essential requirement of a lawful marriage. Is it then right that Hindu wives,—married according to their religious rites and customs which have hitherto been recognised by the laws of this Island—should for want of registration be lowered to the disgraceful status of concubines, and that their children should become bastards?

2. That the vast majority of Hindus will fail to register their marriages is a certainty, and is proved by the state of things now existing in the Kandyan Provinces among the Buddhist Sinhalese. The Ordinance No. 3 of 1870 enacted that no marriages among the Kandyans should be valid unless registered. Mr. P. Ramanathan C.M.G., now Solicitor-General, speaking in the Legislative Council on 5th November 1885 (see the Ceylon Legislative Council debates 1885-1886 p. 31) declared that the Kandyans had been grievously injured by that Ordinance and that much of their progeny created since 1870 remains bastardized to this day." And the Hon. Mr. T. B. Panabokke, representing the Kandyans in this Council, speaking on December 8th 1894 with reference to the Ordinance now under consideration said "There is a similar clause in the Kandyan Marriage Ordinance and the effect of it has been what the hon. the Tamil member has described. There are a great many people who have contracted marriages according to their ancient customs, and now if the validity of their marriages was questioned before a Court of Justice, I am afraid many would be held to be invalid. I think this legislation has been entered on without due regard to the feelings of the people . . . and the people are not quite prepared to follow this Ordinance . . . and I do not think that the Government would do such an act of injustice as to introduce this clause. My object in rising, however, is to inform Your Excellency and the members of this Council of the result of a similar clause in the Kandyan Marriage Ordinance, and therefore *I am sure* that the same results will follow in the case of the Hindus." (pp. 91, 92, Ceylon Legislative Council Debates 1894-95.)

3. On a question of this kind I would earnestly deprecate the acceptance of the opinions of a few native gentlemen, trained on Western methods, as an expresion of the views of the general body of their countrymen. The wishes of the Hindus of Ceylon were placed before the Government by me in the numerously and influentially signed petitions to the Legislative Council. I annex hereto a copy of those petitions.

4. I would now cite the opinions of the Hon. members of the Legislative Council who were appointed on December 8th last a Sub-Committee to report upon this Ordinance; namely.

The Hon. Messrs. P. Ramanathan, C.M.G., Acting Attorney-General, F. R. Saunders, C.M.G., Treasurer, A. R. Dawson, Government Agent, W.P., J. B. A. Bailey, Acting Government Agent, C.P., L. F. Lee, Acting Principal Collector of Customs; A. de Seneviratne, T. B. Panabokke, P. Coomaraswamy, Giles, F. Walker, unofficial members.

The report of this Sub-Committee, dated April 1st, 1895, signed by all the aforesaid members, with the exception of Mr. T. B. Panabokke, who had then vacated his seat in Council, contains this paragraph with reference to the clause I object to: "A majority of the Sub-Committee is in favour of the adoption of a provision to make registration *optional* with persons professing the Hindu religion." I was present in Sub-Committee when this clause was discussed, and of those present there was only one dissentient and that was Mr. Lee himself who had charge of the Bill.

5. The inadvisability of forcing upon the inhabitants of Ceylon compulsory registration, and of enacting that marriages shall be invalid if not registered, was conceded by the Right Hon'ble the Secretary of State for the colonies so late as 1888. When the Ordinance No. 8 of 1886 with regard to Muhammadan marriage was passed, where in the 17th Section made the same provision as the clause now objected to, his lordship directed that that Ordinance should be so amended as to make registration only optional. An amending Ordinance No. 2 of 1888 was passed accordingly containing the following section:—

"Proof of the registration of any marriage contracted by persons professing the Muhammadan faith, after this Ordinance shall have come into operation, shall be received in all courts in this colony as the best evidence of such marriage; but nothing herein or in the principal Ordinance contained shall be construed to render valid or invalid, merely by reason of its having been registered, or not having been registered, any Muhammadan marriage which would otherwise be invalid or valid, or to preclude any legal evidence other than that of registration from being adduced in proof of such marriage."

If in the case of Muhammadans numbering about two hundred thousand (200,000) souls, it has been deemed advisable not to make registrations compulsory, how much more necessary is it in the case of the Hindu population of Ceylon who number more than six hundred and twenty thousand (620,000.)

5. This clause is commonly felt to strike at the root of the religious rights and privileges hitherto enjoyed by the Hindus of this Island. Marriage is with them a religious rite; and now to declare that marriages performed according to their religious rites and customs shall not be valid unless registered, is, I submit, a direct and serious interference with their religion.

6. Neither in India nor in England or Scotland has any law been enacted of this nature. According to the laws prevailing in those countries registration is the best evidence of a marriage, but marriages are not rendered invalid for want of registration.

In these circumstances I fail to see any reason whatever for the introduction of the 15th clause in this Ordinance. H. E. the Governor, in his opening address to the Legislative Council, delivered on the 24th of October, 1894, referred specially to the provision of compulsory registration in the Bill as an open question to be settled in Council. The Government had not *then* seen sufficient reason to accept the view of the framer of the Bill. In the face of such considerations as I have mentioned in the foregoing paragraphs, it seems to me that the Government should not have afterwards made the principle involved in this clause a Government question.

I am truly thankful that an unmitigated calamity was averted when the Government adopted my suggestion that the Indian immigrant population should be excluded from the operation of this clause. The clause now runs as follows:—"15 No marriage contracted after this Ordinance comes into operation shall be valid unless it shall have been duly solemized by a

minister or a registrar, and registered in manner and f rm as is hereinafter provided. Provided that nothing herein contained shall be construed to render invalid, merely by reason of its not having been registered, any marriage between persons professing the Hindu religion not domiciled in the Island."

I contend that as the Government have now conceeded that compulsory registration should not be enforced against one section of the Hindu community in Ceylon, a different law should not be enforced against the other section of that community. I maintain that the conditions of life of the latter section are identical with the conditions of life of those who have been thus favoured.

I therefore earnestly hope that the relief which I have failed to obtain at the hands of the Government here will be vouchsafed by Her Majesty to the neglected section of the Hindus of Ceylon.

H.E. the LIEUT.-GOVERNOR :—I beg, sir, that Council do resolve itself into Committee to consider "An Ordinance to Continue in Force the Wharf & Warehouse Ordinance, 1876."

H.E. the GOVERNOR :—The question is that this Council resolve itself in Committee to consider "An Ordinance to continue in force the Wharf and Warehouse Ordinance 1876."

Council went into Committee.

H.E. the LIEUT.-GOVERNOR :—Sir, I beg to move that the words after "until" be struck out and the words "31st Dec. 1899" be substituted. The period as it is defined in the Ordinance is somewhat indefinite and necessitates a reference to the minutes as to whether Council is closed or not. I may mention that the Wharf and Wharehouse Company as indeed the Government too were misled as to the time when the period ceases. The period is not very material because the Wharf and Warehouse Company really carry on operations under a lease they hold from Government and which is terminable at periods of 5 years, on one month's notice. The next period of five years would terminate on 31st December 1898.

The Hon. W. W. MITCHELL :—Sir, on behalf of the Wharf and Warehouse Company and of the mercantile community I have to express my thanks and my gratification that this ordinance should have passed, because it is not only in the interests of the Company, but it safeguards the interests of the public in providing a schedule of rates beyond which they cannot be charged.

The Hon. the COLONIAL SECRETARY :—Your Excellency has intimated your intention of closing the session today. I move that the standing orders be suspended to enable the bill to be read a third time.

H.E. the GOVERNOR put the question and the Standing Orders were suspended and the Bill was read a third time.

H.E. the GOVERNOR :—I assent to an ordinance entitled "An Ordinance to Continue in Force the Wharf & Warehouse Ordinance 1876."

H.E. the GOVERNOR :—Hon. Gentlemen of the Legislative Council, the business before the Council having been disposed of, I declare this session closed. The Legislative Council stands prorogued until Wednesday, 25th September next.

Council rose at 4·25 p.m.